

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, August 12, 2015

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, August 12, 2015 at 7:00 P.M. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

### **Regular Meeting 7:00 p.m.**

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
  - a. Tonights Agenda
  - b. Meeting minutes of July 22, 2015
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Wild West Days, September 11<sup>th</sup> & 12<sup>th</sup>
7. Public Hearings:
8. Action Items:
  - a. 2015-2016 Road Plan expenditures of \$95,000, includes contingency
  - b. Bid for park fencing, Allied Fence Company
  - c. Discussion and possible action on Silver Pointe Estates final plat recording, Phase I
  - d. Discussion and possible action complying with Land Use Ordinance, Chapter 21, Section 21.10 Performance Bonds for Silver Pointe Estates
  - e. Discussion and possible action on Recycling, Washington County Solid Waste, Fay Reber
9. Discussion Items:
  - a. Ordinance 2015-06, Repealing the Public Safety Impact Fee
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports

Closed Meeting- A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale, exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).
12. Adjournment

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 Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.  
The Town of Leeds is an equal opportunity provider and employer.  
Certificate of Posting:  
The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted August 11, 2015 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website [www.leadstown.org](http://www.leadstown.org).



Kristi Barker, Deputy Clerk/Recorder

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# Town of Leeds

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## Town Council Meeting for August 12, 2015

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on August 12, 2015 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u>          </u>
COUNCILMEMBER: RON CUNDICK	<u>          </u>	<u>x</u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u>          </u>
COUNCILMEMBER: JOE ALLEN	<u>          </u>	<u>x</u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>          </u>

2. Pledge of Allegiance by Councilmember Blake.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Blake moved to approve tonight's agenda and meeting minutes of July 22, 2015. 2<sup>nd</sup> by Councilmember Rohr. 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	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: RON CUNDICK	<u>          </u>	<u>          </u>	<u>          </u>	<u>x</u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: JOE ALLEN	<u>          </u>	<u>          </u>	<u>          </u>	<u>x</u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>

5. Citizen Comments: None.

6. Announcements:

a. Wild West Days, September 11<sup>th</sup> & 12<sup>th</sup>

Mayor Peterson, Wild West Days will be held on September 11<sup>th</sup> and 12<sup>th</sup> and I introduced the Leeds Town Royalty at the opening ceremonies for the Washington County Fair tonight. The Fair will continue from tonight until August 15.

7. Public Hearings: None.

8. Action Items:

a. 2015-2016 Road Plan expenditures of \$95,000, includes contingency.

Mayor Peterson, this was a topic that we distributed at our last meeting. At the last meeting with Angela, Daren Cottam and I, we discussed the idea of how we could go about trying to

address some of the plan that was presented to us. What was laid out was a multi-year approach. At the present time we take in about \$54,000 in new B&C funds every year. Right now we have accumulated a balance over time and as a result what is being suggested is to lay out the expenditures for this year.

Mayor Peterson discussed the following proposed projects with Councilmembers;

Proposed projects in 2015-16 Budget Year:	Amount
1. Asphalt patching on both East and West Streets Schedules.	\$14,300.00
2. Cleaning of both East and West Streets Schedules. (using a street sweeping broom and hiring Daren to operate)	\$3,200.00
3. Fog sealing all of the East Streets Schedule.	\$29,061.66
4. Pavement markings on Old Hwy. 91 (double yellow line)	\$1,300.00
5. Canyon Creek Drive Drainage Project.	\$6,200.00
6. Crack sealing both East and West Streets Schedules.	\$25,740.00
 Sub Total:	 \$79,801.66
Longpoint Consulting Fee: 8% rather than 10%	\$6,384.13
 Total proposed maintenance for 2015-2016 Budget Year:	 \$86,185.79

Councilmember Allen arrived to the meeting at 7:06pm.

Mayor Peterson, I am proposing that we have a contingency of approximately 10% in order to make sure that we don't have any issues if something comes up unexpected.

Councilmember Rohr, does the east streets include Majestic Mountain?

Mayor Peterson, No, we were going to hold off on doing a seal on Majestic Mountain in order to see if there was going to be any development in that area.

Mayor Peterson asked for a motion to approve the expenditure for up to \$95,000 on the detailed 2015-2016 Road Maintenance Plan.

Councilmember Rohr, I so move. 2nd by Councilmember Blake. All voted "Aye". Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
<b>MAYOR: WAYNE PETERSON</b>	x	_____	_____	_____
<b>COUNCILMEMBER: RON CUNDICK</b>	_____	_____	_____	x
<b>COUNCILMEMBER: ANGELA ROHR</b>	x	_____	_____	_____
<b>COUNCILMEMBER: JOE ALLEN</b>	x	_____	_____	_____
<b>COUNCILMEMBER: NATE BLAKE</b>	x	_____	_____	_____

b. Bid for park fencing, Allied Fence Company.

Mayor Peterson indicated we received two bids for fencing in the park that would provide protection to Town Hall from balls that are being kicked towards the soccer goal. The first bid was from Allied Fence Co. that came in at \$2,650.00 and the second bid was from Diversified Contraction Inc. and it came in at \$5,189.00.

Town Council discussed the work being completed and the bids.

Councilmember Blake made a motion to approve the bid for the park fencing from Allied Fence Co. 2<sup>nd</sup> by Councilmember Rohr.

Councilmember Allen, do we need to specify the amount?

Mayor Peterson, the amount on the bid is \$2,650.00.

All voted "Aye". Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	x
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

Councilmember Cundick conference called in at 7:15pm.

- c. Discussion and possible action on Silver Pointe Estates final plat recording, Phase I. Mayor Peterson, on Silver Pointe Estates final plat recording, there was a final extension granted for the recording of the plat and that was by August 22, 2015. There were a couple of items that had been raised when this was last discussed. One involved Town Council conditions; they were that a road be properly located leading up from the interstate to the project and the other involved an internal road of the project being relocated slightly to realign it to a subsequent Phase that is being planned. There was also a requirement that the easements be obtained from the BLM for the roads that are internal in Phase I and those easements were obtained. There is an issue that has come up, some questions regarding the water rights that had been turned over from the Developer to the Leeds Domestic Waterusers Association. It is my understanding that there are ongoing discussions between the Developer and LDWA to get that resolved. What we had discussed and Gary Kuhlmann had indicated would be permissible is to have the Plat recording delayed though a mutual agreement prior to August 22, 2015 with the plat as it is currently submitted and no further changes to it could be made. Once the terms that are being put forward with regards to the questions of getting a clean water title and when I say clean, as clean of a title as possible to get, as there have been some questions regarding some of the water that came from a similar origin with this particular project. So what we have is a draft of a Plat Recording Agreement where we need to determine a date that it would need to be resolved by and what I would propose is December 31, 2015. The parties involved indicated they would like to do it well before then, but I think this would allow us to give it a good chance to be resolved if any further complications came up. What would happen as a result, if we were unable to get it done by then, is the Plat would expire and the Developer would be required to seek approval again starting at the beginning of the subdivision process. At this point, the question before Town Council is with those corrections having been made that were the conditions placed by the previous Council on final Plat, are we able to have the project move forward with this particular Plat Recording Agreement in place. Councilmember Allen, has this agreement been reviewed by our legal counsel? Mayor Peterson, he prepared it. Councilmember Rohr, I am still concerned by the water issue. I think that it is too big of a thing and too important to move ahead until there is some confirmation there.

Mayor Peterson, I would just highlight clause one of the Plat Recording Agreement that accompanies this. It says;

1. Town agrees to approve the Plat. Despite the approval of the Plat, Town and Developer agree that the Plat will not be recorded until such time as all issues with regard to the availability of water to service the subdivision represented by the Plat have been resolved to the satisfaction of Town. In the event that the issues regarding the availability of water to service the subdivision represented by the Plat are not resolved to the satisfaction of the Town on or before \_\_\_\_\_, 2015, any and all approvals of the Plat shall expire and Developer shall be required to again seek approval of the Plat from Town, starting at the beginning of the Town subdivision process then in existence.

Councilmember Rohr, so if the water is resolved by the end of the year then it could be recorded.

Mayor Peterson, that is correct.

Councilmember Rohr, and do we have satisfaction on the sewer treatment situation?

Mayor Peterson, the State has approved the concept that was put forward in regard to the waste water treatment, which in this case is a septic system that would be a shared septic system occupying 3 of the lots initially. At a future point, that septic system could be removed but only if there is another solution available for the waste water. So the 20 lots that will be there are not part of the 3 that would house the shared septic system. We have a representative from their Engineer here that could answer other questions people might have. My understanding is with this septic system, there is no issue in regards to you need a critical mass, a single home could utilize a shared septic system.

Glen Carmahan from Alpha Engineering, you are correct. It will operate with one house up to 20 at which point we will have to have a different solution if we go into a second phase of the subdivision. It will be fully designed to handle all 20 lots that are proposed.

Councilmember Blake, I personally drove around with Rick and met with the Engineers on that and I felt comfortable with my knowledge and involvement in construction with what they have up to the 20 units.

Mayor Peterson asked for a motion to approve the final plat for Silver Pointe Estates, Phase I for recording but with recording, it will be differed until such time as the Plat Recording Agreement is satisfied.

Councilmember Allen, I so move. 2nd by Councilmember Blake. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	x	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

- d. Discussion and possible action complying with Land Use Ordinance, Chapter 21, Section 21.10 Performance Bonds for Silver Pointe Estates.

Mayor Peterson, our Ordinances call for Bonds to be in place or a Letter of Credit. We have

been notified that a Letter of Credit will be utilized by the Developer for up to 150% when it is combined. It is separated by two parts but up to 150% of the cost. Historically 125% has been the more common number that has been used. The budget has been reviewed by our Engineer and found to be a very reasonable budget for it. At this point what we are doing as a Town Council would be setting the actual level for the bond that would be provided in the form of a Letter of Credit. What I would propose is 125% of the estimated cost of the improvements. Councilmember Allen, are we amending this Ordinance?

Mayor Peterson, we are not amending the Ordinance. The Ordinance calls for the Town Council to set a level and the level can be 0 to 150%. I do not understand why anyone would chose to do less than 100%, but the history of the Town has been to generally do 125%.

Councilmember Allen made a motion to approve the amount of the bond required to be 125% of the cost of the improvements. 2<sup>nd</sup> by Councilmember Blake. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

Town Council discussed the bond level in the Ordinance further.

- e. Discussion and possible action on Recycling, Washington County Solid Waste, Fay Reber. Town Council, Fay Reber and Neil Schwendiman from Washington Council Solid Waste discussed the recycling program. Town Council decided to go with the opt-out program that would give Leeds resident a choice to participate or not.

9. Discussion Items:

- a. Ordinance 2015-06, Repealing the Public Safety Impact Fee.

Mayor Peterson, indicated we have three different impact fees that we collect on new construction within Leeds. One is for roads, one is for parks and the other is for public safety. The public safety impact fee is limited to things in regards to our police department which no longer exist. There was some impact fee money that was spent when the building was being built up across the parking lot; however, the remaining funds have been left in the designated account. Tonight is just a discussion, if it is desired to move forward, it will be on the next meeting's agenda.

Councilmember Allen, I know these fees have to be used for infrastructure and really nothing else, but because we contract with the Sheriff's office for public safety, can we allocate the funds to them.

Councilmember Rohr, we don't contract with them.

Mayor Peterson, we get that service as a result of the County allocation of the tax bills we pay. Councilmember Allen, ok great, than I don't see any reason why not to give people their money back.

10. Citizen Comments: None.

11. Staff Reports:

Councilmember Rohr, I did check with another Arborist and he came out at about \$900.00 also. It was \$600.00 to stabilize the tree that has the dead center and to trim it appropriately removing the branch over Town Hall and then \$300.00 to stabilize the other tree. Mayor Peterson, if it would be possible to get that in writing from that individual. It is coming in under \$1000.00 which allows me to move ahead, but I am always interested if we can find a less expensive way to do it and it sounds like we have here.

Councilmember Rohr and Mayor Peterson discussed Wild West Day vendors.

12. Adjournment:


Councilmember Blake adjourned the meeting.  
Time: 7:58pm.

APPROVED ON THIS 26<sup>th</sup> DAY OF August, 2015



\_\_\_\_\_  
Mayor, Wayne Peterson

ATTEST:



\_\_\_\_\_  
Kristi Barker, Deputy Clerk/Recorder