

Town of Leeds

Electronic Meeting Agenda Town of Leeds Town Council Wednesday, October 14, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold an electronic **PUBLIC MEETING** on Wednesday, October 14, 2020 at 7:00 P.M. This will be an electronic meeting.

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Town Council

Time: Oct 14, 2020 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82968191794?pwd=WHlUa2ZMQmxkOFBrcHkyZm5xVHVScz09>

Meeting ID: 829 6819 1794

Passcode: 126657

One tap mobile

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Meeting ID: 829 6819 1794

Passcode: 126657

Find your local number: <https://us02web.zoom.us/j/82968191794>

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda
 - a. Tonight's Agenda
 - b. Meeting Minutes from September 23, 2020
6. Announcements

7. Public Hearings: None
8. Action Items:
 - a. Discussion and possible action on Conditional Use permit Application for Southern Utah Metal Works, Jared Turner
 - b. Discussion and possible action on Site Plan Review Application (Grading Permit - Residential) for L-BULL-3, Troy Stoker
 - c. Discussion and possible action on Site Plan Review Application (Grading Permit – Commercial) for L-94-A-1, 205 Cemetery Rd., Leeds Storage, Triple S Properties LC, Troy Stoker
 - d. Discussion and possible action on Small Subdivision Preliminary Plat, L-3-E, 770 N Main, MSH Investments, LLC, Ian Crowe
 - e. Discussion and possible action regarding engineering for Main Street storm water project
9. Discussion Items:
 - a. Silver Eagle Development Agreement
10. Staff Report
11. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
12. Roll Call Vote to end Electronic Meeting
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, October 8, 2020 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmmutah.gov> and the Town of Leeds website www.leadstown.org



Peggy Rosebush, Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, October 14, 2020

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, October 14, 2020. This was an electronic meeting.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____
COUNCILMEMBER: STEVEN WILSON	x	_____

2. Pledge of Allegiance: Mayor Peterson

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Wilson moved to approve tonight's agenda and meeting minutes of September 23, 2020. 2nd by Councilmember Hunsaker. 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: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments: Citizen comments was inadvertently omitted from agenda. See below for comments....

6. Announcements:

Mayor Peterson said the Town is not going to be holding Trunk or Treat. There was some discussion with a resident suggesting that they might hold their own event. I shared with them the information from the School District. They currently have 15 students who have tested positive across the whole district. If it ever got to over 15 in one school, State requirements would have them going to online instruction only for a period of at least a couple of weeks. The School District is very much hoping that people will not allow their guard to be let down outside of the school so they can continue on without having to go online. In speaking to that individual, they said they decided not to hold the event.

7. Action Items:

a. Discussion and possible action on Conditional Use Permit for Southern Utah Metal Works, Jared Turner

Mayor Peterson said Scott would you please introduce this item.

Scott Messel said Jared Turner has applied for Conditional Use Permit for a home occupation for Southern Utah Metal Works. It was reviewed in Planning Commission a month ago and they tabled it because they had issues that were worked out. They came back before the Planning Commission last week and the Planning Commission recommended approval of the conditional use for the business subject to some conditions. One of the concerns that came up is there is a conex box shipping container on the street side, it is a corner lot, of the house. Because it is being used as a shed and storage, it is considered it is an accessory building. There was discussion about whether or not it was feasible to move it. The Planning Commission decided to approve the conditional use subject to Jared not storing anything from his business in the container, and if there is a violation, handle it separately from the business license. But they were in favor of allowing him to move forward. There were comments made about hours of operation and noise. They said that they did not want stuff stored in the driveway. It could be there during business hours, but they did not want it left out overnight because Code says there shall not be any outside storage.

Mayor Peterson said one moment here. I just realized that Citizen Comment was omitted from the agenda, but I hope Council will be in agreement with the following. We normally accept citizen comments at the start of the meeting as well as at the end. If there is no objection from Town Council, I would like to go through citizen comments here. Is there any concern from Town Council?

Citizen Comments item was inserted at this point

Doris McNally said I was wondering if you can give me an update on the status of the discussions between the Town, Washington County and Silver Reef Foundation regarding the property that has been discussed in the past. My second question is can you give me an indication on how these discussions started and who actually initiated them. My third question is, it has been about 5 months since this first came up at these meetings and I just wanted to make note to everyone that I am unaware of any public meetings that have happened by the Silver Reef Foundation or the Town to talk to the homeowners up in the area about the potential of this rezoning, Interlocal or what you want to call it and subsequently the ordinances that will impact the people up here. I just want an update on what is going on.

Mayor Peterson said I received an update earlier this week from Steven Scott who has taken over for the attorney who has left Washington County. He indicated that he did not have anything with regard to where they stand on the Interlocal Agreement, where they are now currently leaning. He expects to have that within the next two weeks. They proactively contacted me. I know you have heard that before, but I am more optimistic this time that we will be hearing something in time for our next meeting. The original discussion began when County Commissioners asked me what might be done to address the problem. They did not want it to be an ongoing problem. I was the one who drafted an initial idea of using the historical chapter in our land use ordinances as a way to address zoning for this and the CCC Camp which does not involve the County. The County Commissioners asked that I review it with the Silver Reef Foundation. The County Commissioners have subsequently decided, after looking it over, that they do not want to go that particular route and would prefer to go with an Interlocal Agreement and that Interlocal

Agreement will be brought to the Town Council once it has been reviewed by the County. It will be at the first available Town Council meeting. It will not be actioned the same night we discuss it. It will be available for the public so they can provide input between that initial point and when it is presented and when any action will be taken on it at a subsequent meeting. I think I have touched on all 3 questions.

Doris McNally said the third one was there was the understanding that there have been no discussions with any of the homeowners who reside up in the area. What I am more concerned about is clearly Washington County does not have a clear understanding of the ordinance that will be put in place for that area. These ordinances are what will have an impact on the homeowners in the area. The question is if ordinances are going to be developed in closed Council meetings without feedback or input from the homeowners during the time a proposal is made and when it is actually finalized. I just want it to go on record that the homeowners up here would like some feedback or some input on what the ordinances are and how those ordinances will affect the dynamics of this area. (Clerk/Recorder wants it noted on the record that there is a strong background echo in the audio recording for this speaker.)

Mayor Peterson said we will go through the full process after the County has decided on it. It looks like we are not going to go in the direction that was originally proposed. I do hope that in the next couple of weeks, we will have a starting point for Council and then we will have a starting point for the public in order for them to review it and provide their input.

Doris McNally said I appreciate your feedback. So I understand, you are telling me that if it happens under Interlocal that there will be no ordinances being placed on that area. It will be totally done by Washington County.

Mayor Peterson said if it is Interlocal it will be between the Town of Leeds and Washington County agreeing on certain aspects on how that property will be operated and that will be circulated with the members of the community.

Doris McNally said I think the homeowners up here would appreciate if you would also include them in the discussions before the Town makes an agreement with Washington County.

Mayor Peterson said I will restate ... we will have community input when we get to a starting point. It seems there are a lot of people who want to be involved before we have a starting point. When we get to that point, it will be brought to Town Council to get their input and it will be made available for the public so they can provide their input as well.

Doris McNally said the only minutes available to me today are those from August. I have nothing from September. Residents are one month behind in information so the transparency flow of information should be changed. There are people up here actively waiting for a meeting to happen to give them an understanding of what the plans are. It has not happened.

Elliott Sheltman said I am here as a representative of LDWA. I am President of the company. I am here to speak about Line item 9a. I do not know if I am going to be allowed to discuss it during your actual discussion. I was asked to present to you some information on the company that we provided today. I hope all of you have a copy of it. What the applicant is requesting is that the water be brought in by Washington County Water Conservancy. This is a fairly big deal. I was wondering if I will get a chance to comment when the applicant is commenting, or should I do it now?

Mayor Peterson said the applicant is not in attendance. I forwarded that email to both the LDWA and Washington County Water Conservancy District and very late this afternoon I did receive emails back from both of you. LDWA is requesting that a letter from your engineer be included with the minutes. I plan on noting when we get to Item 9a and I will also include the email provided by the Washington County Water Conservancy. When I received the information from the potential applicant that they are doing some due diligence, it is related to an old development agreement that the Town has, and I did forward it to you and also the Conservancy asking for your review of that information. At this point, I would be happy for you to comment on it and we will take that into consideration as we discuss Item 9a.

Elliott Sheltman said will I have the opportunity to be on the agenda to discuss this? The applicant appears to be meeting with Councilmembers. I do not know if we can do that individually as they are doing, but we would like to be able to talk to Council about this situation. On the paperwork that we have, I see it says water supply analysis report. I do not know what that is. Is that something that you have a copy of?

Mayor Peterson said it is the same thing that I forwarded to you. Nothing further beyond that has been provided.

Elliott Sheltman said basically representation is made in the letter that this gentleman took a couple of pressure samples at 2 hydrants that the Conservancy has and at 2 hydrants that LDWA has. Our contention is, just for the record, these individuals have never approached us asking about engineering for this project. We do have a high-pressure line right around the corner, a little bit up the hill, that produces 160 lbs. per square inch. If you look at the engineering report prepared by Pro Value engineering, we can produce a hydric level for the houses of 110 to 115 pounds per square inch. If you look at the numbers produced by the other entity, you will see it is about 40% more than they can provide. We wanted to be able to show you that their numbers are incorrect. They cannot produce anything close to what we can provide. He discussed the capabilities of LDWA versus the Water Conservancy. We feel like we are out of the loop on this. If he is having meetings with the Town, we should be involved in it. And I think we have the right to ask him questions. Taking readings on a couple of hydrants close to the entrance is not proper. That is not engineering. And you are being asked to let him get water from the Water Conservancy because their line is nearby. I am requesting that we have a more official meeting on this on the agenda so we can actually go over it in length with the Council. This is public comments section which really is not appropriate for this. Is this something that is possible?

Mayor Peterson said I think as an application comes in and we start to move forward, the whole purpose of forwarding that information they provided as soon as it was received was to make sure you are aware of what they are putting forward. The applicant asked me if they could meet with Council before the Town Council meeting. We are not allowed to have more than 2 members of Town Council together discussing anything unless it is a Public Meeting that has been noticed to everyone. We strive very much to follow that. They ask for and have been provided individual contact information for the other Town Councilmembers. Certainly, the LDWA is welcome to contact individual Councilmembers or to ask to meet with a couple of us at one time. The other thing would be, if you are interested, I will be happy to contact the individuals who submitted that information if you would like to speak to them direct. What I was looking to accomplish is what I think you are saying you want to make sure happens and that is a full providing of information related to this topic by all parties referenced in it.

Elliott Sheltman said I believe that this issue ... Water conservancy has never been invited to Leeds. When there have been attempts to do that the reactions from the shareholders has not been very

positive. I think considering this particular issue, and the fact that the Conservancy is involved as a possible water provider, I think we should have a Public Meeting where we are there with the applicant and in front of Council with the public watching. That is what I would prefer. As I look at all of this, it appears a lot has been going on and we were not aware of it. We did a will serve letter for the applicant and we thought that was enough. We did that last year, I think. We were kind of shocked to see here that there is a discussion going on about bringing in the Water Conservancy. Who brought them in? Who is bringing them in? We do not have a need for the Water Conservancy. We can provide all of the water necessary for this project. I think it should be a public forum where people can actually be involved in it. This is their Town Council and their water company. I do not like what I am seeing on the paperwork. You provided it to me, and I appreciate it. It looks like a lot of work has gone on up to this point, but we have not been involved in it.

Mayor Peterson said I would have to disagree with you. That is the only communication other than them asking to meet. They are not an applicant yet. They are a potential buyer trying to do some due diligence on the property. And I shared it immediately because it seemed very appropriate to allow those being referenced in it, who did not provide the numbers, to review them and comment on them. That is what you are doing now and when we have an applicant it will certainly be done in a Public Meeting. It will not just be something where there is no opportunity. Right now, we do not have an applicant. We have someone who is doing due diligence on a project.

Elliott Sheltman said their due diligence did not include LDWA, the water provider for the Town, and has been for 90 plus years. In his letter, he is saying that we do not have the ability to ... that we are not viable to make the flow requirement for standard residential use. That is incorrect. Since you are making this decision, and since you are involved with the Water Conservancy, I think we need to be able to do this publicly so it goes on record and people can hear both sides. He may not be an applicant, but he is very close to getting this moving with the Water Conservancy. We have had zero input with this applicant or his partners. We were blindsided by this. From prior history with the public, you do not want to give the impression that something is being pushed through. It has happened in the past. He explained why LDWA is ready for this because they have planned ahead. Again, I request that a meeting be put on the next agenda on this issue where I am allowed, and the Board is allowed to give our sides and it is discussed openly. If the Water Conservancy gets into our territory, if they go into one development, that will be the end of LDWA. We have already talked to our attorney about it. The State will not allow 2 entities to provide water. That will be the end of LDWA. It would not happen right away, but it would happen. He talked about what all LDWA has done for the Town. You will not get that from the Conservancy. I am requesting again that we put this on the agenda so people can see what is going on.

Mayor Peterson said it will be a discussion item later and at that point Town Council can offer their opinions on it.

Discussion on Item 7a was continued....

Mayor Peterson said at this point, we will resume discussion and possible action on Item 7a – Conditional Use Permit for Southern Utah Metal Works, Jarred Turner. Scott, is there anything further that you would like to add?

Scott Messel said nothing at this time.

Councilmember Stirling said Scott, what was it about the container on the side?

Scott Messel said there is a container on the street side of the home. It was going to be used for storage for the applicant's business. Being that it is not in compliance, the Planning Commission was in favor of the applicant being able to move forward and operate his business. They did not want whether or not the container is in compliance to affect his right to be able to operate his business. The Planning Commission was wanting the Town Council to look further into whether or not enforcement needs to be done regarding the accessory building.

Councilmember Stirling said is the only problem with it is that it is on the side of the house instead of the back?

Scott Messel said yes. The code states that no accessory building should be in a side yard or a front yard. It needs to be in the rear yard.

Councilmember Hunsaker said I have your drawing here and it works for me with one exception. I do not see the property lines. Setbacks are not from the road or from the sidewalk. They are from the property line.

Jared Turner said I went down the road and measured some of the driveways. Normally, people pour their driveway up to the property line. There are 2 driveways that are 13 Ft off the road. I assumed that is their property line. That would put me at 29 Ft on the side yard.

Councilmember Hunsaker said if the container was moved to the back, I really would not have a problem with this. Not knowing the property lines, it makes me nervous.

Jared turner said this is not my property. My in-laws have a garden in the back where it would be ideal, but I could not take the garden from them. That is not an option.

Councilmember Hunsaker said how about just behind the garage and then park your trucks over further.

Jared Turner said I would lose all access because there are trees there as well. I would lose all access to the back yard and could not park my vehicles back there.

Jared Turner said there is a lot of personal stuff in the container. I do have some steel in there. I bought it for personal stuff in the beginning. I did not want to have a junky yard. I could sell it and store the steel in my yard.

Councilmember Hunsaker said I know the Planning Commission said they wanted to separate the conex container from everything else so you could still go ahead and have your business. A business license is contingent on being in compliance with all Town Ordinances. This whole time you have had your business there, but you never did anything about it until you were told it was going to prosecution. Now you are applying, and I have an issue with that.

Jared Turner said I was never told that I was going to be prosecuted until ... I have been trying to get out of here for probably 6 months. I have been looking for a place. I thought I had a place, so I was not going to go through the process with the Town because I thought I was moving. That fell through. Now I am stuck here until I can find something.

Councilmember Hunsaker said the Planning Commission put some conditions on it about not storing equipment outside after normal business hours. But all this week the forklift shows up and the fabrication table is still outside. It was like you were thumbing your nose. Do you plan on leaving all of that equipment outside?

Jared turned said I am working on it.

Councilmember Wilson said is the problem with container that the setbacks are not back far enough?

Councilmember Hunsaker said I would like to see the property lines. Sometimes the property lines angle. They are not always in a straight line.

Mayor Peterson said I would just add that outside storage of materials related to a home business is not permitted. You could not just eliminate the conex and then store the materials outside.

Jared turner said I have a lot of personal stuff in there. That is why I bought it.

Councilmember Wilson said I want to make a comment. I think it is good to make sure we check the setbacks and follow that, but I also think we want to work with people. I think he does a pretty good job keeping stuff put away.

Mayor Peterson said Scott, is it permissible to set a condition related to how long that storage container can be there?

Scott Messel said I think it is well within Town Council's privy to, as a condition of approval, set some time frame. If it is not moved by then, you could re-address the business license if you wanted.

Councilmember Roberts said Jared, do you plan on using that storage container with your business? Yes or no.

Jared Turner said I would like to. It makes it easier for sure.

Councilmember Roberts said Scott, do you have the verbiage of the recommendation from the Planning Commission? Or Peggy.

Scott Messel said I do not have that.

Councilmember Roberts said Peggy, do you have it.

Peggy Rosebush said I have it on my computer. If you can give me a minute, I will bring it up. Peggy read the motion from the Planning Commission October 7th meeting ... "Commissioner Darton made a motion to approve the Conditional Use Permit. It appears after discussion of relevance of Subsection 24.2.6 that his proposed business use meets the requirements of 24.2.6 and we condition his Conditional Use Permit continuing to meet the requirements of 24.2.6." The October 7th meeting minutes have not yet been approved.

Mayor Peterson said I believe that is not a condition. It is a requirement of everybody when it comes to a home business license. Scott, is that the way it should be interpreted?

Scott Messel said in a way it is a finding. The property is in non-compliance and it is understood it needs to stay in compliance.

Mayor Peterson said the size is not a problem, but the location is the issue because the ordinance says it must be in the rear yard and that is behind the rear wall of the house. And it has to satisfy the side setback.

Scott Messel said that is the way I interpret the code, too.

Councilmember Wilson said it sounds like the business license could be approved and then the container would be something separate. Is that correct?

Councilmember Stirling said in 24.2.5.3 it says that with this home occupation, you have to be in compliance with everything else. I think that is what was referred to at the very beginning. What Lorrie was referring to was that if it is not in compliance, we cannot agree to having the home occupation. Is that correct, Lorrie?

Councilmember Hunsaker said that was it.

Councilmember Wilson said these should be separate because the home property is not in compliance. Is that correct?

Councilmember Stirling said Jared, what do you see that we could maybe do to help facilitate you getting this? Is there any chance of you moving that so you are in compliance?

Jared Turner said I could sell it, but I am really short on space. I would just have a junk yard. I have no where to put it and until I can find a place for my business, I do not know what I could do.

Councilmember Stirling read 24.2.6. We do not want to create another problem. Could you park your trucks where the container is and then move the container to the back?

Jared Turner said I have trucks and trailers back there. It could be a possibility if you would rather see that kind of stuff in the side yard.

Councilmember Stirling said I am trying to figure out a way to give you your home occupation license and still stay in the parameters of what these ordinances are telling us what we have to abide by. You tell us what you are willing to do. I am completely 100% for allowing you to have your business, but you are not in compliance with these ordinances.

Jared Turner said when I put the container there, I put it right up next to the house and I painted. I paid a lot more money to get a nice looking container.

Councilmember Hunsaker said Jared, where is the forklift normally parked? I have not seen that before.

Jared Turner said I parked it in the garage.

Mayor Peterson said what I have heard is we are generally supportive of his home occupation, but that ordinance needs to be followed. Would you be amenable to setting a 3 or 4 month timeframe that the specific item of the conex box be addressed or else then the conditional use license would no longer be in place? I know it is not to the letter of the ordinances, but I heard that you want to try to work through this. Jared has said that he would like to move it to a more appropriate commercial home.

Councilmember Wilson said Jared, how much time do you think you would need?

Jared Turner said I would take a place tomorrow if I could find one. If I had 6 months, I believe I could be out of here for good with my business and that container.

Councilmember Wilson made a motion to allow him the 6 months. 2nd by Councilmember Roberts. Mayor Peterson said we have a motion to grant the Condition Use Permit and after a period of 6 months we will revisit the issue of the conex box. I think we should leave it at revisit to make sure that the solution of the conex box does not generate something else of concern. Stephen, is this correct?

Councilmember Wilson said yes, I think that works.

Mayor Peterson said Alan, does that work for you?

Councilmember Roberts said yes.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

b. Discussion and possible action on Site Plan Review Application (Grading Permit - Residential) for L-BULL-3, Troy Stoker

c. Discussion and possible action on Site Plan Review Application (Grading Permit - Commercial) for L-94-A-1, 205 Cemetery Rd., Leeds Storage, Triple S Properties LC, Troy Stoker

Mayor Peterson said Items 8b and 8c are a bit combined. Scott, please present these items.

Scott Messel said Troy Stoker has adjusted some of the lot lines for his storage units and he rezoned it to commercial. He is looking to do the site plan now and at the same time he is doing the site plan for the residential property. He showed the site plans on the computer screen. As part of his site plan approval, he needs to get grading permits. Staff has reviewed these and has recommended approval. The Planning Commission reviewed the site plan for grading at his home and the site plan for grading at the commercial storage units.

Councilmember Hunsaker said this has already been reviewed by Scott and our engineer for the Hillside Ordinance?

Scott Messel said it meets the Hillside Ordinance. Troy has adjusted his site plan from what he originally submitted. Yes, he is in compliance.

Councilmember Wilson and Troy Stoker discussed the location of the house.

Mayor Peterson said I would entertain a motion regarding both Items 8b and 8c simultaneously.

Councilmember Stirling mad a motion to move on both. 2nd by Councilmember Hunsaker.
Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

d. Discussion and possible action on Small Subdivision Preliminary Plat, L-3-E, 770 N Main, MSH Investments, LLC, Ian Crowe

Scott Messel said MSH Investments, Ian Crowe, is requesting to subdivide the parcel into 2 lots. One lot will be 2 acres and one will be just over 5 acres. They have not submitted any plans or what will go on the property. Anytime they go to develop it, they will have to go before the Planning Commission and Town Council. The Planning Commission reviewed it and they recommend approval of the preliminary plat.

Mayor Peterson said Scott, can you highlight where the property line will be between the 2 created parcels?

Councilmember Hunsaker asked what is the current zoning on that, Scott?

Scott Messel said it is zoned commercial.

Councilmember Roberts said both parcels will stay commercial, right?

Scott Messel said yes. There is a piece along the most interior portion of the 5-acre parcel that is zoned residential, but most of each lot is commercial.

Councilmember Hunsaker said this proposal is just basically to separate the parcel and do the subdivision? We will not deal with what will be put on at this time, right? Is this correct?

Scott Messel said that is correct. Utilities will need to be worked out.

Mayor Peterson said Scott, I believe that for this type of plat there would be a recording on it indicating the status of This parcel is entitled to one septic because it was created prior to the agreement that was signed regarding septic systems, but it would not be entitled to 2.

Scott Messel said that is correct. There are notes on the preliminary site plan that say an alternative system needs to be provided for this lot and the other lot has one.

Mayor Peterson said did you recall which one has access to the septic and which one does not?

Scott Messel said I think Parcel B does not have one.

Councilmember Hunsaker said Scott, the 5 acres would not have a septic and would need an alternative system?

Scott Messel said yes. I am not able to find my plan, but that is what I remember.

Mayor Peterson said I think it is very important that this be indicated on the plat.

Scott Messel said when I spoke with the applicant about this, they had no problem with it.

Councilmember Roberts made a motion to approve the subdivision preliminary plat for L-3-E, 770 N Main, MSH Investments, LLC, Ian Crowe. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: LORRIE HUNSAKER	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: STEPHEN WILSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

e. Discussion and possible action regarding engineering for Main Street storm water project

Karl Rasmussen with Pro Value Engineering said in working with UDOT, they want to start on the upper end and work down ... there was an interruption in audio recording.

Mayor Peterson said I believe Karl was dropped. While we wait for him to return, please look at the Engineer's Estimate for the Main Street Sidewalk Improvement Estimate. You will see that UDOT's portion will be \$259,000. At our last meeting, we re-opened our budget and approved \$82,080 from our accumulated surplus bringing the total to \$342,000. Of that, \$312,00 is for the total construction and \$30,000 is for engineering. What I am looking for this evening is for us to be able to officially agree to hire Pro Value engineering as the engineer for this project. What we have done in the past and what is a possibility here is to continue on with the person who did the original work on the project.

Karl Rasmussen rejoined the electronic meeting and said the plan is to use all of the money to raise the sidewalks, and even some of the fences will have to be raised and some steps installed down from the sidewalks. The sidewalks need to be raised so they are above the curb level. We will go as many blocks as we can.

Mayor Peterson said after walking this with Karl and UDOT, one of the things identified is the ADA accesses. The ADA access will be entirely on the side streets. This will be adjusting them so that they face the side streets. That is the ADA reconstruction.

Mayor Peterson and Karl Rasmussen gave more information on ADA turnarounds.

Mayor Peterson said if we were to approve you for the engineering tonight, I believe the next step would be for Council to see the actual drawings before they are sent out for bid.

Karl Rasmussen said I think the thing to do is to bring in the contract and explain it to you. It would be good to walk it with Council if they wanted to. We have already created a spreadsheet of all of the critical areas. I think we need to go over it with Council in a separate meeting. From there, we can put together a schedule to get this done in a timely fashion.

Mayor Peterson said we could do this in a work session prior to a regular public meeting. The next meeting is October 28th and that is still before we go off of daylight savings time. We then have a meeting on November 18th and in December our meeting would be on the second Wednesday. When do you think you could be ready to do the walk with Town Council and would the plans be ready at that point?

Karl Rasmussen said I think we could do it before it gets too dark. Let's do it on November 18th.

Councilmember Wilson made a motion to approve Pro Value Engineering, Karl Rasmussen, to be the engineer on this project. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

8. Discussion Items:

a. Silver Eagle Development Agreement

Mayor Peterson said there was a potential buyer, who has not yet completed that purchase, and during their due diligence they submitted information regarding water pressure at hydrants from both LDWA and the Washington County Water Conservancy. They asked to meet so Alan Roberts and I met with them. We also provided them email addresses if they wanted to contact the remaining Councilmembers. At this point, I ask Alan if there is anything you want to add regarding the proposed 12 lots.

Councilmember Roberts said it was a preliminary discussion looking at the concept of what they are wanting to do there with 12 lots. They also suggested that they would do it in 2 phases. The first phase would be to address the ingress/egress off of Main Street and clean that up. There was also some discussion on water providers. They presented us with the pressure readings that were taken by both LDWA and the Water Conservancy. The discussion on that was there are 2 water providers that exist in the Town and have had existence for a fair amount of time contrary to a statement made earlier. As we look at developments that come in, and we have had this discussion in Leeds for many years, we look for the water provider that makes sense for that area. He gave an example of Angell Springs. It is not for the Town to determine on this particular development, they have a will serve from both water entities. Let those water entities make their application and present their abilities to serve the developer. We want all businesses to be successful. The one that can provide the needs to that development makes the most sense. From the Town's perspective, there would be less issues to utilize LDWA because of the establishment already here and the by-laws of LDWA on who they serve in Leeds compared to getting into ... we already have some agreements with the Water Conservancy, but those agreements are not fully developed and defined of any system that the Conservancy would be serving. It was more of the developer looking at whether the Town would be amenable to the concept that they are presenting.

Mayor Peterson said from the discussion earlier during citizen comments, I would be happy if the LDWA is interested in getting whatever contact information you prefer to the prospective buyer so they will better understand what you are capable of providing. I would be happy to reach out to LDWA to find out who their contact person is and then provide that to the prospective developer. It would probably be a good thing to tell them that they should talk to LDWA.

Scott Messel said for the meeting that happened with the proposed or possible developers, that type of meeting is very common in any jurisdiction. The developers are doing their due diligence so they come in and ask questions. It is not that something is being hidden. This is what staff is hired for. The meeting was above board and it was nothing in a back room. It is quite common to have meetings like this. You have meetings with people looking at property. They may even back out on this, and it will never end up going before Planning Commission or Town Council. It is just a part of

their due diligence process.

Elliott Sheltman said would it be out of order if I speak?

Mayor Peterson that is fine. But you did hear what I could do in providing contact information.

Elliott Sheltman said let me cover something first about making accusations about secret meetings. I do know the Council pretty well and I do know how the Town is set-up pretty well. I did not make those accusations, but it is interesting that is what we are talking about. What we need to be talking about is who is more viable as a water company and what is the purpose in bringing in the Water Conservancy. You are telling me it is up to the applicant, but there is no applicant yet and that is fine. No, it is up to you. We provide water to Leeds. We are the water company for the Town and have been for 90 plus years. I do not understand why the Conservancy is even in this debate. I do not know who brought them in. I know you have a document that you are working on that will basically make you a water company for the Water Conservancy. That is not something that this Town needs. The last time there was an attempt to take over the water company, the shareholders got involved and it was not pretty. And at that time, there were secret meetings and underhanded stuff going on. This company deserves to continue if it is viable and it is viable. It is a heck of a lot better for this Town than Water Conservancy. They take money out of our pockets in property taxes every year and give us absolutely nothing. This system is sound, and it is steady. I asked Wayne before the last meeting to invite the Councilmembers to go and see our system. He did not do that. You can go singly. We are willing to do that. We are proud of it. It is an amazing system that we have set-up. The Conservancy is not something you want to be hooked into at this point, not with the charges they have and not with the way their system is set-up. Eleven years ago, we signed a 62-page agreement that locks us into them for 50 years. That group of people hurt this Town more than anybody can imagine. They thought they were going to force us into sewers, and it backfired. You cannot split a lot and use a septic on either one, which you could do before that agreement was signed. I have been here 17 years. I know the history. The Water Conservancy is not viable for this particular project. Our numbers show that. They should not be considered for this job based on the pressures that would result from them doing it. This is someone who came in and seems to be working with the Water Conservancy and not with us. This would not be happening if the Town would put their foot down and say the water company who serves us is LDWA. No one is doing that. You are putting us in a position where we are competing with an entity who has \$80M in debt and hundreds of million dollars in resources. We do not have that. You will run this company into the ground. Once you sign on, you will be competing with us, not the Conservancy. And the State will tell us there can only be one water company. That will not be us. This was attempted about 12 years ago and it failed. Thank goodness, the people stood up. It is being attempted again. What I am asking the Council to do is come look at our system. Tell the Water Conservancy to go take a hike. We deserve that.

Mayor Peterson said Elliott, I would suggest that what was presented to you, which I forwarded to you immediately, that you have an engineer who has been able to suggest that they are mistaken with it ... They seem to believe from the information they were utilizing that it would not be viable. You are saying it would be. It seems like it would be very reasonable for them to speak with you to better understand it and it may cause them to change the idea of who they would even consider putting forward on an application. I do not think at this stage it makes sense that the focus is to ignore the request for information from the prospective buyer with regard to what is true and what is not true. This is an opportunity you would have to change their impression because you have other information that would make it clear to them, as you have described it, that there is a very different situation from what they understand. That sounds like a reasonable step to me.

Elliott Sheltman said let me make it very clear to the Town that the pressures they are saying they will have at those hydrants are not good enough. You need to look at the numbers. The ones that we have will. That is what you need to look at because you will decide which water company based on who can carry the fire load that is required. It really is your decision based on the pressure, not us selling it to them to see who can come up with the best deal, the Water Conservancy or us. You have us competing with this entity and we cannot. They have too much power...

Councilmember Roberts said Elliott, let me speak. The Town is not putting a private water company against the Conservancy. As I stated earlier, as we look at developments, what makes the most sense to provide water, or whatever the utility, whatever makes the most sense for the Town that serves those areas is the direction we would look. We do not have to sit here and have this argument. LDWA can present their abilities to the developer as they get to the point of becoming an applicant. I have no argument with that. But the other thing also, do not put fear into people. I am not trying to put competition against anybody. Many municipalities throughout this State have more than one water provider. Do not use the analogy that if the Conservancy moves in, it will drive the private water company out of here. That is not a true statement.

Elliott Sheltman said actually, it is. We have already checked with our attorney. The State will not let a small town like this have 2 entities providing water. There would be too much confusion. Our lines would be crossing over. Who is going to pay whom? Which water company do I belong to?

Councilmember Roberts said if that is the case, we would already have that problem. Main Street has 2 water companies that go down it.

Elliott Sheltman said we do not bill the same people. And the Conservancy line goes through Main Street and nobody accesses it. The irrigation company is completely different than we are. They have their own billing system and board. That is not a fair comparison. You need to look as a town at the requirements as far as pressure. You will want high pressure up there.

Councilmember Roberts said I agree with you, Elliott.

Elliott Sheltman said we will present it to you, the Conservancy can present it to you, and you decide who can produce the proper pressure for fire flow.

Councilmember Roberts said you have already presented a will serve for that property. All you have to do is put the dots together and say this is what we can do to serve that property. I am going to let it go right there.

Mayor Peterson said as I mentioned earlier, we are certainly able to speak in pairs if you would like to meet with the prospective buyer who was inquiring about this particular property. And you are also welcome not to speak with them if that is your preference. I continue to offer if you would like to offer a contact number for LDWA that will allow them to make contact with you. You can correct their misimpression about what it is you are capable of. I was not trying to be judgmental and I was not trying to steer it anywhere. I would be happy to make sure you are able to speak with them and correct what they are misunderstanding. And I will include the document you submitted as well as the email from the Water Conservancy as part of the minutes from this evening.

Councilmember Stirling said I also want to make sure and put it on the record that the Mayor and I went and met with the Washington County Water Conservancy. They do not want to see a patchwork quilt in any municipality. I believe if we remain with making sure that anything in the service area is serviced by LDWA, it would be advantageous for all of us because we do not want to see a patchwork quilt. I appreciate, Wayne, that you sent that to both so they will be able to understand that first and foremost we want to make sure that it is served, but we do not want that patchwork quilt effect because even though it is an action, but not the best action.

9. Citizen Comments:

Doris McNally said although I do not have the minutes from the last meeting in front of me, I have a question about the Washington County Conservancy and an agreement that Elliott made mention to. It seems to me that it is suspicious that we are starting to get all of these inquiries about the Conservancy supplying water and we have not had that in the past. And just so you know, LDWA monitors their phones 24/7 and we respond to inquiries within 12 hours. I would like to know more about why all of a sudden, the Conservancy is trying to move into this area. I agree with the passion that Elliott is showing. I am surprised we are talking about 2 water purveyors. I have always heard about 1, not 2. I think this is a big discussion for our community. We are water shareholders; this is not a utility. We are shareholders. I would like to see a little more transparency and discussion on this going forward. I also see the emails that come into the office. I would ask Wayne, in the most recent correspondence from the developer of Silver Eagle, apparently, they had contacted you over a month earlier and we received your email to us 3 days before this meeting. I would ask if we could have been brought into these discussions earlier and not have to respond within 3 days it would make our response a little bit more transparent.

Mayor Peterson said you are asking for more transparency when you have seen everything. With respect to the Water Conservancy wanting to update the one agreement that the Town had signed, along with other communities in Washington County, the other communities updated it by approving an amendment to it that focused on impact fees. Danielle and I brought to them the other agreement with the Town and them and it was agreed, by Water Conservancy and us, that it needed to be addressed on both fronts. Danielle refers to the fact that there is a desire not to have a patchwork quilt situation. We have not approached people and said go talk to Washington County Water Conservancy District. You have heard everything. It is not that it is being pushed along or anyway advanced by the Town. Danielle and I met with them regarding those 2 agreements. The prospective buyer was not a prospective buyer until somewhat less than a week from today. The agreement that was being talked about that Danielle and I met with them on was without any specific application other than someone was looking at a property on Main Street approached the Water Conservancy. It was not this property that prompted that inquiry. Then the thing with this that is on the agenda was a question about modifying the development agreement that originally granted 82 lots and whether it would be of interest to the Town to change it to 16. There was no discussion about who would be the water provider.

Doris McNally said and for the record, Wayne, that developer never came to LDWA asking for the same level of detail. Hearing about this 3 days before this meeting and having to respond to it, we know there were discussions and communications about a month ago. I am just once again asking for better communication between the Town and the water association.

Mayor Peterson said I am once again saying that a month ago there was no discussion about water. It was about the number of lots that would be there. I hear your comment and will continue to share information so that transparency is maintained.

Susan Roberts said first off, Elliott, it seems ironic that you think we should preserve the history of Leeds when you are one of the biggest voices who wants to get rid of the Silver Reef Museum. And talking about transparency, the water company has not been transparent at all. They hold meetings and they do not let the shareholders know when the meetings are. They are blaming it on Covid. They change the rates for people who come into build and they change the minutes. Transparency is not even there. What I want to talk about is Jared's business license. You have approved 2 developments in less than 20 minutes and it took you I do not know how long to approve his business permit just because of his container that is on the side of his house. It is not causing any problems. What you should do is change the ordinance so it does not have to be behind the house. And only giving him 6 months to find another place is ridiculous. You are not going to drive down Main Street and see the Hallmark channel.

10. Staff Reports:

Mayor Peterson said the 2 things that I want to bring people up to date on is we, in the office, have been processing the opt out requests. I would remind everyone that November 30th is the deadline. The other thing is that the State has changed their approach with regard to red, orange, yellow and green. While we had been yellow, we are moving away from the color system to a new system of high, moderate and low. Washington County is going to be moderate and for the next 2 weeks. Starting tomorrow, social gatherings, outside of managed events such as concerts and meetings, will be limited to 10 people until we get to October 29th, and assuming we are still moderate, it will be 25 people. We will be adjusting to that for people interested in renting the Peach Pit Pavilion. He discussed how and why we are moving away from the Emergency Declaration declared by the Governor to a Health Emergency declared by the Health Department

11. Closed Meeting: None

12. Roll Call Vote to Adjourn the Meeting

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____

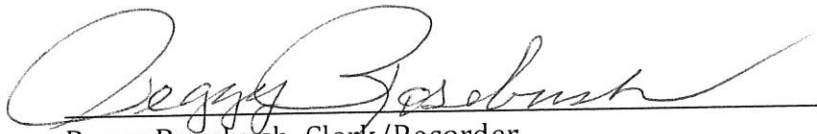
Meeting was adjourned at 9:07 PM.

Approved this 18th day of ~~October~~ ^{Novem}, 2020



Wayne Peterson, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Peggy Rosebush", written over a horizontal line.

Peggy Rosebush, Clerk/Recorder