

Town of Leeds

Agenda Electronic Town of Leeds Town Council Wednesday, May 13, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, May 13, 2020 at 7:00pm. This will be an electronic Town Council meeting.

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Town Council

Time: May 13, 2020 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83374649735?pwd=aEFIMkRSNnVGdnA0VjRITjcvWTh6Zz09>

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Password: 559807

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Regular Meeting 7:00pm.

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda
 - a. Tonight's Agenda
 - b. Meeting Minutes of April 22, 2020
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Contributions to First Responders (Hurricane Valley Fire Special Service District)
7. Public Hearing: None
8. Action Items:
 - a. Discussion and possible action on Ordinance 2020-02 Revising Chapter 3 – Board of Adjusts – Land Use Ordinance 2008-04
 - b. Discussion and possible action on Resolution 2020-01, Acknowledging Receipt of and Adoption of the Tentative Fiscal Year Budget for the Town of Leeds
9. Discussion Items

10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. Roll Call Vote to Close Electronic Meeting
13. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted May 7, 2020 at these public places being at **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmn.utah.gov>, and the **Town of Leeds website** www.leedstown.org.



Peggy Rosebush, Clerk/Recorder



Town of Leeds

Electronic Town Council Meeting for Wednesday, May 13, 2020

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, May 13, 2020. This was an electronic meeting.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>x</u>	<u> </u>
COUNCILMEMBER: LORRIE HUNSAKER	<u>x</u>	<u> </u>
COUNCILMEMBER: STEVEN WILSON	<u>x</u>	<u> </u>

Craig Hall, Town Attorney, joined the meeting.

2. Pledge of Allegiance

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Wilson moved to approve tonight's agenda and meeting minutes of April 22, 2020. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: LORRIE HUNSAKER	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: STEVEN WILSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

5. Citizen Comments:

Ken Hadley said I was wondering if there is anything going on for Memorial Day. Are we putting the flags out?

Mayor Peterson said the flags will definitely be put out. That is the usual observance that we have for Memorial Day. I will find out whether the group who normally gets the flags for the cemetery is planning on doing it this year. I will get an answer on that so we know by our next meeting.

Ken Hadley said I have a flag for the cemetery, but I will not be here. I will give the flag to Antonio.

Mayor Peterson said yes, please give it to Antonio and I will coordinate with him.

Commissioner Hadley said and the military flag that goes out in front of Town Hall.

Mayor Peterson said yes. I will get with Antonio.

6. Announcements:

Mayor Peterson said there have been contributions for the first responders coming in. We will be delivering them tomorrow. I will take them over. At this point, we have \$1,920 that has been donated to say thank you to the first responders. We appreciate the community effort to put that together.

Mayor Peterson said to update on the Covid-19 situation, from 11 days ago the State has had roughly a 30% increase in the number of positive tests. The 5 County area, Southwest Utah which is our local health authority, has had just under an 80% increase from 103 to 180 cases. Washington County has gone from 72 cases to 145. We have just slightly more than doubled. That is the main reason, as I understand it, why the requests by the County Commissioners and the health department to go from orange to yellow have not yet been approved. As I understand it, that rate of growth will need to slow down in order to get comfortable with moving beyond the orange moderate risk to a yellow low risk level. There are currently in Washington County 4 hospitalizations and in the 5 County area there have been a total of 3 deaths since the onset of this. It is only the new cases that have moved up significantly.

7. Public Hearings: None

8. Action Items:

a. Discussion and possible action on Ordinance 2020-02 – Revising Chapter 3 – Board of Adjustments – Land Use Ordinance 2008-04

Mayor Peterson said this was presented to the Planning Commission last Wednesday. It was discussed extensively. They did recommend some changes, but subject to those changes being made, they recommended approval of it. Craig Hall, our Town Attorney, joined in that meeting when questions were being raised and those revised clauses have been inserted into the actual document that was circulated by email to the Town Council. Remembering back a couple of meetings ago, the State now permits to go from a 5 member public Board of Adjustment to a single Hearing Officer. The Hearing Officer would be somebody who is experienced in Land Use and would be compensated for the time they would spend conducting a hearing. They would be there to hear any appeals of decisions made by the Town Council after acting with whatever recommendation that would come forward from the Planning Commission. The Hearing Officer would also be there to hear any variances which go directly to the Board of Adjustments or, in this case, the Hearing Officer if we approve that. I would just ask, Ken, is there anything you would like to add relative to having been at the Planning Commission meeting?

Commissioner Hadley said no. Some wording needed to be changed. The idea was well accepted.

Mayor Peterson said at this point I would ask for a motion and second and then we can discuss it if Council has any further questions.

Councilmember Roberts made a motion to approve Ordinance 2020-02 – Revising Chapter 3 – Board of Adjustments – Land Use Ordinance 2008-04. 2nd by Councilmember Hunsaker.

Mayor Peterson said are there any questions or comments with this motion and second in place?

There were none.

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 BLAKE	x	_____	_____	_____

Motion passed in a Roll Call Vote.

b. Discussion and possible action on Resolution 2020-01 Acknowledging Receipt of the Adoption of the Tentative Fiscal Year Budget for the Town of Leeds for 2020/2021

Mayor Peterson said we should also be setting the Public Hearing date for this. The proposed Public Hearing date will be in 2 weeks on May 27th. With that, I would just share some highlights of what I circulated to Council with regard to this. As I mentioned in the email that I sent out to Council, the way that the actual budgeting works with the State is we are required to include Impact Fee Revenue in our general fund as we collect it. As a Town, we are not expending it this particular year as the plan. We could modify later if the situation arose, but as a result, we are budgeting \$18,380 in revenue for that, we would not be in a balanced budget situation if we were to spend that money in other areas because it is restricted funds only to be used for those impact fees. Additionally, they recommend bringing all of the B&C road funds accumulated over previous years into the budget and what I have is an estimated expenditure as we are planning a fairly major project that would be a chip seal on Silver Reef Road and Oak Grove Road up to the national forest from Main Street. That is something that I have in the budget right now at \$135,000. With that, we would need to have an additional surplus in order to cover the fact that it is again restricted revenue. It cannot be spent on anything except B&C Roads. Therefore, that means we should be looking for a total surplus of \$58,380. As was mentioned at the previous Town Council meeting, we have run some surpluses in recent years. We have always budgeted not with the expectation that the growth in sales tax in a particular year will repeat in the following year. We usually budget for it to fall back to the year before level. In this year, there are projections that are very wide ranging, but there could be a reduction of as much as 25% in the sales tax revenue that we would receive as a Town. There will also be a decrease in the interest income as interest rates have fallen dramatically on our accounts with what has happened in the banking world. As a result, we would be looking to with this budget, which shows no increases in any compensation for our paid staff, but pretty much maintain spending as we had budgeted for this year. It would include also the money being carried forward to cover the roof modification and park improvements where the park improvement money was coming from previous years RAP taxes and that is \$35,431 that we had budgeted for this 2019/2020 year, but we are not yet going to spend. It will be spent next year. And also transferring from our general fund surplus \$25,176 to cover the sales tax and interest income shortfall. That would then leave us with what would be a balanced budget for the current year. There was a separate budget that was sent out for the Capital Improvement Fund. Given the very good sales tax revenues that we have had this year, we actually generated in addition to that surplus that I mentioned being appropriated towards our 2020/2021 General Fund Budget, we also have an additional \$65,775 that we could add to our beginning fund balance in our Capital Improvement Fund of \$69,300, adding in any interest income of over \$2,000 that

would give us \$137,235 available in the Capital Improvement Fund. The Capital Improvement Fund currently has in it as part of the plan Main Street Curb & Gutter and acquisition of new park land and cemetery land. I will bring forward an update to that Capital Improvement Fund project list just to make sure we spoke about potentially acquiring some other land that might be used for other Town purposes. That would allow us to utilize these funds if we found an opportunity and decided to do so. The reason for the Capital Improvement fund is that the State does limit us as to how much money we are allowed to have in a retained surplus from previous years. This is moving the added monies that we generated in 2020 but did not expend into the Capital Improvement Fund. There may be some modifications to that in light of the difficult times that the State is going through right now, with counties, cities and towns across the State, where they may allow for a little bit more to be kept in that kind of a cushion in terms of the surplus. If that does not happen, we may have some additional transfers that we will look to make into the Capital Improvement Fund. I think the Town is in good financial shape. We have been conservative in the way we have approached things over the past 6 years, and as a result, I am comfortable saying that it is not like we are spending everything that we have in reserve in order to try to maintain services where they are. I do not think there is a lot we could cut that would make a meaningful difference. That is the presentation. The process is the Mayor is required at this first meeting in May to submit to Town Council a preliminary budget and it is for the Town Council to discuss that and approve it as a tentative budget and set a date for the Public Hearing. As I said, the Public Hearing will be on May 27th. We would then vote on the final budget at our first meeting in June, and with the new State rules, we would actually have until June 30th. That would give us an extra meeting on the fourth Wednesday in June if we are not able to stay on the 3-meeting schedule. Are there any questions or comments from Council about the budget as it has been tentatively presented?

Mayor Peterson said if there are none, at this point, I would entertain a motion to approve Resolution 2020-01 Acknowledging Receipt of and Adoption of the Tentative Fiscal Year Budget for the Town of Leeds for 2020/2021 and setting the Public Hearing Date as May 27, 2020.

Councilmember Stirling made a motion to approve Resolution 2020-01 Acknowledging Receipt of and Adoption of the Tentative Fiscal Year Budget for the Town of Leeds for 2020/2021 and setting the Public Hearing Date as May 27, 2020. 2nd by Councilmember Wilson.

Mayor Peterson said is there is discussion from Council at this point?

Craig Hall said Mayor, did you set the time for the Public Hearing?

Mayor Peterson said 7 PM. Is Council comfortable with 7 PM?

Council said yes.

Mayor Peterson said can we have a roll call vote, please?

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	_____	_____	_____

Motion passed in a Roll Call Vote.

9. Discussion Items: None

10. Citizen Comments:

Kohl Furley, with Hurricane Valley Fire District, said for the month of April we had 6 transports and 6 medical refusals. We are currently at 1,267 calls for service in our district. Burn season is scheduled until the 15th of this month so we have 2 days to get all of the burning done. Again, if you apply for a burn permit, and if it does not let you obtain one online, it is due to the weather. High wind advisory or red flag restrictions will prohibit you from obtaining a burn permit. If you are not able to get everything burned that you would like, there are other things like hauling it to the dump or taking advantage of the Town dumpsters that get set out quarterly. May 15th is the last day to burn, and that is a good thing because we have had a lot of brush fires in the last 2 weeks. I would say we have had 2 or 3 calls a day, sometimes more, for active brush fires. A lot of these are due to people burning and not observing caution when they are doing so. Again, please use caution. Wildland season is already under way. We have had our wildland crew deployed to the BLM strip which is called the Basin Fire which is currently at 38,000 acres as of today and it is 15% contained. We have a 3-man crew on a brush truck for it as well as a medical professional in case anyone gets injured.

Commissioner Roberts said Kohl, I have a question. If we have some properties that would still need some type of controlled burn, is it possible to have the Fire District do that? Even if burn season is over?

Kohl Furley said are you referring to a piece of agricultural property?

Commissioner Roberts said yes.

Kohl Furley said we do offer that sometimes depending on how busy our wildland crews are. I think you can understand that if we did it for everyone, we would be working 12 hours a day. What I would encourage is just give us a call and we can schedule that. You can call me personally. I can get the Wildland Division Captain in contact with us and determine what the best course of action would be.

Commissioner Roberts said there are some properties that would be nice to mitigate them before it turns into a fire that you have to respond to instead of one that is controlled.

Kohl Furley said we have notified some properties in Leeds that we would be burning on, but unfortunately, it was too green and too wet. We did try a few test pieces, but it just was not going to take off. Our Wildland Captain assessed the fields and said we need to come back in 2 or 3 weeks and try again.

11. Staff Reports:

Commissioner Roberts said Washington County Solid Waste District met Monday evening and had a fair amount of discussion on the contract that comes up in 2021 for residential trash pick-up and recycling. Republic Waste has presented a 10-year contract that incorporates both trash pick-up and recycling. There will be a slight increase. Also, the recycling portion of it would allow for an opt out for individuals from September to November, 2020. Technically, it is the only opt out that is written in the contract.

There was a lot of discussion about the 10-year length of time, specifically for the recycling. Because of some unknowns in the market, it lent for the best outcome with the last contract, but the contracts were not solid. They are not a complete contract. There is some verbiage that needs to be worked out. They presented the motion to approve a tentative contract, and then in June, vote on the official contract. I can tell you that out of all the communities that participated Leeds voted against approving the contract for a couple of reasons. One is I do have heartburn when voting on a tentative contract. Let's get the contract written right and then vote on it. The other thing that I do not think is supported by a lot of individuals in Leeds is to go a 10-year contract on a recycling program. Part of my concern, and I do not know how many people in Leeds utilize any of the recycling compost, but it allows Republic to capture those revenues and increase the price of compost, which over doubles the price of compost. This could affect a fair amount of people that are using composting for planting and other things. There were a few things that I was not comfortable with. I was not comfortable with a 10-year contract. We also had discussion on a feasibility study they did on the district taking over the landfill. The district does not manage the landfill. It is run by Republic. It is owned by the district, but it is run by Republic. This feasibility study indicated a substantial savings, but there was quite a bit of fear in the other district board members on the district operating the landfill and not leaving it out for a private entity. Part of their rationalization is that private entities can do things cheaper than government can. I am not going to argue with that statement, but if we contracted everything out to private entities then we would no longer have government services, but you see a lot of municipalities that maintain government services and there are reasons for it. There are pros and cons. There has not been any determination at this point whether the district would take over the operation of the landfill or continue to contract it out.

Craig Hall said I think most of you know that I represent most of the municipally owned landfills along the Wasatch Front. The statement that the government cannot do it for the same price as private contractors is a myth and it is not true. I would like an opportunity to visit with you and any members of Council to talk about the pros and cons of government running a landfill. Government is capable of running a landfill for far less than what Republic is charging. Republic is making a profit at the landfill, profit on pick-up and recycling services. They reduce the price on one service and increase the price on the other to maintain their profit margin. I would love to have a conversation regarding that long-term contract. In my opinion, 10 years is much too long. The landfill business changes within 5 years and I think in the next 5 years we will see a great change.

Commissioner Roberts said I agree with your statement that Washington County Solid Waste is the only one in the State of Utah that contracts out. All other municipalities operate their own landfills through a district or through a municipality, however they are set up. The pick-up of the trash does make sense to contract it out. You need someone with that much equipment who can do it. I am not opposed to that, but I would agree with the statement that Craig made about a 10-year contract. That is locking in for a long time. If I was the business presenting that to you, I would want you to sign a 10-year contract or even longer.

Craig Hall said that 5, 6 or 7 years ago, Draper brought the collection of the residential waste inhouse and now they say they are saving about one-third over what Waste Management or Republic was charging at the time. That is what they always tell us at the board meetings.

Mayor Peterson said electronic meetings came up yesterday at a meeting with the Governor's Office with Utah League of Cities and Towns. With the distancing rules that are in place for gatherings, the 6 feet, you can just imagine spreading tape measures around Town Hall, we would very quickly be at capacity. That is the case for many of the cities and towns in the State. The Governor's order goes through June 30th at

this point for meetings to be held electronically without an anchor location. The other items, large events, there will be a Utah League of Cities and Towns meeting tomorrow on that. At this point, certain things have been cancelled already, like Pioneer Days has been cancelled. They said not to officially look to scrap July 4th, but do not commit a lot either. I hope to have more information tomorrow.

Mayor Peterson said there was also a DTAC meeting and there were a couple of maintenance announcements relevant to people who drive to work to and from Leeds. If you go by Exit 16 in the next couple of weeks, they should be starting up with a final micro surfacing project that was supposed to be done last year, but it got too cold up north where the material was coming from. It looks like this will start sometime around the end of May.

Mayor Peterson said another one that is much more significant to us in Leeds is the City of Hurricane announced they will be laying down a chip seal on the current unpaved surface from Telegraph in Washington City out to Quail Creek where the pavement currently ends if you were heading south on Main Street through Harrisburg. They plan to start on it this month.

Mayor Peterson said we will continue to hear about going from orange to a yellow level. I can tell you that my view is we need to be on a path where we are constantly making progress and not have to back track. I do not think you just want to go to green right away or we could find ourselves needing to make a u-turn.

Commissioner Roberts said do you have information on a meeting that you took part in or you are aware of with the County Planning Commission yesterday on some properties adjacent to our cemetery?

Mayor Peterson said thank you for reminding me of that non-meeting. Lorrie was there with me. It was an electronic meeting and they ran into some capacity constraints where they over-filled their capability to hold the electronic meeting. They ended up adjourning without completing any of the activities on the agenda. There were 3 significant items on their agenda. Two of the items were zone change requests for land in unincorporated Washington County in what is viewed as the Hidden Valley area here in Leeds. Once you get beyond the cemetery, you quickly move from the Town of Leeds into unincorporated Washington County. If you continue to go far enough, you end up back in the Town of Leeds. One of the proposals was to change a couple of parcels that are very close to the cemetery to commercial zoning to allow for RV storage. And the other one was to take a total of 3 parcels from agricultural transition and agricultural conservation and make them available for manufactured home, recreational vehicle park. They initially spoke of having just under 180 spots in that and they also spoke about future plans of tripling or quadrupling that. There were many people on the call from unincorporated Washington County and Leeds prepared to express their concerns about it. In looking at the County zoning description for agricultural conservation, it does not talk about it moving into any kind of commercial activity. For agricultural transition, they talk about RV storage, but they do not talk about an RV park or RV campground. It is my understanding that the Washington County staff from their Planning Department was going to recommend approval of the shift for the recreational vehicle storage, but they were going to recommend against the approval for the recreational vehicle park. Those types of things can obviously change, and the County Commissioners for Washington County will make the determination. We expect to hear in the next few days how they will reschedule this and whether they will reschedule it as 2 or 3 meetings to keep their technology from being overwhelmed.

Commissioner Hunsaker said in order for them to have a meeting pertaining to Leeds and the RV park, they have to have it posted for 14 days before they can have the meeting because it will be a Public Hearing.

12. Closed Meeting: None

13. Roll call vote to close electronic meeting

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	_____	_____	_____

13. Meeting was adjourned at 7:48 PM.

APPROVED ON THIS 27th DAY OF May, 2020



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder