

PUBLIC NOTICE
TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold their regular meeting on
Wednesday, January 28, 2009, 7:00 p.m.
At Leeds Town Hall, 218 North Main Street
Public is welcome to attend

AGENDA-amended

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Abstentions and Conflicts by Council Members, if any
5. Consent Agenda:
 - Tonight's agenda
 - Minutes of Meetings from December 10, 2008
 - Minutes of Work Meeting on January 14, 2009
 - 2007-2008 Audit Report
 - Financial Report for December
6. Announcements:
 -
7. Citizen Comment: No action may be taken on a matter raised under this agenda item.

PUBLIC HEARING:

8. Preliminary Plat for Silver Pointe Estates – Phase 1

ACTION ITEMS:

9. Consideration & Possible Approval of Preliminary Plat for Silver Pointe Estates Subdivision - Phase I
10. Consideration & Possible Approval of ORD 2009-01 to amend Land-Use Ordinance 2008-04 regarding Home Occupation Applications being approved by Town Planner and/or Staff
11. Consideration & Possible Approval of Ordinance 2009-02, amending Ordinance 2008-08 regarding Business Licenses, and the changes needed because of Conditional Uses being amended.
12. Consideration & Possible Approval of Retail Water Agreement
13. Consideration & Possible Approval of Regional Water Supply Agreement
14. Approval of Funds for Repairs on Police Car
15. Review & decision of the Toquerville annexation request.
16. **EXECUTIVE CLOSED SESSION:**
 - To be held for the purpose of discussion of the character, professional competence, or physical or mental health of an individual and to discuss pending or reasonably imminent litigation as allowed by Utah State Law 52-4-205(1)(a) and (52-4-205)(1)(c).
17. Appointments to Planning Commission.

UPDATES BY CLARK:

ADJOURNMENT

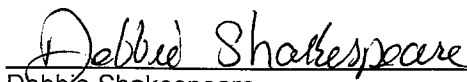
In compliance with the Americans with Disabilities Act, the Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Town Hall at 879-2447 at least 24 hours prior to the meeting.

Certificate of Posting

The undersigned Clerk/Recorder does hereby certify that the above notice was posted on January 22, 2009. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town of Leeds Website www.leadstown.org, and Spectrum Newspaper

Original Posting: 01/22/09

Amended Posting: 01/27/08


Debbie Shakespeare
Leeds Town Clerk / Recorder

TOWN OF LEEDS TOWN COUNCIL MEETING

MINUTES

January 28, 2009

1. **Call to Order** by Mayor Trudy Law at 7:06
2. **Pledge of Allegiance** led by Mayor Law
3. **Roll Call** with Mayor Trudy Law and Council Member Alan Roberts present in person, and Council Members Frank Lojko and Jared Westhoff attending via telephone. Jared arrived in person at 8:40 p.m. Town Planner Clark Ronnow, Town Clerk/Recorder, Debbie Shakespeare and Deputy Clerk /Recorder Francene Rex were also in attendance. Keith Sullivan and Attorney Heath Snow were excused.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **Consent Agenda** – A **Motion** by Mayor Law with a **second** by Alan Roberts to **Approve the Consent Agenda** including **Tonight's Agenda; Minutes from the Town Council Meeting dated December 10, 2008; 2007-2008 Audit Report; and Financial Report for December 2008. An Aye Vote was Unanimous.** Minutes from Town Council Work Meeting dated January 14, 2009 were scratched.
6. **Announcements:** Mayor Law gave the definition per State Law of Public Meetings and Public Hearings, stating Planning Commission and Town Council Meetings were open to the public for public observation. Public Hearings were for the public to voice opinions, comments, and questions. The Citizen Comment agenda item was for the public to make suggestions regarding items being placed on future agendas.
7. **Citizen Comment:** Angela Rohr of LDWA, and Rhonda Aurigemma both expressed their appreciation regarding the verbiage "condemnation of LDWA" being deleted from the Retail Water Agreement; however, as a shareholder, Angela stated she still had concerns regarding the agreement.

PUBLIC HEARING:

8. **Preliminary Plat for Silver Pointe Estates – Phase 1 – A Motion by Jared Westhoff, with a second by Alan Roberts to Open the Public Hearing on the Preliminary Plat for Silver Pointe Estates – Phase 1. An Aye Vote was Unanimous.** Town Planner Clark Ronnow reviewed the manner as follows: The plat was reviewed by Sunrise Engineering and they required some changes & additions. The enclosed letter from Alpha Engineering addressed each concern. Planner advised that he and all Commissioners felt the changes made were adequate and correct. He stated the Planning Commission held a Public Hearing on the Silver Pointe Estates Subdivision-Phase 1 on January 7, 2009. The only comments from the public were positive concerning the proposed subdivision. The Planning Commission unanimously recommended approval to the Town Council. He further reviewed that in the Town Council Work Meeting held on January 14, 2008. Council Members had several questions regarding the answers in the letter from Alpha Engineering. These questions correspond with the following Alpha Engineering letter paragraphs:
 - #3 It was questioned whether information such as proposed septic tanks, fire hydrants, storm drains and etc. were all needed on the preliminary plat or not until the final plat.
 - #5 The sentence "that a drainage report may be required" was discussed and debated if it should definitely be required
 - #6 Refers to the Town adopting roundabouts into their street systems.
 - #7 Regarding a traffic study on the Silver Reef Road, it was advised that SITLA had completed a study, but a second study was needed to ascertain whether a round-about was needed to manage the curve in the road.
 - #8 It was questioned whether all surrounding property owners were being considered when deciding where the roundabouts would go. It was ascertained that the first planned round-

about did consider the surrounding property owners, and they would follow suit when deciding upon the second one. Discussion was had regarding ideas of where a second round-about would be best placed.

- #10 "Road C" was clarified to mean the Road going towards Hidden Valley. It was agreed that although steep, this road would be crucial in order to provide a second ingress and egress for the development. Given the topography of the area, it was felt this was the only option for a second egress; however, it was also important to be sensitive and adhere to the Town Hill Side Ordinances or apply for an amendment in the roads design and placement.

Time was given to Rick Sant for a review of Phase 1. He stated the entire project included 150 acres of which 80 acres were in Phase 1. He said it was comprised of one (1) acre, two (2) acre, and 2,600 square foot lots. It was subdivided and the plat was laid out according to the zoning approved by the Town Council last year. On the attached map, he noted the change on lot #42, regarding the Town maintaining ownership of the property adjacent to the cemetery. Again, pointing to the map, he explained the houses would all be placed on the yellow plats, and areas in green would be kept in their natural state. He stated if these areas were damaged during construction, they would be restored to their natural state and watered by a drip system. He said the subdivision would blend harmoniously with the surroundings, and would have trail systems throughout the subdivision going from higher elevations to lower ones and tying into the existing Leeds trails. He said the road in from of the cemetery would be moved back, and the subdivision would include city standard streets dedicated to the Town of Leeds, normal utilities, such as sewer and water and etc, would be within the street right of ways. Fire Chief Steve Lewis wanted the assurance there would be a second ingress/egress and not just a proposed one. Noting open space to be a natural fire hazard, he stated it would need to be in compliance with the "International Fire Code" and the "Wildland Urban Interface Fire Code." Don Fawson, as a citizen and as President of Leeds Area Special Service District (LASSD) reminded of a prior subdivision, Silver Meadows, which simply promised a second ingress/egress on their second phase, then due to lots not selling as planned and other issues, the second egress was never created. He asked the Town Council to look serious at having the ingress/egress be put in during the initial Phase. Noting the steepness, he felt the road would need to be at least a two lane road and carefully study the route of the road. Rhonda Aurigemma concurred with the importance of a second ingress due to an experience of being prevented from leaving the Silver Reef area on the way to an emergency. LaGrand Forsyth expressed his concern regarding higher traffic on the Silver Reef Road making it even more difficult and dangerous for him to exit his dirt road by the hill and curve. Martha Ham asked if Mr. Sant would be following the recommendations from the Planning Commission and Town Council regarding the roof heights to create an acceptable ridgeline. She felt Mr. Sant had been a model petitioner and liked the plans, and appreciated the size of the lots and the contributions he has made to the cemeteries in keeping them with historical preservation. However, she echoed the prior concerns regarding a second ingress/egress, and was uneasy about approving any plats without a firm plan for where the water would be attained and where it would be placed. Rick Sant answered the above concerns with the following:

- **Ingress/Egress:** An existing road from Silver Valley/Hidden Valley to their water tank can be improved to provide access. Mr. Sant felt an agreement with the property owners of that area could be obtained due to the fact they had placed their water tank on Sant's property. Mr. Sant understood he would need a written agreement for an easement on said private property to build the road to receive the Council's approval.
- **Water:** Mr. Sant understood the approval of the actual subdivision would not be given until the water and sewer system plans were finalized. He understood he would have one (1) year to acquire a definite water source. Mayor Law confirmed water and sewer would need to be obtained before the final plat approval.
- **Roof Height and Ridgeline:** Mr. Sant advised the subdivision would have design guidelines for earth tone colors, landscaping, vegetation which would be controlled by their design review board as well as the Leeds Town Planning Commission and Town Council. He stated that due to the different elevations and topography and criteria of each lot, roof heights would need to be considered accordingly; therefore, some roofs may be higher. Mr Sant noted he did not want a "Big Presence" on the hill and said the designs would adhere to that viewpoint and that the skyline would be concealed by using blending colors, materials and landscaping.

- **Traffic:** It was stated the Town would need to have another traffic study completed with an engineer to ascertain the need and placement of a possible second roundabout on the Silver Reef Road.

A **Motion** by Alan Roberts with a **second** by Mayor Trudy Law to **Close the Public Hearing**. An **Aye** Vote was **Unanimous**.

ACTION ITEMS:

9. Consideration & Possible Approval of Preliminary Plat for Silver Pointe Estates

Subdivision – Phase 1 – Mayor Law addressed the second ingress/egress concern, stating Mr. Sant would need to work out an agreement for an easement with the property owner to build a road through their property. She also noted that the water and sewer would need to be taken care of before the final plat was accepted and/or approved. She asked for comments and concerns from the Council. Frank Lojko had no further comment. A **Motion** by Alan Roberts with a **second** by Frank Lojko to **Approve Preliminary Plat for Silver Pointe Estates Subdivision – Phase 1 with the condition petitioner establish an agreement with property owner to have an easement through his property for a two lane ingress/egress road**. Due to the distance of two of the Councilmen, a Roll Call Vote was taken.

PASSED AND ADOPTED BY THE LEEDS TOWN COUNCIL, STATE OF UTAH,
ON THIS 28th DAY OF JANUARY, 2009 BY THE FOLLOWING

<u>ROLL CALL VOTE:</u>	Yea	Nay	Abstain	Absent
MAYOR TRUDY LAW	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN JARED WESTHOFF	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN ALAN ROBERTS	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN KEITH SULLIVAN	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
COUNCILMAN FRANK LOJKO	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Aye votes <u> 4 </u>		Nay votes <u> 0 </u>	Abstentions <u> </u>	

Preliminary Plat for Silver Pointe
Estates Subdivision Phase 1 is Passed X Rejected

10. Consideration & Possible Approval of ORD 2009-01 to amend Land-Use Ordinance 2008-04 regarding Home Occupation Applications being approved by Town Planner and/or Staff –

Planner Clark Ronnow related the history of this item as follows: He stated that according to the current code, all Home Occupations, except Home Offices, have been required to be approved by Planning Commission and Town Council. But now, because of the availability of staff, it was felt by both Planning Commission and Town Council that the policy needed to be changed so that Home Occupation Business Licenses could be approved by Town Staff. He continued that after looking at various Home Occupation Ordinances from different jurisdictions in Southern Utah, specifically from the City of St. George and the City of LaVerkin, he said some ideas were taken from each of these ordinances, some from the comments and suggestions that were received from the Planning Commission, and some from the Staff. He said the suggested changes were as follows: 1) A whole new Chapter 24 was created specifically for Home Occupations; 2) All references to Home Occupations have been removed from Chapter 7 (Conditional Uses); and 3) Changes were made to section 22.2.2.6. of Chapter 22 (Signs). He stated the Planning Commission held a Public Hearing on January 7, 2009, and there were a few minor suggested changes from the public which the Planning Commission agreed and accepted. The above changes to Chapters 7 & 22 were both felt adequate. Recommendations from the Planning Commission included: A) placing only "Artists" on the first line of the list of Home Occupations that do not require a conditional use permit and adding the following verbiage, "Artists not using extreme hazardous materials, or activities that would create a fire hazard;" B) moving the rest of the allowed uses from line 1 to line 2. Moving the rest of the numbers down accordingly; and C) adding Commercial Welding as a non-permitted use without a conditional use permit. Planner Ronnow stated the Planning Commission unanimously recommended approval of the proposed amendments to the Land Use Ordinance 2008-04 to the Town Council. He further reviewed the recommended changes the Town Council discussed in their January 14, 2009 Work Meeting, of

the addition of Paragraphs 24.2.10.4. and 24.2.10.5. to the list of list of reasons for revocation and denial of business licenses, stating, *"If business license is not renewed by July 1 of the current year"*, and *"If the use of the original license has been abandoned for a period of a t least one (1) year" respectively*. Planner Ronnow also advised the document had received a positive review from Town Attorney Heath Snow. Mayor Law asked if there were any further concerns from the Council Members. Alan Roberts and Frank Lojko had none. Jared Westhoff stated that by having specific criteria, staff would not be making arbitrary decisions; therefore, he felt comfortable delegating the ability for staff to approve the Home Occupation Business Licenses from the authorized list. Mayor Law reiterated these issues were discussed at length in the January 7th Work Meeting where the public was welcome to make comments and suggestions. She explained that Work Meetings were for that purpose. A **Motion** by Frank Lojko with a **second** by Alan Roberts to **Approve ORDINANCE 2009-01 Amending Land-Use ORDINANCE 2008-04. Due to the distance of two of the Councilmen, a Roll Call Vote was taken.**

**PASSED AND ADOPTED BY THE LEEDS TOWN COUNCIL, STATE OF UTAH,
ON THIS 28th DAY OF JANUARY, 2009 BY THE following**

<u>ROLL CALL VOTE:</u>	Yea	Nay	Abstain	Absent
MAYOR TRUDY LAW	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN JARED WESTHOFF	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN ALAN ROBERTS	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN KEITH SULLIVAN	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
COUNCILMAN FRANK LOJKO	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Aye votes <u> 4 </u>	Nay votes <u> 0 </u>	Abstentions <u> </u>		
ORDINANCE 2009-01 is	Passed <u> X </u>	Rejected <u> </u>		

11. **Consideration & Possible Approval of Ordinance 2009-02, amending Ordinance 2008-08 regarding Business Licenses, and the changes needed because of Conditional Uses being amended –** Planner Clark Ronnow advised that because of the above changes made to the Land Use Ordinance 2008-04 regarding Home Occupation Businesses, the Town needed to amend Ordinance 2008-08 to be consistent with the Town Ordinances. It was suggested that the sentence in paragraph 2.C.i referring to home occupation businesses be stricken. He also noted the changes Town Attorney Heath Snow suggested to paragraphs 1 and 2.C as found in the highlighted version of ORD 2008-08 found in the meeting packet. Ronnow stated these were technical and legal changes which did not change the meaning or intent of the original ordinance, but only the accuracy. A **Motion** by Jared Westhoff with a **second** by Alan Roberts to **Approve ORDINANCE 2009-02 Amending Land-Use ORDINANCE 2008-08. Due to the distance of two of the Councilmen, a Roll Call Vote was taken.**

**PASSED AND ADOPTED BY THE LEEDS TOWN COUNCIL, STATE OF UTAH,
ON THIS 28th DAY OF JANUARY, 2009 BY THE FOLLOWING**

<u>ROLL CALL VOTE:</u>	Yea	Nay	Abstain	Absent
MAYOR TRUDY LAW	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN JARED WESTHOFF	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN ALAN ROBERTS	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN KEITH SULLIVAN	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
COUNCILMAN FRANK LOJKO	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Aye votes <u> 4 </u>	Nay votes <u> 0 </u>	Abstentions <u> </u>		
ORDINANCE 2009-02 is	Passed <u> X </u>	Rejected <u> </u>		

12. Consideration & Possible Approval of Retail Water Agreement, officially known as the "Culinary Water Service Agreement"— Planner Ronnow stated that this agreement was developed so the Town of Leeds could provide water to lots and proposed subdivisions since Leeds Domestic Water Association (LDWA) only had a few water shares left to sell. President of LDWA Maurice Hall noted that when this agreement and the Regional Water Supply Agreement had been proposed, it was discussed to define an area that LDWA would be able to service, and to exclude LDWA customers from these agreements so their customers would not be paying an impact fee twice. He asked if this "area" had been defined, and if the exclusion of LDWA customers paying impact fees was in writing within the agreement. Councilman Jared Westhoff stated it was more logical for LDWA to spot serve the customers in places the Town, through the Washington County Water Conservancy District (WCWCD), could not logistically service, and that the impact fees would only be automatically applicable to those served by the Towns' system and not to LDWA customers. He said the WCWCD would be wholesaling the water to the Town of Leeds, and Leeds would be the retailers of it, so LDWA did not need an agreement with the WCWCD. He stated the reason for this agreement was to afford the Town the ability to purchase water from WCWCD, so the Town could service the Grape Vine Wash and/or Silver Pointe Estates developments and etc. President Hall still desired that these intentions be clearly stated in the "Culinary Water Service Agreement"; but, if not there, he asked that a separate agreement be considered between LDWA and the Town of Leeds. He also noted that when the Town of Leeds becomes a water company there would be duplication of operators and managers, and asked that an agreement be made to possibly establish LDWA as the Town of Leeds' operator and/or manager as well. Mayor Law stated this had been the idea from the onset. She also said she would personally make sure the assurance that a new homeowner would not have to pay Washington County and LDWA to get LDWA water was in the "Culinary Water Service Agreement" before it was signed and would allow Maurice to see the document. Councilman Alan Roberts stated he appreciated the idea that LDWA was in the process of acquiring more water, but had to disclose it may or may not happen. He felt it only made sense for the best interest of the Town that the Town takes steps to enable it to sell water to areas LDWA could not service, because future annexations to Leeds are inevitable. He continued that if the Town wanted the ability to manage the growth happening around it, it had to act. He felt the agreement did not place LDWA at stake, but that it protected the interest that already exists. It can protect the ability for LDWA to serve areas in the future if they acquire more water. He was amazed and counted it unusual that WCWCD would even write this agreement to protect a third party private entity water company. He "applauded" the Town of Leeds for its ability to reach this kind of agreement with the WCWCD. (Councilman Jared Westhoff's arrival at 8:40 p.m.). Agreeing with comments made by Alan and Jared, Councilman Frank Lojko voice his frustration that the above concerns were still being discussed, and that the public and LDWA still seemed unclear and had concerns about what this agreement entailed. He was concerned with the election of new LDWA board members on February 3, 2009, and worried if there would be a change of perspective and/or agreement for the above noted agreement. He asked if the current LDWA was in favor of these two agreements. LDWA President Hall stated he was not opposed to the agreements and felt it was right for the Town to secure water as long as LDWA was protected. He worried that a new Town Council could assert to become the sole purveyor of water and not allow LDWA to service any more customers if it were not in writing. He desired to protect LDWA customers from losing water. Councilman Westhoff agreed LDWA had the right to express their concern and that the Council needed to look for a separate agreement between LDWA and the Town. The "Culinary Water Agreement" stated that Leeds agrees to abide by certain standards of construction for a water system; agrees to pay a certain amount of money to purchase the water; and agrees to retail the water. A provision was added to help with the Leeds signing of the "Regional Water Supply Agreement" that stated Leeds would not collect a surcharge for water fees that LDWA is collecting. He understood why LDWA might be uncomfortable because they have always been the sole purveyor of water which would no longer be the case. However, the Town needs to be able to supply water, because LDWA's capacities are limited as they cannot serve unless someone can bring forth a "wet" water source along with "paper" water which is not amiable with some of Leeds properties within the current boundaries as well as possible annexation boundaries. The Town is responsible to search for ways to economically provide services for properties within the boundaries as well as properties wanting to annex. If Leeds cannot provide these services, it reduces its size to that which it can provide services. This would mean some current properties would need to be disconnected. Therefore; for the health, safety and general welfare of the public, the Town of Leeds needs do its job to provide water service. These agreements are the Towns solution to provide water to areas the LDWA cannot service. Frank Lojko asked if wording would be added to protect LDWA. Jared responded that

the agreement already stated and acknowledged they could not charge service fees to a third party company, LDWA. Mayor Law stated she would make sure LDWA would be protected. **A Motion was made by Jared Westhoff with a second by Alan Roberts to Authorize the Mayor to sign the "Culinary Water Service Agreement," also known as the "Retail Water Agreement." Three Aye Votes from Mayor Law, Jared Westhoff, and Alan Roberts, with Frank Lojko abstaining.**

- 13. Consideration & Possible Approval of Regional Water Supply Agreement** – Planner Clark Ronnow informed the Council that this agreement had been designed to bring different entities together to alleviate competition and so they are working to develop adequate water service for the County. He stated all the other surrounding municipalities have signed this agreement except Leeds (including Hurricane, Washington, St. George, LaVerkin, Toquerville and Ivins). Jared Westhoff further explained it was originally known as the "Pooling Agreement" which confused people to incorrectly thinking the WCWCD was laying claim to local municipalities' water rights. The title change of "Regional Water Supply Agreement" more accurately reflected its intent. After having received water shares throughout the County, the Washington County Water Conservancy District (WCWCD) desired to "move" water around the County, so the dryer west side of the County could still receive water from the "water rich" east side. This agreement would allow the WCWCD to allocate water where it was needed and conserve water where necessary in order to be more efficient. It would give them the ability to wholesale water throughout Washington County. **A Motion by Alan Roberts with a second by Jared Westhoff to Approve giving the authority to Mayor Law to sign the Regional Water Supply Agreement. The Vote was three (3) Ayes by Mayor Law, Alan Roberts, and Jared Westhoff, with Frank Lojko abstaining.**
- 14. Approval of Funds for Repairs on Police Car** – It was explained that there were problems with the transmission in the Police car preventing it from accelerating. According to Law, because it was an emergency expenditure not exceeding \$2,500, Mayor Trudy Law was able to give approval for the repairs to be made prior to the Council's approval. The Council was now asked to retroactively approve the \$1,818.96 expenditure. In answer to Frank Lojko's concern of not getting more than one (1) bid, it was explained that AAMCO was used because they give discounts for Government vehicles in Washington County. **A Motion by Mayor Law with a second by Alan Roberts to Approve the Expenditure of \$1,818, 96 for Repairs on the Police Car. An Aye Vote was Unanimous.**

EXPENDITURE TO TOWN OF \$1,818.96

- 15. Review & decision of the Toquerville annexation request.** – Mayor Trudy Law advised regarding an annexation petition received by Toquerville to annex some property North East of Leeds by the Grape Vine Wash area. Referring to a faxed letter giving Notice of such annexation, she stated "The property within the proposed addition is owned by Great Western Star, LLC as to 160.307 acres; Calvin d. & Mona W. Lowe as to 121.93 acres; MSH Investments as to 93.497 acres; Washington County Water Conservancy District as to 160.024 acres; State of Utah as to 314.035 acres; and the United States Bureau of Land Management ("BLM") as to 1,359.03 acres." The Notice further stated, "Currently the Petition is supported by property owners holding 75.06% of the fair market value of the private property located within the proposed Babylon Valley Addition." She expressed her concerns regarding the following entities not receiving proper Notice of the proposed annexation: 1) The Town of Leeds; 2) Leeds Area Special Service District (LASSD, Fire Chief Lewis); and 3) The Paul Morris Group who are planning the Grape Vine Wash Village project. Both Leeds and Toquerville had an annexation plan which covered those properties. When Toquerville was contacted regarding the above entities not being notified properly, they extended the protest period to February 9, 2009 for us to respond to the Washington County Boundary Commission. Mayor Law commented that the Lowes and Mr. Stacy Eaten (Great Western Star, LLC.), could respond how they wanted, but on behalf of Leeds and LASSD, she felt Leeds should respond to Toquerville with a protest for annexation of this property. Councilman Jared Westhoff advised to look at it from a service stand point and felt that although some of the proposed annexation area would best be serviced by Toquerville, he noted Leeds was best suited to provide water service to most of that area, and stated when the Washington County Water Conservancy District (WCWCD) performed a Capital Facilities Plan for servicing the Grape Vine Wash Development area, known as the East Leeds Capital Facilities Plan (East Leeds CFP), it was recognized that with the passing of the Leeds Retail Water Supply Agreement ("The Culinary Water Service Agreement"), Leeds would best be suited to provide water service to much of that area. The Leeds Special Service District's Fire Department and Emergency Medical Service would also be the best candidates to service most of the proposed annexed

area. He felt the Toquerville annexation would negatively impact the Leeds Special Service District by imposing service without receiving impact fees and taxes from that area. He thought it would be appropriate that Leeds fairly protest the areas of annexation that would best be geographically serviced by the Leeds Special Service District and the Leeds water system. He also felt it would be important to engage the services of a 3rd party attorney as Attorney Heath Snow also represents Toquerville on other matters. Concurring with Westhoff's comments, Councilman Frank Lojko was in favor of protesting the annexation due to the fact it would also cause many problems in the future if we did not. Mayor Law then asked Fire Chief Steve Lewis if there were any concerns the Fire Department wanted the Town to be aware of and include in the Town's protest. Chief Lewis felt Jared's comments stated their concerns adequately, and advised the LASSD would also be engaging an attorney and submitting a protest. He questioned the expiration date of February 9, 2009 for receipt of protest, stating the LASSD received their "Certified Notice" on January 27, 2009 which only gave them nine (9) days to respond due to Toquerville back dating the 33 days time period to January 7, 2009. The consent of having a 3rd party attorney was expressed by Chief Lewis and Frank Lojko, when Planner Ronnow stated Attorney Heath Snow had already notified the Town he could not represent them. Frank Lojko thought Leeds should professionally and courteously ask Attorney Snow to also withdraw his representation of Toquerville in this matter. Mayor Law stated that Attorney Snow notified her he would step down from any issues regarding the annexation between Toquerville and Leeds. Planner Ronnow then informed that the owners of the Grapevine Wash area were currently in negotiations with the other property owners to develop a proposal as to how to otherwise divide up the annexation area. Mayor Law reiterated the fact that losing these areas would decrease funds to the LASSD which would have to be replaced from current residents. Time was then given to Stacy Eaton, one of the petitioners for the Toquerville Annexation, who stated he had asked the Town of Leeds not to include his property in their "Annexation Area of Interest," and although it was included in the "Area of Interest," the prior Town Council said they would not protest Mr. Eaton's annexation into Toquerville. Although he did not expect the current Town Council to be obliged to the prior Councils verbal promise, he asked that they consider it, for he felt the Boundary Commission would consider it. He also noted that the Town of Toquerville had faxed a copy of the prior notice several months ago. Mayor Law maintained a faxed notice was not a proper notification. She also stated there was no documentation of the promise not to annex his property. She felt the annexation should be done in a logical manner as stated by Jared. There was discussion as to the validity of the protest response date, with the intention to respond by February 9, 2009 as Toquerville desired, but, with the plan to research legal position as presented by Councilman Westhoff who said the Law states it gives 30 days from receipt of the "notice" of the certified petition, not from the certification of the petition. He further reiterated the position to annex areas according to health, general safety, welfare and good planning principles and serviceability and not according to current property ownership. Councilman Alan Roberts agreed since property could change ownership. It was noted by Clerk/Recorder Debbie Shakespeare that the Town of Leeds had yet to receive their "Certified Notice" from the Town of Toquerville regarding this annexation, but expected it the proceeding day. It was noted the LASSD and one of the property owners had received their notice one January 27, 2009. Mayor Law concluded stating the Town should do what is best for the properties and health, general safety, and welfare; and the funding base that would affect and impact citizens. **A Motion was made by Jared Westhoff, with a second from Alan Roberts to Authorize Town Staff to move forward with finding a qualified attorney to assist in preparing a protest to the annexation of the "Babylon Valley Addition" into Toquerville and that the protest be prepared according to who could logically service the area; who would have the impact, how the Leeds Special Service District would be financial impacted; and any other issues that may be beneficial in winning the protest. An Aye Vote was Unanimous.**

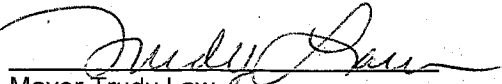
16. **EXECUTIVE CLOSED SESSION:** was held for the purpose of discussion of the character, professional competence, or physical or mental health of an individual and to discuss pending or reasonably imminent litigation as allowed by Utah State Law 52-4-205(1)(a) and (52-4-205)(1)(c).
17. **Appointments to Planning Commission.** – Mayor Law stated that the Town had received six (6) "Notices of Interest" and expressed her appreciation for their interest. She listed the applicants as follows: Ray Beal, Maurice Hall, Jeff Mathis, Cynthia Wright, Nancy Williams, and LaGrand Forsyth. Mayor Law, noting the discussion from the Executive Session, then recommended Ray Beal and Jeff Mathis to fill the vacated Planning Commissioner's seats, and Maurice Hall to be an Alternate, and noted the plan to have planning sessions to familiarize all with what to expect. Commissioner Jared Westhoff declared the possible conflict that he employs Jeff Mathis's wife as a book keeper. **A Motion by Frank**

Lojko with a second by Alan Roberts to Appoint Ray Beal and Jeff Mathis to fill the vacated Planning Commissioner's seats, and Maurice Hall to be an Alternate. An Aye Vote was Unanimous. It was noted that the Alternate could/should take part in the discussions and sit on the stand, but would not vote unless one of the Commission Members were absent.


UPDATES BY CLARK – Postponed to the next meeting

ADJOURNMENT – A Motion by Alan Roberts to Adjourn at 9:55 p.m.

APPROVED ON THIS 25TH DAY OF FEBRUARY, 2008



Mayor Trudy Law

Attest:


Deputy Clerk/Recorder, Francene Rex