

PUBLIC NOTICE

TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting on
Wednesday, September 8, 2010, 7:00 p.m.

At Leeds Town Hall, 218 North Main Street
Public is welcome to attend

AGENDA - amended

Up to two Town Council Members may participate in the meeting by telephone or video conferencing (Ord 2006-08)

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE CLERK/RECORDER BY 6:55 P.M.

BUSINESS SESSION:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Abstentions and Conflicts by Council Members, if any
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Minutes of Meetings from August 25, 2010 Town Council Meeting; August 18 Town Council Work Meeting; and August 18 Town Council & Planning Commission Joint Work Meeting.
6. Financial Report for the Fiscal Year 2009-2010.
7. Announcements:
8. Citizen Comment: (No action may be taken on a matter raised under this agenda item). *Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Fran Rex in writing before 1:00 p.m. on the Wednesday one week before the Council meeting.*

WORK SESSION:

ACTION ITEMS:

9. Discussion & Possible Approval of Resolution 2010-06 for Amendment to the Consolidated Fee Schedule adding a fee for festival booths.
10. Discussion & Possible Approval of expenditures for the Leeds Town Festival.
11. Discussion & Possible Approval of Ash Creek Agreement amendment.

DISCUSSION ITEMS:

12. Presentation on "Utah Property Tax System" or "What are fair Property Taxes" by Wash Co Fair Property Tax Committee Communications Director – Jim Bray (30 min)
13. Review and feedback of a Sign Application Form.
14. Presentation by Caden Camley of a proposed Eagle Project to build a removable stage for cultural events.
15. Reports by Town Council Members:
 - a. Park issues - Alan Roberts
 - i. Lighting
 - ii. Culinary Water
 - iii. Rock Wall
 - iv. CCC Camp Handrail
 - b. Report on Wild West Days Festival in Leeds, Tithing House, & specific Setback Ordinance issue - Mayor Lefler
 - c. Report on Codification - Angela Rohr
 - d. Report on Rubber chips in Park, UDOT Drainage on Main Street, & Police Department Survey - Frank Lojko

UPDATES BY STAFF:

- A.
- B. Adjournment

In compliance with the Americans with Disabilities Act, 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 Town Hall at 879-2447 at least 24 hours prior to the meeting.

Certificate of Posting

The undersigned Clerk/Recorder does hereby certify that the above notice was posted September 7, 2010. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town of Leeds Website www.leedstown.org, and Spectrum Newspaper


Fran Rex, Clerk / Recorder

TOWN OF LEEDS TOWN COUNCIL MEETING

September 8, 2010

MINUTES

BUSINESS SESSION:

1. **Call to Order** – At 7:10 p.m. by Mayor Hyrum Lefler
2. **Pledge of Allegiance** – was led by Alan Roberts.
3. **Roll Call** – Present was Mayor Hyrum Lefler and Council Members Alan Roberts and Angela Rohr. Council Members Keith Sullivan and Frank Lojko were excused. Treasurer Jean Beal took minutes until Clerk /Recorder Francene Rex arrived at 8:15 p.m.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **A Motion** was made by Alan Roberts with a **second** by Mayor Hyrum Lefler to **Approve** the **Tonight's Agenda** and **Table** to the next meeting the **Minutes of Meetings** from **August 25, 2010** Town Council Meeting; **August 18, 2010** Town Council Work Meeting; and **August 18, 2010** Town Council & Planning Commission **Joint Work Meeting**. An **Aye** Vote was **Unanimous** from those present.
6. **Financial Report for the Fiscal Year 2009-2010** – Steve Palmer of Hinton and Burdick went over the assets, liabilities, fund balance, and cash. He said Leeds was financially looking good.
7. **Announcements** – None
8. **Citizen Comment** –Mayor Lefler gave an update of the Wild West Days Festival plans as follows: A soap box derby on Main Street, make, fly, and take air rockets, sorghum demonstration and tasting, candy cannon, food booths, music bands, professional storytelling, play on Harrisburg, Leeds, and Silver Reef. Ralph Rohr presented and read a letter stating his opinion that of the three proposed viable sewer solutions offered by Silver Reef Investment Holdings, LLC, the solution of developments privately funding their own sewer system running to Ashcreek or their own service be chosen by the Council.

WORK SESSION:

ACTION ITEMS:

9. **Discussion & Possible Approval of Resolution 2010-06 for Amendment to the Consolidated Fee Schedule adding a fee for festival booths** – Mayor Lefler referred to a staff report advised the Cultural & Beautification Committee were in the process of planning the Leeds first annual Festival called Wild West Days in Leeds, and would like to be able to charge for booths to help the Town acquire funds costs for the festival. He noted it was the desire of the Town Council that the festival help pay for itself. The Council discussed making the resolution more general to enable other Town events to charge booth fees; therefore, some of the verbiage was changed to reflect that sentiment. The last “whereas” was removed to avoid redundancy. **A Motion** was made by Angela Rohr with a **second** by Alan Roberts to **Approve Resolution 2010-06 Amending the Consolidated Fee Schedule adding a fee for festival booths**, with a friendly amendment from Mayor Lefler and accepted by Rohr to include changes reflecting a more general application, and the last “whereas” to be removed. An **Aye** Vote was **Unanimous** from those present.

10. **Discussion & Possible Approval of expenditures for the Leeds Town Festival** – Mayor Lefler referred to the staff report stating the Cultural and Beautification Committee is actively recruiting booths to come to the Town Festival event. This will strengthen the festive atmosphere as well as generate income to offset expenses for the event. It is the goal of the Committee to entirely pay for the event with donations and revenues from booths/sponsorships. He said he and the committee were making the recommendation that the Town Council approve the additional expenditures over the current amount budgeted for cultural events up to but not to exceed \$1,100. He stated the expenditures were approximately half of the actual cost of the following items: 1) A moveable stage – an Eagle Project would donate all the labor and partial or all of the materials. The Town would cap their portion at \$250; 2) A sound system – past events have always needed to borrow a sound system. The committee would look for a nice used or donated system. The maximum amount from the Town would be \$450 with the rest coming from donations; 3) food and supplies not to exceed \$400, such as candy for the candy cannon, and supplies for the rockets. The booth sells would subtract from the \$1,100. He noted the bulk of the expenses were for items that would be used over again in the future.

A Motion was made by Alan Roberts with a **second** by Mayor Lefler to **Approve the additional expenditures not to exceed \$1,100 for the festival and cultural events entitled Wild West Days**. It was discussed that the Town Budget will need to be opened and amended during Fiscal Year 2010 to accommodate the change.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	x			
COUNCIL MEMBER ALAN ROBERTS	x			
COUNCIL MEMBER ANGELA ROHR	x			
COUNCIL MEMBER KEITH SULLIVAN				x
COUNCIL MEMBER FRANK LOJKO				x

Approval of expenditure of up to \$1,100 for the festival entitled Wild West Days was

Passed x Rejected TABLED

COST TO THE TOWN: up to \$1,100

11. **Discussion & Possible Approval of Ash Creek Agreement amendment** – Mayor Lefler referred to Ralph Rohr’s earlier comments of his preference that developments privately fund their own sewer system and either run it to Ashcreek or build their own treatment facility. Lefler noted in order to keep service by Ashcreek Special Service District a possible option, the Town would need to approve an extension or amendment with Ashcreek to keep “the door open”. He said the current agreement was drafted in a way that it was very flexible and quite a benefit to the Town, with the ability to negotiate. Lefler noted a few suggestions from Attorney Heath Snow as follows:

2(h) States “(Leeds) to pay its proportionate share of all costsof..maintaining the Harrisburg pump station” to which the following was a suggested addition “unless the said pump station is bypassed or otherwise not used to treat waste from the Leeds System.” Lefler said this resolved the concern of whether Leeds would hook onto Harrisburg or not.

3ii) Lefler stated the changes to this section addressed the issue of **if** the agreement was terminated for whatever reason, and **if** Leeds did not have a bon a fide plan to construct a wastewater treatment facility within 7 years, **then** Leeds would need to turn over collected impact fees to the District. It was noted this would give a 7 year cushion to hold the impact fees if Leeds was serious in having its own sewer system.

Ralph Rohr – Asked regarding the debt and financial structure of Ashcreek. He noted Ashcreek has put in infrastructure for other areas which have not come to fruition, and was worried Leeds would incur some of the costs of those unused systems. Lefler noted Leeds would not be “joining” with Ashcreek, but would rather be serviced by them, but thought such an examination would be good.

7) Attorney Snow suggested adding this section to restate and ensure that none of the agreement would be effective until Leeds actually constructed a system and connected to the Ashcreek collection and treatment system

Mayor Lefler reiterated the agreement did not mean Leeds would be required to join Ashcreek, and asked Council Members for their comments. Council Member Alan Roberts liked it, but wondered if Ashcreek would accept the 7 year time frame. He noted 3ii concerned impact fees. He thought having the impact fees go to Ashcreek if Leeds did not construct a sewer system was fair, since Ashcreek would be servicing the hook-ups. Jim Bray asked if impact fees could defray some of the sewer investigative costs, to which Roberts said impact fees should not cover investigative costs. He added that the Town needed to decide if it was going to get involved with wastewater. He thought a responsible town should get involved so they could have some kind of management of what will exist. He thought although all would like development to fully pay for itself, it may not, and the Town needed to look at what its people had to gain from any type of sewer, and if it was worth an investment. Referring to Ralph Rohr's earlier comment that Leeds was a dying town, Roberts said a town is either dying or growing, and added limited commercial held the Town back from growing. He reminded that survey results of public input showed the desire for some commercial, but not large, massive commercial. He noted commercial was very limited without sewer. Roberts said it was in the Town's best interest to be involved in what was happening with wastewater, and thought it would have an impact on the future of the Town. Roberts said the agreement was not driven by Ashcreek, but explained the agreement allowed for the idea of using Ashcreek to treat some or all of Leeds sewer while Leeds considered and decided whether or not to build its own. He noted Ralph Rohr's comment stating the majority of septic systems did not have a problem, and reminded that 100 years ago, people had no problem getting water from a well or stream, but that growth necessitated another type of system. He also referred to a comment made during the August 25, 2010 Town Council Meeting asking if a scientific viable water study had been conducted showing damage to groundwater from septic systems. Roberts stated such a study was completed around 2005 by the Washington County Conservancy District (WCWCD) and Washington County. He felt the Town should take the lead and decide what would work best in the future for each area, and not let developers dictate their own plan for sewage. Town Council Member Angela Rohr had no further comments at that time. Representative of Grapevine Wash Drake Howell commended the Council for actively and openly looking at the question of sewer. He said the Grapevine Wash Development (GVW) would be contributing the "lion's share of wastewater" and they needed a sewer solution before building. He noted their options were putting a wastewater treatment facility on the southwest, lowest corner of their property; or further south on conservation land; or running a trunk line to Ashcreek; or participating in a Town sponsored system. He said GVW were contemplating hiring an engineer to evaluate which option was most feasible and economical for their project. He said GVW hoped the Town would extend the agreement with Ashcreek to enable two of their options, and voiced his opinion that Leeds would not grow or be a viable place without a sewer infrastructure to enable some commercial. He asked the council if clarifying language could be added to 2(h) which referred to collecting impact fees from new development, since some developments may implement their own wastewater treatment facility. Howell then asked if there was a possibility of Ashcreek collecting impact fees before connection, and Mayor Lefler reiterated the agreement would not be effective until Leeds actually constructed a system and connected to the Ashcreek. Howell reiterated Dave Harbour's comment from the August 25, 2010 Town Council Meeting that Leeds could not collect impact fees until it had a Capital Facilities Plan (CFP). He noted re-entering the agreement would trigger developing a CFP looking at the cost of collecting in Town and the cost of treatment. Roberts said a CFP was required to get State funding. Referring to section 4(h)(ii), Howell agreed with Angela Rohr's prior meeting comment that emphasized adding language to clarify "all impact fees be paid to the district" only if Leeds uses Ashcreek. Howell also reiterated if private development funds were used to build a sewer system they should receive impact fee credits. Stating the Town has acknowledged this idea, he requested language be added to ensure acknowledgement from the district in writing. Roberts said the district would only deal with and through the Town, so it would be the Town's discretion. Responding to an earlier comment regarding development paying for itself and Ashcreek being burdened by Elim Valley and Sand Hollow, Howell said those developments paid their own way for sewer, and when the economy dropped, impact fees were lowered. Mayor Lefler said although he had a few concerns, the amendment would only extend the Ashcreek Agreement for two years; it was a preliminary agreement that did not bind Leeds to join or annexation into Ashcreek; but it was a way to cooperate on a short term basis and keep a few options open. He said the Town would have to re-amend it in two years if the Town wanted to keep the option open then. Mayor Lefler asked for a motion. Roberts thought it was important that the two absent council members also have an opportunity to review the amendment. Angela Rohr agreed that waiting would still be within the deadline time frame. She voiced her opinion that due to GVW's geological and geographical

placement, a private wastewater system would be best for them. She added it would keep the water in the local water table, it would be gravity flow and most economical to operate. Noting the decisions made now may transcribe into the future agreement, she thought it should allow for a dual (or more) system in case developers developed their own separate system. Mayor Lefler said the thoughtful, well thought out, and considerate comments on sewer during the last Town Council Meeting made an impact on him. He was rethinking his approach based on the principles of property rights and not forcing property owners to buy in without the opportunity to represent themselves by vote. He did not think it was right for a council to make a decision because they could, and did not appreciate the State's stipulations attached to cities/towns receiving tax money back in grant form by obligating its citizens. He said he did believe Leeds needed a sewer plan which would entail a mandatory connect, but he felt the mandatory connect should apply to future growth and not burden current citizens. He noted options such as a semi-temporary sewer system which could be expanded as growth came. He said if he believed the decision for a sewer system was based on a sound principle, he would do it, and not bend to whims. For, government should not be controlled by the passion and sway of people, but leaders should look at the situation and make the best decision. However, he did not believe the sound principle was evident at this point. Lefler concluded by stating a vibrant community, future growth, and future economic opportunities as stated in the General Plan, was based upon a sound sewer system, but it should be accomplished in such a way it protected the people's rights and not unduly burden citizens. Ralph Rohr added that when developers decide their option, they should not make the decision based on what was more economical for them at the expense of the current citizens. It was decided to continue this discussion to the Town Council Meeting on September 22, 2010, to enable input from the two absent Council Members.

DISCUSSION ITEMS:

- 12. Presentation on "Utah Property Tax System" or "What are fair Property Taxes" by Wash Co Fair Property Tax Committee Communications Director** – Citizen Jim Bray gave a power point presentation of how property taxes are determined. He said a few years prior, a committee from Leeds developed a fairer system of establishing property taxes. The system included passing a few transparency bills and a process enabling the county to receive a 100 % of property assessments each year (25% physical assessment, and 75% computer generated comparables). He said this system was now in place in Washington County, and the State of Utah would be implementing it next year.
- 13. Review and feedback of a Sign Application Form** – Tabled to September 22, 2010 TC Meeting.
- 14. Presentation by Caden Carnley of a proposed Eagle Project to build a removable stage for cultural events** – Boy Scout Caden Carnley explained his plan for an Eagle Scout project was to build a removable stage for Holidays and Town events in the park. He said it would be 2' feet tall, 16' feet deep, and 20' or 24' feet wide, with expansion possibilities. Mayor Lefler stated he had visited with Caden and his father regarding the project, and noted it was contingent upon the Town Council and Scout Board's approval. Boy Scout Cody Alan was also present, and said he would build two sets of side stairs, and arrange for a curtain/backdrop for play productions for his Eagle Scout project. Mayor Lefler stated a Town expenditure of up to \$250 had been recently approved to help pay for materials, and noted donations would also be used. He said the stage would be a solid feature to be used over and over. Council Member Angela Rohr asked if two step ladders would suffice for side stairs, to which Lefler stated the cost for steps would be less because labor would be donated and the materials would be left over from the stage project. Rohr thought a stage would be beneficial for events, and asked that drawing be included to explain the set up and dismantling of it. Mayor Lefler asked them to make a few drawings with specifications for him to review. The Council was okay with the idea.
- 15. Reports by Town Council Members:**
 - a. Park issues - Alan Roberts**
 - i. Lighting** – Tabled to September 22, 2010 TC Meeting.
 - ii. Culinary Water** – Tabled to September 22, 2010 TC Meeting.
 - iii. Rock Wall** – Tabled to September 22, 2010 TC Meeting.
 - iv. CCC Camp Handrail** –

b. Mayor Lefler

- i. **Report on Wild West Days Festival in Leeds** – addressed with announcements.
- ii. **Tithing House** – Mayor Lefler said current owner of the tithing house asked if the Town were interested in purchasing it. Lefler stated it would be nice, but the remodel would be a great expense, and noted the Historical Committee President Martha Ham asserted substantial preservation is usually achieved best by a private owners remodeling. Roberts wondered if the owner could receive Federal Tax credits for gifting it to the Town, but noted it would still be a liability. He was not supportive a purchase, but okay if it were gifted.
- iii. **Specific Setback Ordinance issue** – Mayor Lefler advised of an outbuilding that had been started with less than a ten foot setback from the neighboring fence. He said the builder had been told by someone he thought was a reliable source that the outbuilding size did not warrant a building permit; therefore he did not know the setbacks. Lefler stated the footings had already been poured and the walls up when it came to the Towns attention and the neighbors were okay with the situation. Lefler also stated he did not want to condone the act, and proposed a “Nonconforming Structure Agreement” be completed with the applicant paying the attorney preparation costs and a \$100.00 penalty fee. Discussion was had among the council and support of Mayor Lefler’s decision was given with the affirmative confirmation the agreement included language stating the building could not be remodeled or added onto, nor could it be rebuilt if burned down or otherwise destroyed, and the stipulations the proceeding building process receive building inspections, and the agreement be attached to the title and filed with the recorder’s office.

c. **Angela Rohr Report on Codification** – Rohr stated she had two volunteers to begin the process.


d. **Frank Lojko Report on Rubber chips in Park, UDOT Drainage on Main Street, & Police Department Survey** - Tabled to September 22, 2010 TC Meeting due to Lojko’s absence.

UPDATES BY STAFF:

16. None

17. **Adjournment** by Angela Rohr at **10:01 p.m.**

APPROVED ON THIS 22nd DAY OF September, 2010



Mayor Hyrum Lefler

Attest:



Clerk/Recorder Francene Rex