

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, May 26, 2021

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, May 26, 2021 at 7:00 PM at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email Clerk@LeedsTown.org for the Zoom details.

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 May 12, 2021
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Leeds 2021 Municipal Election. Two Council Members (4-year terms) and one Mayor (4-year term) to be elected. Declaration of Candidacy Period, June 1-7, 2021
 - b. "Exceptional Drought" Declared in Washington County
7. Oath of Office: Aseneth Steed, Clerk/Recorder
8. Public Hearing:
 - a. 2021-2022 Leeds Tentative Budget, General & Capital Improvement Funds
 - b. Ordinance 2021-02, Compensation of the Clerk/Recorder
9. Action Items:
 - a. Discussion and Possible Action on Reappointment of xxxzzzyyyy to Planning Commission
 - a. Discussion and Possible Action on Application of Hillside Ordinance to Parcel L-3-1-7-1110
10. Discussion Items:
 - a. Fourth of July Festivities
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. 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 24, 2021 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.


Aseneth Steed, Town Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, May 26, 2021

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, May 26, 2021.

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: Stephen Wilson

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

a. Tonight's Agenda

b. Meeting Minutes of May 12, 2021

Okay, one note on the minutes. Lorrie was kind enough to notify me on page 10 in the last paragraph, about 60% of the way down. The line begins. It's the second in a row that begins Councilmember Roberts and omitted by me were the three words said the "Town Council will" say whether it will follow what's allowed or not. So, we're just adding those three words to the minutes at a minimum. With that amendment to the minutes, I would also mention for tonight's agenda that we are going to be joined, I am hoping, by our engineer but he had a conflict early on. So if Council is in agreement, I would just like to move the action item 9b to after the discussion items so that we maximize the chance that he will have joined us by the time we get to that. So, with those two changes, may I have a motion to approve or to approve those amended tonight's agenda and the meeting minutes of May 12, 2021.

Councilmember Wilson moved to approve tonight's agenda and meeting minutes of May 12, 2021. 2nd by Councilmember Stirling. 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:

Mayor Peterson: That gets us to the first of two citizen comment periods of the evening any members of the public or online we do have a couple of members of the public there wishing to comment may do so at this time we ask you to limit those initial comments to three minutes start with your name is there anybody here at Town Hall interested in commenting during this first of two?

JW McCain: Okay, I don't know that it is worth standing up in front of you, but our Mister system that Dorothy Mack gave is about ready. We got to get the rest of the system up. I just put myself on the spot here, so it will be ready for July.

Mayor Peterson: Thank you for your assistance by offering up the labor and gathering up those parts.

Okay, anybody else here at Town Hall? Okay, seeing none, anybody online in the participants box, you could raise your hand or if you're on video, you could raise your hand there as well. Okay, not seeing any.

6. Announcements:

a. Leeds 2021 Municipal Election. Two Council Members (4-year terms) and one Mayor (4-year term) to be elected. Declaration of Candidacy Period, June 1-7, 2021.

The Leeds 2021 municipal election will be held in November by mail. We have two council member positions four-year terms and one Mayor position four-year term to be elected. The declaration of candidacy period is June 1 through 7th, 2021. The papers are available now for those who would like to pick them up, but State of Utah regulations require that they be returned in person between June 1 and 7th, Or if you can verify that you are out of the area for the entire time period. You could designate somebody to submit them for you; that is a change with the ability to designate somebody to submit them for you. But that is taking effect with this municipal action.

b. "Exceptional Drought" Declared in Washington County

There is an exceptional drought that has been declared by Washington County. The Town of Leeds has an ordinance that focuses people on using culinary water if it's being used for irrigation purposes. To do so between the hours of 8 pm and 9 am. I know that the LDWA has posted some inside and outside water conservation tips on their website. We also know that the Leeds water company has had a rotational schedule for the use of water that's been in effect for several weeks. And I would just encourage everyone to follow the advice being offered up by our various water companies and do their part here as this is a very unusual, exceptional drought as it's been declared by Washington County.

7. Oath of Office: Aseneth Steed, Clerk/Recorder

Oath of Office Proceedings

8. Public Hearing:

a. 2021-2022 Leeds Tentative Budget, General & Capital Improvement Funds

The first one is a public hearing on 2021 22 leads Tentative Budget for the General and Capital Improvement funds. We had approved these as the tentative budgets at our last meeting. I have moved the interest number end-to-end display for the town council tonight just to show you that our capital improvement fund is currently sitting at about \$70,000. And as we get to this year's end, we will probably be in a position to open up our existing 2020 2021 budget and do additional transfers into that particular fund. So, it said \$70,000 and likely growing. With that. Is there a motion to open the public hearing on 2021 22 leads tentative budget on general and capital improvement funds?

Councilmember Stirling moved
Councilmember Roberts second

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	_____	_____	_____	x
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

b. Ordinance 2021-02, Compensation of the Clerk/Recorder

That brings us to a second public hearing in the budget is an increase for the first time in three years in the compensation for our Clerk/Recorder position. It had been at \$17.50 an hour it is being proposed to go up to \$19 an hour. Is there a motion to open the public hearing on Ordinance 2021-02. To compensation of the Clerk/Recorder?

Councilmember Roberts Moved
Councilmember Hunsaker Second.
Okay, roll call vote beginning on my left 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: STEPHEN WILSON	x	_____	_____	_____

9. Action Items:

a. Discussion and Possible Action on Reappointment of Danny Swenson to Planning Commission

Mayor Peterson: I'm going to skip the action items initially, and we will double back to that, but we will move to action item 9a first.

The planning commission year runs from July 1 through June 30. Each of the planning commissioners is appointed to a five-year term at this point, as of July 1, there will be an opening, and what I am proposing for the approval of Council is the reappointment of Danny Swenson to the Planning Commission. Are there any questions from Council before I asked for a motion on that?

Councilmember Roberts: I assume he agreed to that?

Mayor Peterson: I did speak to him, and although he is out of town, he has agreed to that. Yes. Okay with that. I would ask for a motion to approve the reappointment of Danny Swenson to the Planning Commission.

Councilmember Hunsaker moved.

Councilmember Roberts: Second.

Mayor Peterson: Roll call vote beginning on my left, 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: STEPHEN WILSON	x			

a. Discussion and Possible Action on Application of Hillside Ordinance to Parcel L-3-1-7-1110
See Below

10. Discussion Items:

a. Habitat Conservation Plan

Okay, now we move on to the discussion items. Discussion item 10a. There was an individual from Washington County who is in doubtful internet range. And he said his cell phone might be a little better. But he would call in through zoom, and I'm not seeing him at this point. This was a discussion item, people may remember from about four or five months back, and they are renewing the habitat conservation plan for the desert tortoise. There is an incidental take permit that is in place as part of that agreement that allows for the move of any tortoises that are found on a property being developed to the conservation area that's been designated. And at the time, it was presented by the county attorney that there were two options available to us. One was to not participate in the plan, which was the current situation that Leeds was following. The other was for the town to officially participate in the plan. He said if we did not participate in the plan that there would be the opportunity for individual landowners to participate by coordinating with the Washington County directly, the habitat conservation plan. What we've been asked by Washington County at this point, the town of Virgin has decided to officially agree that they will require as part of their permit process participation in the HCP, as it's called the Habitat Conservation Plan, but

that they would not administer it. They would just make it that they required confirmation that the individual landowner had gone to the county and had paid the point 2%. So that would be \$200 on a \$100,000 construction home, and you can just multiply by however many hundreds of 1000s you would consider. That fee would be paid. And if it was paid, should any tortoises be discovered, they would be eligible for moving to the actual Conservation Area designated for them. If they did not participate in that, and tortoises were discovered on the property, they would be in a position of unable to actually disturb those tortoises and, in all likelihood, would be unable to come up with a way to acceptably develop that land. So, we kind of now have a third choice available to us. One is to enter into an agreement with the county where we agree that we will actually oversee that HCP. The other is to not participate. And the third would be to officially designate that we would require it of people as part of our process for getting a building permit. It would only be on new construction. It would not apply to any kind of addition that people were doing. So those are the three choices that would be available to us. I'm just putting it out as a discussion item. It is not an action item tonight, but it obviously would go different ways depending on which way the Council wanted to go. So, I did want to get your input on this evening to determine what we should next do, if anything, with regard to this. So, with that, I open it up for discussion among Council at this point.

Councilmember Hunsaker: That was for Rockville, not Virgin, right?

Mayor Peterson: I'm sorry, Yes Rockville. I definitely misspoke on that. It was Rockville who did it.

Councilmember Hunsaker: I like that method that we're not saying no and leaving people open to not being able to build or do anything because of the tortoise, but that we do not have to administer it. I'm a big fan of the town of Rockville's approach.

Councilmember Stirling: What percent of leads is in the conservation area.

Mayor Peterson: I believe what the attorney said was that they have redrawn the maps with the changing weather patterns, and all and pretty much all of Leeds is now considered to be part of the area of tortoise habitat. In terms of the actual conservation area, the Conservation Area lies to the south of Leeds and does not really extend very much into leads because, in general leads is elevation used to be considered too high to really see many, if any, desert tortoise. So again, we're not looking to decide, and we can discuss further, but I think we would benefit from having a starting point. So, Lorrie's offered up one. I will just be curious other starting points that other Councilmembers think make sense at this point.

Councilmember Stirling and Roberts: I agree with Rockville approach.

Councilmember Hunsaker: I don't think it's something we need to administer. And let them have that option if they want to.

Mayor Peterson: Well, this is not an option. If we went the Rockville route, Rockville says they will make it part of the process that 0.2% would be paid.

Councilmember Roberts: Oh, they are administering it.

Mayor: They Are not. The county will still administer it. But they will make part of their process. Just you need to show that the county has received the necessary 0.2% before you can get a permit from

councilmember Wilson: So, we're still ministering it. They still had to come with the money to do it. So, have we had issues with that before? Did anyone run into a problem with the tortoise? I mean, I kind of hate to see us tack another chunk of money unless we have too.

And some people could afford it. They wouldn't mind the fee.

Mayor: Okay, I know just in the previous discussion, I believe Danielle, you said that you could see them from your property at times.

Councilmember Stirling: We can, although we already are in agreement in which to farm. We had to completely put a little mini fence around our property. So, we already have an agreement with that. And I do not believe that includes development. But we don't have plans for developing. That is not to say that our grandchildren may if we ever have any.

Mayor Peterson: Just to be clear, you have seen them naturally there. They were not placed there. They are actually just natural. They are making a home there?

Councilmember Stirling: Actually, No. we are at a point in which they come and place them past our property,

Mayor: Was it that they were already some there? Or was it that that began the process?

Councilmember Stirling, It's like the chicken in the egg? Who knows?

Mayor: Okay.

Councilmember Wilson: So, we're still ministering it. They still had to come with the money to do it. So, have we had issues with that before? Did anyone run into a problem with the tortoise? I mean, I kind of hate to see us tack another chunk of money unless we have to.

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Mayor: Okay.

Councilmember Hunsaker: In the wash there off of Babylon, I have seen some.

Councilmember Wilson: I have been around. I think in 20 years I've seen two.

Councilmember Stirling: They bring them about every five years, and probably replace eight to 10 of them at a time is the max I've ever seen that they've done, but it's been here and there when they collect quite a few in different areas, then they bring them at the end of the lower

fields and place them off our property.

Mayor: Okay, as I mentioned, it's a \$200 fee on \$100,000. Home 400 on 200,000. Obviously, it's just a flat fee that goes as a percentage. Is it worth the insurance in my view of it in terms of knowing that if you were to start having work done by excavators and suddenly find out you had a tortoise, the value of your land would significantly decline due to the limitation on construction. So, I'm not sure that it's overly onerous given that you only pay it at the time that you're actually doing the development and that in advance.

Councilmember Stirling: Do you know if it's the price of the actual house or the house with the land?

Mayor: It's the value of the construction is the way that it reads?

Councilmember Stirling: Okay.

Councilmember Wilson: Which would be the whole thing?

Mayor: No, it's on the Building permit. Fees are calculated on the cost of construction. Okay, as I said, it's not an action item this evening. I will put together the paperwork for a starting point, and people can think more about it. We can review it at a future meeting as an action item. Going the Rockville route is going to be the starting point.

b. Fourth of July Festivities

Okay, the second discussion item is the Fourth of July festivities. There are a variety of things that have happened in the past two years here. One is the field from which we used to launch our fireworks and frequently set on fire on briefly is now occupied by a homeowner. The other thing is we are in that exceptional drought that I mentioned. And just as advance information. The Washington County Commissioners have voted to ban fireworks in unincorporated Washington County this year. The Hurricane Valley Fire Special Service District encourages the banning of individual setting off fireworks and discouraging displays because of the very high fire danger. It used to be there was a wildland fire season. It's pretty much extending straight around the calendar right now. And as a result, they are making the request hoping that water will return and we will have proper moisture, but I know looking at my phone just before coming to the meeting. In the next week, our best chance of rain was a 2% chance on Tuesday of next week. So, the idea is we will be making it into June without any significant rainfall in all likelihood if their forecast is correct. So just wanted to get some input from the rest of Council if we were to allow fireworks in town. We are asked to pass a resolution that states when and where they would be permitted. In the past, it has been a couple of days leading up to the Holiday and the day following for both Fourth of July and Pioneer Day. What are Council's thoughts with respect to the Fourth of July fireworks this year?

Councilmember Wilson: Well, we need to prevent fires. I agree with that, which is we love our fireworks. But you know we got to be careful. How would you enforce that? If someone's setting them off and we've said no and called the sheriff?

Mayor: The sheriff would be the one responding. In the past, when we've had it, the plea has been made. Oh, I didn't see the posting at the post office, indicating that the area was the basketball court. That is what we've used in the past, back behind the town Park. We would post it very largely and early for people; I would look to get information up as soon as we pass the resolution if we decide to ban them so that people don't buy them and then need to store

them for any period of time. Any thoughts as to whether we want to follow the lead of Springdale? They have also banned fireworks through September at this point. Which, in the state of Utah, means for the rest of the year until you get to New Year's because that would be the next opportunity after Pioneer day, where the state allows you to grant people the right to do it as an individual.

Councilmember Hunsaker: I love the fireworks, but we're so dry. It doesn't affect the pancake breakfast. Right? That's the rest of the festivities?

Councilmember Stirling: I think if we have it at the basketball courts. It's maintained.

Councilmember Hunsaker: Will Hurricane Valley give us a little standby engine?

Mayor Peterson: They wouldn't do a standby engine. But you know, they're only suggesting it there. They're not mandating it. It's our local decision to make. And again, it's only a discussion item tonight; it's just the need to have it spelled out where our starting point is for a future action item and wanting to get it done at our first meeting in June. We want to give as much advance notice as possible to residents.

Councilmember Wilson: Well, I think people have had a strange year; they probably wouldn't mind an odd Summer.

Mayor Peterson: The experience I've had is that it's great for the people who choose to follow the rules and use that basketball court. The unfortunate part is that the people who are most negligent with their approach carry that negligence to other parts of town. And I just think it's easier to make it clear to people that they're not permitted this year, as opposed to limiting them to an area and then having them decide their home is safer than the basketball court; and therefore, they should be allowed to set them off. But again, this is not an action item. So, you know, I would just use this as an opportunity to put forward something as a starting point for an action item at our June 9 meeting. Okay, now the other part of the festivities was brought up, and if they are not often doing other things, as has been the caveat in the past, I believe we would be able to arrange for a brief period of water fun. I think we need to be mindful that the drought situation is worsening; we would need to set the right example on that one and not utilize because hydrant water as it is calling carrying Culinary water. Unless we get some meaningful rain between now and then, I think that that part of the festivities might also need to be put on hold given the exceptional drought. Breakfast I think we can do without a lot of water and with well-controlled fires. And I would hope that we can do that again and really bring as we usually get about a quarter or more of the town's people to come out at one point in time. The one thing I would suggest on that is if we were to ask people to bring their own table with them if they have something that would be conveniently brought to the park area, just because we frequently are very tightly packed in the Peach Pit Pavilion. It would allow for more people to be able to sit and not try to balance things as they go through eating their breakfast. So, are people on Council comfortable with the idea of us trying to make the breakfast at this point?

Councilmember Hunsaker: I am!

Councilmember Stirling: Yes. But I also have like a lot of tables and a lot of chairs.

Mayor Peterson: So, we might not need to ask people to bring their own? We could utilize them.

Councilmember Stirling: They may need to bring a few chairs, but I think we got the tables covered.

Okay, that's very helpful, and thank you for that offer. I'll start working on plans towards that breakfast and tentative, but if but subject to we need something to go right with regard to the water fun for the kids. Evening fireworks, there are a variety of complications, as I mentioned with that. One is we'd have to determine an alternative site; I did have a chance to meet with the fire chief. He wasn't hugely enthusiastic, but he thought there might be an alternative that was still within sight of the town Park. But he no longer is running shows. And there's nobody he's aware of who's actually licensed and willing to do it on a volunteer basis. I have a call into a professional company that was referred to me by the fire district because they have utilized them to obtain the fireworks in the past. And they are likely to get back to me to let me know what that would cost. Our insurer says that the town insurance covers it. If we have a volunteer, do it. If we use an outside vendor, we need to make sure that they have their insurance in order to make it that we would be covered as a town with regard to the liability by having their liability insurance on it.

JW McCain: I don't want to embarrass anybody. But I think Randy Stevens is setting up the fireworks every year to work with the chief. I was just gonna text him to see if he's licensed. He knows how to set it all up and works with the chief every year to do it. If he were to volunteer, I don't volunteer for him, but if he was to volunteer, would that fill the bill for this?

Mayor Peterson: It would be one of the things that we needed. We would still need a place from which to discharge them. And that would need to be confirmed that we could get that, but it is one of the critical parts of the path there because I suspect it's going to be quite expensive to have somebody do it who's carrying their own insurance.

Mr. McCain: We have a fire truck in town. I just texted Devin Crabb to see if he could use his fire truck for water fun stuff. I don't know if the pump works on it or anything, but we can get it working by that time. Is there something else we could use as well?

Mayor Peterson: Well, the bigger concern, I think, would be the water that we're taking out of the culinary stream.

Mr. McCain: We won't use culinary water for that.

Mayor Peterson: In the past, I know the fire engines hook up the hydrants, and the hydrants are hooked up to the culinary water.

Mr. McCain: So, if we use irrigation water and build up his tanks?

Councilmember Stirling: Whose water irrigation water? There is no irrigation water right now.

Mr. McCain: I hear they're giving away free irrigation water up to the Stirling ranch.

Councilmember Stirling: (laughter) Good luck on that one.

Mayor Peterson: No, I think it's the tables we heard about. I don't remember the water.

Mr. McCain: Oh. I thought table was pronounced water.

Mayor Peterson: All right. Thank you for that input. And we can certainly check.

Councilmember Stirling: Steve will give his irrigation water.

Councilmember Wilson: Yeah. He will have to get started a week before to fill it up in time on my one-inch line.

Councilmember Stirling: There is one thing that starts wars in the west. It starts with a W.

Mayor Peterson: Okay, I am just going to at this point, text. So we can certainly look into some that we're not absolutely committing to tonight, but we will probably need to, with less than a month to go in June, if we are going to order them up. The last thing I'd want to do is order the fireworks and have to ask that they be kept in the necessary bunker at the fire district for a whole year.

Councilmember Hunsaker: If this doesn't work out, is there enough time left to like, plan some activities or parade like we did for the 150th? Nothing on that grand scale. Something so that people have something to do on the Fourth of July because it stinks everybody's finally coming out of hibernation and we can do this, but then the fire danger makes it so... I just wonder if there were some other option, we can throw in place of it in a month?

Mayor Peterson: I'd be open to it if people have ideas on that. I'm just checking on the availability of the engineer. So, what does the rest of the Council think about trying to expand the activities beyond just the breakfast if we're not able to do some of the other stuff or even if we are?

Mayor Peterson: I Would be open to suggestions if people have availability on that. I am just checking on the availability of our Engineer.

What does the rest of the council think about trying to expand the activities beyond just the breakfast if we are not able to do the other stuff or even if we are?

Councilmember Wilson: I think there are people that want to help set it up. I don't see an issue with it.

Mayor Peterson: All right. Well, I think we've got a good starting point, and the breakfast seems like very doable, and then we will investigate a little further on volunteers' availability for other types of activities, as well as what the water situation would be. Okay.

He is saying he'd try another 30 minutes where he is right now. Okay. So, we probably should just go ahead with his information here. He says:

Hi Mayor, here are my thoughts. The LIDAR survey is based on two data points per square meter, 10.8 square feet of area, and a vertical accuracy within 10 seed centimeters less than 3.9 inches per point. There could certainly be some localized anomalies in the individual one-meter areas, depending on where the two data points were taken in the square meter area. That said the converse to what they are claiming may also be true. That is, if one of the data points landed in a depression or both landed on the top of a flat rock, the one-meter area would show is flatter than it actually is on the ground. In general, the contours and shaded areas in the exhibit I sent are pretty good representation of what's on the ground as an average within the measurement tolerances given. If the developer is interested in getting a higher resolution survey completed to more accurately define the existing slopes, we could invite them to fund

and submit a LIDAR flight or ground survey with specified tolerances accuracies and projection system for comparison, I don't think we'll see appreciable differences in the two generally, I don't think we need to consider the 100-foot interval anymore. We have at our disposal very reasonable data in the LIDAR survey and the slopes can be measured from contour line to adjacent contour line. Moreover, we have computer software GIS or AutoCAD that relatively easily calculates for us the slope between adjacent contour lines, which represents the actual slope on the ground with reasonable resolution, including slopes exceed exceeding 20% and 30%. Their argument for the 100 foot and roll is based at best over concerns with local anomalies in a surface, making a site unbuildable because of anomaly showing slopes over 30%. I think our perspective as a town should be to not focus on the anomalies that represent minor localized undulations in the slopes. But to protect the more significant slopes that are consistently at 20% and 30% or greater. You can see the odd localized areas showing 30% slopes in the exhibit versus the broader areas greater than 30% consistently. advocating for the 100-foot interval is based at worst on a desire to skirt the hillside protection ordinance to the applicant's benefit. If the 100-foot horizontal difference were to be used starting and ending point in direction of the alignment would make a difference. As explained in item two above, we should simply use the shortest horizontal distance between two adjacent contour lines as the run component of the slope calculation of rise over run. One might think of it as the direction of travel of a water droplet would take if it were to be placed on the upper contour. That is, it would take the direction of highest gradient steepest to the next contour. That is the slope of the ground at that location, and the one that should be considered in conjunction with the hillside protection ordinance. I have seen the pro value plans dated 12 three 2019, which I've never believed clearly identified the grades of the existing slopes are the limits of the 20% and 30% slope . The plans do suggest limits of the slopes based on 100-foot horizontal measurements and the legend has a symbol for slopes of existing grade. But the symbol indicating existing slopes is not shown on the site plan in the appropriate areas. So, I haven't given much weight to the existing pro value plans. And then he concludes with let me know what questions you have.

So, I would ask first of Council your thoughts getting this information that we asked for at our last meeting.

Councilman Hunsaker: As I stated in the last Meeting, I have to defer to the experts. With two conflicting ones, I tend to go with Sunrise only because that is who we have used. They can explain it. I appreciate Mr. Potter's engineer and the way he broke that down to us. I am still stuck in the middle between the two. We got the answer from the ombudsman that the Hillside Ordinance does apply. When I walk up there, those are slopes to me, but not being the engineer; I have to defer to the experts. I would like to hear what the rest of Council has to say.

Councilmen Stirling: At our last meeting we agreed to have the engineers reach an agreement. Have you had a chance to discuss with our engineers?

Lynn Potter: No. It was my understanding the town was going to arrange that. If we could meet with him that would be great because nowhere in the ordinance does it say how to define slope. Okay. I have been trying to express the importance of how the town needs to establish how to describe slope. Now the 100-foot run was something given to us by the town planner and we relied upon it. Spent money on it. I don't know how the storage place got there permit because it never came before Town Council that I ever saw. I would like to know their methods. How is it different? Truth is, I can tell you, and not to be disparaging to Joe, but he does not know how that computer algorithm calculates. All of them are proprietary of their methods. The simplest way to determine 30-foot slope is to sit down with a ruler and maps and draw a line. I brought the maps and can show you. He talked about how a drop of water runs down perpendicular to topographical lines. We were on the same page before I sent my maps to engineering. I find Carl's techniques of engineering difficult to interpret myself. Merrill Engineering uses very similar method to putting a ruler on the maps. I bought the maps so we could do that, and I can show you. I have not had a chance to talk to the other engineer. In truth it is not his responsibility to allocate how to calculate the setup of slope. That is really for the town to say.

It's a totally complex bowl of wax to come up with a method but because there was never one defined by the town our lawyer said it was okay to do it this way. We can meet with the engineers. If you want to hold off making us a decision tonight, we can meet with the engineers, but what is it exactly you're after? Because he can do that on half a dozen different programs and come up with a different answer every time.

Mayor Peterson: If I could make a suggestion to Council and the applicant to keep this moving forward and not just postpone further discussion to June 9th, if both engineers and another council member were able to join the applicant and me at a meeting; would Council be comfortable with that? Not making a decision at that point, but discussion where we are unable to resolve some of the differences that are out there with regard to some of the different engineering calculation methods, calculations approach etc.

Councilmember Stirling: I would agree to that.

Councilman Hunsaker: I would agree to that.

Councilmember Stirling: We do not want to string this out, but we also want it to be fair. I understand what you are saying.

Lynn Potter: This is not fair. We used a calculation given to us by the Town Planner. This has been going on and on. I don't think we will be able to come to a resolution with the engineer on the 30% slope calculations because there are so many ways it can be done, but I can go down that Road. What will happen if we can't come to a resolution?

Mayor Peterson: I would hope that we would at least be able to narrow down and identify what the differences are then it will be for Council to decide. That's why I can see positives even if we come to complete agreement at this time. I think we can be able to narrow in on what the different views, engineering approaches and the parties involved.

Lynn Potter: Views and engineering approaches?

Mayor Peterson: Well, you've got the thought of doing a more extensive power resolution survey versus acknowledgement that perpendicular verses contour lines. You know there are things that need to be talked about. There is some common ground that need to be talked about but I think there is some common ground and between the two engineering firms approaches and I think we can at least sort out the way things are and help agree and what and find out what's not agreed and bring it to council for a decision .

Lynn Potter: Survey you mean for another Lidar? He agreed from that lidar that that was an accurate map. We can do another one.

Mayor Peterson: I'm not asking you to do that right away. I'm suggesting we have the meeting and figure out the best way to proceed and bring it back to Council.

Lynn Potter: He did say that there is probably not much different than the county one, you know? The one we've come up with so what are you looking for?

Mayor Peterson: I would say, as one of the council members put it, I would like to have an opinion from our professionals that they are comfortable with what is being done. We have common ground but we're not there yet, obviously, from this kind of response. If we are to meet with Merrill and with Sunrise, you, me and one other member of council that would be permissible from a council standpoint. We would need to determine who that other member would be.

Lynn Potter: Oh, you were talking about determining a method up calculation after.

Mayor Peterson: Meeting and going over the information that was presented by your engineer at the last meeting, getting the response from our engineer. Getting them in the same room or on the same phone call in order to not just hear one side tell all and then get back with the other one and then say what about these questions. I would like our engineer to be the one asking the questions until they have exhausted themselves on it and I would like your engineer to do the same so we get to the end of the engineering disagreement. We start and go all the way through, and they hear each other out.

Potter: My engineer may not be available anytime this week and I don't know about the other engineer. This might be really difficult.

Mayor: I can start tonight and try to find out his availability. We will obviously coordinate with you as well.

Lynn Potter: Okay, Maybe I shouldn't express this, but I just feel that Joe is biased. Okay, because what he came up with was a completely separate map. It's not in his job description. The storage company sent in their stuff. Does anyone know if he drew up his own map, or did he just take what they had and say OK that looks good? For a planning engineer to not even address our map in that letter that he sent. Last time he didn't even address our map at all. He just produced a map of his own. It showed a little square at the bottom and he had to address, well, is that a hill or not? And so, I feel that this will be an uphill battle with Joe.

Mayor Peterson: Well, I don't think we're interested in not listening to Sunrise Engineer on this project, so if you're agreeable to what's being proposed we will work to find a date for that. The only thing left is to figure out who the other member of council will be. I wouldn't exclude somebody who is not here right now. Any thoughts from council on to who we would want that to be?

Potter: If I may ask one last thing? What happens if we can't work out something with Joe?

Mayor: Town council would ultimately have to make a decision in regard to the application as to whether we find it consistent within the parameters of the Hillside Ordinance or whether it violates it. It would be the town council's permission ultimately. We get advice from our advisors and professionals, be they legal professionals or engineering professionals and then we, as a committee, make the decision based on what the authorities tell us.

Potter: Okay. Okay Do you want to try working with a ruler on a typographical map?

Mayor Peterson: Not this evening. I think Council said they were agreeable to your engineer at Merrill, you the applicant, me the mayor, and another member of council getting together. That's what's going to happen.

Potter: Alright that's what we'll do.

Mayor Peterson: Council, any thoughts on who should be the other member of committee?

Councilmember Stirling: I recommend Steve.

Councilmember Wilson: I will do it.

11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).

Mayor Peterson: Okay. We will start with scheduling. I will check with Sunrise; you will check with Meryl and we will try to get that time setup.

Mayor Peterson: That brings us to the 2nd public comment period of the evening. Is there anybody here in town hall or online? Please come forward state your name for the recording.

Bill McLaughlin: I believe we already established that USGS for every foot uses 100-foot rise. I don't know why we can't agree on that. It's a simple formula that has been used by engineers for years.

Mayor Peterson: Okay, Thank you for that comment. we will absolutely confirm that and thank you for your valuable input. We will take that into consideration. Anyone else wishing to comment?

Bill McLaughlin: and with GPS today anyone with their phone can get what percent grade changes. Everyone can get that off their phone.

Mayor Peterson: Well thank you for that.

12. Staff Reports: 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: STEPHEN WILSON	x			

Mayor Peterson: Okay, I just have a couple of things. One I would like to mention; I am wearing a mask because I just returned from a week in Texas and riding on a plane. I am also particularly sensitive because a member of the church that I attend passed on while I was in Texas. Regrettably, his wife had passed on a little less than a year and a half earlier so there are now four children between the ages of 2 and 11 who are without a parent. Unfortunately, in hindsight he was wishing he had gotten the vaccine as he was lying in the hospital. The word from the hospital is that they have not had to incubate anyone who has had the vaccine. People are free to make their own choices, I ask everybody please think it through and figure out a way to stay safe. I was confronted by someone earlier this week in town hall and they were adamant saying you understand it does not do you any good; and I was equally as adamant telling them I know, I was trying to do it to keep them safe from them possibly being exposed to something I might have picked up in Texas. I have been Vaccinated as well. I would hope that people know the end result can be very dramatic. One way or another please focus on staying safe. Don't let your guard down or let someone else or other influence deviate you from staying on a safe path.

With that I would also mention that there was a meeting of the Mayors where we became a focus group in suggesting potential new or same name for Dixie State University.

There are six categories: One was using the state of Utah in the title, another suggested using geology such as red rock in the title. Another was based on the focus of study that they're heading towards such as Poly Tech or Institute of Technology. Another one was on Saint George. Another was on heritage which was the idea that brought back into it. Another was using the name Deseret which it was brought up by someone at the focus group the University of Utah Actually had that name at one point back in the 1800s. These are the six areas that they are focusing on. If people are interested, I can get them information that is supposed to be sent to me by the qualify focus group. They hired an outside agency if anyone feels strongly about wanting to provide some input, I can put them in touch with the people.

13. Closed Meeting: None

14. Adjournment 7:57pm

APPROVED ON THIS _____9th____ DAY OF _____June_____, 2021



Mayor, Wayne Peterson

ATTEST:



Aseneth Steed, Clerk/Recorder