Town of Leeds

Town Council Meeting for
December 11, 2013

1. Call to order:
   Angela Rohr, Mayor called to order the regular meeting of the Leeds Town Council at 6:09pm on December 11, 2013, 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 Wayne Peterson, with a 2nd by Joe Allen. All voted "Aye". Motion passed.
   The closed meeting began at 6:09pm and went until 6:43pm. The public meeting reconvened at 7:04pm.
2. Roll Call:

ROLL CALL:

	Present	Absent
MAYOR: ANGELA ROHR	x	
COUNCILMAN: FRANK LOJKO	x	
COUNCILMAN: WAYNE PETERSON	x	
COUNCILMAN: JOE ALLEN	x	
COUNCILMAN: NATE BLAKE		x

3. Pledge of Allegiance by Joe Allen.
4. Declaration of Abstentions or Conflicts: None.
5. Approval of Agenda:
   Joe Allen moved to approve tonight's agenda and meeting minutes of November 13, 2013 and Work Meeting minutes of November 6, 2013. 2nd by Frank Lojko. All voted "Aye". Motion Passed.
6. Announcements:
   Angela indicated Dumpster Days are this Friday and Saturday.
7. Public Hearings: None.
8. Action Items:
   a. Ordinance 2013-04 regarding the 2014 Town Meeting Schedule.
      Angela discussed the Ordinance. Wayne Peterson indicated that he learned at the Utah League of City and Towns (ULCT) training session that State law requires Town Councils to meet at least one a month, so we are at the minimum in November and December.
      Joe Allen made a motion to approve Ordinance 2013-04, 2014 Town meeting schedule. 2nd by Frank Lojko. All voted "Aye" Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: ANGELA ROHR	x			
COUNCILMAN: FRANK LOJKO	x			
COUNCILMAN: WAYNE PETERSON	x			
COUNCILMAN: JOE ALLEN	x			
COUNCILMAN: NATE BLAKE				x

b. Resolution 2013-08, Legal Service Agreement with Gary G Kuhlmann.
Angela presented the Resolution. Joe Allen asked if we are under any other legal contract. Wayne Peterson indicated no, Heath Snow resigned last month. Wayne commented that he has enjoyed working with Gary on the Grapevine Agreement and looks forward to working with him in the future.
Wayne Peterson made a motion to approve Resolution 2013-08 Legal Service Agreement with Gary G. Kuhlmann. 2nd by Frank Lojko. All voted "Aye". Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: ANGELA ROHR	x			
COUNCILMAN: FRANK LOJKO	x			
COUNCILMAN: WAYNE PETERSON	x			
COUNCILMAN: JOE ALLEN	x			
COUNCILMAN: NATE BLAKE				x

9. Discussion Items:
   a. Erin Lytle on Emergency Operation Plan. Cancelled
   b. Discussion on New Ordinance/Amendments, Yard Sale, Excavation/Blasting, Consolidated Fee Schedule.
      1. Yard Sale Ordinance
         Frank Lojko indicated the problem is that people are operating a business as a yard sale. His suggestion is to limit the number of yard sales allowed per year. Council further discussed and it was decided that Wayne Peterson would work on drafting the Ordinance.
      2. Excavation/Blasting
         Frank Lojko indicated we need to have an Ordinance to notify the citizens when blasting will be taking place. Angela talked to neighbors last time there was blasting and was criticized for notifying them. Wayne Peterson stated that excavation is a little different than blasting. There will need to be a separate Ordinance for each item.
      3. Consolidated Fee Schedule
         Angela indicated the Fee schedule is 4 years old and needs to be reviewed. Impact fees, solid waste fees and the price of asphalt have all increased. Joe Allen, said that while Ordinances are being modified he would like to see chickens allowed within Town limits.

   Wayne Peterson will work on drafting Ordinances and asked the Clerk to look into neighboring Towns' fees.
   Frank Lojko would like to see penalties for late business license applications. Council members discussed residential lot drainage that will also need to be addressed.
   c. Roads and UDOT Update.
   Frank Lojko presented a diagram and gave an update on the design of speed humps. Initially the contractor put in speed bumps, not humps. He met with an engineer at the sight who reviewed the humps and they still do not meet the diagram standards. Council members will need to follow up with the contractor to fix the problem. Oil still needs to be put on the top of the roads and the Town should be hearing from UDOT on the Main Street project. Angela asked Frank to follow up with the inspections of the roads once they are complete.
   Angela discussed impact fees the Town had received from citizens for curb and gutter that has not been used and will need to be refunded.

d. Code Violations. Cancelled
e. Legal opinion of ULCT on LDWA Water Tank.
Frank presented the following letter to Council

December 11, 2013

Town of Leeds, City Employees and
Members of Town of Leeds Council
Leeds Town Hall
218 North Main Street
Leeds, Utah 84746

Dear Town of Leeds, City Employees and Members of Town of Leeds Council:

I hereby officially notify the citizens of the Town of Leeds, the staff of the Town of Leeds and its members of Town Council regarding LDWA's zoning and code violations.
According to David Church, Utah League of Cities and Towns (ULCT) legal counsel for the "league" said the LDWA water tank adjacent to the Silver Reef Road is no longer a water tank (no grandfather clauses or extensions) because its purpose was changed. LDWA modified the water tank by cutting an opening within the tank's sidewall and installing a garage door.

LDWA did not get a city permit to change the use of the water tank for any specific intent or purpose. Therefore, LDWA water tank is non existing and stands as a modified structure which is in violation of codes, ordinances and zoning regulations. It is not the Town Councils or the Town of Leeds responsibility to solve LDWA's code and zoning violations.

Sincerely,

Frank B. Lojko
Town Council member/Mayor Pro-tem

Frank Lojko indicated when LDWA cut into the tank, they could no longer grandfather it in because they changed the use. It is no longer a water tank and it is not the Town's responsibility to solve their problems. Frank also stated that the tank does not meet the setback requirements from the road.
Joe Allen thanked Frank for the work he did on this. Council members further discussed the water tank.
Frank indicated there had been rumors of discussions from Town Council members with LDWA and Planning Commission about the tank on the side which Gary Kuhlmann advised not to do.
Wayne Peterson indicated he was not aware of any discussions with LDWA or any rumors. The last he recalled was LDWA was going to come back to Town Council with what they were thinking of doing and putting something on paper.
Joe Allen is not opposed to the tank; however, it needs to have a zone change.
f. Silver Point Estate Update.
Angela indicated Rick Sant is waiting for the final soil samples to come in and should have the remediation documents complete sometime in January.
Angela Rohr discussed the BLM easement and Silver Point Estates septic system.

10. Citizen Comments:
11. Staff Reports:

    Wayne Peterson attended the newly elected officials training in Cedar City run by the Utah League of Cities and Towns. He found it to be very helpful. There will be more training in April in St George. Wayne then thanked Frank Lojko for his 8 Years of service on the Town Council and Angela Rohr's service as Mayor.
12. Adjournment:

    Frank Lojko moved to adjourn the meeting. 2nd Wayne Peterson. All voted "Aye". Motion Passed. Time: 7:56pm.

APPROVED ON THIS 8th DAY OF January, 2014

Wayne Peterson

Wayne Peterson, Mayor

ATTEST:

Kristi Barker

Kristi Barker, Deputy Clerk/Recorder

Town Council CLOSED Meeting Minutes

December 11, 2013

Call to order:

Angela Rohr, Mayor called to order the closed meeting of the Leeds Town Council at 6:09pm on December 11, 2013 at Leeds Town Hall, 218 North Main.

1. Roll Call:

ROLL CALL:

	Present	Absent
MAYOR: ANGELA ROHR	x	
COUNCILMAN: FRANK LOJKO	x	
COUNCILMAN: WAYNE PETERSON	x	
COUNCILMAN: JOE ALLEN	x	
COUNCILMAN: NATE BLAKE		x

Frank arrived at 6:28pm

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

2. Adjournment:
Angela Rohr, Mayor adjourned the meeting with the intent of reconvening the Public meeting after a motion by Joe Allen and 2nd by Wayne Peterson. All voted "Aye". Motion passed.
Time 6:43 pm.

APPROVED ON THIS 8th DAY OF January, 2014

Wayne Peterson

Wayne Peterson, Mayor

ATTEST:

Kristi Barker

Kristi Barker, Deputy Clerk/Recorder