

Town of Leeds

Town Council Meeting for Wednesday, December 12, 2018

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, December 12, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: ALAN ROBERTS	x	
COUNCILMEMBER: DANIELLE STIRLING	x	
COUNCILMEMBER: ELLIOTT SHELTMAN	x	
COUNCILMEMBER: NATE BLAKE		x

2. Pledge of Allegiance by Councilmember Stirling.

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Roberts moved to approve tonight's agenda and meeting minutes of Wednesday, November 14, 2018. 2nd by Councilmember Shelton. 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: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

5. Citizen Comments: None

6. Announcements: None

7. Public Hearings: None

8. Action Items: None

9. Discussion Items:

a. Retaining wall to be installed with curb & gutter project

Mayor Peterson said the last time we met we agreed to a retaining wall being installed and requested Councilmember Roberts to review it with the construction company to make sure it will be of an acceptable material . He asked councilmember Roberts to summarize the actual use of the block.

Councilmember Roberts said the contractor's proposal was a little misleading as to what materials they were going to use. The material that the contractor is using is a landscaping block that physically locks together. The maximum height in a couple of spots is around 38 inches, not extremely high. The number of blocks approved was a maximum amount. He is not sure how many were actually used. He said contractor will probably charge the estimate amount.

Mayor Peterson said one thing that has come up is that one of the property owners has requested that a ramp or stairs be put in to connect their property down to the sidewalk. He spoke with the engineers about this and they said this is not a given for this type of project. The contractor said if something was existing there, they would look into it. There is a drop off and they do have a bit of a fence and gate there, but not 100% continuous. From an engineering standpoint, they would not say it is a customary practice to go ahead and provide that kind of access. What I would be inclined to do, if Council is in agreement, is to let the homeowner know if they are willing to pay the incremental cost to have steps or a ramp put in by the contractor who is doing the work right now so that we would be comfortable with the quality and materials being used, we would allow for the modification of that wall to provide an access down. But if they are not interested in doing this, I think we would do well to complete that wall. He said if you leave a wall with a gap for future stairs or ramp, you are basically building a funnel for any kind of water that might be approaching and you would be creating a bit of a run off issue down to the sidewalk if we leave it unfinished for a period of time. He asked for comments on this prospective response.

Councilmember Roberts said originally there was not a walkway there. Therefore, it is not something we need establish or re-establish. What sits on the back side of the retaining wall belongs to the property owner. They can do anything they want there, but if they encroach upon the walk, they would have to be in accordance with our construction specifications. If they want to foot the bill, and if they use the same contractor, either now or in the future, that cost would be on them and the wall would have to be according to our construction and design.

Mayor Peterson asked if everyone is okay with this approach.

Councilmember Sheltman said he is a little confused. He asked is it a ramp that goes through where the wall is. Is there an opening that can be reached by water?

Mayor Peterson said that is what they would like. He said it could be stairs or a ramp that would provide access to the sidewalk. Like Councilmember Roberts said, right now the wall is at a maximum height of about 38 inches. What they have right now is a retaining wall that is a little over 3 feet right at the edge of their property.

Councilmember Sheltman said as long as it does not affect or compromise the wall or cause any problems with drainage, he would not have a problem with it if they are willing to cover the cost.

Councilmember Stirling asked if this was supposed to lead to their front door.

Mayor Peterson said this is the argument being put forward, but he knows from a standpoint of access, what we require is not a walkway to the house but a driveway entrance to the home. We do not require a walkway. He said we have many, many homes that have only driveway access. They do not have road access from any kind of walkway.

Councilmember Stirling asked if they used this area that we just walled as an entrance to their home.

b. Main Street storm water update

Mayor Peterson said Karl Rasmussen called earlier and said he needed to be at another meeting, but would be here around 7:15 PM or 7:30 PM. He said he wasn't sure how quickly we would get to this point, but if we could move ahead and do Item 9c and then revert back to Item 9b. He asked if everyone approves. All said okay.

c. Short-term rental ordinance

Mayor Peterson said the attorney and prosecutor have confirmed that there is a lot of variable cost associated with it. However, we could, from an enforcement standpoint, meet all of the requirements with regard to serving proper notice if there was a violation, filing in the courts and following through with prosecution. He said they were concerned about being able to do this, but we are aware that we need to do it whether or not we have an ordinance that allows it or not. Mayor Peterson said something else he included in the packets is an article from a Nevada newspaper that our Clerk brought in. The article is about the approach being taken by Las Vegas with regard to short-term rentals. One of the things he found interesting was a short-term rental has to be at least 660 feet from another short-term rental unit. They would need to be spaced out and could not be near each other. This is not from any living unit, but a short-term rental unit. It was their way of saying we do not want a whole block or neighborhood to be involved with this kind of activity. But they do require that there be a presence of the owner so it is more like a bed and breakfast. They also mention that where rooms are rented for less than 30 days, they are to have no more than 3 bedrooms. If it is a larger home, it cannot be rented for less than 30 days. He said the cost of this for us to try to go ahead and allow this is probably very expensive relative to the resources of the Town, and it is not something that would be evenly embraced by the Town. He asked if this is an accurate way to summarize this. He said he does not want to continually say we are going to talk about it if we do not see it will work out on a long-term.

Councilmember Roberts said he found some interesting things in the article that caused him to look at how it would affect the Town. One of the statements says, "Opponents saw the move as ignoring economic benefit." In an attempt to control or manage it, from a municipality standpoint, #1 is to, for the most part, allow people to do what they want to do with their property unless you can show reasons that would be detrimental to the areas that they are in or to the health and safety of the people in the neighborhood or in the community. Depending on what you allow for a short-term rental, and the amount of individuals that could be there at any given time, you could change the dynamic drastically for that particular area.

Mayor Peterson said the final comment being made is to maximize the value of a property. Most people would prefer that their property be open to commercial activity if they so choose. The reason we have a commercial zone is to try to keep residential residential and commercial commercial. And not have it where just anyone can, with the right of their property, open up a business in any setting when their neighbors are there to be in a community type setting with residences yet they end-up in the middle of a commercial type of activity. When people say it decreases the property value, I think there are people who would pay a premium to get commercial property even in a town like Leeds. There is a reason certain portions of communities are zoned residential because that is where people will be living and not affecting the economic activity. And the home business ordinance is much focused towards the idea that we will allow home businesses to operate as long as they do not disrupt the residential character of the neighborhood.

Councilmember Roberts said one thing we need to pay closer attention to is short-term rentals. For example, awhile back Michael Katz and his wife approached the Town before renting a room to an individual. That application came to us under a bed and breakfast. If a resident is renting a room, I will not call it short-term. I will call it long-term. I am not sure what the best terminology is. In most situations, this is where I think you seek government overreach when they are trying to micro manage something in that effect. It would be no different if someone wanting to rent out a home to a family maybe a month at a time. It doesn't change the use of the property because you are talking maybe one individual or maybe two individuals. The owners of the property are still living on the property when renting a room. And he recalls specifically asking Mrs. Katz if she was petitioning for a bed and breakfast. She said yes. But she was not going to offer what is described in our codes that describe a bed and breakfast. We need to realize that there are different things that people are looking at for rentals that are not short-term rentals. For short-term rentals, we need to be very specific on a time frame to consider it as a short-term rental.

Mayor Peterson asked Councilmember Stirling if she had anything she wanted to share.

Councilmember Stirling said she was actually surprised that the article was in the Las Vegas Review Journal and it says that the short-term rentals in the city will be owner occupied. In a sense, what I am understanding is that basically they are saying anyone who wants to do an Air B&B in an actual home, they can go ahead and do that as long as they are 660 feet away someone else. But there are no actual short-term rentals where the owner is not occupying it. She asked if this is correct.

Mayor Peterson said as he reads it, moving forward that will be the case. Currently 85% of the short-term rentals in the Las Vegas market are non-owner occupied and 15% are owner occupied.

Councilmember Stirling said she likes the idea of having it owner occupied because it takes the responsibility off of the town. This way if there is a problem then the owner can deal with it. And if there are bigger problems, they could call the proper authorities.

Mayor Peterson said there is one more consideration with regard to the current environment in the State of Utah. It is regrettable in some cases, things like billboards, the State is starting to look for ways they can just take over the regulating of billboards. He said he is not the first to make this comment, but it is interesting that on the State level Utah complains about federal overreach but then within the State of Utah, they want to start dictating and micromanaging what is done at the municipality level. In order to make sure that we have something on paper that states what our

approach is and the reasons why, I think we may need to go forward and craft something in the way of an ordinance even if it is almost reiterating what our current status quo is, but just to make it clear that we are addressing the issue of Air B&B type of short-term rentals. He said he realizes this is only one kind of company in the business, but I do not want to make that part of the actual documentation for it. But just that we are going to address the idea of short-term rentals heavily driven in an on-line market place.

Councilmember Roberts said this is something that we need to move forward and put something together that would allow individuals who want to do it. Here again, I think we need to be maybe less involved than what a lot of people might be thinking. He said Councilmember Sheltman brought up things within the residence that have potential issues. Looking mostly at the safety and welfare of individuals. That responsibility needs to be on the property owner who wants to do this function. The more the Town is involved, the more cost you will have as a Town and that is where he becomes more concerned about government overreach. We need to make sure that we place the liability where the liability belongs – on the individuals who want to conduct this business. It is no different than home occupation businesses that we allow in the Town. The Town is not taking any liability for those individuals. Whatever they conduct in their home, according to what they presented to the Town, is the same as a short-term rental. If the residence is not up to some type of modern code, the liability needs to be very clear, black and white, and the language we put in the document should state that if the property is not up to code or is deficient in code, if there is any kind of problem, the Town has no liability whatsoever.

Mayor Peterson asked if it would be consistent to say that the way we would be viewing a short-term rental would be to make it clear that it is not just a bed and breakfast. The business of bed and breakfast has been around for many, many years prior to this new phenomenon that has come along in the past 15 or 20 years with these vacation rentals by owner set-up that we specified we would permit short-term rentals as a home business with the same restrictions that you must be present. My recollection is that the application that was referred to earlier, the individual said it was not going to be a bed and breakfast because they were not going to be offering food. If we were to clarify that, indeed there is this category that would also require within the Town of Leeds the physical presence of the property owner. Or, as I understand it, if someone is renting a property on a long-term basis, we could consider them renting out a room, but it has to be someone who has a lease of more than 30 days. A renter of a property is permitted by Town ordinance to operate a home business as long as they conform with all of the requirements for a property owner as well.

Councilmember Roberts said the thing that you could ultimately look at for short-term rentals could turn his house into a motel. If there is nothing to be a little more restrictive, we just placed a motel in a residential neighborhood. He said he could have 25 people show-up at his house every night.

Mayor Peterson said it needs to be defined properly.

Councilmember Roberts said this is going to be problematic.

Mayor Peterson said you are right. Before we get to the conditional use part, we would want to define what is acceptable for this type of rental activity.

Councilmember Sheltman said this will need to be enforced. Companies such as American Homes, Black Rock and others have purchased homes and they have a lot of political power. The good news is they are not here. We can make a decision based on what is best for the community. We do not have big money players here pushing us around. My feeling on this is if the Town is going to allow hotels, this is what they are. I think we need to be responsible for it. And he is concerned about the cost. He does not think the homeowner should be expected to call the Sheriff repeatedly on someone. When you move into a neighborhood, you don't expect to live next to a hotel. This has been going on for about 12 years. When people go on vacation, they turn off their brain. He knows this because everything gets louder. They are on vacation and they are going to have fun. The Air B&B's are short-term hotels and they have been problems including the one we had over on Highlands. There is a lot of noise and lots of toys. I would like to look at the enforcement cost first because I think that is the number that will be a deal breaker. If we cannot protect the people in the Town, and cannot afford to pay for it, then my attitude on this is that it does not happen. I will not vote for it. My other question is can we transfer it over to B&B type of instance? This could be with a lot of restrictions. In my opinion, in about a year this will change as the housing market collapses more and more people will need to make money off of their homes. If we did it as a bed & breakfast, and I'm not sure it will work, but it might be easier to put this one away and say let's do the bed & breakfast which we did put in place, but never really fine-tuned it.

Mayor Peterson said one thing we could do is limit the maximum even with it being a conditional use and I think it would be appropriate to keep it as a conditional use so that any particular instances looked at for the circumstances surrounding that property, but to cap it at perhaps 4 people as the maximum that you could be renting to. Councilmember Roberts was describing a person or two in a room in a house and then converting it to a motel would require more than one or two people in the home and more than one room being utilized for the purposes of that. I think it would be reasonable to cap the number of people even if we say it is a conditional use permit. You need to prove that the conditions are satisfactory to get up to a maximum that we would deem to be appropriate so that it is not a motel in the middle of a rural residential community.

Councilmember Sheltman said it obviously gives us the advantage and ability to go next door and talk to the property owner directly. And the requirement in this particular instance is that you have to be there when you are renting it out. It is required that you are there so they can call you and get ahold of you and that you are not away from the house for more than 10 minutes. If there are any problems, local authorities or the property owner will take care of it. Would this be a direction where we could say okay this is not going to work. But maybe the bed and breakfast will work with restrictions and we go that direction. We need to decide if we want to pursue this one any further.

Mayor Peterson asked if a bed and breakfast needs to require feeding people.

Councilmember Sheltman said he does not know.

Councilmember Roberts said if you call it a bed and breakfast, it would lead you to believe that food will be there. Maybe it does need to be a short-term rental with an understanding that just as the article states, the property owner must be present. I do not know if we want to keep it this tight, but this is a direction we might want to go in. This way, it leaves it up to the individual if they want to provide some sort of food.

Councilmember Sheltman said he stayed in a bed and breakfast once that had cookies and that was it. Technically, if you have it in the morning, it is your breakfast. But I would have the same questions about enforcement because you would have the same problem here with the cost of enforcement. The reason the big towns like this is because it brings in people. And it brings revenue in. We do not have this here. Unfortunately, we cannot defer the cost.

Mayor Peterson asked if it would be acceptable and appropriate at this point if he tries to get something drafted up in the direction we have been talking about in order to be able to reflect some of the thoughts we have had here. We are not looking to open it up significantly. We want to define it and we want it to be generally the initial starting point we have been talking about as owner present in any kind of rental activity. I will work on getting this for one of our meetings in January and we can perhaps pick it up again at that point.

Councilmember Stirling said just to clarify owner present or owner occupied, there is a little difference in owner presence meaning the owner is there when someone checks in. Owner occupied means the home and residence they are in is where they reside and they have people come and stay short-term.

Councilmember Sheltman said he agrees with this. Property owner on record is what he would say.

Councilmember Stirling said or on the lease.

Councilmember Sheltman said there is one more incidence where you have a company, not people.

Mayor Peterson said we should say property owner, or lessee, must be present at all times. I will work on getting something worked up from a legal perspective and have it ready for one of the January meetings and we can take it up then. He asked if there was anything further.

Mayor Peterson said we are ready to move back to Item 9b.

b. Main Street Storm Water Update

Mayor Peterson said we have Karl Rasmussen from Pro Value Engineering with us.

Karl Rasmussen said he thinks we can get the ball rolling in trying to find some funding. He has updated the engineering estimate. There are 2 separate estimates. One is for \$373,175.00 and the other one is for \$224,600.00. We are looking at about \$600,000 to do the proposed storm drain work. He described the proposed work. I would like to get with the Mayor and Council to go over funding. He said UDOT has up to \$500,000 contingency fund similar to the sidewalk program. He said we can find other money for your contribution. We can get on a capital improvement plan with USDA and they would do an amendment to the plan. I will initiate this if you are okay with it. If you want to do this, (1) let's get the funding, (2) develop the plans and get involved with UDOT and (3) put together bid schedules and contract documents and send it out for bid. We can have a contractor do this.

Mayor Peterson said he and Councilmember Sheltman had a meeting with Karl Rasmussen and UDOT much earlier in this process and, as I recall, UDOT offered to cover their percentage of the water. He asked Karl Rasmussen if he has been able to calculate the percentage of the water that would be going through these storm drains as UDOT water vs. Leeds water.

Karl Rasmussen said you are probably looking at an 80/20 UDOT/Leeds. We can try to get \$500,000 from UDOT and another \$100,000 in grant money from somewhere else.

Mayor Peterson said the one concern he has is that the \$500,000 from UDOT is their annual budget for the region.

Karl Rasmussen said this is why he did the estimate in 2 different phases.

Mayor Peterson asked where will the water go at the end of the first.

Karl Rasmussen said we will do the south end first.

Councilmember Roberts asked if the point of release would be down around 400 South.

Karl Rasmussen said yes. He said we need to push to do both.

Mayor Peterson said he was on a call today relative to updating the CIB list. CIB goes through a process of prioritizing the list. They never ask where you are on the list. They ask if you are on the list. It prevents a lot of long meetings and disputes. The list is good until February, 2019, so it would have to be a very immediate project and this is why I did not say I need a number and I did not know how much we would be distributing. I think it is very important that we find out how much percentage wise UDOT is willing to accept on this.

Karl Rasmussen said he would like to propose an 80/20 to see if they will accept it. He said if the Mayor and Council are okay on this, he will call UDOT tomorrow.

Mayor Peterson asked Karl Rasmussen if he will base it on some calculation he can provide. After this, we can go after CIB. CIB has 2-1/2% loan money and it is very available right now, but they want to see a revenue flow associated with the project in order to be able to get paid back. They also have grant money that is a lot more competitive. I want to make sure that we do move forward because with UDOT kind of committing to what percentage of the project they view as to what they can help with and then obviously we are subject to their availability of funds. We would make that appropriately known to CIB. I think it would make sense to try to move forward on that basis of first getting UDOT to indicate a percentage so when we go to CIB we can explain why we need 20% of the cost of the project in the form of a grant. They also usually look for some skin in the game for as little as \$5,000.00 from communities on a \$400,000.00 project. I think this is something we need to factor in and figure we will have to put something towards it. This is the kind of magnitude I would think we could justify to the Town from our resources in order to try to tackle this. The project that has been described here would be almost 2 years' worth of total revenue for the Town if we looked at funding it ourselves. It would mean no lights on here, no heat, no road maintenance and no employees. I think a few thousand is what we should suggest putting up as a Town and then look for a CIB grant to compliment what the UDOT folks could provide and then try to time it out. I think we should be prepared just like with the curbs and gutters. This will need to happen in phases. They will probably provide the UDOT money in 2 bites. It is good that we have it this far along. UDOT seems to have changed their view on it and has accepted a lot more responsibility for the storm water that we have on Main Street which is Hwy. 228. They are starting to view this as a State issue and obviously very helpful.

Mayor Peterson asked if everyone is in agreement with moving forward with UDOT/CIB approach to see if we can get funding for this.

Karl Rasmussen said there is a CDBG block grant and also USDA has some emergency grant money. He said we just need to give them the report and an application and the first to come up with the money is who we use. UDOT already has their contingency fund. The money is there.

Mayor Peterson said he thinks we are okay, and what we would be doing is when an application is ready to be submitted, it would be brought to the Council and we will agree to submit the application.

Karl Rasmussen asked when does Council meet in January.

Mayor Peterson said January 9 & 23.

Karl Rasmussen said to put him on the agenda for January 9.

10. Citizen Comments:

Ron Cundick said we need to make sure we do not allow lessees to operate vacation rentals. A lessee may not have the same commitment as an owner. Not having the responsibility of the owner would be a major hurdle and we need to watch out for this. We need to be very careful to tie these to owners. Also, it can be very difficult to get responses from enforcement. If we go down this road, we need some mechanism to revoke a license quickly for non-compliance. Some tie of the license to complaints.

Alan Cohn said Council made very valid points. When he bought his home he did not expect to be living next to a hotel. He moved into Silver Reef because of the quaint, quiet residential neighborhood and quiet is the key factor. As you know, the house next door is not always quiet. The house was just rented and they played basketball in the middle of the street. The kids were noisy until fairly late at night. He is aware that a letter was sent telling them rentals must stop. He is curious to see if the house is rented over Christmas week. He heard the house was rented to 3 or 4 families during Christmas week. If we do bed and breakfast, and if this seems to be the only way to regulate this, having the owner on-site will make a lot of the issues become non-issues. If you have over 4 people, even with the owner on-site, you are still losing control. With too many people, you have a hotel.

Angela Rohr said she wanted to make a plug for the Health Magazine. She said it is an excellent publication put out by the Health Department with wonderful articles. She talked about several aspects regarding wild land fires. She said if we continue to go with small lots, very tightly occupied land, it will increase the problem of housing being burned and people being endangered if there is not more open land to deal with wild fires. We should bring this idea into future planning. She reiterated the comment made earlier about the kids playing basketball in the street at the vacation rental. The kids were not watching out for cars. She said she thinks about the times when she has seen about 20 ATVs pouring into the community and parking wherever they wanted to. She said just because the Las Vegas article said rentals must be owner occupied does not mean the owner will be there. The owner might leave sometime during the rental. The difference between owner present and owner occupied could be a real issue. And owner is important because if the Town needs to move forward on a legal action, you will not get very far if a renter is renting out the house. It has to be an owner.

Daryl Lewis said he has some thoughts to share. Regarding short-term rental, the Council has the responsibility of guiding our Town into the future, what we will look like and how we will prosper. But there is another responsibility that you have and that is to protect the people here and all of the people who have invested their lives and their money in this community. One of the difficulties in dealing with short-term rentals is that it is all too easy to consider it a business. A business is highly repetitive. It does the same thing over and over again. Short-term rental is repetitive in the sense that it rents to people over and over again, but it is highly diverse in the type of people it rents to. One week it could be a nice old couple on a 75th wedding anniversary, but the very next week it could be 27 fraternity brothers who decide to descend on the Town. Those create vastly different sets of circumstances and they have to be dealt with, and they are difficult to deal with. Short-term rental is a business. It is the only business he can think of outside of a hotel where its product can spread through the entire town. It is mobile, they are adults, they are children, and they are criminals. When you are considering this you have to realize that the point of business is 1 point, 1 house, but it affects immediately 10 houses, maybe more. Secondly, when it comes to the discussion of enforcement and liability, all of these things have to do with an unfortunate incident of some sort and it is generally after the incident has occurred when the authorities are brought in or the liability insurance goes to court. We need to protect people and children in this community from outside problems that are brought in. There is a lot of talk about how long a rental can or cannot be. What is short-term, what is long-term and what is rent versus lease? One way to look at it is turnover. And what do they bring to the Town? All too often when we deal with conditional use permits, or businesses in the Town, there is a fixed address, a fixed product and fixed hours which do not exist with short-term rentals.

Susan Savage said she listens to NPR while driving and wanted to mention they have quite a few programs about different cities and different areas dealing with short-term rentals. The different issues mentioned here tonight have been talked about and it is interesting to hear the different ideas from different communities.

Alan Cohn said he did not know if this is a Town thing, but it is a safety thing. As you go up Silver Reef Rd. where it makes the first turn at the Museum which is a very blind hill, he had to dive into the cacti because a car was zooming down the road. There is a tiny, little sign that says keep right. Maybe we could do something else much larger so it will slow people down. It needs better signage because it is a really dangerous part of the curve. A lot of people walk in the area.

Mayor Peterson asked Alan Cohn to give the exact location and to suggest a sign. He said he will get people who say we need a sign here or there and then others will say please stop blocking the view. There is a balance, but safety is certainly a concern. Some signs age out at a point. He said he would be happy to visit the area and figure out how best to address the specific safety issue.

Angela Rohr said there are several tall plants around Town that really block the view. For safety reasons, she would like to talk to Antonio to see if he can remove some of them or cut them back.

Mayor Peterson said that Antonio tries to tour the Town on a regular basis, but if Angela Rohr could point out the problem plants it would be helpful. Antonio does prune plants from time to time to try to keep things safe.

Angela Rohr said she never felt the issue regarding the lady who wanted to rent a room in her house ended well. It seems to her that if someone wants to rent a bedroom in their house whether for a week or a month, it would not affect anyone else except for the people living in the house. She asked if the lady walked away feeling like she could not do anything. We do not have a rule that actually fits her circumstance.

11. Staff Reports:

Councilmember Roberts said that Washington County Solid Waste District has made a couple of changes that you will see. Republic Waste is taking acquisition of Dixie Waste. The Conservancy Board agreed to allow Republic to continue with the Dixie Waste contract which has 2 years left. Republic will take over on the contract and that was part of the negotiations that was keeping them from solidifying the deal that the District would allow another entity to continue that contract until the end of it. It is no detriment to anyone of the District. Another thing that was discussed was we agreed to enter into an agreement with Organic Energy Solutions. They will do a study on the landfill. It was interesting because their study is on solar power, wind power and using the methane gas that comes off of the landfill. They are willing to do the study, and they assess the cost at \$100,000 which will come out of their pocket. For the recycling portion of it, the District agreed to subsidize Rocky Mountain Recycling for another quarter at \$50 per ton because recycling prices and commodities are down. This time there were 2 people who were not in favor of this. He said the individual representing Rocky Mountain Recycling approached him after the meeting and he asked what is your concern and what can we do to help with whatever your concern is. Keep in mind that we have been subsidizing them over a year, but it was earlier this summer when they were in breach of contract by dropping a performance bond that they refused to renew. This week, they said if you agree to subsidize us we will get the performance bond reinstated. The District said the contract has 2 years left out of 5 and the original performance bond was for \$500,000. They said it is probably reasonable for the bond not to be for that much. They are looking at \$100,000 for the bond. Councilmember Roberts responded to the Rocky Mountain Recycling individual by saying I have a simple word for what you are asking and it is extortion.

Councilmember Sheltman asked if they are recycling everything or is some of it going to the landfill.

Councilmember Roberts said they do not recycle everything. He said there is a fair amount that ends up at the landfill. He said he asked the legal counsel for the District about when the District subsidizes a company do the funds come out of the general fund from Washington County Solid Waste because not everyone is involved in the recycling program. Everyone here had an opportunity to say yes I want to be involved or no I do not. However, 50 cents per month of what you are assessed is collected by the District that is specifically for recycling whether you are involved in it or not. This is the way it was set-up when the County decided we are going to do a recycling program. Everyone is paying a small portion for recycling, but I want a clear understanding of what specific fund the subsidy comes out of. If it comes out of the general fund it is not right for every individual in Washington County to be subsidizing for something they are not involved in.

Mayor Peterson said that the number of people involved in the 150th anniversary celebration has continued to grow. And there is a good amount of enthusiasm building for it. One of the more recent developments was a proposal for some paver stones that could be put around what is hoped to be a Sesquicentennial oak tree that would be planted out front to replace the Siberian Elm that needed to be taken down because it was dead. The pavers would be sold as a fund raiser and we would not need

to order them in advance. We can buy them as requested by people and they could be used in the area where cars should not be going and there would be an additional barrier put up as well. He said he wanted to make sure Town Council was aware and if you have any objections to please let him know. There will be an appeal to residents offering them the opportunity to support the effort. Proceeds will go towards the celebration. We hope to make meals available at a very minimal cost or perhaps no cost to the community on the day of the celebration and, if we are very successful, some fireworks that evening in addition to the July 4th fireworks, not a replacement to July 4th. He asked if Council is comfortable with the fund raising activity by the 150th committee.

Councilmember Roberts said yes.

Councilmember Sheltman asked if something will be put on the pavers.

Mayor Peterson said a name will be engraved on the pavers. They will be very standardized and will not have corporate logos and the like on them.

Mayor Peterson also reported that CIB had a meeting and a new list will be generated in February, 2019. We are still on the list from the current cycle. We have not yet received approval. There has been some back and forth about the General Plan and the Transportation Plan, but we are still a part of the current year list. With regard to this, rank order does not matter in a big way. The big question is are you on the list or not.

Mayor Peterson reported that Hurricane Fire Special Service District recently approved a budget that includes the purchase of a chipper. Chippers are in short supply, but are a tremendous help in prevention and the cost of the chipper is just over \$60,000. There are contracts available already that we have agreed, as a District, to be involved with doing preventative work for other agencies in the area. We will earn back the cost of the chipper and the personnel operating it in less than a year. It will be available to the District to be focusing on our own contribution. As mentioned in Citizen Comments by Angela Rohr, there was a time when if there was a fire that burned into your community from outside of it the State would decide your percentage of the cost for fighting that overall fire, and they would send you a bill for it. Now they have gone to a system that requires you use preventative measures such as chipping dangerous underbrush that could be fuel to a fire and if you do the dollar amount that they say is your fair share then you do not get a bill. The District has historically, since this was instituted 2 years ago, done enough preventative work that the entire District, Leeds included, is covered so we are not subject to that kind of bill being sent to us. This chipper will allow the District to do a lot more of that work in-house at its convenience. Another thing that the District did was that they hired wild land fire fighters on a seasonal basis. They, in turn, will utilize their time to go to some of the fires out in California. The District actually earns a fairly significant profit on this. They earned over \$300,000 from the activity of having these people there. This also provides great training for these fire fighters who are based here in the Hurricane Valley area because they are actually out there doing it. They are not just sitting in a fire station waiting for a wild land fire to take place around us. There are some good things starting to develop from the scale of a fire district that we are now involved with. There were certainly drawbacks and I very much liked the idea when we were able to have Leeds area as its own, but it was the Leeds area fire management that really determined that they could not keep providing the necessary level of service that the State required. I think we are starting to see some benefits with respect to being a part of that District.

Mayor Peterson said there is one more thing to mention to Council, and I hope you support this. I think it is mostly administrative, but I wanted to run it by you. As you are aware, Christmas and New Year's Day are holidays for the Town. This year they fall on a Tuesday. I have noticed other entities in the area are also closing on the Monday. I would not want it to be an ongoing holiday for the Town, but I was thinking it would be a nice thing to do this year to allow for Town Hall to be closed for a 5 day weekend and just have 2 day work weeks during Christmas and New Year's. We have had very few people coming in since Thanksgiving. It has been very slow around here. He asked if anyone objects.

Councilmember Roberts, Councilmember Sheltman and Councilmember Stirling approved closing Town Hall on Christmas Eve and New Year's Eve.

12. Closed Meeting: None

13. Adjournment:

Mayor Peterson adjourned the meeting at 8:23 PM.

APPROVED ON THIS 9th DAY OF January, 2018¹⁹



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder