

# Town of Leeds

## Town Council Meeting for Wednesday, December 11, 2019

### 1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, December 11, 2019 at Leeds Town Hall, 218 N Main.

#### ROLL CALL:

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

### 2. Pledge of Allegiance by Councilmember Sheltman.

### 3. Declaration of Abstentions or Conflicts: None

### 4. Approval of Agenda:

Councilmember Roberts moved to approve tonight's agenda and meeting minutes of November 13, 2019. 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

#### ROLL CALL VOTE:

|                                  | Yea               | Nay               | Abstain           | Absent            |
|----------------------------------|-------------------|-------------------|-------------------|-------------------|
| MAYOR: WAYNE PETERSON            | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: ALAN ROBERTS      | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: DANIELLE STIRLING | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: ELLIOTT SHELTMAN  | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: NATE BLAKE        | <u>          </u> | <u>          </u> | <u>          </u> | <u>x</u>          |

### 5. Citizen Comments: None

### 6. Announcements: None

### 7. Public Hearings: None

### 8. Action Items:

#### a. Discussion and possible action on 2020 Meeting Calendar, Ordinance 2019-02

Mayor Peterson said we discussed this at a previous meeting. I did check and we do have a policy manual for employees that does list the 8 holidays that are observed. As a result, I did include the holiday being observed on the 2<sup>nd</sup> of July. If there is a lot happening as we get closer to that, we could address

that in 2020, but I think it is better to schedule the 8 holidays that we mention in the policy manual. I am going to correct myself and say it is actually 9 that we have. Sorry, I missed the 1<sup>st</sup> of January, there are 10. It is New Year's Day, MLK Day, President's Day, Memorial Day, 4<sup>th</sup> of July, Pioneer Day, Labor Day, Veteran's Day instead of Columbus Day, Thanksgiving and Christmas. Are there any further questions from Council regarding the 2020 Meeting Calendar?

Councilmember Stirling said does the policy actually say we are supposed to have 8 or 10 holidays?

Mayor Peterson said it is 10. I was just misremembering on that.

Councilmember Stirling made a motion to approve the 2020 Meeting Calendar, Ordinance 2019-02. 2<sup>nd</sup> Councilmember Roberts. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

|                                  | Yea           | Nay           | Abstain       | Absent        |
|----------------------------------|---------------|---------------|---------------|---------------|
| MAYOR: WAYNE PETERSON            | <u>x</u>      | <u>      </u> | <u>      </u> | <u>      </u> |
| COUNCILMEMBER: ALAN ROBERTS      | <u>x</u>      | <u>      </u> | <u>      </u> | <u>      </u> |
| COUNCILMEMBER: DANIELLE STIRLING | <u>x</u>      | <u>      </u> | <u>      </u> | <u>      </u> |
| COUNCILMEMBER: ELLIOTT SHELTMAN  | <u>x</u>      | <u>      </u> | <u>      </u> | <u>      </u> |
| COUNCILMEMBER: NATE BLAKE        | <u>      </u> | <u>      </u> | <u>      </u> | <u>x</u>      |

**b. Discussion and possible action on Gross Vehicle Weight Study**

Mayor Peterson said we did receive a proposal from Landmark who handled our testing and engineering on some of the road work we had done a couple of years back. They were referred to us by Sunrise in this case to the inquiry that I made. You authorized me to spend up to \$1,000. Their request for the services that would be provided is \$3,950. I did get back to them and asked if it would be lower if we were not looking for some of the recommendations with regard to ways that it could be upgraded for higher weights. I have not heard back on that, but I am not particularly optimistic that it would dramatically impact as they described the work that they would do. I think their expenses are heavily tied into the core samples they would be taking and the studies they would be doing. This is well beyond the \$1,000 that I was hoping we could accomplish this for. I present this to Town Council to see if this is something we want to proceed with.

Councilmember Roberts said what is it we are really looking for specially on Silver Reef Road?

Mayor Peterson said there has been some trespass on BLM land with some very heavy equipment where they have accessed from Silver Reef Road just beyond the Rice Bank Building on that side of the road. If they were to start mining rocks, they would be bringing large truck loads of rocks down Silver Reef Road off of that BLM property. BLM continues to view them as being in trespass because of the work they are doing on the BLM road, not because they are on the property, but because they are modifying the BLM property. And they are moving forward to the stage of civil complaint would be the next one. They have tried administrative and got nowhere with that. The County has also issued certain orders against their activities on the land that is in the County and they have continued on. Their concern is if they do start getting to the point of bringing rock through, it could be very damaging to Silver Reef Road. That being said, the Sherriff's Department has indicated that while they would issue summonses if it was violating the gross vehicle weight, but it would only be a summons. They would not do anything like impound a

vehicle or prohibit them from completing the trip they were in the midst of doing at the time they were observed.

Councilmember Roberts said so the Sherriff's Department indicated that they would have a portable scale? That they would determine the weight of that vehicle?

Mayor Peterson said I do not know exactly how they determine it. They indicated that they would issue summons if they determined it was in excess. I believe that the way it would generally be phrased is that it would be vehicles with a gross vehicle weight in excess of not necessarily they are loaded to that level, but just that they are capable of carrying that level of tonnage.

Councilmember Roberts said I mentioned earlier when we had a little bit of discussion about this, I would be concerned if I load a 40 ton track hoe on a trailer to take up there to do residential preparation for a house then I am limited on the size of the equipment that I can take up there.

Councilmember Stirling said what is the compliance right now.

Mayor Peterson said there is not weight limit on it so there is no basis to issue any kind of a summons for somebody who exceeds it with the type of vehicle that they have.

Councilmember Roberts said the only reason I bring up something like that is there are areas up there with significant size boulders that would have to be moved with a pretty good size piece of equipment to do that.

Mayor Peterson said one of the concerns that I have is moving vans would quickly become an issue. This is something we could be somewhat tolerate of. I was expecting that we might be able to get something for a far lower cost here. I am not sure spending in excess of 1% of our Town's revenues to be able to post a sign that you correctly identify and would capture certain circumstances that we are not particularly concerned about because they are not frequent and would also not necessarily serve as that great of a deterrent that it is probably not worth spending \$3,950 in order to have this study done.

Councilmember Sheltman said it says on here they will provide recommendations to improve the capacity of roadways and that it could structurally bear mining truck traffic without substantial significant damage. What do we do with that? Is it to show some entity this will cause damage or is it to fix the road so that it could handle the damage?

Mayor Peterson said my initial thought was we were looking to limit that type of activity coming up and down that road. That is why I asked them what it would cost to actually do the study, but not go to that point of suggesting improvements. I also think and I expect that the testing engineers are familiar with the frequency where it is called would the mining entity be willing to pay for a higher quality road, but that is not something we are looking to do. I am definitely not interested in that part of it even though they offered it up.

Councilmember Sheltman said so if we had something that said it could cause substantial road damage would that be helpful as far as moving onto the next step which I am guessing is some kind of a legal thing.

Mayor Peterson said I do not believe we will be able to do anything other than ... Alan has raised the point of asking the Sherriff to enforce what gross vehicle weights are permitted on the road. The Sherriff's Department has indicated if there is repeat offending all they would do is if they were present is to issue a summons. As a result, I do not think it would get us a lot, regrettably, particularly given the behavior that has been shown with regard to the administrative actions taken by the BLM and the willingness to continue on without any kind of modification of behavior. I think that the kind of summons that would be involved is such they could easily factor in the cost of doing business. I do not think it would make it cost prohibitive for them to probably be selling truckloads of the material they would be bringing out if they got caught a certain percentage of the time . I brought it forward because it is something we talked about previously, but it is not something that I do not feel strongly supporting it unless someone else wants to make a motion. I am inclined to just get back and thanks for the proposal, but we have decided not to go ahead with it. If the situation changes, we could obviously revisit it at any point. Is that the general view here?

Councilmember Roberts said I personally do not think it is a good use of that amount of money.

Councilmember Stirling said a prerequisite for legal ramification is if it comes to that is to be able to have something documented that this was the condition before they started. Then we would have something to look back on if they do continue to do it. This is the only thing we would have to show that the weight would be the only thing that could do this. Otherwise, we will not have any basis for saying you did this, and you may need to make have some type of payment to the Town for damages. And I agree the \$3,950 is quite high. If we just had the scope of work to show, more or less, where that road is at this point, it may be beneficial in the long run to have some documentation to show, if they continue, that it was them that may have damaged it.

Councilmember Sheltman said you mean like a full documentation of what it is right now?

Councilmember Stirling said I would think if Landmark could do something where it is not \$4,000, but at least something documented by their testing and engineering firm. If they continue to take that amount of weight all the way down, you are not going to have that road for very much longer. You will have extreme potholes and it will not be cheap to fix it. In a way, I do agree that the \$4,000 is considerably high, but I think if we in the long run are going to have to have legal ramifications of perquisite, we need to have it documented by a testing or engineering firm what it was like before all of this continued.

Mayor Peterson said you raise a good point. If they would provide documentation on the condition of the road in advance there might be a value of that at a future point. I can ask them what it would take to do that. We can bring this back in January just to see what their response is. Presently, there has not been any activity in recent weeks through that part of the project. There still has been activity down on the property and down by the Hidden Valley area, but there has not been any noted coming up by the Rice Bank Building in recent weeks.

Councilmember Stirling said in the interim, we may want to take photo documentation where they are actually coming out on our road, if it is by the Cemetery. The Cemetery Road is going to have a much damage as well as coming down Silver Reef.

Mayor Peterson said I will ask Antonio to do some kind of photo documentation. We can get this done quickly. We can take some photos of both Cemetery Road and also Silver Reef Road just to be able to

show the condition of it in terms of the main lanes of traffic and the edges of the road where they will be entering and exiting the road.

Councilmember Stirling said maybe Landmark could do the same typical evaluation from where they are leaving as off right now. If it is Cemetery Road, we will also need to have that documented. How often are they doing it now? Does anyone know?

Mayor Peterson said I think they are active on the property almost on a daily basis, but they are not removing the heavy rock at this point as I understand it.

Councilmember Stirling said it is on County land? They will have to get permits through the County and not Leeds, correct?

Mayor Peterson said correct. And the County has offered their objections to the activity there, but it has not stopped them from continuing to improve the roadways that are dirt roads right now in order to provide access.

Councilmember Sheltman said if they are coming down Silver Reef Road, will they go down Main Street?

Mayor Peterson said presumably, some of it might go north, but presumably some of it will come down Main Street.

Councilmember Sheltman said have we had any discussion with UDOT to see what they think about it?

Mayor Peterson said I can ask them but in general it is a State highway that they built for very high specifications. But I will ask UDOT about it. I am expecting they will say that they built that road to handle substantial weight. I will check on it. At this point, it did say discussion, possible action, so I think we should move it forward to January when we will have additional information.

c. Appointment of Representative to Hurricane Valley Fire Special Services District Board, Resolution No. 2019-10

Mayor Peterson said this is something that after a 4-year period the County asks that there be an official appointment of an individual serving as I have done so in the past. At the most recent board meeting, I was elected the Chair for 2020, but I am asking for Council's support and approval of Resolution 2019-10 which is a resolution that appoints me as the representative of Leeds to the Hurricane Valley Fire Special Services District. If there are no questions with respect to it, I would entertain a motion to approve Resolution 2019-10 approving the appointment of a representative to serve on the Board of Hurricane Valley Fire Special Services District.

Councilmember Roberts made a motion to approve Resolution 2019-10, appointment of Mayor Peterson as a representative to Hurricane Valley Fire Special Services Board.

Councilmember Stirling said I have a question. At the very end it says or until such time that a successor has been designated and appointed. Are you going to be the designated person in this resolution?

Mayor Peterson said it does list me there and it is just language that says the Council has the ability in the future to designate someone different, and if they did so, that would end the term or appointment.

Councilmember Stirling said okay. I understand.

2<sup>nd</sup> by Councilmember Stirling. Motion passed in a Roll Call Vote.

| ROLL CALL VOTE:                  | Yea               | Nay               | Abstain           | Absent            |
|----------------------------------|-------------------|-------------------|-------------------|-------------------|
| MAYOR: WAYNE PETERSON            | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: ALAN ROBERTS      | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: DANIELLE STIRLING | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: ELLIOTT SHELTMAN  | <u>x</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| COUNCILMEMBER: NATE BLAKE        | <u>          </u> | <u>          </u> | <u>          </u> | <u>x</u>          |

9. Discussion Items:

Mayor Peterson said I do not have any this evening. We are still waiting to hear back to the success from the County as to what approach they will be taking in regard to their enforcement efforts.

10. Citizen Comments:

Mayor Peterson said before we start citizen comments, I would like to acknowledge this being the final meeting 2019. It is the final meeting for 2 of our Councilmembers – Elliott Sheltman and Nate Blake. On behalf of the Town, I would like to thank both of them for their willingness to serve. It is something that the Town needs. Something, I think, to the benefit of the Town, people willing to put their name forward. I appreciate that the citizens had selected them and their willingness to put in the time and effort as Councilmembers. Thank you for that.

Councilmember Stirling said I would like to express my appreciation and dedication to Elliott Sheltman for continually making sure that this Town runs to the best of its ability. Although there has been many, many countless times that people have not been especially kind or forgiving on aspects that he feels very passionate about and I second that passion. I want him to know how much I appreciate what he has done for this Town in aspects that none of us will really realize the strength for years to come. Thank you very, very much.

Lynn Potter said if I may offer some advice on the ground truck problem, they probably have a patented claim up there. Unless you can find where they have not been in compliance with the mining regulations, you will not be able to beat them on that. As for the roads, a lot of the gravel trucks now days have 2 or 3 extra axels on them so they can drive on under rated roads. You probably will not beat them that way either. The easiest way to find out the rating on that road up there is to ask Scott because it was originally a County road. Right? It had to be built to their specs.

Mark Rosenthal said with respect to the discussion on the vehicle weight study, I would point out that photo documentation on the road condition now is an excellent idea. With respect to Cemetery Road, Cemetery Hill Development has been hauling rock that they mined up there, that they were mining for 4-1/2 years, and they are continuing to remove material presently. There is road damage that has already occurred on a County road to the road shoulder that was made known to the County Commissioners. I do

not know what has been done about except that damage continues. The duty rating on some of these side roads may be pretty low. When the subbase gets wet, and heavy equipment runs over it, it causes damage. The term used is alligating. When the pavement starts to break-up, and those little alligator chunks, and when that starts to happen, it does not address. It will continue along. With respect to the weight limit, and I come from the part of the world where this was an annual event, we closed roads because they were light duty or they were mud. Vehicles over a specific weight would not be allowed to go across those roads. The other option, or addition to that, is the permitting process. If someone was putting in a pad or foundation, and getting the concrete truck to come up there, then that could be a permitted process. It identifies it as a single use, or a short duration use for a very heavy piece of equipment.

Lorrie Hunsaker said I am totally confused right now. The week before Thanksgiving, they were out doing a weight study on Main Street and 5 other places in Leeds. Was that you guys? They laid out the lines for 2 full days. The guy said I am supposed to get weight studies at these 6 different places. He said it will show me what type of vehicle, the weight of the vehicle, the speed of the vehicle and how many vehicles. Maybe we could find out who did that.

Mayor Peterson said if I could share, UDOT on all of their roads do periodically do studies and you can actually go online and see the history of not only weight, but also the volume of traffic. And it is interesting in some parts of the County seeing how that has grown over decades with regard to the amount of use. Yes, that is a good point and I will add that to when I speak with UDOT about their views of weight on Main Street.

Kohl Furley with Hurricane Valley Fire District said there were a total of 7 calls for Leeds in November – 1 fire call, 4 transports for medical and 2 refusals. Our wildland team is back from a busy season in California. They have rehabbed and have everything back to normal.

Bill McFarland said on the mining operation, is it on County property?

Mayor Peterson said correct. It is within the County on private property.

Bill McFarland said if they are entering Leeds, they should be required to at least put in an approach to the roadway. They should pave a certain distance in that would help relieve the edge of the road issues. They should be required to put in an approach.

Mayor Peterson said I will pass that on to the County. The unfortunate part is it is not their property that abuts the road. They are trespassing.

Bill McFarland said is that BLM?

Mayor Peterson said yes, but it is also some private property as I understand it that they are rolling over with it. That becomes a civil action for that individual to defend their property against the trespass.

Bill McFarland said you brought up the Cemetery Road.

Mark Rosenthal said the section that has been damaged by the activities at Cemetery Hills Development is actually in the County, but the Cemetery Road is the access of Silver Valley. Heavy truck traffic has been using that road for 4-1/2 or 5 years and the damage presented itself approximately 3 years ago.

Bill McFarland said the Town cannot require them to make repairs like if we video or take pictures and document it?

Mayor Peterson said the challenge is we certainly can approach them about it, but one of the challenges is being able to demonstrate what activity has actually caused what damage. I do not believe it is identical ownership between the 2 properties – Cemetery Hill and the other property that is further out in the County. Having it will certainly be to our benefit and I will look for us to have some photos documenting where it stands as of now. For Cemetery Road, I am sure there will be arguments made that it is the other guy who did the damage. I have received some emails and videos from people. It is valuable to collect these because at some future point it may prove very useful.

11. Staff Reports:

Mayor Peterson said I just had a DTAC meeting and it has gotten quiet with the weather. They just re-emphasized, for those who are not 100% thrilled with how things went on at Exit 16 area construction, it was pretty unanimous if you are unhappy with it so was everyone else in the transportation meeting. They say they learned a lot from that.

12. Closed Meeting: None

13. Adjournment:

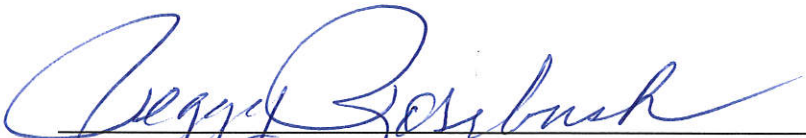
Meeting was adjourned at 7:33 PM.

APPROVED ON THIS 15<sup>th</sup> DAY OF January, 201~~9~~20



Mayor, Wayne Peterson

ATTEST:

  
Peggy Rosebush, Clerk/Recorder