Town of Leeds

Town Council CLOSED Meeting Minutes

November 18, 2015

1. Call to order:
   Mayor Peterson called to order the "Closed" meeting of the Leeds Town Council at 5:39pm on November 18, 2015 at Leeds Town Hall, 218 North Main.

ROLL CALL:

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

Also in attendance: Elliott Sheltman, Robert Goldsberry, Gary Kuhlmann, Jody Burnett and Kristi Barker.

2. Purpose of the closed meeting was to discuss impending litigation and related matters as allowed by Utah state Law 52-4-205(1)(c)

   Councilmember Cundick arrived to the meeting at 6:25pm.

3. Adjournment:
   Mayor Peterson adjourned the meeting with the intent of reconvening the Public meeting after a motion by Councilmember Rohr and 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

Time: 7:03pm

APPROVED ON THIS 9th DAY OF December, 2015

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Town Council Meeting
November 18, 2015

1. Call to order:
   Mayor Peterson called to order the regular meeting of the Leeds Town Council at 5:38pm on November 18, 2015, at Leeds Town Hall, 218 N Main.
   A motion to close the public meeting and move into a "Closed" meeting to discuss litigation; as allowed by Utah state Law 52-4-205(1)(c) was made by Councilmember Allen, with a 2nd by Councilmember Rohr. 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

The closed meeting began at 5:39pm and went until 7:03pm. The public meeting reconvened at 7:05pm.

ROLL CALL:

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

2. Pledge of Allegiance by Councilmember Allen.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:
   Councilmember Cundick moved to approve tonight's agenda and meeting minutes of October 28, 2015. 2nd by Councilmember Rohr. 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

5. Citizen Comments: None

6. Announcements:
   a. Biennial trash rate change to $12.80 monthly and $38.40 quarterly
      Mayor Peterson indicated the trash billing will increase January 1, 2016 to $12.80 a month, $38.40 a quarter.
      Town Council discussed the Recycling Program.

      Mayor Peterson, dumpster days will be held this Friday, Saturday and Sunday at the park behind the Peach Pit pavilion.

   b. Mayors Walk, 9:00am Saturday, November 21
      Mayor Peterson, the Mayor's Walk is Saturday, November 21 and will begin at Bonanza Flat Road by the old Protestant Cemetery and end at the Museum.

7. Public Hearings:

8. Action Items:
   a. Ordinance 2015-10, 2016 Meeting Schedule
      Mayor Peterson discussed the 2016 Meeting Schedule.

      Mayor Peterson asked for a motion to approve Ordinance 2015-10, 2016 Meeting Schedule.
      Councilmember Cundick, I so move. 2nd by Councilmember Allen.
      Councilmember Rohr, is Town Hall going to be closed the week between Christmas and New Year's?
      Mayor Peterson, I don't believe we have closed for the entire week before. We have done things like abbreviate hours on the day before a Holiday; for example, I was thinking of closing the office at 1:00pm on Wednesday, November 23rd in advance of the Thanksgiving Holiday.
      Councilmember Rohr, the reason I asked was because in past years they shut it down for 2 weeks. If that was going to be the case, it should be noted here; but since we are only doing a 3 day schedule, I think it is fine.
      All voted "Aye". 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. Independent Contractor Agreement for Town Planner
      Mayor Peterson, it is the same document that was used when we first started doing work with Bob Nicholson as our Contract Town Planner. The one thing that is changing in it is the rate. There has not been a rate increase since the original one began in 2011, at which time the rate was $40.00 per hour. If you look at page 2, item 6, what Bob has requested is an increase of rate to $60.00 per hour. During my time on Town Council and as Mayor, I have found that Bob

is very efficient with the work that he does and turns out documents in fractions of an hour. As a result, he is generating a very small amount of billings to the Town doing all the work that we are asking him to do as the Town Planner. While that is a significant rate increase in percentage terms by any measure, I don't know of any direction I could look to try to come up with somebody who is as capable as Bob and in a more cost efficient manner.
Councilmember Rohr, is that equivalent in other communities that might not have a permanent Town Planner?
Mayor Peterson that is the rate he has been charging other communities where he works on the same basis as a Contracted Town Planner.
Councilmember Rohr, is there a term?
Mayor Peterson, it is a one year renewable for a year and it is effective December 1st; therefore, we will put it on the calendar every December 1st to renew the contract.

Mayor Peterson asked for a motion to approve the Independent Contractor Agreement for the Town Planner.
Councilmember Allen, I so move. 2nd by Councilmember Cundick.

Councilmember Rohr, I was wondering about item 12. Are we indemnifying him as a Contractor if he does use town equipment, not that he ever has?
Mayor Peterson, it specifically says "contactor shall indemnify and hold harmless the Town and its officers". So we are not incurring any risk with him doing that.

All voted "Aye". 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. Approval of minutes of Board of Municipal Canvassers from Canvass on November 10, 2015
Mayor Peterson, this issue came up and I spoke to Gary Kuhlmann about it. The interesting thing is that in Leeds, we had an election 4 years ago and it is possible that we could go an extended period of time without having another election and if you don't have an election, you don't have a Canvass. It would have not been unrealistic to envision having a group looking at the minutes from the previous Canvass that had no parties involved in it. What was recommended was to have the Town Council, who acts as the Board of Municipal Canvassers, approve the minutes here as part of the Town Council meeting so that we have reflected the fact that those minutes accurately reflect the Canvass that took place on November 10.
Councilmember Rohr, to clarify what you just said, we are doing this in case 4 years from now no one at the County is still around that did the canvassing.
Mayor Peterson, we are the canvassers, so if nobody from the Town Council is still on Town Council 6 years down the road and you have a Canvass meeting that minutes had not previously been approved, you would have nobody there who might have knowledge of the

meeting. The idea behind it is to get accurate minutes in place, so that we are able to refer back to the Town Council Meeting of this evening and say that the minutes were reviewed.
Councilmember Rohr, so we are approving the minutes?
Mayor Peterson, right.

Mayor Peterson asked for a motion to approve the minutes of the Board of Municipal Canvassers from Canvass on November 10, 2015.
Councilmember Cundick, I so move. 2nd by Councilmember Rohr. 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. Quarterly Financial reports
   Mayor Peterson, the top half of the report shows the revenue. We have gone three months out of the year because our fiscal year starts July 1. You can see the revenue is running below, if we are at 25%, we would be over $125,000; we are only at $105,000. That is not an area of concern, as I suspect all of us are probably aware that November 30th is the due date for real-estate taxes and as a result, very little of that money flows in during the first fiscal quarter. It will start to flow in during the second and third quarters. Expenses have some similar attributes with regards to some of the items; for an example, usually air conditioning is more of an issue than heat. We are currently running where our budget expenses would be $130,000 per quarter. We are at $87,000 for these three months ending September 30. Currently our revenues are exceeding our expenses in the first quarter by $18,000. We had budgeted an equal amount of revenue and expense; so relative to what our budget was, we are running very comfortably through the first quarter.
   Councilmember Rohr, is the revenue for the 3 months percentage wise equivalent to previous years at this time?
   Mayor Peterson, we don't have the specifics here; however, I recall from the first quarter of last year, it was a similar type of situation. The first thing that I always look at is percentages and I recall thinking the same thing about real estate tax bills due November 30th.
   Bob Goldsberry, where we had the $18,000 on the positive side, last year it was about $2,200.
   Mayor Peterson, so our expenses are probably running even further behind this year then last.
   Councilmember Rohr, does this include salaries in our expenses?
   Mayor Peterson, they are allocated to different areas. This is how the State of Utah categorizes things. General Government is where our office is operated. Antonio works part time in highways and streets and part time in parks and public works, so his numbers are across those two.

   b. Update on Water Rights for Silver Pointe Estates
   Mayor Peterson, when we had last discussed this, there was a plat that was ready to record except for a need to work out with LDWA some questions that they had with regards to the

water rights. Silver Pointe Estates has been discussing the situation with LDWA. It has not yet been finalized but they have been making progress towards it and believe through providing a warranty deed from the developer, that the concern over the water will be resolved to the satisfaction of all the parties. What we will be looking to do is record the plat, however, that will not be done until that agreement is finalized between LDWA and Silver Pointe Estates. What we do want to do before that is have our Attorney Gary and Sunrise Engineering review it and we want to make sure that the plat is ready so that once this final issue is resolved, it can be recorded following our December meeting. Once it is finalized, the Town will collect the necessary signatures on the plat with the exception of the Town Council (Mayor's) signature. That will be signed once the Town Council Meeting is held and approval is there on the final condition.

10. Citizen Comments: None.

11. Staff Reports:

Councilmember Rohr, with streets, they have been out in the last few days doing the crack sealing that needed to be done in cold weather. Has anybody had any complaints about what has been done so far?
No Town Council members received any complaints.
Mayor Peterson, we did have further damage on Canyon Creek by the wing walls. The culvert itself is still structurally sound; however, one end of it that is probably about 8 feet wide of concrete and about 6 feet high has some erosion where there is back wash underneath that. I have got an estimate from Carl Rasmussen, which I will be bringing to Town Council for what it would cost for him to do the Engineering work to address that. Carl was called by Darren Cottam to look at the situation relative to the warranty work that was previously done. The previous work that was done was the installation of rip rap. There is a belief from Carl's view, given how much the rip rap moved, that we would need larger rip rap there and we should be relocating the smaller rip rap to some other areas. It will be something that I will be bringing forward, but I did want to ask the Council because it is going to be between $3,000 to $4,000 dollars for engineering services. It is a professional service that we are not obligated to competitive bid, but what are people's views with regards to that on this particular instance.
Councilmember Rohr, so the $3,000 to $4,000 dollars would be for the Engineering work on the erosion at the culvert, as well as, the rip rap along the edge of the road?
Mayor Peterson yes.
Councilmember Rohr, is there any other areas that were of concern that were undermined significantly, or is that the only one that was noted?
Mayor Peterson that was the only one that was of concern that has been noticed. Carl did mention that he would pull together a list of suggestions where we could have our public works, Antonio, do some work to help maintain the edges of the roads where there is some damage.
Town Council discussed the erosion on the West side of Main Streets.
Mayor Peterson indicated UDOT came out and cleaned out the old irrigation ditch that leads into a retention pond to help alleviate water on the North end of Main Street on the west side.
Town Council discussed it further.

Councilmember Rohr, did we take care of Arbor Day?
Mayor Peterson, no Arbor Day is going to be in December once again, but we will do that to maintain our Tree City USA standings.

12. Adjournment:
    Councilmember Cundick adjourned the meeting.
    Time: 7:32pm.

APPROVED ON THIS 9th DAY OF December, 2015

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Deputy Clerk/Recorder