

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, July 26, 2017

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, July 26, 2017 at 7:00pm. 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 7:00pm.

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting minutes of July 12, 2017.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Washington County Fair, August 9-12, 2017
7. Public Hearings:
8. Action Items:
 - a. Utah Department of Transportation Cooperative Agreement for Main Street sidewalk funding
9. Discussion Items:
 - a. Mike Chandler, Ash Creek discussion on serving as body politic
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. 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 Clerk/Recorder does hereby certify that the above notice was posted July 19, 2017 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.leedstown.org.



Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting for July 26, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on July 26, 2017 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: RON CUNDICK	x	_____
COUNCILMEMBER: ANGELA ROHR	x	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____
COUNCILMEMBER: NATE BLAKE	_____	x

2. Pledge of Allegiance by Councilmember Rohr.

3. Declaration of Abstentions or Conflicts: None.

Councilmember Sheltman under line item 9a, we basically have a paragraph, my request would be that we actually lay out specifically with what was said in relation to Silver Pointe Estates. There was a request for eminent domain and I think it is important that we have everything in place and recorded, so if we have to refer back to them at a later date, we can do that without any confusion. Councilmember Rohr, I think that is particularly true since their lawyer was filming the whole thing. Mayor Peterson, in that case, if everyone agrees, we can postpone adoption of the meeting minutes until the next meeting in August.

4. Approval of Agenda:

Mayor Peterson, asked for a motion to approve tonight's consent agenda.

Councilmember Rohr, I so move. 2nd by Councilmember Cundick. 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	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

5. Citizen Comments: None.

6. Announcements:

Mayor Peterson announced the following event.

- a. Washington County Fair, August 9-12, 2017

7. Public Hearings: None.

8. Action Items:

- a. Utah Department of Transportation Cooperative Agreement for Main Street sidewalk funding

Mayor Peterson discussed the agreement. The Town has been approved for \$37,500.00 in safe sidewalk funding from the State of Utah.

Mayor Peterson asked for a motion for the acceptance of the Safe Sidewalk Funds for the FY 2018 from the Department of Transportation, State of Utah.

Councilmember Cundick, I so move. 2nd by Councilmember Rohr. 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: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

9. Discussion Items:

- a. Mike Chandler, Ash Creek discussion on serving as body politic

Mayor Peterson, at the last meeting there was discussion about being the body politic. It was requested that we address that and give a final answer to Alberta Pace. What was decided at the meeting was it would be helpful to find out what role as body politic Ash Creek might be willing to play in the area of wastewater systems in the Town of Leeds. I invited, as requested, Mike Chandler, who is here.

Mike Chandler, as we have looked at the opportunity to serve as body politic, from time to time we are asked to serve in that capacity throughout the East Side of the County where we have jurisdiction. There are a couple of things we have set up primarily when this opportunity first came to us almost a year, September of last year, with the Silver Pointe Estates development. It was in the reverse situation where the Town was acting as the body politic, and Ash Creek was going to be acting as the contract operator. So as I look at the specifics of the situation with Alberta Pace, and in addition to that, any additional developers within the Town of Leeds, I think the district is comfortable in operating in that situation considering a couple of conditions. Right now the district works with the three members cities that form our district and we cooperate with them, and the management of our building. Typically they will bill all of our customers for services and we pay them a certain amount of the money being billed. As such, Ash Creek does not have a billing system other than our own in house accounting. As such, the questions that arise from Ash Creek entering directly into a position of body politic, rather than working as a contracted operator under Leeds as the body politic, are the following:

1. How will the billing be handled?
2. When bills are delinquent, what authority does Ash Creek have to request any other utility to shut off?
3. Compliance and enforcement

Mike Chandler indicated he has the a few questions that he would like the Councilmembers to consider. The Town General Plan indicated the Council and Mayor would be working on

solutions as far as sewer and Ask Creek was willing to work with the Town then and still is; however, Mike's concern is if Ash Creek is asked to take on new development piecemeal, it disproportionately asks Ask Creek to bare the liability of development and growth, where he thinks the City should have some skin in that, the City benefits from the growth.

Mike continued to discuss it and indicated Ash Creek regularly gets calls about people wanting to subdivide in Leeds and as far as they are aware, there are not any plans or process in place for Leeds to address that issue in the future. As far as the Alberta Pace subdivision, if Ask Creek is going to act as the body politic without Leeds in between, they would have to get some arrangements made with whoever the water conveyer is and would have to work out a billing arrangement similar to what we have proposed to the Town for Silver Pointe Estates.

Mike Chandler stated he does not have a problem with doing that; although, strongly expressed that is not his preference. He prefers the situation that was proposed with Silver Pointe Estates where the Town was the body politic, and Ash Creek acting as the operator.

Mayor Peterson replied that the Town currently bills for trash and recycling and in the past year we had 100% success in collecting in delinquencies by coordinating with the County and attaching it to tax bills.

Mike Chandler and the Mayor discussed billing further.

Councilmember Rohr, with those three communities, I am assuming you are the body politic for them?

Mike Chandler, we are a special service district specifically set up for waste water treatment and collection. So by nature of the rules of operation and articles, we are the body politic for those three communities.

Town Council and Mike continued to discuss it.

Mike Chandler asked if there was some reason why the Town is not moving forward with some type of centralized collection that could be expanded for new development and then untimely piecemealed for the rest of the Town.

Mayor Peterson, responded that with any discussions he has had with developers, they would need to bring to the Town a proposal as to something they would be covering the costs of. The Town is not interested in putting the infrastructure in place and the individual developers have been given the option of a collection type system; however, their analysis which is now sounding like you (Mike) might disagree with, leads them to believe collection systems are more expensive.

Mike Chandler indicated in the late 70's, there was raw sewage at 1150 West at the old lagoons in Hurricane and would regularly discharge because the lagoons would overflow in the wash and into the river. You had two other communities Toqueville and LaVerkin who had septic tank densities, that to a large degree, polluted the shallow water in the aquifers, and when the ground water was no longer acceptable to drink, essentially each of the communities were forced by their own hand. All three banded together and took on that project. What I can tell you is, it is never a delightful thing to add a utility.

Mike continued to discuss the growth rate in the district. It is at roughly 10% over the last two years and one of the problems is, there has been an increase in people threatening legal action and other things if they are not allowed to subdivide, and with those people, they need to be shut down at the City level with policies.

Mayor Peterson replied that Leeds has a lower growth rate at about 2 to 3% and all of that has been with septic.

Town Council and Mike continued to discuss testing for contamination from septic in the ground and the 9 acre requirement from the Washington County Water Conservancy District agreement. Mike expressed concerns about the agreement, that it has no requirement to retest

the ground water and it has been 20 years since that agreement was adopted, and there have been significant changes within the County. With water conservation, low flow faucets and showers, there is not such a hydraulic load, but the organic content is more potent, because it is not reduced by water. Ash Creek has done studies all over the County, 4 within Leeds so they could adopt a policy that allows for density reduction for those who want to use an alternative system.

Councilmember Sheltman indicated most people in his community keep up on their septic and Home Owners insurance covers septic if they fail. He expressed concerns about having to pay for a sewer plant, because right now there is no charge and if sewer lines are run all over and you float bonds, what happens when the economy flattens out.

Town Council and Mike Chandler continued the discussion.

10. Citizen Comments:

Betty McKnight, thanked Council for their questions. Betty expressed concern that it seems like there is someone in this community that every time he gets involved in development, we end up with all these problems. To her, it is not a question of what developers want; it is what the community wants. If we go to sewer, it should be because people are asking for it, not a developer. Mayor Peterson responded, just so you know Betty, I don't think anybody on Council is looking at going to sewers.

Thomas McKnight, asked Mike what the average monthly charge is to the homeowners in the three Cities for the system.

Mike Chandler, responded the residential rate for the three communities is \$25.00 a month. He would anticipate a similar charge. Typically with a community putting in a sewer though, if they are bonding for something like that, there would be some sort of surcharge in addition to that bill that would go directly to pay off the bond.

Councilmember Sheltman asked how much impact fees are and it is to his understanding, that if you go to septic, the homeowner has to dispose of the septic tank themselves.

Mike Chandler responded \$2220.00 and yes, typically it is crushed in place, or filled with sand, you leave it in place.

Councilmember Sheltman, is the sewer line going in place paid for by the homeowner.

Mike Chandler, the lateral coming to the home?

Councilmember Sheltman, yes

Mike Chandler, Typically when you do it case by case but when you do a large project like when sewers were put in all the three communities that is floated into the bond. Everyone shared the cost.

Thomas McKnight, if ground water is contaminated with pathogens, do local authorities mandate a public septic system?

Mike Chandler, I can say yes, but I don't know in Utah. I know for example people in the southeast, Alabama, Mississippi that went with a mandate; there was public assistance in the form of grants and low interest loans to try to facilitate that. I can think of when Toqueville and LaVerkin when they dirtied their own water, they ended up solving their own problem, but the State was willing to participate in that. I don't know that mandate is a type of thing, but once you realize you are pickling in your own juices, they don't need to mandate much.

Thomas McKnight, is that why they are limiting permits going out because of the downward percolation of the pathogens from the water?

Mike Chandler, with permits, yes to try to reduce the likelihood of that. Pathogens and diseases like that typically are not too much of a challenge in a septic tank. Those kinds of things really can't survive without oxygen or outside of the body for very long. The bigger challenge is the chemical contaminants that are byproducts of the breakdown of our waste and that is the nitrates. The reason nitrates are the concern is it contaminates ground water and if you have heard of blue baby syndrome, it reduces the ability to take in hemoglobin, it is also water soluble. So rather than staying in the soil, it will travel with the water as it moves down through the soil. There are a couple of places that if you go and test upstream and downstream the river or creeks in the County that E.coli counts are significantly higher up stream in certain areas.

Sam McKnight, indicated he has a couple of concerns. He is starting to build his house and is putting in a lot of money for the septic tank. If a sewer system comes in, is he going to be forced to rip that out and tie in? It is a lot of money just to fill in, and then will he be forced to switch over and spend more money to tie in? Second this is a small community and if sewer comes in, will we all of the sudden have quarter acre lots. Are we going to turn into an Eagle Mountain? He was in Eagle Mountain when it crashed and lost a home. He doesn't want to see the same thing happen here.

Mayor Peterson, replied zoning is a local jurisdiction that we can zone how we choose to zone the Town, so it would not immediately convert just because there was a sewer line. The number he is hearing is 15 to 20 years down the road and nobody on Council is saying we are going to have a collection system in the future while they are involved with Town Council.

Mayor Peterson and Mike Chandler discussed what is involved when a septic system fails.

Darryl Lewis stated, Alberta my heart goes out to you. You have been dealing with this since January that he is aware of. One of the reasons he came tonight was to find out in a body politic who has ultimate financial responsibility. If Ash Creek gets involved and assuming there is a home owners association and assuming the home owners association goes bankrupt, who takes over? Second, the decision making process and responsibility, Alberta has mentioned there are three systems she is considering, but leaning towards one. Does she have the final say or who does? What happens if it is put in and doesn't function and a new system has to be put in. Does Ash Creek put that in or does the City? These questions are basic in being a body politic and have not been asked.

Mayor Peterson responded he believes there are a variety of issues. There are legal issues that need to be addressed. I think you need to start talking about one topic and work your way through those, I don't think you expect to address them all at once. Tonight the thing I have asked of Mike and it sounds like there is a willingness to consider, is if it makes more sense to once everything else is investigated for Ash Creek to be the body politic, there is a willingness to consider that. That is what I have taken from what was said. To my understanding if the systems are put in, it is the people putting them in that are responsible to maintain them.

Alberta Pace, as far as finances go, I am willing to sign a contract saying I will be responsible for any problems and will take full responsibility.

Betty McKnight, does the Town have any kind of figure of what would be involved with this?

Alberta Pace, to install the units? Yes I have a bid.

Betty McKnight so will one unit satisfy your development.

Mayor Peterson, I believe the question is, you have a bid for a shared system that to your understanding would service all of the residences that you would be building as a result of the development.

Alberta Pace, yes, I think I will have 15 lots and one treatment.

Betty McKnight, another question is our understanding is that a lot has to be created to be grandfathered in, can you change that?

Mayor Peterson it is not changing a grandfathered lot, what it is saying is that, right now you are allowed to have more septic systems in Leeds. If you bring in 9 acres of land, you are allowed to have one septic system and the question that is being presented to the Washington County Water Conservancy is if you are going to use some sort of shared system that does some finishing at the end effluence, are you going to be able to use less than 9 acres. The question becomes, if you can halve it, does 4 ½ acres work. She is going less and it is a matter of if the levels of the actual discharge can be brought down to an acceptable level that they think would be beneficial to allow that, because if it is a 3rd of the amount, my simple math would say it would be 3 acres.

Mayor Peterson, Betty and Alberta continued to discuss it.

Councilmember Sheltman stated Darryl made good points; however, right now it is just basically looking at body politic. But, you're raising good questions because how many developments have we had in town that have disappeared, in some cases, someone buys it and they disappear too. If one or two homes are on there and they disappear, somebody has to be responsible for it and I don't think it is going to be a bank. Other issues are zoning, setbacks, how large can it be and how many units it can service. We haven't even done that yet, it has to go through zoning. We have never had one of these and that is where those questions will be addressed

11. Staff Reports:

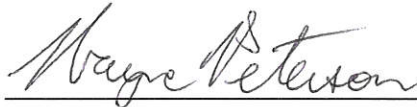
Councilmember Rohr, road project doing slurry projects before November. It will be ½ the streets in Town.

12. Closed Meeting:

13. Adjournment:

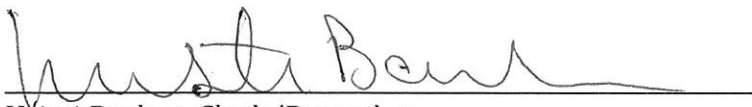
Councilmember Cundick adjourned the meeting.
Time: 8:53pm.

APPROVED ON THIS 9 DAY OF August, 2017



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder