

# Town of Leeds

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## Town Council Meeting for September 9, 2015

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:02pm on September 9, 2015, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u>      </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u>      </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u>      </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u>      </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>      </u>

2. Pledge of Allegiance by Councilmember Rohr.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Mayor Peterson indicated there is a correction on the consent agenda, the meeting minutes date needs to be changed from July 26, 2015 to August 26, 2015.

Councilmember Allen moved to approve tonight's agenda and meeting minutes of August 26, 2015. 2<sup>nd</sup> by Councilmember Blake. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>

5. Citizen Comments:

6. Announcements:

Mayor Peterson announced the following Town events:

- Wild West Days, September 11 & 12th, 2015.
- Emergency Preparedness Fair Saturday, September 19 from 10:00a.m. to 4:00p.m.
- Town BBQ, Friday, September 25, 2015 at 6:00p.m.

7. Public Hearings: None.

8. Action Items:

- a. Town Council approval of Danny Swenson appointment to Planning Commission. Mayor Peterson, Chief Steve Lewis, due to conflicts with meetings at the Hurricane Valley Special District, needed to resign from the Planning Commission. The process we follow is that the Mayor appoints and the Town Council Approves any replacement made over the course of the term that is unexpired. This is an appointment for Danny Swenson to fill the seat which is being vacated by Chief Lewis. It goes until June 30, 2016.

Mayor Peterson asked for a motion to approve Danny Swenson’s appointment to the Planning Commission.

Councilmember Rohr, I so move. 2nd by Councilmember Allen. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

- b. Lot Line Adjustment on parcels L-66-A, Comas and L-3-1-7-2411, Peine. Mayor Peterson, if I could ask Elliott Sheltman as a member of the Planning Commission is there a summary you would be able to provide about this deliberation that is being moved forward from the Planning Commission on a lot line adjustment?  
Elliott Sheltman, we approved it and we had the proper permission slips signed by people.

Mayor Peterson asked for a motion to approve the lot line adjustment on parcels L-66-and L-3-1-7-2411.

Councilmember Cundick, I so move. 2nd by Councilmember Blake.

Councilmember Rohr, where is it?

Councilmember Blake, it is in the back of Comas’s property.

Mayor Peterson, it is the back edge.

Councilmember Rohr, and it is going from Comas to Peine.

Mayor Peterson, no, it is the other way around. It is going to Comas from Peine.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

- c. Discussion and possible action on Ordinance 2015-07, instituting a program for Curbside Collection of Residential Recycling.

Mayor Peterson, this Ordinance was distributed at our last meeting, where it was suggested that we table it until tonight. There were a few questions and changes that had been requested. One that Councilmember Rohr had requested was that it highlight that it is only for those who are participating and that they are required to pay for, but not to actually go about doing the recycling. It is a matter of you need to make the payment, but not that you need to actually do the recycling. There was also a question raised by Councilmember Cundick about the lien that is placed by the Special Service District. I did ask Gary Kuhlmann, the Town Attorney, about that and his response was that the Special Service District has the ability to place a lien for an unpaid trash bill; whereas, the Town itself does not. The Town's only ability would be to seek a judgement and then attach that to the property. So the lien process would involve the Special Service District. There was something that Gary noted, it was in the situations where there would be an opportunity to continue with an opt out election, he added the concept of being able to do it for a spouse or a family trust. It is in item B,3 where it says "a change is made in the designation of the person or entity responsible for payment of utility service, other than to a spouse, trust, trustee, or lessee of the owner or a person holding a power of attorney from the owner". He added that language just to make sure that it is clear that we are not looking for someone who currently resides in Leeds, who chooses to opt out, to lose that ability to opt out over time. That is also reflected in C,3 on the same page where the final clause says "unless the owner of said residence is moving from a Leeds residence that maintains a current opt out election of curbside recycling". They would be permitted to continue to opt out at their new address within Leeds.

Elliott Sheltman, we have what 300, 400 homes?

Mayor Peterson, I think it's about 325 that are trash serviced.

Elliott Sheltman, I was looking at the proposal and high end is \$4.00 a month and low end is \$3.00 a month, so you are pulling out about \$1,000.00 every month out of the pockets of residents of Leeds. In over a year, you are looking at \$12,000. You think about things when you are sitting on the other side of the table, like general finance and such, but one thing we don't seem to look at much is the makeup of the people who live here. A lot are retirees on fixed income who haven't had a cost of living increase for years because the Government has figured out a way to basically run those numbers so they don't get regular inflation. Those people in some cases are hanging on; I know that because of the water bill problems that we have. It is tough to deal with, especially when it is a legitimate problem where a person is in financial turmoil. I don't know if any of you have had recycling before where you live. Up in California, it is an interesting experience and if you would like, I can tell you how it worked where I lived. We were basically given a small bin to start out with, it was not mandatory and there was not a fee involved. You would put these bins out but you couldn't fill them up, you didn't want things to blow out. The bin was only about 2 ½, 3 feet tall. After about a year we were told the recycling program is not working well enough because the bins are too small, so what we are going to do is give you 3 large garbage cans. You are going to have a blue can, black can, and a green can. The green can is for yard stuff, the blue one is for recyclables and the black one is for normal garbage. That goes on for about a year at which point they came back and said, some of you guys are not following the rules, so what we decided to do is raise the rates because we need an enforcement division; which means we need employees, cars and of course pension plans that the employees are on. We are not bringing in enough revenue; we got to make sure everyone is following the rules. They do that for about a year, and after that period of time, they said you know what, the recycling was not near as profitable as the enforcement. So they came back to you in the fourth year and they say, we are going to increase

the amount of enforcement, cars and the pension plans and you are going to be paying 4 or 5 times over the amount you were paying in the first rate. Which I think was about \$8.00, so you're looking at about 40 or 50. This was all over California, our cousins and friends were all under the same enforcement. They actually put a line item on the budget where they had the amount of revenue they thought we were going to bring in. Again, if you look over the recycling benefits, it is more than that. They literally drive before the garbage trucks to see if anything is there and if some child on a bike, or in our case a beach cruiser, or skateboard throws a plastic bottle into your grass bin, you can't win that. This was 15 years ago and the fine was \$100.00. The County didn't come up with this on their own, why reinvent the wheel. They went to someone out there or some outfit came to them and said "here's what we do". The Hospital has it all the time; you have people that come in from New York that the Hospital hires for their corporate system and say "here's what we are going to do". I cannot believe they have not looked at that aspect of it, because that is really what it is about and that is how recycling has ended up with everybody that I have known that has had it where it is mandatory.

Elliott Sheltman discussed the economy and how it affects local residents.

Mayor Peterson, There were three options that each Town were given. One was to say we are not going to participate at all, another was to say we are going to make it mandatory for all of our residents, and the third one was that there would be an opt out feature that would allow every resident to choose not to pay the fee, or to have a barrel to participate in the curbside recycling. It is the opt out that we are currently discussing right now. We have put in revisions for anybody that lives in Town right now if they choose to opt out they can and if they choose to continue to opt out going forward and remain in Leeds, they will be able to. The other thing is there is a hardship provision in there that says "if somebody's financial situation changes and they did not previously opt out, they would be able to opt out." So the objective is certainly not to have it where people would be put under a financial strain. The way that the opt out system works is, people who choose to participate will pay an added fee; it is a monthly fee that will be billed quarterly. Those who choose not to participate will not pay anything for that. Now I have heard your experience with curbside recycling and I can tell you that I lived in the State of New Jersey for over 20 years. Curbside recycling was there right as I arrived. Early on it was not comingled, you had to have individual barrels for everything. Then they went to a comingled model, which I believe was originated out west, here actually. It went for the 20 years that I was there and it had none of the changes that you have described. It did not have the garbage police; it did not have increasing fees associated with it. It just went with a program side by side with trash collection. The concerns I have with the curbside are those who participate need to use common sense. Unfortunately in New Jersey from time to time, it was Town-wide littering day because it was a windy day and people put out loose papers and they traveled in what direction the wind decided to push them. The proposal before Town Council right now is for an opt out proposal that would permit everyone in Town to choose to opt out. A mailing will go to everybody, a special mailing if opt out recycling is approved. An additional mailing will be going out in the form of the normal quarterly trash bills reminding people that if they choose to opt out, they have until the end of October to do so. On a County-wide basis, if there is not a 50% participation rate across all of the communities, they will not proceed with the program. So I do not think it is accurate to say they are enforcing it right now, they are just trying to make it available. The opt out procedure allows each and every resident in the Town to make a decision, with regards to whether or not an individual home is going to be recycling or not.

Elliott Sheltman, is there a fee to opt out.

Mayor Peterson, no there is no fee.

Councilmember Cundick, I have got a few concerns that I would like to address. One is that right now we have the bin system in the Town and we make not a lot, around \$500.00 a year; but people that want to recycle can use that and people who don't, do not have to. I guess what bothers me about the opt out procedure is that it really is not an opt out procedure. It is mandatory; it's a different terminology because eventually everybody is in a mandatory situation. It's a question of time until it is mandatory because property eventually will be sold to somebody else.

Mayor Peterson, somebody outside of Town.

Councilmember Cundick, maybe not in my lifetime, but I would suspect within a few year. If we go with the opt out, it will be mandatory to everybody. What bothers me about that is, I like programs that are voluntary. I like programs that you can say, I want to participate and then if I don't like it, I can stop participating and this doesn't give you that option. Yes you can opt out for yourself right now, but the next person that buys your house, it is not voluntary to him, he has to do it, it is mandatory. Basically if we go with the opt out option, we really should be calling it the second mandatory option. We are delaying the mandatory option going with the opt out because I don't think people fully understand it. It would be a lot different if people had to come up front and say we want to recycle, and then you had to get 50% of the people who came in and said that. But the way it is set up is very administrative convenient for those who don't say anything, they are going to be mandatory to recycle. My suspicion is there are a lot of folks that are clueless as to what is going on. They will wake up one morning and say what happened, we didn't go for this. So, I guess my biggest objection is that it is not truly voluntary across the board. It is voluntary right now, but you can't get out if you get in. One option would be to wait and see what happens with the other Towns and see how this works for a few years. I have a sense that this little community isn't in dire need of recycling right now. I understand New Jersey, I have been there. I understand the big communities because garbage is a big problem. I had a similar experience, my relatives had the same experience as Elliott had in Mesa, Arizona. It wasn't quite that extreme, but they did have the recycling police come around and they did get fined. So I don't know, I have those mixed feelings about it and I guess my biggest view is that it is not truly a voluntary program. I would prefer to see a program where you could say I want to try it or I don't and if I try it that I could quit and we don't have that feature. I was a little perturbed to see that the proposed agreement requires us to pay 10% interest if we were late on paying the Special District whether we collect from the people or not, but yet we are required to pay. If we don't make that payment on time, we pay 10% to the District. I guess it is a small consideration, but it is a little harsh.

Mayor Peterson that does parallel what the situation is with our trash bills, which I am sure is not going to make you feel more comfortable about that. We have to pay a penalty if we fail to pay our trash bill.

Councilmember Cundick, and I don't like that either and the other thing I failed to mention is that we as a Town do not get any extra money to administer this program. We have to administer it with our trash bills. If there is any money that is available on this, it is the District that gets it. As soon as the garbage gets put into the recycle bin, it belongs to the District. The District sells it as recycle material and they get the money, it does not go back to the Town. So we lose our \$500.00 a year here and I don't know where the money goes, it doesn't come back here.

Councilmember Rohr, in section D, 1, this is the section that I talked about two weeks ago when we were looking at this. It looks like our Attorney reworded it a little bit, but I don't like the way the wording is.

Town Council discussed the agreement further and made the following amendments:

- (d) overall residential recycling participation rate: the number of residences or residential units, calculated at the end of each quarter and expressed in a percentage, who participate or are required to ~~participate in and paying~~ pay for curbside residential recycling collection services when compared to the total number of residences or residential units in all municipalities that have elected to participate in the curbside residential recycling collection program.

Add the following section to the agreement:

- 10. As of December 31, 2020, this program will be subject to review and possible cancellation.

Mayor Peterson, with those two changes, could I have a motion to approve Ordinance 2015-07as amended.

Councilmember Rohr, I so move.

Councilmember Allen asked Mayor Peterson to go over the proposed amendments.

Mayor Peterson, read the following amendments:

In item 1, (d) eliminate the words ~~participate in and paying~~ and add pay, so it now will read: who participate or are required to pay for curbside residential recycling collection services and add item 10 as follows:

- 10. As of December 31, 2020, this program will be subject to review and possible cancellation.

2nd by Councilmember Allen. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK		x		
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: JOE ALLEN	x			
COUNCILMEMBER: NATE BLAKE		x		

- d. Discussion and possible action on Resolution 2015-07, establishing Curbside Residential Recycling Collection Service Agreements.

Mayor Peterson, what this consist of is an agreement between Washington County Special Service District No. 1 and Dixie Waste and then a second contract between the Town of Leeds and the Special Service District No. 1., where they are going to be providing the services to us. The item that I mentioned earlier about the lien is actually contained in the Resolution and it is the ability of the Special Services District to place a lien on a property that fails to pay the Town of Leeds for recycling services.

Councilmember Blake, that just puts the burden of collection on the Waste Management.

Mayor Peterson, no, actually they will put the lien in on our behalf because we pay the County and we collect from our residents. What this is saying is, if a resident does not pay their bill, the Special Services District will assist us by placing a lien on the property.

Councilmember Cundick, the Service District will have their money. It is not a question of if the

Service District will have their money; we will pay the Service District. It just allows them to lien to help the Town recoup the money that we would be losing if we couldn't collect it otherwise. I don't think it will be a problem.  
Town Council discussed the Resolution further.

Mayor Peterson asked for a motion to approve Resolution 2015-07 approving a curbside residential recycling collection service agreement between Washington County Special Service District No. 1 and Dixie Waste Services and approving and authorizing the execution of an agreement for curbside recycling collection services between Washington County Special Service District No. 1 and the Town of Leeds.  
Councilmember Allen, I so move. 2nd by Mayor Peterson.

Councilmember Rohr and the Mayor discussed what agreement was being approved.

Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK		x		
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: JOE ALLEN	x			
COUNCILMEMBER: NATE BLAKE		x		

9. Discussion Items:

- a. Washington County Resource Management Plan – Celeste Maloy.

Celeste Maloy, I work at the County Attorney's office. It is my job to write a Resource Management Plan for Washington County. Right now, the Federal Agency's write a Resource Plan and their Resource Management Plan becomes their governing document for 20 to 30 years until they write a new one. They are required by law to get input from the public and how it usually happens is, they write a Resource Management Plan then they open it up for comment and the County and the Cities local governments come in and say what they do not like and try to get it changed. This last Legislative session, the State of Utah passed a law that required all Counties to write their own Resource Plan so when Counties are dealing with Federal Agencies of the State, they can come in with a plan right up front and say "this is what we want" instead of being retroactive on the back end and saying "we don't like what you are doing". In order to not make this a St. George plan and a County plan, I am trying to get out to all of the Cities and Towns in the County to get input on what you think is important. As you can see I am dealing with 27 resources that I have to consider. I do not expect for you to give input on all 27 of those resources but any of them that matter to you in a particular way, if you could just write them down or email them to me.

Celeste discussed it further.

Mayor Peterson summarized the Resource Management Plan. It is centered on 3 core resources, energy, air and water and contain detailed plans regarding, mining, land use, livestock and grazing, irrigation, agriculture, fire management, noxious weeds, forest management, water rights, ditches and canals, water quality and hydrology, flood plains and rivers terraces, wetlands, riparian areas, predator control, wildlife, fisheries, recreation and

tourism, energy resources, mineral resources, cultural, historical, geological, and paleontological resources, wilderness, wild and scenic rivers, threatened, endangered, and sensitive species, land access, law enforcement and economic considerations. Mayor Peterson asked Celeste what is the time table is for input?

Celeste Maloy, I would like input by November.

Councilmembers and Celeste discussed the plan further and Celeste highlighted some of the following concerns with the Federal Government Resource Management Plan:

#### BULLETPPOINT CONCERNS ON SGFO DRAFT RMP FOR THE BEAVER DAM WASH AND RED CLIFFS NCA'S

1. Collaboration and cooperation (with state, county, and local governments) language was pervasive in old plan, but that language is gone in alternatives B, C, & D. Lack of cooperation is troubling.
2. The Northern Corridor Road is not shown in the Preferred Alternative B. Northern Corridor is required by OPLMA and needed for county growth.
3. BLM proposes 3 new ACEC's. The county has 8 existing ACEC's. Just adds another layer of unneeded protection.
4. A new area (87,000 acres) of protection is proposed in Alternative B called the Bull Mountains Multi Species Management Area. Nobody even knows what that extra layer of protection even means.
5. A new area or corridor called the Old Spanish Trail Corridor (12,506 acres) is proposed in Alternatives B C & D. This corridor could possibly restrict and impede ROW priorities on Old Highway 91 along with other road corridors?
6. In both the Beaver Dam and Red Cliffs NCA's BLM is proposing to:
  - a. Make grazing unavailable on some allotments over the life of the RMP. (The Taylor grazing Act does not allow closing allotments to grazing.)
  - b. Impose a 40% utilization level (arbitrary figure, not based on science)
  - c. Reduce permitted grazing in the NCA's by using a 20 year average of actual use. (Not scientific, harmful to grazers who are good stewards)
7. BLM plans to obtain all water rights in the NCAs (surface, groundwater, and point source) and prohibit water from leaving the NCAs. This would affect municipal water supplies.
8. BLM is proposing to use the new designation of Special Recreation Management Area (SRMA). The better alternative is leaving the area as an Extensive Recreation Management Area (ERMA) with the upper and lower zone concept to protect the Desert Tortoise.
9. BLM needs to delete entire section on page 255 dealing with Wilderness Characteristics! The lands bill OPLMA P.L. 111.11 specifically states that all land in Washington County has been adequately studied for wilderness designation. All WSA lands were released and no longer subject to section 603 9c for FLPMA!
10. Introduction of California Condors is proposed. Any condor population in the NCAs would be under full ESA protection.
11. Recreational uses eliminated in Draft RMP: (low impact uses, currently allowed)
  - a. Collection of fossils and petrified wood
  - b. Competitive equestrian and motorized events
  - c. Metal detecting and geocaching
  - d. \* Dispersed camping and OHV use allowed, but further restricted
12. Activities unnecessarily restricted in the future: (could be easily managed through permitting rather than completely eliminated)

- a. Closing grazing allotments
- b. No new ROWs (right of way)
- c. Only native seed planting — even after fires
- d. No wildland fire as a management tool
- e. Restrictions on off road travel around Hildale

Town Council and Celeste discussed it further.

- b. Repealing Ordinance 2005-09, Public Safety Impact Fee.

Mayor Peterson, there are 3 other discussion items that are related. They are included in the packets but we are not going to be taking any action on them tonight. The one I would like to walk you through a bit that I see changes that would need to be made is Ordinance 2007-06.

- c. Amendments to Ordinance 2007-06, Leeds Impact Fee Administration System

Mayor Peterson, what we need to do is eliminate on page 6, the Public Safety Impact fee because we would no longer be collecting that. There is also a sewer impact fee that I believe would be appropriate to eliminate from this document. There is a culinary water impact fee but there are statements within that because we are the water manager for the Town that I believe we need to leave that in; however, people might want to read that section carefully. I spoke to Gary Kuhlmann the Town Attorney about it and he indicated you can list dozens and dozens of fees and not collect them. I don't see the purpose of doing that, I think we should have it trimmed down to what is a real possibility in Town, as opposed to the others that may have been adopted from St. George or somewhere else that doesn't really fit our character here. If people would read that, I think at our next meeting we can take action.

- d. Amendments to Ordinance 2009-21, Consolidated Fee Schedule

Mayor Peterson, the Consolidated Fee Schedule is something that will need to be updated and as a result we would need to eliminate the Public Safety fee.

10. Citizen Comments: None.

#### 11. Staff Reports:

Councilmember Cundick, I think we need to advise the citizens here on what we have done, as far as the recycling. I am not clear on the process for those who want to opt out.

Mayor Peterson, there is a document that the Special Service District prepared that explains what gets recycled and what does not and how the program works. I drafted a letter in the event that we did pass something this evening that will go out Thursday or Monday. We will also send out something in our trash bills. People can opt out by phoning, mailing in or dropping off the request. Then we as a Town will be confirming that to them.

Mayor Peterson, I have heard back from Ensign Engineering, they are willing to do a price estimate for the work that would be required that we could submit the request to UDOT. The estimate is \$450.00.

Mayor Peterson, there may be some tents in the Park tonight. We were asked by Chief Lewis if the Fire Fighters could stay that are coming off the mountain.

Mayor Peterson discussed it further.

12. Adjournment:

Councilmember Cundick adjourned the meeting.

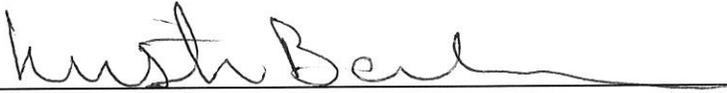
Time: 8:27pm.

APPROVED ON THIS 23<sup>rd</sup> DAY OF September, 2015



\_\_\_\_\_  
Mayor, Wayne Peterson

ATTEST:



\_\_\_\_\_  
Kristi Barker, Deputy Clerk/Recorder