## **Town of Leeds**

Town Council Meeting for

Wednesday, April 22, 2020

1. Call to Order:

Mayor Peterson called to order the electronic regular meeting of the Leeds Town Council at 7 PM on Wednesday, April 22, 2020.

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| **ROLL CALL:** |  |  |  |  |
|  |  | **Present** |  | **Absent** |
| **MAYOR: WAYNE PETERSON** |  | **x** |  |  |
| **COUNCILMEMBER: ALAN ROBERTS** |  | **x** |  |  |
| **COUNCILMEMBER: DANIELLE STIRLING** |  |  |  | **x** |
| **COUNCILMEMBER: LORRIE HUNSAKER** |  | **x** |  |  |
| **COUNCILMEMBER: STEVE WILSON** |  | **x** |  |  |

2. Pledge of Allegiance

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Roberts moved to approve tonight’s agenda and meeting minutes of April 8, 2020. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

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| **ROLL CALL VOTE:** |  |  |  |  |  |  |  |  |
|  |  | **Yea** |  | **Nay** |  | **Abstain** |  | **Absent** |
| **MAYOR: WAYNE PETERSON** |  | **x** |  |  |  |  |  |  |
| **COUNCILMEMBER: ALAN ROBERTS** |  | **x** |  |  |  |  |  |  |
| **COUNCILMEMBER: DANIELLE STIRLING** |  |  |  |  |  |  |  | **x** |
| **COUNCILMEMBER: LORRIE HUNSAKER** |  | **x** |  |  |  |  |  |  |
| **COUNCILMEMBER: STEVEN WILSON** |  | **x** |  |  |  |  |  |  |

5. Citizen Comments: None

6. Announcements:

Mayor Peterson said for the Covid-19 update there are a variety of websites that I have mentioned. The one that I am showing on your computer screen is SWUhealth.org. This will give you a daily update and it happens at about 2 PM. For the second day in a row, Southwest Utah has had no new confirmed cases. Washington County has 48 of the 70 total cases. Currently, there has been 1 hospitalization and 1 death. The death was in Iron County. If you go the State of Utah that is coronavirus.utah.gov, they provide case counts and that is updated about 1 PM. Right now, in the State of Utah there are 3,445 positive cases and there have been over 76,000 people tested, 288 hospitalizations and 34 deaths. As of yesterday, there were 32 deaths, 16 of those 32 were in assisted living type of facilities. On this website, in the right column of the home page is Utah Leads Together 2.0. When you click on that you get the report that has recently been updated. The one to the left, Utah Leads Together Version 1, shows that the urgent phase was expected to last for 8 or 12 weeks beginning March 16. That would have taken it to the middle of May. The new Utah Leads Together 2.0, to the right, is showing that they are now expecting the urgent phase will be over right around the end of April, and we will be beginning the stabilization phase. The stabilization phase is not going to be turning the switch on and everything happening again, but rather it will be a phased re-entry of activities. In fact, some have already begun to get ready. This week, they started doing elective surgeries again. There will be changes over time. The last stage to return will be group gatherings of 10 or more. For the foreseeable future, we are likely to have these kind of Council meetings done on an electronic basis. They said do not cancel plans yet for things like 4th of July celebrations, but do not commit too heavily either. They said let us wait and see how this plays out. There are 2 things that are being highlighted right now. One is the concept of wearing a face mask when out in public. It was stated very clearly yesterday during the update from the Governor’s office, and it was that people should view it this way … masks protect people from me, not so much me from other people. Their main effectiveness is preventing an asymptomatic person from transmitting the disease to people they come into contact with, when they are not aware that they have it, but through droplets. When you cough or sneeze when wearing a mask, you are doing everyone in the room a huge favor by having that mask on in case you happen to be asymptomatic. Wearing masks when you are out in public can dramatically reduce the transmission rate. When we started this in Utah, the transmission rate was being calculated at close to 5 people being infected by each person who had the virus. That is now down to 1. And that is considered a very critical factor for being able to move from the heavy Stay Safe, Stay Home restrictions to allowing businesses to resume, but that business is to resume with people maintaining social distancing and utilizing face masks. The other thing that was announced today is there is a Healthy Together app that has been launched in the State of Utah that provides information about the coronavirus and allows one to voluntarily sign-up for tracking. What the tracking would permit is you would be notified if anyone else agrees to that tracking was later diagnosed with the coronavirus. They would be able to come back and say at a particular location, on a particular date, you were in the presence of somebody who subsequently tested positive for the coronavirus. Again, it is voluntary. Also, you would be notifying other people should you become infected. This is called contact tracing and it is very much viewed as an important step in being able to maintain a reasonable level of activity from an economic and social standpoint while also maintaining control over it so that it does not overwhelm our medical facilities. I was told that another tent has gone up outside Dixie Regional Medical Center. They are continuing to expand some capacity. It has not been explicitly stated to me, but I do believe it is very much related to a desire to make sure that they have the capacity as we go into the next phase should we get an uptick in the number of cases, that there will enough hospital beds available, as well as medical equipment to treat everybody. Those steps are out there in place and will allow things to slowly return back, but not instantaneously to where we were before.

Mayor Peterson said are there any questions from Council, or from others, about the corona virus information that is out there right now?

LoAnne Barnes said I have a question. These website addresses, are they on the agenda?

Mayor Peterson said these addresses were on the first newsletter that was provided at the Post Office, but I can also send an email to anybody who would like one.

7. Public Hearings: None.

8. Action Items:

a. Discussion and possible action on Main St. Curb & Gutter Change Orders

Mayor Peterson said what I am going to do, once again, is mute everyone and then unmute Josh Nowell at this point and then unmute the contractor in order for them to be able to share some information. Right now, I am just going to allow Josh to provide us with an introduction to the topic as to where we stand right now.

Josh Nowell said the Main Street project that was finished in the Spring of 2019, there is still outstanding money due to a change order.

Mayor Peterson said Josh, do you have any opinion you might share about what your view of the particular change order is compared to what you think the status is at this point?

Josh Nowell said first and foremost, I think the project was a success. I think it really added a nice beautification to the northwest side of Main Street. It looks fantastic. I think the contractor did a great job. I feel like it is working well. It looks really good and it looks like it is holding up well. I hope the citizens are enjoying it. I feel the project was a success. Ensign has recommended that everything is completed. The last change order was submitted a little after we submitted what we anticipated being the final payment.

Mayor Peterson said what the Council has received is the emails that were submitted, some prepared by Ensign Engineering, most prepared by Interstate Rock, minutes from an August, 2019 where the Town Council at that time had offered to pay one-third of the difference that was in dispute at that point in time. That offer was not accepted. I am unmuting Layne Strattton with Interstate Rock. Would you like to present what you see as the outstanding balance that you are looking to receive payment on?

Layne Stratton said we are looking for Change Order #4 which is the unpaid balance. Just to go back a little bit in the history of it, we requested that amount when we paved in October of 2018. In our progress payment, we requested the full amount of the paving we had done on the north end which was an overrun of approximately 899 SF. That progress payment request was initiated, recommended, and paid. But for the history just to clear things up, later on in Payment #3 was when the south end paving through a change order of another 701 SF was requested. Then through a clerical error or somehow, it took away the initial 899 SF that was paid originally. We actually got taken away money on that one. That is why it has taken a little while for where and how this change order came later to clear up the clerical error. We are still requesting that final payment amount. We feel like we have done a quality workmanship, and nothing was substandard. We did not want to accept just a partial payment on it. With the quality of work, we believed it was necessary to receive full payment and we did not want to get Ensign to help pay for that amount. Our contract is with the Town of Leeds. We are continuing to request that change order be paid. It has been recommended by the Engineer and we are just waiting for payment from the Town to honor that contract change order and finish up our amount owed.

Mayor Peterson said Josh, if I could just ask you with respect to the square footage, what were the terms of the contract as far as if square footages varied was there supposed to be a change order in advance or not.

Josh Nowell said I would really have to dive into the contract. I do believe there was some understanding going into the project, especially on the south end, that there was going to be some extra anticipated asphalt due to some parking lot resurfacing that was going to be needed done there as well as getting the road on the north end cut to a good line where we could match back in. With regards to that, there was an understanding before construction that there was going to need to be some additional asphalt. I do believe Layne is familiar with that conversation as well.

Layne Stratton said correct. It was discussed in the pre-bid meeting that we would handle those changes. That was a basis to start from and that the actual quantities would be paid as a final result. It would have been hard for us to stop in the middle of the paving right there at that point. That is why we were late discussing how to address the south end asphalt versus the north end asphalt because it was some differences in thicknesses and different square footages. That is why this one came later, but all of this was handled to where it would be paid by the work that was done there and not as a lump sum contract.

Mayor Peterson said any thoughts from Council?

Alan Roberts said as our discussion shows in the minutes from last Fall, it was not the dollar amount that was the biggest concern. It was change orders came in after the fact. That is the part we had a hard time digesting. I am not disputing that the work was not done. I deal with a lot of change orders almost every day and I am telling you that as a general rule you usually do not do work without the change order being established beforehand and agreed upon because you may not get paid for it. Very few times will companies agree to do the work before the change order is agreed upon. I do not dispute that the work was done and that the actual square footage of asphalt was placed. Their numbers in their paperwork were not consistent and that is why we had quite a bit of discussion about it last Fall.

Mayor Peterson said I am unmuting Lorrie and Steven so they can participate here.

Councilmember Hunsaker said as a new member on Council, I have a question just to get it clear in my head. I would generally think that change orders would have to go through the Town Council. Did it go through Town Council or was it agreed to beforehand it could be agreed to through the engineering company?

Mayor Peterson said we did approve 1 change order for a block wall and that was done at a point in advance of the work being done. But there was a desire by that landowner to also have stairs put in and we did not approve that. Subsequently, stairs did get put in, but that particular portion of the change order was paid by the contractor. The other ones were for driveway approaches and a utility relocation which I believe was done by a change order that came in, I believe, after the fact. I believe there was a third change order in there as well. And then this one came up after the final payment was made where we did send a letter to the contractor saying this would complete the project. It was a few weeks later that this fourth change order was originated. I ask Josh and Layne if you agree with this or do you think I am mistaken on this timeline.

Josh Nowell said I believe it was on the third change order it seems like there was a valve can or two that needed to be raised and some additional asphalt on that one. There was one portion of the asphalt that was approved and then on the fourth change order there was additional asphalt … one was for the south end and one was for the north end.

Councilmember Hunsaker said #3 was for the asphalt square footage above estimate and a valve can adjustment to grade?

Josh Nowell said right. That one I do believe was discussed and approved.

Layne Stratton of Interstate Rock said Change Order #3 was for asphalt on the south end, the 701 SF that we held off in the billing because of discussing how to come up with a price on the different thicknesses. The contract says asphalt will be paid for by the square foot. It does not treat it as a lump sum. We discussed at the pre-bid meeting that it would be handled as per done square footage. It was decided we would be paid by the square foot that is actually laid and this is what we are requesting. It would have been hard for us to stop our paver two-thirds of the way in. We would have had to back charge for mobilization again to come and finish. Usually, in most of our dealings, those final items as they run over are handled in a final change order on an as done basis.

Councilmember Roberts said it was the delay after the final payment was made was some bad timing. I do not dispute the total. What are you looking at as the actual number? Are you looking for the number on Change Order #4?

Layne Stratton said yes that is the amount that has not been paid for asphalt at the north end. That is what we are requesting.

Councilmember Wilson said I have a question. Is this solely for overage on asphalt? Is that what the change order is about?

Layne Stratton said that is correct. It is only for the asphalt on the north end. It was done. It is 7 inches thick and it was expensive for us.

Councilmember Wilson said so the original contract states that coverages would be covered?

Layne Stratton said in the basis for payment in the contract, it says to be paid for by the square foot.

Councilmember Wilson said was there some kind of estimate?

Layne Stratton said the engineer put out an estimate of 8,300 SF for the project. We overran that on the north end. We had a discussion on how to address the additional asphalt down on the south end. It ran over 899 SF on the north end and an additional 701 SF on the south end.

Mayor Peterson said on previous jobs, I know we have had emergency Town Council meetings, not emergency, but special meetings to approve change orders. I think this is demonstrating the benefit of following through a project that way. Alan, any further thoughts here? It is $3,597.76.

Councilmember Roberts said let’s approve this and pay these guys.

Councilmember Roberts made a motion to approve and pay Change Order #4 for $3,597.76 for additional asphalt on the north end of the project. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

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| **ROLL CALL VOTE:** |  |  |  |  |  |  |  |  |
|  |  | **Yea** |  | **Nay** |  | **Abstain** |  | **Absent** |
| **MAYOR: WAYNE PETERSON** |  | **x** |  |  |  |  |  |  |
| **COUNCILMEMBER: ALAN ROBERTS** |  | **x** |  |  |  |  |  |  |
| **COUNCILMEMBER: DANIELLE**  **STIRLING** |  |  |  |  |  |  |  | **x** |
| **COUNCILMEMBER: LORRIE**  **HUNSAKER** |  | **x** |  |  |  |  |  |  |
| **COUNCILMEMBER: STEVE WILSON** |  | **x** |  |  |  |  |  |  |

9. Discussion Items:

a. 3rd Quarter Budget Versus Actual Update

Mayor Peterson said the 3rd quarter budget versus actual update was circulated to Town Council. I will go over it highlighting some of the differences that are there. In particular, what we are seeing in terms of our income is Impact Fees. We have actually received Impact Fees on 5 new projects at this point in time. The 120% for Road Income is accurate. I mis-budgeted the Park Income amount, but we are a little over the full year budget. We have 6 instead of 5. We have already collected 169% for Court Fines of what we expected. In terms of other large items, you will see Building Permits are over 275% of our total year budget. Some of these are very large homes with significant inspection fees which get priced into the building permit cost. One thing we need to stay focused on are things like Interest Income. We are doing very well this year compared to the budget and that is because we have always budgeted very conservatively with respect to that. But we are already seeing significant decreases as we move into the 4th quarter as to what is being paid in the way of interest income. The other thing that we have is our sales tax. For sales tax, we are pretty much already at the year’s budget. That is the good news. The bad news is that they are saying to expect at least a 25% reduction if things were to continue for the other 2 months. Clearly, there are going to be some changes out there, but it will be in the 15% to 25% reduction in terms of Sales Tax Revenue. Notably, 30% of sales tax revenues collected in Washington County come from people who do not live in Washington County. That will also impact RAP taxes where we are a little over 90% of our full year budget, but again that will be impacted because that is collected as part of sales tax. Those are the meaningful numbers on the revenue side. On the expenses, there are certain things that have not been done yet, such as we did have in the budget the replacement of the roof at Town Hall. We have not yet done that. We are doing some work on the inside since the building is closed. In terms of major expenditure differences that we have in terms of overage are utilities are running under 75% which is what we want to see, but usually the second quarter is a sweet spot when air conditioning has not kicked fully, but heating is behind us. That is all coming along quite nicely. In expenses, there are very few that are running over 75% except for something like election which is at 98%, but there will not be any additional charges. Tree City USA which is at the very bottom of the final page came in at 324% of what the budget was. We ended up spending not in last fiscal year, but the early part of this fiscal year on some tree maintenance removal and pruning along Main Street. That shifted into this year’s budget. And there has been some need for an increase for truck maintenance. We had some issues with tires and an electrical problem and that is above the budget. Overall expenses, if we look at Total Expenses, we are staying well under what we had budgeted. Some of the budget does include B&C road funds which we are still thinking about starting a project, but may not get done until the first part of the next fiscal year. But from a budget surplus standpoint, we are actually generating one this year. One of the topics being considered is to relax the restrictions where the maximum amount of the surplus that can be retained by a city or town and we are looking to see if that does come through. We have a Capital Improvements Budget that we can move money to. We may be allowed to allocate some of that to our next budget year. I will be preparing, as is required, the Mayor is supposed to submit by the first meeting in May, a preliminary budget for the Council to start discussing and approve and then have a Public Hearing on it, which would be at the second meeting in May. And then have a final budget voted on in the first meeting in June leaving us the second meeting in June if there is a need because we are unable to stay on the original timeline. My inclination with it is while I think we have been very conservative in the past, I think it is reasonable given that we have generated some surplus in these past couple of years to consider trying to continue the same level of spending in Town for the 1 year. I do not think it will be beneficial to us to put off road projects.

10. Citizen Comments:

Kohl Furley with Hurricane Valley Fire District said we are at 1,036 calls for service. With the Covid events, we are probably a little bit behind this year as people are staying at home. The calls for service in Leeds for March we had 4 EMS calls and 2 fire calls including a vehicle fire that took place over by the cemetery. The Hurricane Valley Fire Special Service District is still responding to all fire and medical calls. If we get called, we go. We are open for business 24/7, 365. We are responding to everything, not just Covid. We are still following our local County pandemic protocols and we are making sure that all of our employees are safe and using all safety equipment provided. Just to let everyone know, burn season is open until May 15th. You can call the fire district office at 435-635-9562 or you can google Washington County Utah burn permit. If you click on the first link that comes up, it will actually say Washington City. When you click that link, it will tell you yes there are burn permits allowed or no there is not. That is updated every day. The reason it says Washington City, their IT department prepared the burn permit used for the surrounding area instead of each municipality doing their own. It is helpful to enter a burn permit because if your neighbor or someone calls 911 because they see flames, dispatch can say we have burn permits issued for Leeds and one is close to that location. This keeps us from going lights and sirens for something that is not needed for that response. The Hurricane Valley Fire Special Service District, Wild Land Division, will be doing some burning tomorrow alongside the road, if we can obtain a burn permit, at Berry Lane. There are some dry weeds alongside the road there. This is done by our Wild Land Division and it helps our PT grant with the State. We have to do so much work within our community to help mitigate fire danger and it helps at the end when they calculate how much money they are owed for fire mitigation.

LoAnne Barnes said I have a question. I would like to know the status of the Leeds Master Plan. Is there a budget for that? Or a timeframe that project needs to fall within?

Mayor Peterson said for the General Plan there is a 2-year window with the grant that we got almost a year ago. There was some question from the transportation side as to whether or not the MPO Grant could be replaced with a grant from UDOT. They asked us to apply for that second grant. We were not successful. As a result, we are back to the MPO one and we are now looking to put that out to bid. There is a total of $35,000 from the CIB and $35,000 from the Dixie MPO going towards updating our General Plan and that will be happening over the course of the next 12 months.

Mark Rosenthal said I was talking with the folks who just opened the new restaurant by the Post Office. I am just passing this along for general knowledge, they are anticipating opening to have some kind of presence again sometime around the beginning of May. I think it is very important for us to support the small businesses here in Town. I am just passing this along. I suspect it will be take-out only.

11. Staff Reports:

Councilmember Roberts said solid waste is sitting in Covid-19 mode. The landfill is still open to the public. With a lot of people this time of year doing Spring clean-up, a fair amount of people is utilizing the landfill. I do have a couple of things, and hopefully Mayor this does not throw you on the spot, but what is the status on our disposal of the police car and the other police components? Have you had any success on moving forward on that?

Mayor Peterson said I have an inquiry into one particular entity that expressed an interest a few years back. I am hoping that once I have them in hand then we could then go about trying to solicit any other interest. It is a little challenging right now, but I would like to get that first one lined up. I hope to get this back on the agenda in the next couple of months.

Councilmember Roberts said what feedback have you gotten back from the Historical Society on a new roof for Town Hall? What is it we can or cannot do?

Mayor Peterson said I am still waiting to hear back on some changes. The replacement of the person we have dealt with in the past has not gotten back to me. They were willing to entertain the possibility of perhaps considering Town Hall to be a historic building. If we could get that designation, it would do 2 things. It would make grant money available and the other is it would require us to do things to maintain its historic look. This is something I am still very mindful of, but until they give us the final word, risk doing something to it that might jeopardize our flexibility which we will need to evaluate if we are told it would be eligible for historic status.

Mayor Peterson said I have one update. UDOT had a meeting and is going to send a representative here to meet with the engineer and me regarding alternatives to a storm sewer along Main Street. That meeting will take place Wednesday of next week. When we meet again in May, I hope we will have some idea what it is UDOT is thinking in the way of trying to address storm water along Main Street. That is continuing to move forward.

Mayor Peterson said tomorrow I will have the meeting that will give a lot more details about the Healthy Together App. I will try to send something out on this. It looks like meetings will be taking place in this format for a while still.

12. Closed Meeting: None

13. Roll Call at Close of Electronic Meeting

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| **ROLL CALL:** |  |  |  |  |
|  |  | **Present** |  | **Absent** |
| **MAYOR: WAYNE PETERSON** |  | **x** |  |  |
| **COUNCILMEMBER: ALAN ROBERTS** |  | **x** |  |  |
| **COUNCILMEMBER: DANIELLE STIRLING** |  |  |  | **x** |
| **COUNCILMEMBER: LORRIE HUNSAKER** |  | **x** |  |  |
| **COUNCILMEMBER: STEVEN WILSON** |  | **x** |  |  |

13. Meeting was adjourned at 8:03PM.

APPROVED ON THIS \_\_\_\_\_\_\_\_\_\_\_\_\_DAY OF MAY 2020

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Mayor, Wayne Peterson

ATTEST:

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Peggy Rosebush, Clerk/Recorder