

Town of Leeds

Amended Agenda Town of Leeds Town Council Wednesday, August 12, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, August 12, 2020 at 7:00pm. This will be an electronic meeting.

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Town Council

Time: Aug 12, 2020 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87997451766?pwd=d3FNMDAwVDRacnh1Qm9vTU5PRE9Zdz09>

Meeting ID: 879 9745 1766

Passcode: 781215

One tap mobile

+12532158782,,87997451766#,,,,,,0#,,781215# US (Tacoma)

+13462487799,,87997451766#,,,,,,0#,,781215# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 879 9745 1766

Passcode: 781215

Find your local number: <https://us02web.zoom.us/j/87997451766?pwd=d3FNMDAwVDRacnh1Qm9vTU5PRE9Zdz09>

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

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 July 8, 2020
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements
7. Special Presentation by Washington County Emergency Services
8. Public Hearing: None
9. Action Items:
 - a. Appointment of Hearing Officer for Dorthy Mauk Variance
 - b. Water Conservancy Agreement, Resolution 2020-04

- c. Discussion and Possible Action on Resolution 2020-05 Authorizing the Issuance and Sale of Up To \$100,000 of Bonds and Providing for Related Matters
10. Discussion Items:
 - a. Animal Ordinance
 - b. Construction Noise & Dust
 - c. 2019-2020 4th Quarter Budget vs. Actual
11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
12. Staff Reports:
13. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
14. Roll Call Vote to Close Electronic Meeting

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 August 5, 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.leadstown.org.

Peggy Rosebush, Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, August 12, 2020

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, August 12, 2020. This was an electronic meeting.

ROLL CALL:

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

2. Pledge of Allegiance: Mayor Peterson

3. Declaration of Abstentions or Conflicts:

Councilmember Hunsaker said I have a possible conflict with Action Item 9a regarding the Hearing Officer for the Dorthy Mauk variance.

4. Approval of Agenda:

Councilmember Wilson moved to approve tonight's agenda and meeting minutes of July 8, 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	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments:

Angela Rohr said several meetings ago you were addressing the Solid Waste Management contract. There was like a 90-day period where residents could opt out of recycling. When is the deadline on this?

Mayor Peterson said it has not yet started. It will once they have all of the agreements approved with all of the entities. It will extend for 90 days from that point. The full 90 days is still ahead of us. Once we learn the starting point, we will know the ending point. We will be publicizing that situation, so everybody knows.

Kohl Furley with HVFD said we are at 2,455 calls for service. We are up roughly 300 calls already this year. For July in Leeds, we had 4 medical transports, 2 refusals and 1 assist call for a total of 7 calls. He talked about calls within the County that they have assisted on.

Angela Rohr said what will be the cost to the Town for the recent fire?

Mayor Peterson said there will not be any cost to the Town. Kohl, she is asking if the Town will have to pay for the effort to put the fire out.

Kohl Furley said the answer to that is no. For the planes and helicopters and the extra crews from the State, BLM and Forest Service, you will not pay for those. He explained how the State match program works so we do not have to pay for these services.

Doris McNally said I had some communication with Peggy, and just to follow-up, I sent her some information on how to reduce the file space and make them better quality. I just want to make sure she received it. I will be glad to help to make the website a lot more efficient. You are probably wasting a lot of space because of the file size.

Mayor Peterson said Peggy did forward to me an email that she received from you. Yes, we did receive it. We will follow-up on this. Thank you for the information and the offer as well.

6. Announcements: None

7. Special Presentation by the Washington County Emergency Service

Jason Bradley said the biggest thing we want to help people with is the reverse 911 service. We use a system that is our paging tool. It has the capability of sending out mass calls to residents of certain geographical areas. He explained the pros and cons of the system. Residents need to go online and register their phone number or email so you can receive the alerts. The alerts are not just valuable for fires. It is valuable for many different types of alerts. It is critical to have all residents sign-up. He went on to explain how the system works and what items you should have in a go-bag to be prepared for an emergency. For more information you can go to bereadyutah.gov website.

Doris McNally said is there any information you can share with us on fire disturbance areas and how to educate people on how to have your house and property evaluated for that? And do you have anything you can disseminate to the Town for more information.

Jason Bradley said we actually have a staff member who works on fire prevention. I can certainly get her in touch with the Mayor and maybe forward some good information.

Mayor Peterson said Jason, can you address when an evacuation order goes out it does not mean you are definitely in immediate danger, but it is a calculation on how likely it is to need to get the people out?

Jason Bradley said it is based on risk and the needs of Emergency Services. If people are in the way, it becomes a problem and it delays the fire crews from getting the equipment in to fight the fire.

8. Public Hearing: None

9. Action Items:

a. Appointment of Hearing Officer for Dorthy Mauk Variance Application

Mayor Peterson said at a previous meeting, we did approve Meg Ryan as a Hearing Officer. She works for the Utah League of Cities & Towns, specializing in land use. A variance goes directly to a Board of Appeal, but in this case, the Hearing Officer. I would like to suggest, but we need to take Council action on it... Meg Ryan has agreed to work at \$50 per hour and I expect it will take about 3 hours or less for the actual hearing on the variance. I would like to put forward that name and ask for a motion to appoint Meg Ryan as the Hearing Officer for the Dorthy Mauk variance application.

Councilmember Roberts moved to appoint Meg Ryan as the Hearing Officer for the Dorthy Mauk variance application. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
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 HUNDSAKER	<u> </u>	<u> </u>	<u> x </u>	<u> </u>
COUNCILMEMBER: STEPHEN WILSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Mayor Peterson said I will contact Meg Ryan and arrange for Peggy to get her all of the information.

b. Water Conservancy Agreement, Resolution 2020-04

Mayor Peterson said the initial agreement was signed about 11 years ago. They are now in the process of getting all of the members to approve these amendments. Are there any questions regarding these amendments?

Councilmember Stirling said I do have a question about the resolution to adopt that agreement. In the agreement, it states that the Town would be the water purveyor. Do we have that availability at this point, and do we want to jump into that when we do not own any infrastructure nor do we own any water? I am a little apprehensive because we do not have the ability to provide water to anyone.

Mayor Peterson said it is my understanding that the Town designates, and in that agreement with the Washington County Water Conservancy, they provide the infrastructure and we would in effect just be purchasing the water from them and billing people as we do with trash if they were to take water from the Washington County Conservancy District.

Councilmember Roberts said that is correct. The conservancy wants to have the water purveyor or the individual entity that is entering into the contract, they prefer having municipalities do that, it is not always 100% the case, but that is the case for Leeds. Leeds is the water purveyor for the Town of Leeds. The water purveyor does not have to be able to provide the water. They just have the oversight of who provides the water. In this case, it is Washington County Conservancy District.

Councilmember Stirling said in the document that I read, and I would like to review this with our attorney, from what I understand in reading that it states that Leeds municipality would be not only the water purveyor, but would also have to create a water company and would have to be the individual municipality that would create that infrastructure if a new development decided to come in. I have never seen Washington County Conservancy actually take over the water to create a development. We do have a lot of land that has not been developed and I think we need to be a little more proactive instead of just signing this. Maybe we need to look at the details we are getting ourselves into. Not that we should not, in any way, shape or form, but maybe we need to understand what the individuals in this community are going to have to come up with when a new development comes in and says you signed this water supply agreement between the Town of Leeds and Washington County Water Conservancy and you need to provide water for us. The 300 homes in this municipality would then have to be included from what this agreement states. These 300 homes and the citizens of Leeds would have to create basically a brand new water system. Washington County Water Conservancy does have a pipeline going down Main Street, but it does not have any of the other infrastructure that would be needed for that. And in this agreement, it would be the municipality's responsibility to maintain that and to provide that. I would like to get our attorney's opinion. I think we need to look a little deeper into this. I am not sure the Town of Leeds has the ability to take on such a large agreement when we do not have any infrastructure or the funds to do this.

Councilmember Roberts said the Town will not be putting the infrastructure in, Danielle. If a development comes in, the developer will be challenged with providing that infrastructure as far as water whether it is provided by Washington County Conservancy or LDWA. That development is going to have to bring that water system in. And if that water system is provided and served by Washington County Conservancy, it would fall under the jurisdiction of the Town of Leeds. If it was provided by LDWA, it would fall under the jurisdiction of that private water company.

Councilmember Stirling said I agree complete, but I do not think it is spelled out as intensely as it needs to be.

Mayor Peterson said I did send the representative who provided this to me the following email ... "The draft you sent was circulated to Town Council last month and is on this Wednesday's agenda for discussion and possible approval. Please confirm that approving the revisions will in no way change the fee arrangements currently in place between the Town of Leeds and the Conservancy, where having not taken any water there are no current fees." The response to that was "Mayor Peterson, you are correct. Impact fees will only apply to development within Leeds which will be provided water from the district." Today I got an email from them as well that said "If it will be helpful to you, we would like to meet to review and discuss the sequence of steps of new developments..." I would suggest that we could meet with them before we actually approve these. I do not think it is a big difference if we do it in August or September. If Council is in agreement with this, I would be fine to try to arrange it and, Danielle, if you would like to be the other representative, if the rest of Council is okay with that, we could go get those questions answered and bring it back to a Town Council meeting in September. We can put this on for action at that point.

Councilmember Stirling said is there a possibility that we could have a Special Meeting where all of us are included as well as others from the general public who are interested in this? I know Alan has a lot more information because he was a part of it. I think it would be advantageous for all of us to be able to be included in that particular meeting if at all possible.

Mayor Peterson said I would suggest that perhaps there could be 2 meetings. I think it would be helpful to sit down and understand what it is the Water Conservancy sees that is involved. We can let the people know we will be meeting with them and if they have any questions, they can let us know. My concern is if you just bring in a Washington County Water Conservancy representative to a meeting, they may not be prepared for the types of questions that would be asked. If we let them know what we are interested in advance, and we certainly could extend the process to have them come to a Town Council meeting and be available to answer questions before we take action on it.

Councilmember Stirling said I would really appreciate that. I think it would be a great thing to be able to hear directly from the Washington County Conservancy.

Mayor Peterson said would you be interested in meeting with them in advance just to go over it and then it can all be repeated.

Councilmember Stirling said absolutely.

Mayor Peterson said okay. I will get in touch with you by tomorrow morning with some times they are available, and we will coordinate it. That is if the other members of Council are in agreement with that approach.

Councilmembers Roberts, Wilson and Hunsaker said they agree.

c. Discussion and Possible Action on Resolution 2020-05 Authorizing the Issuance and Sale of up to \$100,000 of Bonds and Providing for Related Matters

Mayor Peterson said this was something that got amended and raises some questions in my mind as to what our best route forward is going to be. The original situation was that we were being offered \$210,000 in support from UDOT and then we were in need of another \$132,000. We were going to put up \$12,000. We asked for a grant of \$120,000 from CIB. They came back and extended an offer to loan us \$120,000 at one-half of one percent for 10 years. We had a discussion at a Town Council meeting a couple months back. I contacted UDOT right after that. UDOT came back and said they can up their offer from \$210,000 to \$260,000. I contacted CIB and they indicated the loan could be adjusted downward. As we started putting together materials for this evening's meeting, what got raised by CIB was that one of the conditions they have is that we would have to pay for their bond counsel's fees and we would also have to pay for advertising it the way they deemed appropriate. The costs for that are estimated at \$6,000 for their bond counsel's fees, \$3,000 for advertising and some other costs from bond counsel that would drive that up close to \$15,000. And CIB wanted any resolution to approve... they are willing to loan us that money, too. But the business person in me thought a half of a percent loan for 10 years was a very attractive rate and one that we would probably do quite well with relative to what we are able to earn in normal times in our PTIF accounts. I was not overly concerned with that. However, when you start loading 20% plus fees in effect up front suddenly the effective rates spread out over 10 years, you are talking more than 2.5% and I am not as comfortable with that in terms of borrowing the money. We circulated the end of year summary earlier in the year for where things stand with regard to our 2019/2020 actual spending versus budget. As I look at those numbers, shockingly sales tax revenues in the 4th fiscal quarter which is April thru June of 2020 were actually higher than the preceding year. The mix was dramatically different. Hotel room occupancy tax was down over 60%. There was over a 10% increase in the liquor tax collections. There were some surprising shifts going on. Overall, the sales tax revenue was higher than expected, not lower. As a result, our sales tax revenue for 2019/2020 came in at

\$135,000 and we had budgeted \$100,000 for that. We have a surplus just from the sales tax revenue of \$35,000. Our interest income is very conservative when we budget it. We budgeted \$13,575. It came in at over \$7,000 above that. There were also a few other items that came into play with regard to our performance. We had some bad performers out there. Fine revenue was about \$8,000 above the \$10,000 we had budgeted. Our prosecution was very much in line with the \$10,000 we had budgeted. That generates another \$8,000 surplus that was not anticipated. Finally, we had over \$19,000 in permit fees beyond what was budgeted. Our inspection fees came in very much in line with our budget. Facing the idea of paying \$15,000 in fees in order to get the CIB loan of \$70,000, I just wanted to bring that information a bit forward in the meeting because I think it is truly relevant. Getting UDOT to agree to put forward \$260,000 towards this project leaving us with \$82,000 we would be putting in, the original \$12,000 plus the \$70,000 additional, works out where UDOT is covering over 70% of the cost for it. If we are going to accept this money, we need to do it because it is not too likely we will be offered it again in the future. I should highlight, it is no longer a storm sewer project. UDOT had put it to one of their groups for rainwater management. What they determined is that the approaches for driveways and handicap access could be restructured in ways that would make it less likely to be a problem. Raising sidewalks above the level of the street is a standard operating procedure, but it was not followed here in the original work done in Leeds, and could greatly reduce the impact from most flooding events. What are your ideas as to how we should approach this overall project which is totaling \$332,000?

Councilmember Roberts said what other type of monies are available that we could borrow from?

Mayor Peterson said I do not know of any other types of grants that could be used towards this. Safe sidewalk grants specifically prohibit the money being used if there is an existing, or previously existing, sidewalk in the area. I am not aware of other groups who would be willing to offer up grant money. We could go and ask a bank about a commercial loan, but my expectation is it would probably be over 2%.

Councilmember Roberts said I have a hard time digesting paying processing fees that would be in that amount.

Councilmember Stirling said can we use our own money? Do we have anything that we can use?

Mayor Peterson said what I was just describing was some unexpected surpluses. Originally, we were told to brace for a dramatic decrease in sales tax revenue in the second calendar quarter of this year and the fourth fiscal quarter of our budget year. That is what generated a surplus of \$35,000. We have a surplus that was not expected there. Even though our interest rates fell at the very end, we have \$7,000 there and \$8,000 in fines and another \$19,000 in permit fees. We cannot utilize B&C road funds because Main Street is a State highway and not a B&C road.

Councilmember Stirling said do we have any capital improvement funds that we could possibility use?

Mayor Peterson said yes, but if we were to spend it on this project, we would need to dedicate this surplus in a revised budget to the capital improvement fund because we are up and through the cap amount that we are allowed to have. We would be needing to put this in the capital improvement fund. I believe the capital improvement fund currently has over \$50,000 in it right now.

Councilmember Stirling said I think that would probably be the best scenario. How long does it take to actually go through and revise the budget?

Mayor Peterson said we would need to have a Public Hearing to re-open it, but we could have it done in September. It will not require the multi-step process of approving a full year. The revision can be done with one Public Hearing and then one Town Council action.

Councilmember Stirling said what is the approximation of how much we have? Is it \$38,000 extra?

Mayor Peterson said if you add up those different items that I mentioned it comes out to \$69,000.

Councilmember Stirling said and then adding that to the capital improvement would give us how much?

Mayor Peterson said we would have over \$115,000.

Councilmember Stirling said that is my vote.

Mayor Peterson said being that we should look to open the budget and expand what would go into the capital improvement fund and then look to set it up that we would use the capital improvement fund to pay the \$82,000 which is the total commitment from the Town and accept the \$260,000 from UDOT?

Councilmember Stirling said that is correct.

Councilmember Wilson said would it be possible to do only a portion of it from the capital improvement fund and then get a loan? Is that feasible?

Mayor Peterson said the thing about the loan is if you will borrow 10 times as much money the fees would be pretty much the same, maybe slightly higher. They would hit us on items because of the amount. As we reduce it from \$120,000 to \$70,000, we have not changed the fees. If we borrow less, we will still be faced with \$15,000 in fees if we go the CIB route. CIB requires that you bond for it and that you specify the revenues that would be provided and dedicated to pay for it if you do not make your payments. They go through the whole process to get a loan through them. The idea of an affordable loan without a lot of fees, I do not know of any option out there for that.

Councilmember Stirling said one other aspect that we did when we did the big LDWA loan of 2 years ago was Ron Cundick was able to negotiate the agreement that we would take the money, but not use it. We were able to gain interest on it. I am not sure how long we had to maintain it, but once it got paid down to a certain point, we were able to re-negotiate that. If there was some way we could take the capital improvement money and put it in some type of account that we would bond ourselves on then we would be the one accepting the interest on it instead of giving it to someone else. Is this something we may be able to do?

Mayor Peterson said what I was originally hoping was if we could borrow the money at one-half of a percent even with the surplus we generated over the course of 10 years, I think we would have earned more money on that \$70,000 than we would have paid in interest. So, I am in agreement with what you are saying. But if we need to pay up front, if they are not going to accept a sinking fund, I think that is the term for it, where we are paying into a fund and not repaying the loan. They would be comfortable that we will be able to pay it because we are setting it aside. CIB would not loan basis that. I believe that loan was from a particular authority that financed water and water only. That is my belief, I do not know it for certain.

Councilmember Wilson said the hope of us doing this loan at a low interest rate, we would make more money by using it from other places and earning more interest.

Mayor Peterson said correct. It would be \$7,000 in a little bit of a year, roughly \$350 decreasing over time as we amortize the debt because it would have been equally over the 10 years. By year 3 or 4, we might have been making back over the 2% that we would have been making in the PTIF and that would have allowed us to net end-up making more over the 10 year time period than we paid out. But I do not see it being able to earn back the kind of fees that they are speaking of on a \$70,000 loan. Unfortunately, with your suggestion, it would work better if we could borrow more money at the one-half of a percent, but I do not think we should be in that business as a town without a real purpose for borrowing money. He spoke about Orange County going bankrupt about 35 years ago and how they thought they could outsmart the bond market.

Councilmember Hunsaker said does UDOT care where the other portion of the money comes from? Whether it is CIB or from us? Is that a factor in any of it?

Mayor Peterson said that would not be a factor to them. They are willing to pay their share as calculated by our engineer of the rainwater that is on Main Street that is attributable to UDOT property. I do not think UDOT is going to make the money disappear. What I think I am hearing is there is interest in re-opening our budget and moving money into the capital improvement fund and dedicating money from the capital improvement fund to fund the Town's portion. We are not taking action on this tonight. The only action would have been if we are going to take the CIB loan. I do not know if we want to dismiss that or say we want to think more about it. I find it hard to see the economics of fees at 20% plus.

Councilmember Stirling said I agree completely.

Councilmember Hunsaker said I also agree completely.

Councilmember Wilson said I also agree.

Mayor Peterson said I will certainly check on what commercial lending might be available. Although I do not think it will be on this kind of terms. I think UDOT will agree to continue with the idea that we are generally of the mind to move forward with the project, but we need to finalize getting the \$82,000 that we will be responsible for.

Councilmember Wilson said does CIB have a timeline when we have to give them an answer? Are we going to miss a deadline?

Mayor Peterson said they call me monthly and ask for an update. I will make a point of getting this to them after our meeting if this is where we are coming from to let them know that due to some budget surpluses that we were able to generate last fiscal year, and due to the cost of the CIB loan, we are now seriously considering doing it through the capital improvement fund within the Town. But we are going to investigate a few other alternatives. The general thought is we will look to move forward with the project. The one thing I did not mention, in raising the sidewalks, the cost of the project does factor in some people are going to need stairs down to their front lawn. It would be steps from the sidewalk to the property.

Councilmember Roberts said I find this whole thing ironic. The past is the past. It was grant money that established that sidewalk along with UDOT that it is in the condition that it is now. Now it is a deal with rainwater. We have to spend more money to rectify something that was created not that long ago. I wish we could hold the engineers who designed it responsible for the \$100,000 for the Town of Leeds. I am not opposed to looking at the money within the Town. I am a little hesitant about taking most of what we have and placing it on that project, but I am supportive of resolving the project.

Mayor Peterson said one of the things that I have noted is ADA works in mysterious ways. Anyone can file suit. In fact, our public works employee was approached by an attorney who said if he ever saw something blocked that was a handicap access to just give him a call and he would come take pictures and compensate him for it. The employee refused the attorney's business card. The existing ramps are kind of diagonally out to Main Street. What this project will do is turn them so that they are on the side street. They will still provide access that is needed. It may not look as aesthetically pretty, but it will not be an on ramp to the sidewalk area for water. There will be curbing all the way around the corner.

Councilmember Stirling said is the problem the statute of limitations has ended?

Mayor Peterson said I think that would be the case. One thing that I would like to do is somehow make sure we are not using the same engineer. I want to double check to see who was used on that project originally.

Councilmember Stirling said is there some way you can bring this up to our attorney to see if there is a way we can get \$100,000 for what the ramifications have been for the citizens who have had to deal with flooding?

Mayor Peterson said we actually have a representative from our attorney's office with us tonight. Hyrum, if you are hearing this, could you take a quick look into this? We would like to know if there is a remedy or not.

Hyrum Bosserman said absolutely. I will be glad to look into it.

Mayor Peterson said what is the thought with regard to CIB? Do we want to say no thank you to the \$70,000 plus \$15,000 in fees? Or do we want to leave that there? I do not see going that route. The self-funding seems to be a doable alternative here otherwise it will cost us \$15,000 plus the interest we could have earned.

Councilmember Roberts said you need to tell them we appreciate the offer at a low interest rate, but if we are going to deal with extortion, Leeds has decided to extort itself rather than deal with extortion from an outside entity. And you can quote that, Mayor.

Mayor Peterson said are there any further comments from Council otherwise I will proceed that way. You can expect to see it on the September agenda.

Councilmember Wilson said when you tell them we are not interested is there any way they may lower the fees?

Mayor Peterson said I do not think it is very likely. I do not think there is a lot of flexibility there. I think they are very rigid on it.

10. Discussion Items

a. Animal Ordinance.

Mayor Peterson said Lorrie, what is the status there? I think a draft was circulated this morning.

Councilmember Hunsaker said it was circulated with the request for suggestions or changes, but I have not received anything. With what I have now, I think that is what we need to give to the Planning Commission and let them take the next step.

Councilmember Stirling said I have a question on enforcement authority. Do we have some type of situation where we are contracting through a different town for an animal control officer?

Councilmember Hunsaker said animal control is handled through Washington County at this time.

Mayor Peterson said the Sheriff's Department does handle animal control as long as we have an ordinance that is viewed to be subject to prosecution. Clearly, in this process, we will be reviewing this with our prosecutor who also works with Washington County and is very familiar with the courts. We could go through the Sheriff's Department to issue violations and then our prosecutor for the prosecution.

Councilmember Hunsaker said I think we are as close as we can be.

Councilmember Stirling said once this goes to Planning Commission, they will have a Public Hearing and then it comes back to us?

Mayor Peterson said the sequence that I would imagine it would follow is that they would first look at it and determine what language or what numbers they think are appropriate. I would say before there is a Public Hearing, we would have the document legally reviewed by both our attorney and prosecutor to make sure there are no problems with it. And then that document is what will go to a Public Hearing. I would hate to go all the way through the process and have our prosecutor say they would not be able to successfully enforce against it. It will take a couple, three months to work its way through. I think the next step is sending it to the Planning Commission and letting them decide what they think ought to be in it and then get the legal reviews on it and then they will hold a Public Hearing.

Councilmember Stirling said I am glad they get to put in their two cents and then it goes to legal.

Councilmember Roberts said let me clarify ... not just their two cents, Danielle. They need to put in 100%. They are the land use authority. The reality of this is the Planning Commission can look at this and say I appreciate what you submitted to us, but they could lay it aside and then start from where they want. It needs to be very clear that the Planning Commission will do the initial draft on it.

Mayor Peterson said I agree, and I will make sure that message gets through. This is not the draft that Council thinks should be approved. It is input from Council that they requested at their meeting back in June.

Councilmember Hunsaker said they want it qualitative and quantitative. Hopefully, this will give them a little bit of direction.

Councilmember Wilson said are you supposed to get a dog license in January?

Councilmember Hunsaker said that is the current ordinance ... yes.

Councilmember Wilson said if you move into Leeds in June, do you get a license in June and then renew it in January?

Councilmember Hunsaker said correct.

Councilmember Wilson said if someone gets a dog in October, will we charge the fee again in January?

Mayor Peterson said the whole fee is \$5.

Councilmember Wilson said okay ... that makes a difference.

b. Construction Noise & Dust

Mayor Peterson said one member of the Planning Commission, Mark Rosenthal, asked me what the Town ordinance is relative to both noise and dust at a construction site. I had Peggy forward to you the only 2 references that I was able to find. The only reference for noise is for rock crushing operations which limits the noise from 7 AM to 7 PM. The only reference to dust that I could find is in the subdivision ordinance. It talks about the need to maintain dust control during the installation of roads and the like. The individual building permit does not have any specific requirements when it comes to dust. Our building inspector says a trash pick-up arrangement is generally accepted as an alternative to a dumpster. We do not have anything about hours for noise and we do not have anything about dust control on an individual parcel. Are these topics something we would like to apply to individual building permits? If so, we will need to have the Planning Commission update the land use ordinance and I would provide them these 2 sections that were circulated to Council. We can ask Planning Commission to find where it needs to be updated in that land use ordinance. Is this desired is the question for Council this evening.

Councilmember Stirling said I would say yes.

Councilmember Roberts said I am not supportive on individual properties like that when you talk about dust and noise. We have a noise ordinance that limits noise to a certain time. When you start getting into controlling dust, how are you going to quantify the amount of dust? We do follow the St George City design standards as far as anything that comes off from that project from that house onto public roads or public right-of-ways. We can regulate dirt, mud and that type of thing, but when you start talking about dust on the properties that will be a hard one. What is a reasonable amount of dust depending at the stage of that particular project? It is different when you get into developments. We could place that verbiage in development agreements really easy. If you are talking about a single residence, are we going to say how much dust they can create and how much they cannot create? I have a hard time with that one.

Mayor Peterson said the only thing I would say, Alan, in my searching through ordinances, the only reference I recall is this one with respect to rock crushing and one in the nuisance ordinance stating that you cannot make a noise nuisance, but I do not recall any time frame assigned to it. During any hour of the day, you cannot have a nuisance noise. We do have a curfew for young teenagers, but it is a pretty limited curfew. I do not know of any other time ranges out there.

Councilmember Roberts said I am not opposed to looking at a specific time on noise. The dust portion only exists in rock crushing specifically and/or some kind of activity similar to that.

Mayor Peterson said I believe LDWA has people who rent hydrant meters when they are doing construction.

Councilmember Roberts said they use that water for some dust control, but mostly it is for compaction.

Councilmember Hunsaker said I do not see how we could regulate the dust. I see that as being difficult. But I have had different complaints from residents on noise ... construction noise stating before 6 or 7 AM. Blowers can be very loud, too. When it gets so hot around here, the landscapers start early. This may be something we could look at, but I think it would have to have a heat stroke adjustment to it.

Councilmember Stirling said my original yes was just for the Planning Commission to review noise and dust and then come back with more in-depth ideas.

Mayor Peterson said it seems like we are interested in seeing what they would propose. We are not in unanimous approval of it or denial of it, but it is something we would give consideration to. Is this a fair statement?

All Councilmembers said yes.

Mayor Peterson said I will pass it forward to them with that information.

c. 2019-2020 4th Quarter Budget vs. Actual

Mayor Peterson said I have touched on this an awful lot with regard to the CIB loan. As I said, there were good results. If people are new to this process, B&C road funds, it is suggested that you put them into the budget so you do not have to re-open the budget if situations arise where you do need to spend them. We do have a history of putting our B&C road funds in even though we knew our expectation is we would be spending them this year, the 2020/2021 year. There is a fairly significant surplus that has generated by us just accumulating B&C road funds, but those road funds are restrictive funds. They can only be used on non-Main Street roads in Town. The project that is being considered for this year that we should be seeing some information on in the next month or two will be a chip seal and relining and some patch work on Silver Reef Road and Oak Grove Road. That particular stretch of road was not slurry sealed and the advice at the time was that it probably would not hold up very well. And the fact that we feel the need to stripe that road, which is appropriate, if you have to do twice as many slurry seals that is a multi-thousand dollar stripe to lay down in the middle of that road. So, there is a surplus that is beyond what I spoke of and that is we are carrying forward about \$115,000 of B&C road funds. We also have money that we sat aside for roof, codification and park improvement of about \$45,000 that has been rolled into the budget for 2020/2021 and we moved the money forward. Some of that surplus was already spoken for of about \$45,000. If you have any questions, please let me know.

11. Citizen Comments:

Angela Rohr said the aspect of the noise abatement might be tacked onto building permits. Say, one hour before sunrise you can start making noise and one hour after sunset you cannot make any more noise. That might be one way to look at it. Another aspect for the dust abatement also could be incorporated into the building permit. For significant dust, but if it reached the point of a complaint, the building permit person must have a dust abatement plan if they are going to make significant dust like digging basements or flattening out a sloping lot. That might be a consideration. Depleting the capital improvement fund completely would not be a good idea because if there was a catastrophe then we would not be able to take care of it. That would not be a good idea. Going back to the aspect of what was done by the LDWA project that was done, they wanted a bond every year to be paid in case the loan was defaulted. It meant in over a 20-year period, it would be a very expensive build-up. What was negotiated was a dedicated certificate of deposit for the same amount as the bond. And that continued until the loan was taken care of. A dedicated certificate of deposit might help mitigate some of the bonding costs on the project you are looking at. I assume the amendments were to the 2009 Water Agreement. I was a little concerned that these amendments would extend the 50-year life on that agreement. We are 11 years into it, and it would be nice to not have to be committed for another 11 years added onto the 39 years we still have left on that agreement.

12. Staff Reports:

Councilmember Roberts gave an update on Washington County Solid Waste. All municipalities involved in the Solid Waste District passed legislation for the agreements that exist. There will be some language for the opt in/opt out that will start in September and end the last day in November. That information will be provided in our trash bill for 2 months consecutive to give residents a clear understanding of what those options are.

Councilmember Stirling said while we were having the fire a couple of weeks ago, I have an app on my phone that is a scanner. One thing that I was a little afraid of was the fact that nobody knew where Hidden Valley, Silver Reef, Angel Springs or Connolly Fields are located. I wonder if it might be beneficial to adopt our rendition of what we call these areas. I do not know if everyone knows the names of these areas. I have been doing a lot of research on the General Plan and on the Land Use Ordinance for Chapter 19. As I looked into this, I came across this particular part for Historical Preservation. She read several excerpts from the General Plan. Chapter 19 was never meant to be for only one historic area. Everyone should review this. It starts on Page 1.2. They really spelled this out intensely. I would hope that we listen to the 9 regions and incorporate that into the Land Use Ordinance Chapter 19 and not change it into something that was never meant to be. I hope you all have a chance to read this and give me your feedback on it. I think there are a lot of historic properties that we are not taking the time to look at that preservation and only turning Chapter 19 into a park which was never intended.

Councilmember Hunsaker said I am still getting a lot of complaints about parking issues in and around Town regarding ATVs, trailers, box trucks and semis parking on the streets and parking for extended periods of time. In researching how other small communities deal with this, I found some say no overnight parking and that would probably eliminate about 90% of our problems. I just wanted to throw out there that we have received those complaints.

Mayor Peterson said with respect to the parking, we have not received any volunteers as a result to the offer in the newsletter. I think that a significant portion of the ongoing problems really break into 2 categories – overnight parking or extended parking and the trailers and ATVs. We are trying to address the idea of purchasing additional property that the Town could operate as additional parking. I think it would make sense to share this with the Planning Commission and get them to work on it. Does it make sense to turn overnight parking over to the Planning Commission?

Councilmember Stirling said can we regulate UDOT?

Mayor Peterson said generally UDOT will agree if it is uniformly applied. However, there are certain things that we cannot limit. If it is not no vehicle can park overnight, they may say it is discriminatory. Their view is if it is a properly licensed vehicle, it should be permitted. You should not stop them because of their gross vehicle weight or size.

Councilmember Hunsaker said people have been parking their trucks and trailers at Valley and Center, off the paved road. Sometimes they leave them there for up to 2 weeks. This is a safety issue.

Mayor Peterson said should we send this to the Planning Commission?

Councilmember Roberts said I am not opposed to sending this to Planning Commission. I will tell you that you are going to get some pushback from some residents. Some individuals utilize on street parking when they do not have enough area.

Councilmember Hunsaker said she also found out that some areas use a permit system.

Councilmember Roberts said you are going to have a hard time getting the trucks off of Main Street. It will not be as difficult on the side streets. On that State road, you will have to eliminate all of them or none of them.

Mayor Peterson said that is my understanding as well.

Councilmember Stirling said we need to find a way to mitigate the congestion, but not necessarily make it so we cannot have our families around.

Mayor Peterson said it does seem like there are some concerns. Can we find a way to make this so it is not overly restrictive or discriminatory? The Main Street question is the big one.

Mayor Peterson said I did hear from the County attorney's office today. They spoke with the Commissioners and they are in support of the idea of creating some type of historical district that would be jointly administered by the Town and the County. They hope to have something to us by September.

Mayor Peterson gave an update on Corvid-19.

13. Closed Meeting: None

14. Roll Call to adjourn the meeting.

ROLL CALL:

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

14. Meeting was adjourned at 9:10 PM.

Approved this 9th day of September, 2020



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder