

## TOWN OF LEEDS

Minutes of the Town Council Meeting, Public Hearing and Work Session  
September 15, 2004

### 1. CALL TO ORDER:

Mayor Norma Gier called the meeting to order at 6:00 p.m.

### 2. ROLL CALL:

Present was Mayor Norma Gier; Council Members: Darrell Nelson, Gloria Parnell, Dave Harbour and Dale Barnes

### 3. PLEDGE:

Mayor Norma Gier led the Pledge of Allegiance

### 4. APPROVAL OF AGENDA AND MINUTES OF August 25, 2004:

Motion by Darrell Nelson to approve the agenda (minutes of August 25, 2004 Town Council meeting are not prepared) Seconded by Dave Harbour. Motion passed unanimously.

Mayor Norma Gier expressed her appreciation to the Town Council and thanked everyone who filled in for her while she was away during the summer months. She knew she wouldn't have to worry about the town government carrying on while she was gone. Since she has returned, she has received raving reviews about how well everyone on the council has performed their duties in her absence. She also thanked town employees who stepped-up to help out in the absence of other personnel staff, particularly those who had filled in for Joy Stevens while she was recuperating from knee surgery and had taken an extended leave of absence. She made a point to thank Elaine Murphy for diving in and taking on additional responsibilities beyond her appointed position, and from this time forward they would make every effort to help her concentrate just on her treasury job so she wouldn't have to spread herself so thin. She expressed her appreciation to the council members who made an extra effort, when called upon, to help Becky and Elaine at the town office. Mayor Gier asked that her comments be included in the minutes.

### 5. Public Hearing:

**Eric Pitsenbarger - Zone Change from RR-1 to R-1-20 and lot split/minor subdivision at 43 S. Valley Rd.**

Motion by Darrell Nelson to open the Public Hearing; Seconded by Gloria Parnell. Roll call vote: all aye votes. Motion passed unanimously. The Mayor turned the meeting over to Darrell Nelson to conduct the hearing.

Darrell asked the council to look at the map in their packet of Lot 4, Block 11, Leeds Townsite, with the Eric Pitsenbarger property. He summarized the history surrounding the separation of the Clifford Steele parcel from the larger parcel owned by Keith and Julia Steele, , wherein it was handled through a title insurance company and recorded. The town granted a building permit without requiring a lot split (minor subdivision). Thinking that was the correct way

to do it, when Eric Pitzenbarger came along, Cliff (Steele) said "I'll give you a hand, this is the way you have to do it" - and so they did the same thing. After he (Pitzenbarger) had it surveyed as a half-acre lot, it went through the Planning Commission and was recommended to be approved, then when it came to the Town Council, we found the zoning was incorrect. Pitzenbarger then took it back through the Planning Commission for a zone change and it was recommended for approval. Now they are back before the Town Council for approval of the zone change from a RR-1 to R-1-20 of the half-acre lot resulting from the minor subdivision (lot split). Darrell opened the floor for discussion. (Dave Harbour brought up a brief discussion about lot splits versus minor subdivisions. Darrell explained the correct terminology is minor subdivision not lot split.) Dave went on to say that he didn't see a problem with approving the zone change. Mayor Gier commented that Attorney Heath Snow had stated that re-zoning of the property would be the best way to resolve the issue. Darrell said this action would be a good transition and should not be misconstrued as spot zoning in that we are zoning the whole five-acre area that has been divided into different size lots. Dave Harbour raised the question about the letter in the packet that was unreadable. It was explained that both letters were the same letter, only the one with Keith Steele's signature had been faxed and didn't come through the machine clear enough to read. The letter states as property owners of Lot 4 Block 11 agree and consent to have the zone changed from RR-1 to R-1-20.

**Motion** was made by Councilmen Darrell Nelson to close the public hearing; **seconded** by Councilmen Dale Barnes. **Vote by roll call:** all ayes. **Motion passed unanimously.**

#### **6. Action on Public Hearing:**

**Motion** was made by Darrell Nelson to approve the zone change from a RR-1 to a R-1-20 on the minor subdivision at 43 South Valley Road; **Seconded** by Dave Barnes. **Vote by roll call:** all ayes. **Motion passed unanimously.**

The Mayor thanked Lorraine Bean and Eric Pitzenbarger for their patience through all the proceedings. Ms. Bean complemented Becky Welch, Deputy Clerk/Recorder, for all her help in getting this all resolved and wanted to bring it to the attention of the council. She told the council that all these delays had cost them a substantial amount of money in interest on their construction loan. They had applied for their building permit in April and couldn't start construction because of all the issues surrounding the lot split then the zone change. She firmly stated that no one had done anything maliciously to create the problems through the sale of the property and that Mr. Steele had acted in good faith based on his prior knowledge and experience. She wanted to know what the next step was from this point because they wanted to get started on construction. The Mayor took down her telephone number (669-0142) and told her she would get back with her after she had talked to Joy. Councilmen Nelson wanted to bring up a point that the town had set them back because of an error in the town's methods in handling this situation. Councilmen Harbour disagreed stating the town hadn't set them back, that someone had sold them an illegal lot and the town council just happened to catch that error and had to stop the process in order to handle it correctly. Ms. Bean further stated her disagreement saying the Steele's had done their best to help them through the process based on their prior experience in dealing with the town and didn't feel the Steele's should be accused of doing anything illegal. Councilmen Harbour told her he was just stating the town had not caused the delay, but the delay was caused because the council had found something that was wrong, however, by saying that he wasn't accusing the Steele's of doing anything wrong. Ms. Bean

replied by stating it was all caused by a series of strange circumstances. At that point, the Mayor took the floor and sympathized again with Ms. Bean and Eric for all the problems and delays and welcomed Eric to the community.

#### **7. Action on Ordinance #04-05, Adoption of Leeds General Plan**

Mayor Gier stated that while she was gone the new General Plan had gone through the Planning Commission and a Public Hearing and was now ready for final approval. There was some discussion as to whether the document had been through final approval by the council. In order to make sure it is done properly, even if it is done twice, the Town Council is presented with the new General Plan for approval. The Mayor stated that every member of the council has read the new plan, and acknowledged Councilmen Harbour as doing the "Lion's share" of the work in preparing the document, with input from other members. She stated the document had been reviewed by the town's attorney, Heath Snow, and Gene Moser, planning consultant for Five County, who had also commended Dave for writing such a good General Plan. **Motion** was made by Councilwomen Gloria Parnell to adopt the new General Plan as written and constituted; **seconded** by Councilmen Dale Barnes. **Motion passed unanimously.**

Mayor Gier pointed out that from this point forward the town will abide by the newly adopted General Plan, which has been a long time coming and will solve a lot of their problems and help them make decisions much easier.

#### **8. Adjournment:**

**Motion** was made by Councilmen Dale Barnes to adjourn the Town Council meeting. **Seconded** by Councilwomen Gloria Parnell. **Motion passed unanimously.**

#### **WORK SESSION:**

Mayor Gier explained to the audience the reason and nature of the work session, which is to gather information and to prepare for the next town council meeting by reviewing recommendations from the Planning Commission and discuss any pending issues before taking official action. With that said, the Mayor turned the floor over to Doug Wilson, Washington County Water Conservancy District representative.

#### **1. Water Conservancy District – Water pipeline project on Main Street:**

Doug Wilson, Washington County Water Conservancy District's Special Projects Coordinator, made his presentation to the council. The main points of his discussion included the following:

- The Cottam well pipeline was designed to bring water to Harrisburg. The Cottam well provides municipal water to Virgin, Rockville, LaVerkin, and Hurricane, as needed. The Cottam is very good water, has a low TDS, is soft water similar to Touqerville Springs. It is a reliable source of water. The current Cottam well field has two wells with the possibility of having more wells drilled. It is always the goal of the district to provide access and a reliable water source to the residents of Washington County for now and in the future.
- The goal is to provide water to Hurricane from another source by taking the pipeline from Cottam well through Leeds to the west side of Hurricane (Wallmart Distribution Center,

Purgatory, etc.). This would allow more of a loop system, which would help pay for the wells and provide water to those who need it. Not only will the pipeline be a benefit to Hurricane, but to every town, water company, or individuals along the pipeline.

- The water would be available for purchases by towns along the pipeline, like Leeds, and water companies on a wholesale basis.
- One of the items that will be put in the plan is to provide fireflows to individuals on the other side of the freeway (I-15). Designs plans are to bore a trench under the freeway and install fire hydrants (Silver Valley, Red Cliffs areas).
- Another benefit to the regional water system is to provide a secondary backup source of culinary water in the event our private water company (LDWA) has to shut down or lacks the ability to provide an adequate water supply to the town.
- There is no single primary purpose for this pipeline, but is part of the overall plan the WCWCD has to provide water pipelines throughout all Washington County's communities. They just finished a pipeline from Quail Lake to Ivins as part of the regional pipeline system that will also serve the communities located along the pipeline with water from the water treatment plant.
- What WCWCD is creating is a "water pooling agreement" to consolidate costs so every community pays the same price from water on a regional basis.
- There will be a capital facilities study done on all capital projects so each community entering into the pooling agreement will be paying the same impact fee and price for water.
- Most of the costs will be driven by new growth for this water with preliminary projections as low as fifty cents per gallon per thousand with an impact fee of \$4,500, which would pay for all of the infrastructure including piping, wells treatment facilities and wells. This concludes the basic background information for establishing the new district wide pooling agreement concept.

Councilperson Darrell Nelson stated when this plan was first presented to the town council the pipeline was to provide water from this side of Pine Mountain around to the Shivwitts Indian Reservation. Now the area has broadened to include Dameron Valley and areas around to the other side of the Mountain for future development. Mr. Nelson stated his concerns about taking water from this side of Pine Mountain, which supplies the communities of the Leeds, Touquerville, Hurricane, Rockville and local areas when we need to keep our water localized for our own beneficial use, future growth and development. He stated he was disturbed that in the event Leeds would put in a sewer system, we would be penalized and possibly lose shares or water rights.

Doug Wilson stated when the pipelines are installed they can run water from the Cottam wells to the tanks at Snow Canyon. He was uninformed about the Shivwitts Reservation or how that would tie into the system. He also stated that he did not know how a sewer system in Leeds, vs septic systems, would affect the issue of water rights, etc. He reiterated the WCWCD was first and foremost a county region operation and it was the goal of the WCWCD to provide water to all of Washington County communities, regardless of political boundaries. Their organization works on a county regional basis as a whole and it is their obligation to provide water wherever there is a demand based on growth and development. In other words, they are not concerned about preserving water for communities where the water resources naturally originate should growth eventually occur there, but to distribute water from its natural origins to areas with the greatest demands and growth in Washington County. The concept of the "pooling agreement" is for every jurisdiction within the region of the county, who has developed springs and wells, to share their resources in order to more

evenly distribute water throughout the region. In other words, heavily populated areas without natural water resources can draw on water resources from less populated areas with abundantly more natural water resources at their disposal. The "pooling agreement" would co-mingle all the water resources within the county region and all would share equally in the water and costs to develop and distribute it.

Councilperson Nelson had another concern about the Cottam wells (500') taking water from the Leeds water wells and springs (200') and drying them up by lowering the water table. He gave an example of that happening in an area located in California where the water table was drawn down too far and it left the shallow wells without water.

Mr. Wilson stated the Cottam wells are a very small part of the overall system. There are plans to increase the capacity of Quail Lake and to drill water wells below the Sand Hollow Reservoir. It is unlikely the Cottam wells would reduce the water tables far enough to adversely impact existing wells in the Leeds area. Mr. Nelson stated that according to today's newspaper, southern Utah didn't have any water rights in the Colorado River water stored in Lake Powell. Mr. Wilson stated that the issue is still being disputed.

Mayor Gier told Mr. Wilson that it was her understanding from previous meetings that the WCWCD was going to bring their pipeline down through Leeds' Main Street whether Leeds participated in the pooling agreement or not. Mr. Wilson said that was not entirely true - that if it was clear the citizens and the Town of Leeds was not interested in participating, the district had other options open to them and would not pursue their pipeline through Leeds at this time, which would eliminate the district's participation in the Leeds Main Street Improvement project and the funding they have committed toward cost-sharing with the collaborative efforts of Leeds Irrigation Co., the Town of Leeds, and UDOT. Mr. Wilson passed out a cost-sharing worksheet (see attachment) describing the costs of the Leeds Main Street Improvement project and the cost-sharing breakouts. The cost to asphalt a 4ft. wide strip (including rotomilling) over the buried pipelines, without UDOT's participation, would be \$88,700. If you subtract that amount from the total cost (above) of \$132,630, it leaves a difference of \$43,930, which the district will not receive any direct benefit from; and because the district is not in the business of installing curb and gutter for communities, that amount would be the responsibility of the Town of Leeds and the Leeds Water Company. An even split of that amount would calculate out at \$21,965 for each entity. Scott Snow, UDOT Regional Director, said they might be willing to pitch in one-third of the \$43,930, rather than see the project die due to lack of local funds. In that case, a three-way split would cost each entity \$14,644. Mr. Wilson stated that Scott Snow would like to see the project completed in order to eliminate the safety hazard of the irrigation ditch down Main Street. Also, the Main Street will be reconfigured to include a center turning lane, two traffic lanes and one parking lane on each side of the street next to the new curb and gutter. If Leeds should decide not to commit to funding the curb and gutter, then UDOT will not participate in the Leeds Main Street Improvement project.

There was a brief discussion to clear up some misunderstandings about the participation of the entities involved. Councilperson Dave Harbour asked, that in the event the project under runs or is installed at a lower price, how would the chips fall and to which entity. Mr. Wilson said, that in all fairness, there should be an equal share of refunds to all parties involved. However, should there be cost overruns for a certain component of the project, the entity responsible for that certain component in the agreement would carry the burden of that cost overrun - not all parties involved. It was suggested that a Memorandum of Understanding or contract be entered into to stipulate the

arrangements as agreed upon by all parties involved.

Mayor Gier asked if anyone had heard from the Irrigation Co. to see if they would agree to the split. Brent Gardner stated he had had a telephone conversation with the Irrigation Co. board members before the meeting about the \$21,965, which they said seemed reasonable to them. They requested that he meet with them after the Town Council meeting and outline these results with them since they were not able to attend the Town Council meeting. Brent also stated that in his opinion, UDOT would balk at having to pay an additional \$14,644 (1/3 share for curb and gutter) on top of the \$113,093 outlined on the cost-sharing worksheet. Mr. Wilson stated he would be willing to help facilitate a meeting with Scott Snow, UDOT rep., to see if there would be a possibility of UDOT coming up with additional funds to help with the curb and gutter. There was a brief discussion about the Leeds Irrigation Co.'s participation in the project and which scenario would be most profitable for their organization. If the town decided not to participate with the curb and gutter, the WCWCD would still help the irrigation company with their pipeline and road repairs. Mr. Wilson stated that historically the district had assisted with pressurizing secondary irrigation systems because of the water savings and overall beneficial use to water users of the county.

Mayor Gier stated that the town should just go ahead and plan on participating with a two-way split with the irrigation company at an amount of \$21,965 from the town. She asked someone, with an engineer's perspective, to address the problems and issues surrounding the Main Street improvements. Brent Gardner addressed the group explaining the existing issues and problems that would have to be addressed including driveway transitions and approaches, drainages, sidewalks, curb and gutter. Jim Raines stated the issues on Leeds Main Street are not as bad as he has seen in other towns. As far as the costs, the effectiveness of the plan and overall benefits, he highly recommended the town proceed with the project. As with any Interlocal Agreement, the town would need to review it and see that everything is fair and equitable and the formulas are correct. He also stated it was excellent timing to apply for the UDOT Enhancement grant and to dovetail into the project additional needs the town has for sidewalk and trail improvements. He stated that it could be very detrimental to the town if the irrigation company is left to their own devices to pipe their main street ditch on their own. He said that in visiting with Scott Snow, UDOT is very concerned in getting rid of the irrigation ditch and the hazards it presents. It said that if the irrigation ditch is not removed, he doubted UDOT would participate in the project.

Mayor Gier stated the council could not vote on the matter tonight. They have another meeting coming up this month on Sept. 29<sup>th</sup>, but it would not preclude them from calling a special meeting if needed. She is very nervous about the short time frame in which to inform the public. Dave asked how flexible the WCWCD would be to waiting until next year's FY (beginning 7-1-05) so the town could include the curb and gutter in next year's budget, rather than having to amend this year's budget. Mr. Wilson stated the irrigation company would have to be able to use their new pipeline early spring for irrigation, so waiting until next July to do the curb and gutter would not be feasible. Mayor Gier stated her concerns that our Main Street not be torn up and stalled out for months and months, but would like it to proceed in a timely manner. Brent Gardner reviewed the aspects of the construction timelines, dust control and cleanup, and maintaining adequate traffic flow during construction. Mayor Gier asked Brent Gardner, Jim Raines, Doug Wilson if they would be available to attend a public meeting and answer questions regarding the new irrigation system and the Main Street Improvement project when the time comes. They all agreed. The Mayor wanted to know for some certainty that the irrigation project is going forward. Brent Gardner

explained the Div of Water Resources had approved the funding and the irrigation company had received approval from their shareholders, and the project would be going out for bid in the next few weeks. It had been a long and drawn out ordeal, but had finally come to fruition. Again, the Mayor stated she wished a member of the irrigation company board had been here tonight to participate in the discussion. Brent said he could have a member of the irrigation company board at the meeting on the 29<sup>th</sup> or a written letter of commitment of participating in the two-way split on the curb and gutter with the town.

Jim Raines suggested that a valve be installed on the WCWCD's pipeline, so that if an event should occur that the town needed to take advantage of their water system, it could easily be converted into LDWA's distribution lines. It would be best to do it during the initial installation of the pipeline and not wait until an emergency should suddenly come up and not be ready.

Councilperson Harbour asked if the WCWCD would be willing to carry the town until such time as we can obtain the funds for our portion of the curb and gutter. Doug Wilson made a note, but did not comment.

Councilperson Nelson asked Mr. Wilson when the town would need to pay the impact fee if part of the pooling agreement. Mr. Wilson stated that at the time the town would be out of water and needed water, they would then pay the impact fee and purchase the water at wholesale costs and then the town would resale to our customers at a profitable rate. At this time, the pooling agreement concept has not been finalized or approved so this would come up later on down the road. There is still a lot of work to do.

Mayor Gier took a straw pole from each town council member to see if they were in agreement, or not, as of tonight, in participating with the Leeds Irrigation Co. in a two-way split, or three-way split, (whatever the case may be) of the costs to install the curb and gutter down Main Street: Councilperson Dale Barnes: YES- I would like to see it happen; Dave Harbour: YES if we can work it into our budget; Gloria Parnell: YES; Darrell Nelson: YES and I think we need to do it and should work the budget so we can do it; Mayor Gier: I Agree. She stressed that this vote was only tonight's opinion and is subject to change if information changes down the road. There was follow up discussion about the hazards of the open irrigation ditch including children playing in and around the ditch and actual drownings. If the life of only one child would be saved, it would be well worth the money to remove the ditch.

Councilperson Dave Harbour asked if a tentative agreement could be prepared for the meeting on the 29<sup>th</sup>? Brent Gardner suggested the attorney on staff at the WCWCD work with the Leeds Town attorney, Heath Snow, and work out a tentative agreement and have it to the town before the meeting on the 29<sup>th</sup> for review by the town council. Mr. Wilson said they would be in contact with the irrigation company for written letter of commitment for the project, as well. The Mayor ended the discussion by stating that any minutes of the town council pertaining to the project would be available for the irrigation board so they will know what was discussed, and she would like the same courtesy from them so the information is out in the open and available for all parties concerned. She also thanked those who participated in the walk down Leeds Main Street and felt it was very educational for those who are not familiar with main street improvements, etc.

ENGINEER'S REPORT: Jim Raines addressed the town council with the following items:

- He presented the town with two large aerial maps of the area as a complementary planning tool. He can reproduce maps of various sizes and designated areas as needed by the town.

- He gave a progress report on the engineering for the Babylon Road project. They will be staking Babylon Road, which doesn't follow the existing road and will be extending onto private property. He suggested using rebar stakes with t-posts instead of the regular wood stakes, which seem to disappear with children playing around them. He will follow up with a bid schedule and quantity list with an engineer's estimate on Monday following the staking. Fencing, crossing the ditch, tree removal and all aspects involved with this project will add to the overall costs making it a rather expensive project. He will be walking and staking the road on Thursday.
- Discussed plans submitted by Alberta Pace for a road dedication combined with a lot-split plat, with a round-a-bout in the middle of it, which goes beyond the Leeds Town boundary to property she is developing upon the hill. He explained to her in order for him to evaluate the road, he would need to know the criteria and usage of the road pertaining to the type of development. He recommended that it not be approved until Alberta provides the needed information he needs to make his evaluation. He further explained, that by State law, a lot-split of minor subdivision could not occur when there is a dedication. By dedicating the road to the town, she would have to do a subdivision. Because there are so many problems with the engineering design and radius of the road, particularly on the parcel she is dedicating to the town for public use, that he would not recommend approving the road as it is now designed.
- Councilperson Gloria Parnell asked about the restoration of the road on the hill on Alberta's property. He suggested someone from the town council do a visual inspection of the restoration project and have a geo-tech do a compaction test before accepting the restoration.

2. Elaine Murphy discussed the Capital Investment Plan that was submitted to Five County AOG for the 2005/06 program year. In September, each planning region of the State is required to gather the Capital Improvement Plan (CIP) lists of every jurisdiction within their region. The CIP is another term for the Capital Facilities Plan, which by law is a requirement of every jurisdiction, particularly those imposing impact fees. These lists are compiled and incorporated into the regional and State Consolidated Plan. Most public funding institutions require a project to be listed on the CIP before they will approve funding for that project. This process ensures only mature and well thought-out projects are being funded with public dollars. Elaine reviewed the CIP list with the town council members. Because of the ADA deficiencies with the Leeds Town Hall, Elaine suggested the town apply for a CDBG grant in the next funding cycle to address these deficiencies. She stated it was critical for an elected official, or designated person, be in attendance at the How To Apply Workshops coming up on Sept. 20<sup>th</sup> in St George at the Five County AOG office building. A rather negative discussion unfolded regarding government grants and all the hassle to coordinate matching funds, etc. She ensured the council members it was doable with some effort in appropriate planning techniques. She encouraged the council to write a Capital Facilities Plan, which is typically a five-year strategic plan with a one-year action plan to apply for funding and implement mature projects. Further discussion followed summarizing the difficulty of the town to proceed with a Capital Facilities Plan and skepticism about applying for funding requiring matching funds. No action or plans for further research were addressed.

(Following agenda items were addressed out of sequence, starting with #6)

3. Mayor Gier requested progress reports from the following sub-committees:



- Culinary Water Committee: Councilperson Dave Harbour reported he had attended several meetings. There were no disagreements that LDWA should operate under the jurisdiction of the Town of Leeds. It would take only one vote over 50% of the shareholders to pass. It must be a written voting process. A meeting should be held of how to carryout the voting process. It was suggested that an independent source handle the voting process. There should be no costs involved to make the transition. They are looking at a timeline of having it done by the end of the year.
  - Funding/CIP (Refer to item 2 of Work Session Agenda)
  - Sewer Systems Committee: Roger New submitted his report on this committee. He and other members of his committee traveled to Mesquite Nevada and looked at an alternative sewer system there with approx. 90 homes. They were encouraged with what they saw. He didn't know the costs involved to implement this system. It didn't require any septic systems. Process reduced nitrates, etc., in order for the water be used above ground. The developer should stand the costs of the utilities upfront then turn them over to the town to maintain. The town would not have to put in a sewer system if they stayed with one-half acre lots in town. New annexation areas should be put on a treatment system because of the rocky soils. Everything north of Leeds would be marginal – as high as 1 to 14 acres per septic. John Willey's combined density rating for the Leeds area will require new lots as large as 20 acres or septic systems will contaminate the ground water. If Leeds exceeds this density level, the Health Dept. will shut the door to any new development in Leeds and not issue any more permits. The developer should stand the costs of putting in their own wastewater system, or sub-system for Ash Creek on any future developments. The Mayor summarized the information and stated it would be helpful for the town to have all this information available to tell future developers.
  - Growth Management Committee: Nothing to report.
4. Council Member Darrell Nelson:
- Revisions to Consolidated Fee Schedule (tabled)
5. Council Member Gloria Parnell:
- Gloria reported on the new street signs, plans to remove trees on Babylon road and to tear down the old cabin or shack in the way of the new road. Becky Welch would like to have the sod (grass) when it is removed on the side of the Town Hall to make way for additional parking. Public Works Director, George Fridell, reported he had quit watering the grass but the elm trees didn't look good – like they were dying from lack of water. George told the council that the town needed to buy irrigation water shares for the town and park. Up to now, LDWA had only let the town use some of their irrigation shares as a trade off for the use of the Town Hall and for Joy's services.
6. Council Member Dave Harbour:
- Planning Commission/Town Council collaboration on Zoning Ordinances of General Plan: Dave gave a lengthy progress report on the new re-write of the town's Zoning and Subdivision Ordinances, which he has undertaken. His report included the following points:
- Explained his opinions regarding the current General Plan and conflicts of interests of those writing the zoning and subdivision ordinances;

- Explained the conditional uses criteria;
- Explained that a industrial zone was not wanted by local residents, commercial zones were OK;
- Explained the local residents wanted to keep the town small;
- Explained the desire of some residents to not allow large animals, particularly horses in rural residential areas, to only allow these animals in areas that have already had them through a Grandfather clause;
- Animal control ordinances mixed with zoning ordinances;
- Explained adoption schedule of the new Zoning and Subdivision Ordinances;
- Presented large map and explained zoning legend.

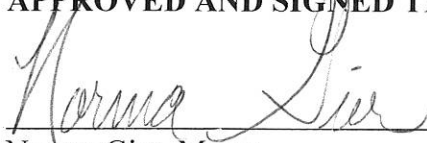
Mayor Gier complimented Dave for his dedication and work on re-writing the General Plan and the Zoning and Subdivision Ordinances for the town. It was decided to place the map in the Council Room under lock and key for protection and preservation. Those on the planning commission or town council could review the map in that room at their convenience.

7. Council Member Dale Barnes: (No report)

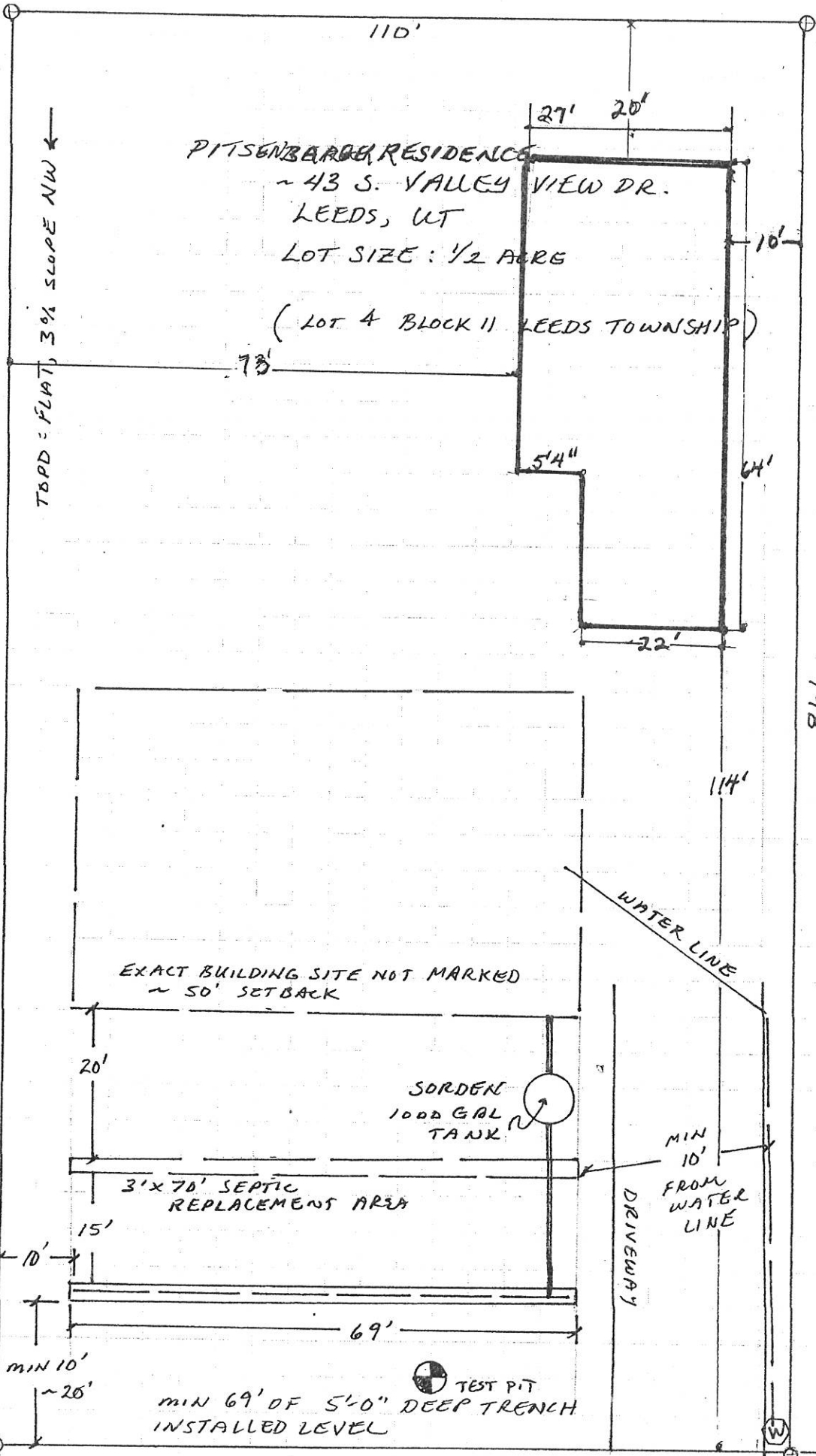
Council meeting adjourned into the Executive Session.

8. **ADJOURNMENT: Motion** to adjourn the meeting was made by Gloria Parnell; **Seconded** by Dale Barnes. **Voting unanimous.** Meeting adjourned at 10:30 P.M.

**APPROVED AND SIGNED THIS 26 DAY OF JANUARY 2005**

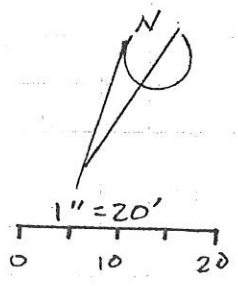
  
\_\_\_\_\_  
Norma Gier, Mayor

  
\_\_\_\_\_  
attest: Joy Stevens, Clerk/Recorder



PITSENBERGER RESIDENCE  
 ~ 43 S. VALLEY VIEW DR.  
 LEEDS, VT  
 LOT SIZE: 1/2 ACRE  
 (LOT 4 BLOCK 11 LEEDS TOWNSHIP)

TBPD = FLAT, 3% SLOPE NW



EXACT BUILDING SITE NOT MARKED  
 ~ 50' SETBACK

SORDEN  
 1000 GAL  
 TANK

3'x70' SEPTIC  
 REPLACEMENT AREA

WATER LINE

DRIVEWAY

MIN  
 10'  
 FROM  
 WATER  
 LINE

TEST PIT  
 MIN 69' OF 5'-0" DEEP TRENCH  
 INSTALLED LEVEL

VALLEY VIEW DRIVE

FILLING FEE:  
\$250 +  
\$25 per lot

TOWN OF LEEDS  
218 N MAIN, LEEDS, UT. 84746

MINOR-SUBDIVISION PRELIMINARY PLAN APPLICATION

APPLICANT Keith Steele AGENT \_\_\_\_\_  
ADDRESS P.O. Box 160 ADDRESS \_\_\_\_\_  
Panguitch, Utah 84759  
PHONE # 435-676-8170 PHONE # \_\_\_\_\_

NAME OF PROPOSED DEVELOPMENT: \_\_\_\_\_  
LOCATION: See Attachment \_\_\_\_\_  
PROJECT ENGINEER: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
PHONE # \_\_\_\_\_ FAX# \_\_\_\_\_ ZONING: \_\_\_\_\_

APPLICANT AFFIDAVIT

I, Keith Steele, DO HEREBY SAY THAT I AM THE  
OWNER/AGENT OF THE SUBJECT PROPERTY OF THIS APPLICATION, THE  
STATEMENTS, INFORMATION, EXHIBITS AND ANY AND ALL PLANS HEREIN OR  
ATTACHED OR SUBMITTED PRESENT THE INTENTIONS OF THE APPLICANT AND ARE  
IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND  
BELIEF. I DO HEREBY AGREE TO PAY ALL ADOPTED AND CUSTOMARY FEES OF THE  
TOWN OF LEEDS RELATING TO THIS APPLICATION.

Keith Steele  
OWNER/AGENT

8-2-04  
DATE

**SURVEYOR'S CERTIFICATE**

I, ROGER M. BUNDY, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 7654 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS DRAWING IS A TRUE AND CORRECT REPRESENTATION OF RECORD INFORMATION AND A CORRECT ILLUSTRATION OF THE DIVISION OF THE SUBJECT DESCRIBED PROPERTY.



**BOUNDARY DESCRIPTION**

SUBJECT PARCEL BK. 1387, PG. 2291-32, WASHINGTON CO. RECORDS THE NORTHWESTERLY 110.00 FEET (AS MEASURED ALONG THE NORTHWESTERLY LINE OF LOT 4, BLOCK 11, LEEDS TOWNSHIP AND FIELD SURVEY) OF THE FOLLOWING DESCRIBED PROPERTY:

ALL OF LOT FOUR (4), BLOCK ELEVEN (11), LEEDS TOWNSHIP AND FIELD SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS NORTH 47°58'07" EAST ALONG THE 138.00 FEET AND SOUTH 42°01'53" WEST 110.00 FEET AND EAST ALONG THE CENTERLINE OF SAID ROAD 33.00 FEET AND SOUTH 47°58'07" WEST 33.00 FEET FROM THE SURVEY CONTROL POINT AT THE INTERSECTION OF MAIN STREET AND MULBERRY LANE, SAID POINT OF BEGINNING BEING THE MOST NORTHERLY CORNER OF SAID PARCEL, THENCE NORTH 42°01'53" WEST 110.00 FEET TO THE OFFICIAL RESURVEY THEREOF ON FILE IN THE WASHINGTON COUNTY RECORDER'S OFFICE AND RUNNING THENCE SOUTH 47°58'07" WEST ALONG THE BLOCK LINE 330.00 FEET (5.00 CHAINS); THENCE SOUTH 42°01'53" EAST 316.80 FEET (4.80 CHAINS); THENCE NORTH 57°24'08" EAST 330.59 FEET TO THE 42°01'53" WEST ALONG THE BLOCK LINE 336.60 FEET (5.10 CHAINS) TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: A PORTION OF LOT FOUR (4), IN BLOCK ELEVEN (11), LEEDS TOWNSHIP AND FIELD SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

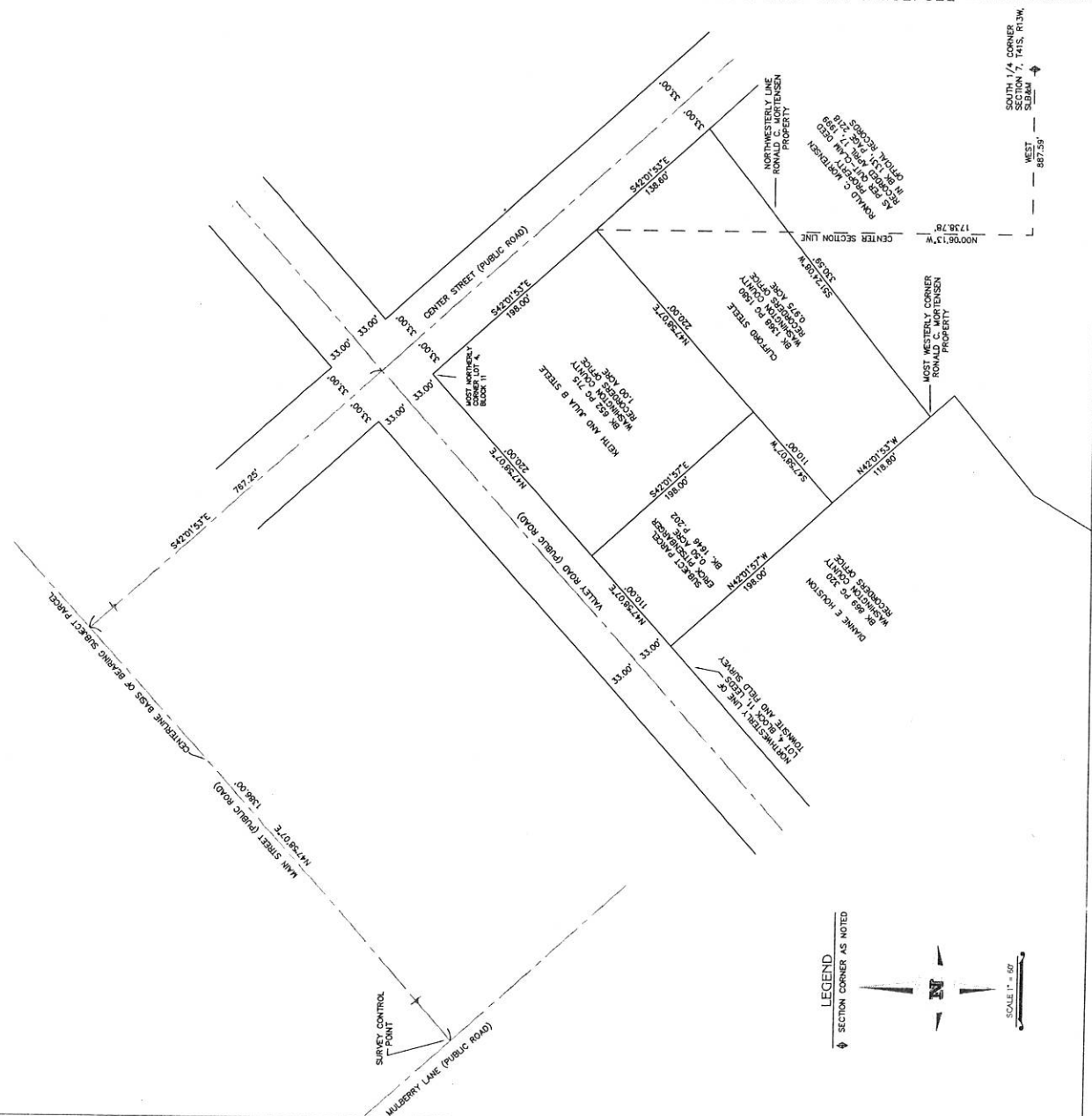
BEGINNING AT A POINT WHICH IS SOUTH 42°01'53" EAST ALONG THE BLOCK LINE 190.00 FEET FROM THE MOST NORTHERLY CORNER OF LOT FOUR (4), IN BLOCK ELEVEN (11), LEEDS TOWNSHIP AND FIELD SURVEY, THENCE SOUTH 42°01'53" EAST 110.00 FEET TO THE OFFICIAL RE-SURVEY THEREOF ON FILE IN THE WASHINGTON COUNTY RECORDER'S OFFICE, SAID POINT OF BEGINNING BEING NORTH 0°08'13" WEST ALONG THE CENTER SECTION LINE CORNER OF SAID PARCEL, THENCE SOUTH 42°01'53" WEST 110.00 FEET TO THE MOST WESTERLY CORNER OF THE RONALD C. MORTENSEN PROPERTY AS DESCRIBED IN THE QUIT-CLAIM DEED RECORDED IN THE WASHINGTON COUNTY RECORDER'S OFFICE, OFFICIAL RECORDS; THENCE NORTH 87°24'08" EAST 330.59 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 4, BLOCK 11, LEEDS TOWNSHIP AND FIELD SURVEY; THENCE NORTH 42°01'53" WEST 138.60 FEET TO THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPTING THEREFROM ANY PORTION LYING OUTSIDE THE BOUNDARY LINES OF LOT 4, BLOCK 11, LEEDS TOWNSHIP AND FIELD SURVEY.

**NARRATIVE**

THIS DRAWING IS PROVIDED TO ILLUSTRATE THE SEPARATION (MINOR SURVEY) OF THE SUBJECT PARCEL FROM THE LARGER PARCEL OWNED BY KEITH AND JULIA B. STEELE. ALL INFORMATION FOR FRONTS VALLEY ROAD, A PUBLIC ROADWAY, AND PREVIOUS SURVEY THIS DRAWING IS FROM RECORD INFORMATION AND PREVIOUS SURVEY BURTON 4, BLOCK 11, LEEDS TOWNSHIP AND FIELD SURVEY BY NOT PERFORMED IN CONJUNCTION WITH THIS DRAWING.

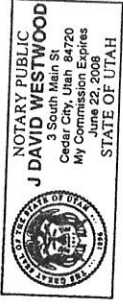
<b>BUNDY LAND SURVEYING</b>	
257 PROCKLEY PEAR DRIVE WASHINGTON, UTAH 84780	
LOCATION:	S.W. 1/4 SEC. 7, T41S, R13W, S62&M
COMPLETED:	JULY 2004
REQUESTED BY:	LORRAINE BEAN



*KEITH STEELE*  
*Keith Steele 8.2.04*

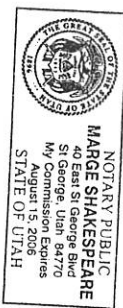
*JULIA B STEELE*  
*Julia Steele 8-2-04*

*J DAVID WESTWOOD*  
*David Westwood*



*Marge Shakespear*  
*M. Shakespear 8-2-04*

*St. George, UT 81790*





# ALPHA ENGINEERING COMPANY

148 East Tabernacle  
St. George, Utah 84770  
Tel: (435) 628-6500  
Fax: (435) 628-6553

Brent E. Gardner, PE  
Barbara Berrett, PE  
Scott P. Woolsey, PLS  
W. Wayne Gudgell, PLS

Chad E. Whiting, PLS  
Glen E. Carnahan, EIT  
Cameron H. Cutler, EIT  
Kade Bringhurst, EIT

October 19, 2004

Mr. Harold Shirley  
Chairman, Board of Water Resources  
365 South 100 West  
Cedar City, UT 84720

*Received*  
OCT 25 2004

Re: Leeds Water Company

Dear Mr. Shirley

I have met with the Board of Directors of the Leeds Water Company concerning the items we discussed in our meeting with the citizens living in Silver Reef along the existing ditch right of way. The following are the items I discussed with the board:

- 1) We discussed the possibility of measuring the water losses in the canal from the point it leaves the National Forest to the picnic table along the Silver Reef road and having the residents who want the water flowing through the ditch buy shares to account for the water loss.
- 2) Secondly we discussed the possibility of concrete lining the canal from the National Forest to the picnic table so that during low flows all water would be in the cement lined area and during high flows the trees would get water.
- 3) The third alternative we discussed involved the construction of a regulating reservoir with clay or hypalon lining near the picnic table and eliminating the reservoir down by the freeway. It was felt that this may eliminate seepage that may be occurring in the current reservoir.

The board felt that none of these alternatives would be acceptable due to the following reasons:

- 1) It was felt we live in a desert and should conserve our water resources. They felt that water is a precious commodity and they should put it to the most beneficial use.
- 2) They do not want to maintain an open ditch in people's back yards as there is inherent liabilities associated with open ditches and open reservoirs near developing areas.
- 3) They felt the existing regulating reservoir was in a remote area and they have not noted excessive seepage losses.
- 4) Diverting into a pipeline near their diversion dam will eliminate a lot of the trash and debris from entering the system especially during the fall when trees shed their leaves. If the trash rack were to plug at the current diversion location the water would return to the natural channel without flooding anyone. If the trash plugged the pipeline inlet in the area of the picnic table they would have a potential of flooding new residences anticipated in the area.

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Mr. Harold Shirley

October 19, 2004

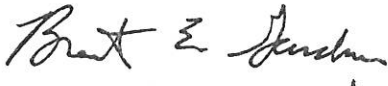
Page 2

- 5) Their legal counsel has advised them that they have the right to protect and preserve their water right by installing a pipeline.

They have indicated that it may be possible for persons in Silver Reef to buy shares in the Leeds Water Company and have the company's water right modified to add the area in Silver Reef to their adjudicated use area. Whoever bought the water shares would also be responsible to pay for any connections and pipe extension from the proposed piping system.

We need to proceed immediately with the system and would like to be on the December Board of Water Resources meeting agenda for final approval of funding for the project. Please let us know if we need to consider any other items regarding the request of the Silver Reef residents. We appreciate the time you have taken to resolve this issue but I believe that the Board of Directors have carefully weighed their options and are doing the best thing for the majority of the community involved.

Sincerely,



Brent E. Gardner, PE  
Alpha Engineering Company

Cc: Tom Cox, Division of Water Resources  
Honorable Mayor and City Council, Leeds Town  
Frank, Lojko, Representing Silver Reef Residents  
Ron Thompson, Washington County Water Conservancy District  
Ned Sullivan, Leeds Water Company

Attachment  
to mtg. 9-15-04

WCWCD - ANDERSON JCT. TO HARRISBURG WATERLINE  
LEEDS WATER COMPANY

ITEM	QUANTITY	UNIT	UNIT COST	PRICE
CURB & GUTTER	4,435	L.F.	\$10.50	\$46,567.50
SIDEWALK	1,440	S.F.	\$3.00	\$4,320.00
WATERWAYS	920	S.F.	\$4.50	\$4,140.00
DRIVEWAYS	1,080	S.F.	\$3.00	\$3,240.00
DRIVEWAY APPROACH	5,400	S.F.	\$4.50	\$24,300.00
HANDICAP RAMPS	8	EACH	\$1,000.00	\$8,000.00
UDOT ASPHALT(10' WIDE, INCLUDING ROTOMILL)	44,350	S.F.	\$2.55	\$113,092.50
CEMENT REMOVAL	4,435	L.F.	\$4.50	\$19,957.50

SUBTOTAL \$223,617.50  
UDOT PORTION (ASPHALT & BASE) (\$113,092.50)

10%  
10%  
20% CONTINGENCY & ENGINEERING \$22,105.00  
TOTAL COST \$132,630.00

WCWCD ALTERNATE

ITEM	QUANTITY	UNIT	UNIT COST	PRICE
ASPHALT(4' WIDE, INCLUDING ROTOMILL) <i>Cost to repair road w/o UDOT</i>	17,740	S.F.	\$5.00	\$88,700.00
TOTAL COST				\$88,700.00

ALTERNATE ROUTE (VALLEY ROAD ALIGNMENT)

ITEM	QUANTITY	UNIT	UNIT COST	PRICE
ASPHALT(4' WIDE, INCLUDING ROTOMILL)	6,300	S.F.	\$5.00	\$31,500.00
ADDITIONAL PIPE	1,500	L.F.	\$30.00	\$45,000.00
FITTINGS	4	EACH	\$1,000.00	\$4,000.00
TOTAL COST				\$80,500.00

Entireties:

43,930  
2/16/04  
3/21/05



*DRAFT*  
**Executive Summary**  
for

**The Regional Water System Facilities and Operations Agreement**

The Washington County Water Conservancy District owns and operates a water system (“System”) that includes water collection, conservation, development, storage, treatment supply, transportation, hydroelectric generation, transmission and distribution facilities. This System will be made available to provide water to those Municipal Customers who elect to join the “pool” through execution of the Regional Water System Facilities and Operations Agreement (“Agreement”). The District will continue to honor the contracts of existing Contract Users as well as present and future Retail Customers of the District. However, all future water sales will be conducted through the pool. The System will be expanded and improved so as to provide water for the Municipal and Retail Customers. The fees to be charged under the Agreement provide for capital costs for water development to be paid for by new growth in the form of impact fees. The water will be sold at a rate that covers operation, maintenance, repair and replacement, allowing Municipal Customers to pay for only the water they receive and thus eliminating any disadvantages to conservation caused by contracts that require that blocks of water be paid for whether or not they are used.

**System Management:**

The District is developing a Capital Facilities Plan (CFP) which will determine the components of the System necessary to provide adequate water to meet the future needs of the Municipal and Retail Customers. The CFP must be ratified and approved by the Municipal Customers. The approved CFP will provide for expansion and improvement of the System and will govern the acquisition or construction of all Capital Facilities.

An Operating Plan will govern the District’s operation and maintenance of the System and must provide for the System to be operated to the maximum extent practicable to meet the requirements of each Municipal Customer for water which has been allocated to the Municipal Customer in accordance with the Agreement. The Operating Plan shall be reviewed at least annually and shall take into account revisions proposed by Municipal Customers.

The District Advisory Committee, consisting of one representative designated by the District and one by each Municipal Customer, will meet at least annually and more often as the members determine. The District will meet regularly with the District Advisory Committee and the Municipal Customers concerning the existing and projected demand of each Municipal Customer for deliveries of water.

**Charges:**

The charges established by the Agreement for this System will be used for funding the required reserves and for payment of Finance Costs, Capital Costs and other System Costs of the District not otherwise funded. These charges will include:

- ▶ *Water Availability Charge* - The Municipal Customer agrees to assist the District in collecting this impact fee and will not allow any final plat approval or issue any

building permit until this charge has been paid.

- ▶ *Water Development Surcharge* - This monthly surcharge will be equal to five percent of the Municipal Retail Water Charges billed by each Municipal Customer to its retail customers for the applicable month and can be adjusted to ensure adequate coverage of debt. This charge will offset risk associated with the potential loss of impact fee revenues if growth is not sufficient to fund or pay debt on capital projects.
- ▶ *Raw Water Facilities Charges* - These charges will apply to Raw Water Facilities not directly funded by such Municipal Customer.
- ▶ *Wholesale Delivery Charge* - This charge will be based upon the District's O&M and administrative costs, as well as repair & replacement, reserve and rate stabilization funds. The Municipal Customer will pay this charge for each unit of water delivered to it by the District. There will be separate components for Treated Water and for Raw Water.

The District will periodically review and make a five-year projection for each of the District Charges. District Charges may be adjusted to ensure that debt obligations of the District are met.

#### **Funds Established:**

- ▶ *Rate Stabilization Fund* - this will provide sufficient funds for the payment of Finance Costs on District Debt to the extent that the charges referenced above are insufficient for payment of Finance Costs on District Debt.
- ▶ *Capital Facilities Reserve Fund* - this will provide sufficient funds for the payment of Finance Costs on District Debt, for the purpose of maintaining the Water Availability Charge and Water Development Surcharge at a constant level and for such other purposes related to the acquisition or construction of Capital Facilities.
- ▶ *O&M Reserve Fund* - will maintain each component of the Wholesale Delivery Charge at a constant level and for such other purposes related to operation and maintenance of the System.
- ▶ *Repair, Replacement and Depreciation Reserve Fund* - will provide sufficient funds for the payment of extraordinary operation and maintenance costs and the Finance Costs of District Debt to the extent Revenues allocated are insufficient.

#### **Obligations of Municipal Customers:**

- ▶ Shall employ every reasonable effort to maintain and operate its Municipal System to comply with all laws relating to the treatment and quality of water and in such a manner that will aid the District in avoiding the necessity of constructing additions to the System.
- ▶ Shall pay when due all charges and other amounts provided for in the Facilities and Operations Agreement.
- ▶ Shall be solely responsible for setting rates and charges to its customers.
- ▶ Agrees that its obligation to make payments under this Agreement is a special obligation of the Municipal Customer, payable as a first charge from the gross revenues of the Municipal System of that Municipal Customer and from other revenue sources that are legally available and specifically designated and

authorized to be used for such purpose.

- ▶ Agrees to charge amounts for its water utility services sufficient to produce gross revenues from its Municipal System which are sufficient to make all payments to be paid from such sources in each fiscal year, including all payments due under the Facilities and Operations Agreement.
- ▶ Shall prepare and maintain a conservation plan that will meet the requirements of the Utah Board of Water Resources. This plan would include a conservation rate structure and time of day and landscape ordinances.

**Annual Budget:**

On or before 30 days prior to the beginning of each fiscal year, the District shall deliver to the Municipal Customers an Annual Budget prepared by the District. Each Annual Budget shall show, for each month of the following fiscal year the estimated monthly O&M costs, Capital Costs, and other costs relating to the System.

Co

**PUBLIC NOTICE**  
**TOWN OF LEEDS**  
**TOWN COUNCIL MEETING**

The Town Council of Leeds will hold a meeting on  
**Wednesday September 29, 2004,**  
at the Leeds Town Hall, 218 North Main Street at 7:00 p.m. Public welcome to attend.

**AGENDA**

1. Call to Order
2. Roll Call
3. Pledge
4. Approval of Agenda and minutes
5. Eileen Mackelprang - request for deviation from building plans on file
6. Brent Nelson - request by Washington County AP & P to use Leeds Police Department as satellite office
7. Doug Wilson, Washington County Water Conservancy District - update on Main Street irrigation pipeline project
8. Brent Gardner, Alpha Engineering - presentation for possible regulating pond in Silver Reef area
9. Set Public Hearing date to allocate funds for Main Street irrigation ditch project
- ✓ 10. George Fridell - Town Hall upgrades and repairs
- ✓ 11. Mayor Norma Gier - Washington County land ownership plan ~ SITLA
12. Council Member Darrell Nelson
13. Council Member Dale Barnes
14. Council Member Dave Harbour
15. Council Member Gloria Parnell - Babylon Road, dead tree removal
16. Elaine Murphy - Capitol Improvements Plan, Washington County Solid Waste rates, returned checks, training
17. Adjournment

In compliance with the Americans with Disabilities Act, the town of Leeds will make reasonable accommodations for persons needing assistance to participate in the public meeting. Persons requesting assistance are asked to call town Hall at 879-2447 at least 48 hours prior to the meeting.

**Certificate of Posting**

The undersigned Clerk/Recorder does hereby certify that the above notice was posted in three public places within Leeds Town limits on the 28<sup>th</sup> day of September, 2004. These public places being 1) Leeds Town Hall 2) Leeds Post Office 3) Walton's Plaza.

Joy Stevens, Clerk/Recorder

## TOWN OF LEEDS

Minutes of the Town Council Meeting  
September 29, 2004

### 1. CALL TO ORDER:

Mayor Norma Gier called the meeting to order at 7:00 p.m.

### 2. ROLL CALL:

Present was Mayor Norma Gier; Council Members: Darrell Nelson, Gloria Parnell, Dave Harbour and Dale Barnes; Treasurer, Elaine Murphy, taking minutes for Deputy Clerk/Recorder, who was absent.

### 3. PLEDGE:

Mayor Norma Gier led the Pledge of Allegiance

### 4. APPROVAL OF AGENDA AND MINUTES:

Motion by Gloria Parnell to approve the agenda (minutes of Town Council meeting(s) are not prepared) Seconded by Dale Barnes. Motion passed unanimously.

### 5. Eileen Mackelprang – request for deviation for building plans on file:

Eileen Mackelprang presented her disagreements with the Leeds' building inspector wherein he claimed her original house plans, with the extra laundry room, indicated they planned to construct a dwelling that had the potential of becoming a duplex or a rental, which she adamantly denies. She displayed the original house plans to the council members showing where the building inspector had made her whiteout the second laundry room before he would approve the plans for construction. She made the argument that her parents are both disabled. Her father is in a wheel chair and her mother is too overwhelmed to take care of him by herself, so she wants them in her own home, not in a separate building – detached from her home.

Mayor Gier stated she has talked with the building inspector, Dennis Mertlick, and he indicated to her that the Town Council could override his decision in such matters.

Dale Barnes told the council members that he had looked at the floor plans and made an on-site visit at the construction site. He stated that the home, as originally designed with the extra laundry room, would not make a very good duplex or rental unit and agreed with the homeowner. He couldn't see wherein they were trying to circumvent the system by going around the building inspector's decision.

Dave Harbour asked about the utility meters. Eileen stated there was only one meter per utility service for the home. Dave stated there were already several single-family properties established that are renting out rooms. Eileen informed the council that she had looked at the town's zoning ordinances and could not find any mother-in-law apartment rules that would apply to their situation, therefore, they were not in any violation as far as she could see.

Mayor Gier further stated that Dennis Mertlick has to abide by the town's zoning laws, but the town council could make a decision to overturn the zoning laws. She asked Eileen if they would

be willing to sign an official document, drawn up by the town's attorney, declaring they would not, at anytime in the future, convert their home to a duplex or rental unit. Eileen agreed to sign such a document in order to proceed with the construction of their home with the extra laundry room.

**Motion** was made by Councilperson Dale Barnes to allow the construction of the extra laundry room / bathroom with the stipulation the Mackleprangs sign the official document to not use their home as a duplex or rental unit at anytime in the future; **seconded** by Councilperson Dave Harbour. **Motion passed unanimously.**

**6. Brent Nelson – request by Washington County AP&P to use Leeds Police Station as a satellite office:**

Officer Brent Nelson presented a request to the town council, in behalf of the Washington County AP&P, to allow them to use the Leeds Police Station as one of their satellite offices for tracking and monitoring felons in the Leeds and Silver Reef area and possibly in Touquerville, which is usually covered by LaVerkin. Their activities would mostly include pulling up names on their automated listing and possibly doing some interviews. They could also be a backup support to the Leeds Police Department. When asked, he stated the amount of people involved in the satellite office would vary depending on the workload in the area. He stated there would be no change made to the office of the Police Dept. The satellite AP&P officers would be provided a key to the Leeds Police office and a key to the Town Hall for restroom facilities. He introduced AP&P Officer, Kim Seegmiller, and Frank Martin, with the Utah State Adult Probation and Parole.

Mayor Gier gave high regards for the program and recommended the council approve it.

**Motion** was made by Dave Harbour to allow the use of the Leeds Police Station as a satellite office for the Washington County AP&P; **Seconded** by Gloria Parnell. **Motion passed unanimously.**

**7. Doug Wilson, Washington County Water Conservancy District – update on Main Street irrigation pipeline project:**

Doug Wilson was present at the town council meeting for the purpose of seeking a firm vote from the town council to display their willingness to participate in the Washington County Water Conservancy District's proposed pooling agreement in the Regional Water System Facilities and Operations Agreement.

Mayor Gier asked if their pipeline would be installed down Leeds' Main Street if the town council decided not to participate in the pooling agreement. Mr. Wilson stated it would not, but would be routed another direction – bypassing Leeds. When asked about the time frame, Mr. Wilson stated they planned to procure the construction contractor in October 2004; and construction would begin in December 2004. They may only bring the pipeline to the edge of Leeds town limits in order to correlate their construction with the Leeds Water Company's irrigation pipeline construction, which had to be installed during the irrigation off-season. The irrigation company's engineer stated costs have been estimated high, should construction be delayed, and have committed to doing their Main Street pipeline.

Councilwoman Gloria Parnell asked about a construction schedule for homeowners with driveways so they would not be inconvenienced longer than necessary. Mr. Wilson said contractors would make up a construction schedule and arrange for traffic control during construction. UDOT's

Engineer stated there are stringent rules and guidelines for construction projects on State highways.

Councilman Dave Harbour, who participated in the walk down Main Street, discussed the need to clearly define and document in the construction plans certain points of concern for the contractor awareness. All concurred with his suggestion.

Mr. Wilson continued with his discussion regarding the pooling agreement stating Leeds would be able to purchase water from the county's water conservancy district, a water wholesaler, by joining the pooling agreement. He invited the town council to come to the public hearing to attain information about the costs and procedures. He stated it would be a benefit to the town to join the pooling agreement sooner than later. He gave examples how other areas have drawn on the pooling agreement model and have eventually evolved into one super system.

Mayor Gier requested the town council members be notified of the next meeting.

#### **8. Brent Gardner, Alpha Engineering – presentation for possible regulating pond in Silver Reef area:**

Brent Gardner, Engineer for the Leeds Water Co., displayed a map of the “Y” intersection at Silver Reef Road and Oak Grove Road where the picnic table is located. He informed the council that certain residents in Silver Reef had made a proposal to him about an exchange – for the irrigation company to not pipe the ditch through their properties, the Silver Reef SSD would allow the irrigation company to store their irrigation water in a pond they proposed would be built on property they own. The Silver Reef SSD would retain ownership of the property and use the pond as a water-type facility and open space for their use - possibly the pond could be used as a fishery, which could generate revenue for maintenance costs, etc. The Leeds Water Co. Board had already stipulated that the water loss through the old open-ditch system running through the Silver Reef properties be accurately measured and the irrigation company would have to be reimbursed for any water loss in the ditches and the proposed pond, particularly by the land owners pressing for the pond in lieu of the pipeline.

Brent stated the pond would have to be 1.5 to 2 surface acres in size to adequately store and regulate the irrigation water. Therefore, contiguous properties would need to be acquired to accommodate a pond of that size, or another, more suitable location would need to be found. At that point, Brent acknowledged Curt Gordon from SITLA in attendance at the meeting, suggesting SITLA land may work into the project, as it is contiguous to the Silver Reef SSD property. Mr. Gordon asked if the pond would be full year-around or if it would fluctuate. Brent stated the pond would be regulated in order to keep water in the pond year-around, esp. to preserve it for a fishery facility.

Brent stated his purpose in being at the council meeting was to discuss the location of the pond. Although the SITLA and Silver Reef SSD properties are located in the county, Leeds Town needs to be aware of the changes in development. The proposed pond could be considered open space. The pond would be lined to prevent water seepage and the old over-night pond would be abandoned. Brent stated he had not discussed the full proposal with the Leeds Water Co. yet so he does not know what their reaction will be at this point.

Mayor Gier stated the county had deeded the property with the picnic table back to the Town of Leeds. She stated the property issues would need to be researched before a decision could accurately be made. She wants the town council to be kept in the “loop” with the Silver Reef SSD and the Leeds Water Co. so they can stay on track with any new developments.

9. Mayor Gier stated there would have to be a public hearing to open and amend the budget for the curb and gutter project. (A component of the Main Street project.) Gloria Parnell stated there was only enough monies in the budget to do the Babylon Road project but would have to amend the budget. Mayor Gier asked for input from the council members regarding the projects and the budget. Dave Harbour stated he had no objection as long as there is enough money in the budget.

**Motion** was made by Councilman Dale Barnes to proceed with the curb and gutter project as long as the costs are contained within the estimated costs and that the Leeds Water Co. agrees to put in their share for the project; **seconded** by Councilman Dave Harbour. **Roll call vote:** All ayes.

**Motion passed unanimously.**

**Motion** was made by Councilman Dale Barnes to set a public hearing to Open and Amend the budget at the next Town Council work meeting; **seconded** by Councilwoman Gloria Parnell.

**Roll call vote:** All Ayes. **Motion passed unanimously.**

Mayor Gier suggested a water fair be held to inform and educate the community about the proposed improvements for the irrigation system and impacts on the community as a result of the pressurized system.

#### **10. George Fridell – Town Hall upgrades and repairs:**

George reported to the council members that Washington County is providing funding to install a handicap ramp, etc., to accommodate citizens with disabilities who want to vote during the November elections. George would also like to replace the old and deteriorating porch deck with new decking and include the stairs in the improvements. He has had a block foundation wall laid to prevent further sagging of the porch. The old wood wall had deteriorated and made the porch sag, where the block wall would not deteriorate. He asked the council members for \$1,800 for the porch decking and \$100 for the stairs. Elaine Murphy, Treasurer, informed the council members that \$3,000 had been budgeted for the handicap ramp and porch improvements, and as of YTD, no costs had been incurred against that line item.

**Motion** was made by Councilman Dave Harbour to approve up to \$2,000 for the porch decking and stairs; **seconded** by Councilwoman Gloria Parnell. **Roll call vote:** all ayes. **Motion passed unanimously.**

#### **11. Mayor Norma Gier – Washington County land ownership plan:**

Mayor Gier read a letter to the council from Washington County about designating land for future annexation on the attached map and submitting it to Washington County as an official record. She asked the council members to look at the map and study it so they could make their designations of properties likely to be annexed into Leeds and return it to Washington County ASAP.

She discussed the trail system going through Leeds and the need to look ahead for potential trails and contemplate areas that might fit well into the overall trail system, particularly from the north. Potential trails need to be designated and mapped before being incorporated into the existing trail system surrounding the Leeds-Silver Reef area.

SITLA Lands and annexation: Curt Gordon, SITLA, introduced Tom Faddes, Executive Director over past mineral and mining activities on SITLA lands. Mr. Faddes discussed his findings



during a recent walk over SITLA land holdings in the Silver Reef area, in which he saw no new mining activity in the area. He talked about alluvial fan geological formations on the properties and some existing trails. He stated it was nothing to find any old mine dumps on their property. The old Christy Mill sight had a substantial amount of old mine tailings on that sight and he had identified some mined materials related to silver mining, but none were found on the SITLA land. The EPA finished a study and found no indication of contamination on SITLA lands located in the Silver Reef area. Mr. Faddes has had experience in other areas of the State working with similar procedures. Councilman Dave Harbour informed Mr. Faddes about an 1995 EPA study that resulted in letters being sent by Washington County to property owners in the area warning them about radon gas. They were told to take precautions when working in these contaminated areas. Curt Gordon clarified that the area in the EPA report did not include SITLA lands, and the letter only pertained to the inside of mine shafts and piled mine tailings. He said he would provide the town with their map and interpretation of the letter from Washington County. Mayor Gier informed the representatives from SITLA a recent EPA study is now available. Mr. Faddes took the three binders containing the new EPA study and reviewed it during the meeting.

A land developer, in attendance at the meeting, expressed his concerns that the map was generally limited only to mining areas. However, he said, the State Dept. of Environmental Quality had recently taken samples along the thoroughfares (roadways) where the mining materials were transported, as well. A discussion unfolded about legitimately measuring contaminants along roads.

Mr. Gordon displayed the proposed annexation map of the SITLA lands and reviewed it with the council members. Mayor Gier summed up the SITLA land annexation discussion stating the next step in the process is to take it before the Leeds Planning Commission. She would like a member of the Leeds Town Council to attend SITLA's upcoming public hearing.

12. **Council Member Darrell Nelson:** (nothing to report)

13. **Council Member Dale Barnes:** (nothing to report)

14. **Council Member Dave Harbour:**

Dave reported he had been working on updating the Zoning and Subdivision Ordinances and had a preliminary draft copy ready for public review and comments. He invited the public to come to the Town Hall and review it here and submit any comments they might have to him or other town officials. The draft copy would have to remain at the Town Hall, as there is only one copy at this time.

Mayor Gier encouraged people to take the time to come in and review these new zoning ordinances now, while changes are in progress, rather than waiting until after they are adopted to bring up their concerns and disagreements. She took a moment to highly praise Dave for his impeccable work on rewriting the zoning ordinances and expressed her appreciation for all the long hard hours he had devoted to the project and, also, on the rewrite of the town's General Plan.

A suggestion was brought up by Curt Gordon, SITLA, concerning the map and making it more user friendly. Dave agreed with the suggestion and will work on updating the map.

15. **Council Member Gloria Parnell – Babylon Road, dead tree removal:**

Gloria gave a progress report pertaining to the Babylon Road project. Engineering is continuing and they are trying to determine how to bid out the removal of the dead trees (estimated at \$5,000 – or it has been suggested someone might just do it for the firewood). Carlyle Sterling is going to remove the shed.

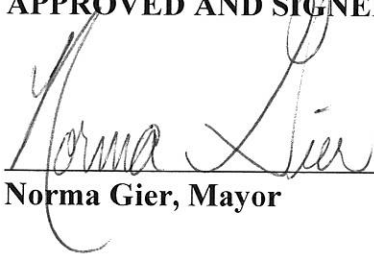
**16. Elaine Murphy – Capital Improvements Plan, Washington County Solid Waste rates, returned checks, training:**

Elaine asked the council members if they had made any decisions regarding writing a Capital Facilities Plan for the town as a followup from the last meeting wherein they had discussed the necessities for such a plan. Dale Barnes could see the need and value of having a Capital Improvement Plan. Dave Harbour said the town's General Plan goal and objectives should be included in the new Capital Facilities Plan. Some more discussion followed, but no decisions were made on this matter.

Elaine briefly reported on the letter from Washington County Solid Waste regarding their rates, which will not be increased at this time. There has been a problem of bounced checks with a few trash customers during the last seven or eight months. Becky had not addressed the issue while she was here, and Elaine wanted to know if the Town Council wanted to establish a returned check fee to discourage the practice of bouncing checks from trash customers. **Motion** was made by Councilman Dale Barnes to establish a "returned check fee" of \$20 for bounced checks by trash customers, which will go into effect on October 1, 2004, with a written comment on the customers' next statement to inform them of the new fee; **seconded** by Dave Harbour. **Vote by roll call:** all ayes. **Motion passed unanimously.**

**17. Adjournment:** **Motion** to adjourn the meeting was made by Gloria Parnell. **Seconded** by Dale Barnes. **Voting unanimous.** Meeting adjourned at 9:45 P.M.

APPROVED AND SIGNED THIS 30 DAY OF March, 2005.

  
\_\_\_\_\_  
Norma Gier, Mayor

  
\_\_\_\_\_  
attest: Joy Stevens, Clerk/Recorder