

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, August 9, 2017

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, August 9, 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 and July 26, 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. Conditional Use Permit for Revivall Restorative Therapy and Massage
  - b. Lot Line Adjustment on parcels L-VVWE-5 and L-VVWE-4, Vista View Estates for Subdivisions Inc.
9. Discussion Items:
  - a. Ash Creek follow up
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 August 3, 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.leadstown.org](http://www.leadstown.org)**.



Kristi Barker, Clerk/Recorder

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# Town of Leeds

## Town Council Meeting for August 9, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on August 9, 2017 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>x</u>	<u>          </u>
COUNCILMEMBER: ANGELA ROHR	<u>          </u>	<u>x</u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u>          </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>          </u>

2. Pledge of Allegiance by Councilmember Cundick.

3. Declaration of Abstentions or Conflicts:

Councilmember Shelton indicated one of the applicants tonight has a letter from an MD. Tyler Williams, for the record, he is a sports medicine doctor, and I have seen him in the past.

4. Approval of Agenda:

Councilmember Blake moved to approve tonight's agenda and meeting minutes of July 12 and July 26, 2017. 2<sup>nd</sup> 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	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: ANGELA ROHR	<u>          </u>	<u>          </u>	<u>          </u>	<u>x</u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>

5. Citizen Comments:

6. Announcements:

Mayor Peterson announced the following event:

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

Councilmember Blake indicated we live in a small Town and there is nothing for the kids to do. He would like to get more activities planned.

Mayor Peterson responded that the royalty is interested in helping with Wild West Day and if Councilmember Blake has any ideas, please mention them.

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

7. Public Hearings: None.

8. Action Items:

- a. Conditional Use Permit for Revivall Restorative Therapy and Massage  
Mayor Peterson, this was brought to the Planning Commission on August 2, and they recommended approval to the Town Council.

Mayor Peterson asked for a motion to approve the Conditional Use Permit for Revivall Restorative Therapy and Massage.

Councilmember Blake, I so move. 2<sup>nd</sup> by Councilmember Sheltman.

Councilmember Sheltman, under the Home Occupation Business License, it says it is a renewal, is that correct?

Mayor Peterson, I believe it is a renewal, yes. This item here is for the Conditional Use Permit that once approved, will not need to be renewed on an annual basis.

Councilmember Rohr, sometimes Conditional Use goes with the property, what happens with this kind of Conditional Use?

Mayor Peterson, with a home business, it is with the home business and does not continue on with the property, the way, for example, the use for a property with animals would perhaps be able to be transferred with the property. This is assigned to the business, that is who applied for it; it is not for the property itself.

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	_____	_____	_____

- b. Lot Line Adjustment on parcels L-VVWE-5 and L-VVWE-4, Vista View Estates for Subdivisions Inc.

Mayor Peterson, our Attorney, with discussions with our Town Planner, believes that the lot line adjustment on those parcels is actually an amended plat map. As a result, we need to follow a slightly different procedure. The Planning Commission stage is still acceptable and they suggested moving it forward, but we do need to contact all of the people who are in that plat in order to give them an opportunity to comment on that. We will potentially, depending on the feedback we receive on that, have a public hearing.

Jerry Eves, representing Gordon Casey and Don Parker, I think the attorney didn't understand totally what was happening. We did the parcel amended map when we created phase II 12 years ago, and what we are doing is a lot line adjustment on the east side, taking the long skinny lot the other way. I read through the Ordinance, there is no addition, or taking away of any building lots, there is no increase, or decrease of any square footage on either building lot, and we are not advertently affecting anyone on the other side of the street. So there are four lots in that phase, so it might be a minor adjustment, but if we do the other one, its okay? I just don't

know. In Washington City, I just did a lot line adjustment in the last four months, I did one in Brook Haven, quarter acre lot, it moved the lot line 7 ½ feet, which took away property, still met the zoning, and added it to the other one, and it didn't have any of the other 46 lots. Councilmember Blake, but you had to locate the owners within a 300 foot radius didn't you? Jerry Eves, no, it was a lot line adjustment between two property owners where they quitclaimed the property. There were no liens on the property, or mortgagees. It formalized with a lot line adjustment. Anyways, do whatever procedure that we need to and I will work through the Clerk on that.

Councilmember Rohr, so, you are taking four lots and just reorienting.

Jerry Eves, two of them.

Councilmember Rohr, what about this then, I don't understand this, this shows four lots?

Jerry Eves, we are moving this lot line here that goes east and west, to the north and south.

Councilmember Rohr, oh currently it goes this way, oh, and what about this one?

Jerry Eves, those two get to stay how they are, they are different owners.

Councilmember Rohr, so the ones that we are referring to.

Jerry Eves, those are staying, this is how it is platted. We just take that lot line and shift it 90%.

Councilmember Blake, a minor lot line adjustment.

Jerry Eves, yes, but I will work through your procedures, you have a City Attorney for a reason, I just want to make sure we get things done timely.

Mayor Peterson, ok we will certainly move forward with it, but I think given the question that was raised, it would be best to defer it until we have an opportunity to make sure we follow a procedure that could not be challenged at a later point.

Councilmember Sheltman, what was the concern on that again?

Mayor Peterson, that it is really an amendment to the plat map, which requires the notification of every other parcel owner within that plat in advance of taking action. It doesn't mean it needs their approval for it to happen, but they need to be notified in advance so they can voice opinions they might have.

#### 9. Discussion Items:

##### a. Ash Creek follow up

Town Council discussed Ash Creek serving as the body politic for shared waste systems in the Town of Leeds.

Councilmember Cundick indicated he would like to review other agreements that Ash Creek has with other Towns.

#### 10. Citizen Comments:

JW McCain, indicated there is a First and Second Ward in the Town of Leeds and he would like to coordinate events with both Wards and was wondering if Town Council would like to get involved.

Councilmember Blake asked if he was talking about using the church or Peach Pit Pavilion.

JW McCain, replied any of those and whatever we could come up with in addition to that. He continued to discuss it.

Councilmember Cundick stated one of the concerns he has is, if it is a Ward event, and not for everybody in Town. If it is a community event, then it should be advertised as a community event, and not a church event.

JW McCain agreed.

Town Council and JW McCain continued to discuss it. Councilmember Rohr suggested that when an event is scheduled, it could be included in the quarterly newsletter.

Susan Savage, indicated she thinks when people move to the community, they don't always realize what's been done before and she would like to encourage everybody to form any type of group to support what the community has been trying to do.

Susan continued to discuss ways you can volunteer within community.

Darryl Lewis indicated while he sat through the presentation a couple of weeks ago on Ash Creek and thought there was a lack of facts by Ash Creek. There are questions that need to be answered that are not being discussed tonight. He expressed the following concerns:

1. Leeds having a role with Ash Creek instead of control
2. If there is a difference in the Town Ordinance, vs, Ash Creek's, there will be lawsuits by members of the community being hurt by Ash Creek
3. Ask Creek indicated the Town of Leeds will be responsible for collection of money, and when the document is complete, he thinks Leeds will be reimbursed by the users

Darryl stated that he heard today that it would be too much work for the Town of Leeds to be the body politic and since he has lived in the Town, has continually heard about growth. He wondered how Town Council can consider growth without having more responsibility and work and not to give up control, because Council owes it to the citizens of the Town. Council can hire an organization, or a company like Ash Creek, to do the job and oversee them, and maintain the control over them, because if the Town continues to grow, and these systems become highly dependable, he would much rather the Town of Leeds making the decisions than some third entity. Councilmember Blake replied, I don't think we are looking to give up the control other than the liability.

Councilmember Rohr, I think the two go hand in hand.

Councilmember Sheltman, I agree, I have lived here for 14 years and it has happened before. The reason we are in this situation, I was here 10 years ago when we locked out septic. I know what was represented and it is not what we are talking about now. It has changed a lot, and my guess is it will probably change some more. We were doing this for growth, and we had 3 or 4 developers that were going to put in a central system they were going to take care of, they were going to be responsible for, and look where we are now. It is not an easy answer for anybody, especially for people who are trying to do something, as far as, add structures to property, changing property, or making properties bigger, or bringing properties in. I agree with you on this, and we will give up power, and that is just the way it is going to be. It has happened before with other things that we have done, and I don't feel comfortable with that. Again, it is a complex thing, it is sewer. I know about water, so does Ron down there, it is a lot of work to stay up on State regulations, and a lot of work to do everything that the owners demand, of the State, to quote a letter that the Council got recently. It is hard to stay on top of it, and you are expecting an outside entity to stay on top of it, one of two things are going to happen, it is going to get a lot more expensive than what was originally promised, or something is going to get messed up, and it is going to come back to you as the final say, the Town, as opposed to a hired gun.

Councilmember Cundick, I think both will happen Elliott; I think things will happen that you haven't planned on, and more expensive than you planned on and that is one reason you want to have a solid idea where the liability is.

## 11. Staff Reports:

Councilmember Rohr we are coming into the fall. Again I just want to mention that in October, or early November, we will be working on the streets, putting slurry seal coating on a number of our streets, as much as we can afford to.

Councilmember Rohr, Planning Commission is looking at the General Plan, and I sense they were very frustrated, because they didn't seem to have a handle on what the community wants, and how to find out what the community wants. They were requesting a joint work session with Town Council, is that in the future?

Mayor Peterson, I was going to ask as I got to my items, whether people on Town Council are available. It was being suggested at our next Town Council meeting that we begin at, I believe 5:30pm, in order to have 90 minutes to discuss the approach for the General Plan. It would be a joint work session for Town Council, with Planning Commission invited. Are members available? Councilmembers will check and get back to the Mayor.

Mayor Peterson, I received a phone call this morning from Curtis and I asked him to come forward. He had done some checking on some flood control funding.

Curtis Nielson from Ensign Engineering indicated FEMA has allocated funds nationally as part of the Hazard Mitigation Plan the Town adopted, which makes the funds available to the Town. Part of the process is to file a notice of intent that is due on the 15<sup>th</sup> to get on an eligibility list, and then we could go through the application process. FEMA's percent is 75% of the overall cost of the project.

Town Council and Curtis continued to discuss it and agreed to file the notice of intent.

Curtis Nielson, update on Main Street, I have been in contact with Scott Snow; we have our stuff submitted to him to review so we can start to get permits on the encroachment and things. I have been in touch with LDWA; we did submit to Karl Rasmussen our design drawings, a PDF of them. I need to get in touch with him to see what more he needs. I spoke to the Mayor about this, I was just curious, with your blessing; we would give to him our actual survey points, and our surfaces, that he can design off that. Where it is something that the Town has purchased, LDWA is a separate entity; I just want to make sure you are comfortable with us sharing that information if he does request that.

Mayor Peterson, I believe the overlap is so significant that it is not inappropriate for the Town expenditure to be, as a courtesy, or whatever the right term would be, to extend the effort to LDWA. Councilmember Sheltman, what is the start date on this?

Curtis Nielson, probably about a month from now.

12. Closed Meeting:

13. Adjournment:

Mayor Peterson adjourned the meeting.

Time: 7:58pm.

APPROVED ON THIS 23<sup>rd</sup> DAY OF August, 2017



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder