

PUBLIC NOTICE
TOWN OF LEEDS TOWN COUNCIL
EMERGENCY MEETING

The Town Council of Leeds will hold an emergency meeting on
Saturday, September 25, 2010 4:00 p.m.
At Leeds Town Hall, 218 North Main Street
Public is welcome to attend

AGENDA
Emergency Meeting

Please be advised there will be no comments taken from the audience.

1. Call to Order
2. Roll Call

ACTION ITEM:

3. "Consideration and Possible Approval of proposed Amendment to the current Interlocal Agreement with Ash Creek SSD"

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 September 24, 2010. 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.leedstown.org, and Spectrum Newspaper



Fran Rex
Clerk/Recorder

PUBLIC NOTICE
TOWN OF LEEDS TOWN COUNCIL
EMERGENCY MEETING

MINUTES

Saturday
September 25, 2010
4:00 p.m.

1. **Call to Order** – At 4:00 p.m. by Mayor Hyrum Lefler.
2. **Roll Call** – Present was Mayor Hyrum Lefler and Council Members Alan Roberts, Angela Rohr, Keith Sullivan and Frank Lojko. Clerk /Recorder Francene Rex. Was also in attendance.

Mayor Lefler noted e-mail difficulties in getting the courtesy public e-mail notice out to residents; however, he said it was Publicly noticed on the Utah State Website, the Town Website, and posted at the Leeds Town Hall, Leeds Post Office, and Leeds Market.

ACTION ITEM:

3. **"Consideration and Possible Approval of proposed Amendment to the current Interlocal Agreement with Ash Creek SSD"** – Mayor Lefler said Ash Creek SSD had verbally agreed to making the three following additions suggested in the September 22, 2010 Town Council Meeting:
 - **2(h)** - Addition of *"unless the said pump station is bypassed or otherwise not used to treat waste from Leeds System."* Was restated by Ash Creek with *"unless said pump station is not utilized to convey waste from the Leeds System to the District system."* Town Council Members were okay with the change.
 - **7** - Addition of section 7 which reads: ***"Condition Precedent to the Parties Obligations. The parties expressly restate and acknowledge that the rights and responsibilities arising under the agreement do not become effective until Leeds has constructed the Leeds System and has connected said system with Ash Creek Special Service District's wastewater collection and treatment system."***
 - **Last Paragraph "IN WITNESS WHEREOF** – Addition of the word *"effective"* to state the effective date of the agreement.

Mayor Lefler also stated Ash Creek had made the addition of paragraph 3i (iv) in their September 23, 2010 meeting which stated the following:

- **3i (iv)** – *"If this Interlocal Agreement is terminated at any point without construction of the Leeds System or annexation of Leeds into the District, all such impact fees collected by Leeds shall be retained by Leeds."*

Lefler stated Ash Creek sentiment that Ash Creek did not want to be left treating water they receive no impact fees for. They felt if Leeds retained the impact fees, Leeds should treat the water. Council Member Keith Sullivan said he was not concerned with the new language or their thought process, to which Mayor Lefler concurred. Council Member Angela Rohr noted her concern that section 7 was not physically seen in the current document, to which Mayor Lefler reiterated Ash Creek had verbally agreed to it, but it would be in the final document. A **Motion** was made by Mayor Lefler with a **second** by Alan Roberts to **Approve the proposed Amendment to the current Interlocal Agreement with Ash Creek SSD which has "9-25-2010 Final Copy" hand written in the top left hand corner, and includes the insertion of the word "effective" in the last paragraph starting with "in witness wherof..."; it includes the insertion of section seven (7); and includes the particulars of the breakdown of the price structure.** The floor was opened for comment or questions. Council Member Alan Roberts

reiterated his thoughts that the Town of Leeds would be involved in wastewater one way or another. Whether that meant a wastewater treatment facility; a wastewater infrastructure running through the Town that could deliver wastewater to Ash Creek; or a piping systems that could deliver wastewater to a development onsite wastewater facility. He thought people had read too much into the Ash Creek Agreement and explained the agreement basically said Ash Creek would handle Leeds wastewater if Leeds decided they wanted them to, and related the needed steps. He said it was not a fine tuned document because Leeds has not yet decided how involved with wastewater they wanted to become. He thought just having onsite treatment facilities in each development lacked future judgment and management of what needed to go into a Town. He continued that the agreement with Ash Creek was just one way for the Town of Leeds to know they had the ability to handle some wastewater until the Town decided what it really wanted to do. He said the document did not bind Leeds to Ash Creek, and that it only bound Leeds to that particular agreement. He stated Leeds would have to petition for annexation to the Ash Creek district to become part of the district. Only then would Leeds be governed by Ash Creek's regulations. He reiterated the agreement simply gave the Town time to make its decision. He felt the Town needed to be in the driver's seat of managing the how, where, and when of wastewater in Leeds. Citizen Ralph Rohr asked why the Town couldn't wait to negotiate a contract with Ash Creek until when or if they decided to use Ash Creek, to which Roberts said the agreement was not a negotiation, but simply said Ash Creek would agree to treat a certain amount of hookups. He answered that it did not matter where the hookups were located, but if the number of hookups exceeds the original agreement of 240, further costs would be involved. He said they were simply amending the original agreement to extend the date for two years as well as making the few above additions. He said the date extension was the driving factor. Mr. Rohr asked what the advantage of signing the agreement now was, to which Mayor Lefler stated the current agreement had already been negotiated through their attorney's two years ago, with a little added recently, and the legal fees had been paid. He said negotiating a whole new agreement would entail more attorney fees; however, building on what has already been established would save money. Council Member Frank Lojko added that as other communities grow which are currently associated with Ash Creek, the number of available hookups would decrease. He noted Leeds may lose its space to hook onto their system if an agreement were not in place. He said the Town officials would look foolish if they were not proactive and did not prepare for the future, especially if such preparation did not put the Town out anything or obligate it to anything. It was noted that if some of the surrounding developments had grown over the past few years, Ash Creek may not have had the space to be amicable in extending the Leeds agreement for two years at this time. Mr. Rohr commented that he could not understand why someone would want to develop now when there were empty homes around, to which Roberts stated it was a property owners right to do such. Lojko added that by having an agreement with Ash Creek, it would give the Town a bit more stance with the Department of Water Quality (DWQ) when asking for hardship areas if Leeds approached them for help in putting in a sewer system, because it would show Leeds was making an effort to prepare for a sewer system. The hardship areas would be excluded from having to hook onto a sewer system until their septic system failed. These areas would include those places where hookups were lengthy and too expensive such as Eldorado, Eldorado Hills, Silver Reef, and other parts of the Leeds. Mr. Rohr noted he did not want the Town to go to DWQ unless such exceptions would be made, to which Lojko said it was very likely to get exceptions, but the Town would not know unless they asked. Mayor Lefler stated he was still looking at all options, but wanted to keep all doors open. Citizen Elliot Sheltman noted if the agreement did not expose the Town to financial obligations, he was okay with it. He thought a sewer system would be great if it was needed someday, but did not want the Town to have to finance something it could not afford. Mayor Lefler and Roberts both stated DWQ would analyze if the current connections met with the financial expenditures before helping fund it, and would not agree to something that was not viable. Lefler & Roberts both noted the analysis was based on the actual number of hook-ups and not on projected growth. Roberts added that development should pay for development and any resulting infrastructure up-sizing. Mr. Sheltman noted the transition time could be painful from the time payment of a project is due and when the costs are transferred over to the developer. Roberts concurred, but added the mindset of having smart water management was important, and felt the Town should progress in that way. He reiterated the agreement with Ash Creek just kept the door open for the possibility to use Ash Creek. He felt Ash Creek would rather deal with a solid municipality than several different developers. Mr. Rohr thought it would be a good idea to get public input, and wondered if the sewer issue were being pushed by Silver Pointe Estates and Grapevine Wash Developments or if the motivation was purely for the

welfare of the Town, to which Mayor Law responded he had not been pushed by them, and Roberts stated those developments did not need the Town nor Ash Creek to deal with wastewater, but felt the Town should be in the driver's seat in deciding how best to handle wastewater in Leeds. Mr. Rohr said, "Okay." In answering Mr. Sheltman's question regarding the payment of impact fees, Roberts said impact fees could not be charged until Leeds had a master plan for a sewer system, and impact fee credits could be given if a development spent more for sewer than their development needed. Mr. Rohr then asked what funding sources the Town was considering, to which Mayor Lefler said there were two possible funding sources. One was from the Mining industry, and the other from DWQ. Roberts added it was easier for a municipality to acquire these types of funds than an individual development. Council Member Angela Rohr noted the motion would also re-approve the original Ash Creek Agreement which clerk/recorder Fran Rex displayed on the screen. Lefler stated the original document was addressed during a prior meeting, and time was given again to review the original document. Rohr noted she wanted to make sure that if Leeds were annexed into the Ash Creek Special Service District, Leeds would not be held responsible for Ash Creek's prior total system debt. Mayor Lefler and Alan Roberts said if Leeds annexed into Ash Creek, they would become one of the members and would be included in the debt. Roberts also noted any changes in the amendment superseded the original document such as the rate change to \$.75/1000 gallons. The review of the of the original document was completed, and clerk/recorder confirmed the desired changes as follows: the Ash Creek September 23, 2010 addition of section 3i (iv); and the Leeds Town Council additions of section 7; the word "effective"; and the 2(h) restatement by Ash Creek of "unless said pump station is not utilized to convey waste from the Leeds System to the District system,". Rohr asked if September 25, 2010 would be the effective date, to which Mayor Lefler said yes, but added it would not go into enforcement until/unless Leeds actually hooked onto Ash Creek's sewer system. A Roll Call Vote was taken.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	x	_____	_____	_____
COUNCIL MEMBER ALAN ROBERTS	x	_____	_____	_____
COUNCIL MEMBER ANGELA ROHR	_____	x	_____	_____
COUNCIL MEMBER KEITH SULLIVAN	x	_____	_____	_____
COUNCIL MEMBER FRANK LOJKO	x	_____	_____	_____

Approval of expenditure of up to \$1,100 for the festival entitled Wild West Days was

Passed x Rejected _____ TABLED _____

ADJOURNMENT: by Frank Lojko at 4:52 p.m.

APPROVED ON THIS 27th DAY OF October , 2010

 H. D. Lefler
Mayor Hyrum Lefler

Attest:
 Francene Rex
Clerk/Recorder Francene Rex