

Town of Leeds

Town Council Meeting for March 8, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on March 8, 2017 at Leeds Town Hall, 218 N Main.

ROLL CALL:

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

2. Pledge of Allegiance by Councilmember Cundick.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Cundick moved to approve tonight's agenda and meeting minutes of February 17 and February 22, 2017. 2nd by Councilmember Sheltnan. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

Councilmember Rohr arrived to the meeting at 7:02pm.

5. Citizen Comments:

Darryl Lewis, I am commenting on Majestic Mountain. At the Planning Commission of January 4th of this year, the applicant first asked for a zone change on 1.29 acres from Commercial, to R-M-7 Residential. During the discussion, a Planning Commissioner asked the applicant to more than double the size of her rezone request from 1.29 acres, to 2.732 acres. I found this request by a Commissioner very odd since I do not believe a Planning Commissioner should act on the behalf of a City resident in their request, but rather act on a stated request on behalf of all the citizens of our Town. I am curious of what reason would a Commissioner have for such a request. A new request was brought before the Planning Commission at the February 1st meeting to rezone a total of 4.027 acres. This was very confusing to most of us who were in the audience, but the zoning request was quickly approved. This approval was made by a Commission made up of 2 members and one alternate member. The Commission should have 5 members and 2 alternates. I believe these

decisions should be made by a full Commission, rather than how it was approved. I would like to read a portion of the Leeds Town General Plan draft that was written to reflect the wishes of the residents of our Town, and I quote "The Town residents strongly value the unique rural character of the Town and expressed the importance that the Town's character be maintained. To do so, residents desire that all planning and development include protections for agricultural land, open spaces, scenic vistas and sensitive lands, water quality, historic preservation, limiting the impact of lighting on the night sky, and public access to recreational amenities.

The Town residents also strongly value the diversity of land uses and structures, and the variety of lot sizes and building types. They overwhelmingly prefer a mix of uses and variety over cookie cutter style development and buildings. Main Street, with its mix of agriculture, homes, and businesses is a perfect example of the diversity the Town residents prefer". In another area, it refers to the majority of single family homes are built on lots ranging from 1 to 5 acres in size, with the exception of the area of Town including and surrounding Main Street, which is characterized by a mix of lot sizes ranging from 1/4 of an acre, to 2 acres, while residents of Leeds respect the western tradition of property rights, they do not wish to overly restrict land owners. They overwhelmingly support the existing low density model that currently defines the Town. In all the discussions of this rezoning, the Planning Commission and at the last Town Council meeting, I heard no reference to our General Plan, or to the wishes of our Town citizens, none. As I am sure you know, if you approve this zone change, it could provide for the living space of 17 families, and if they average just 2 children each, that could impact the City with nearly 10% property population increase in just these 4 acres. This is actually the best scenario for this property, because the applicant as you probably know owns duplexes currently in our Town. Neighbors of this property told me that the units are empty quite often, rented to people who do not pay rent and vanish, and that drug use can be common in the area. In general, this area is not an asset to our community. In life there always seems to be a difference between what you can do, and what you should do. I am hopeful that you as the City Council of Leeds will consider this and choose to uphold the integrity of our City government with this discussion, and not approve this zone change.

Alberta Pace, I have been thinking it would be an asset to the City for quite a few reasons. One would be the tax base. Right now it is very low tax because it is only a big piece of land that can't be developed, and he said 17 lots, it is not 17, it is 16 lots. You would have a very good tax base with some very nice homes in there. I think it would be to the advantage of the City.

6. Announcements:

7. Special Presentation:

- a. Washington County Commission presentation on the Habitat Conservation Plan
Dean Cox indicated Washington County is currently engaged at renewing the permit for the Habitat Conservation Plan (HCP).

Brock Belnap explained the reason why we have a Habitat Conservation Plan and the Red Cliffs Desert Reserve. It is a result of the endangered species act, and what that act does, is when there is a species that Fish and Wildlife says, is either, endangered, or threatened, that law imposes protection upon the species and uses the legal term take. You cannot take a species, and take means more that you just can't kill it, it means harm it, or damage it, and includes affecting its habitat. In the mid 1980s, word started to come down that the Fish and Wildlife Service was going to designate the desert tortoise as endangered, or a threated species. They ended up designating it as a threated species, and the effect of that to Washington County was that much of the land in Washington County that was undeveloped at that time was covered by desert tortoise habitat that could not be disturbed. In the beginning of the 1990s all of the

municipalities, private land owners, other interested parties, including Fish and Wildlife, BLM and SITLA got together to decide how to handle the impact of this designation. County Commissioners applied for what is called an incidental take permit. With that permit, you are allowed to affect the tortoise; however, you have to give something to mitigate the impact, and that is what the HCP is. It created the Red Cliffs Desert Reserve. The permit was granted and lasted 20 years. It was granted in 1995 and expired in December of 2015; however, a new permit is in negotiation with Fish and Wildlife. Washington County agreed in order to fund the plan; all the participating municipalities would pass an Ordinance imposing an impact fee. The impact fees cover the biologist, fencing, and all of the administrative things. If the permit is not renewed, private land owners that are in critical habitat will have to negotiate with Fish and Wildlife Services on their own. The way the permit covers the municipalities is, there is an implementation agreement that is entered into by each municipality and the County, it is an interlocal agreement, where the municipality agrees to pass the Ordinance imposing the impact fee. The city's that elect not to participate in the agreement will not be entitled to the benefits of the permit.

Brock Belnap, Dean Cox and Cameron discussed it further with Town Councilmembers.

8. Public Hearings:

9. Action Items:

- a. Discussion and possible action on Resolution 2017-02, approving legal services agreement for a Public Defender

Mayor Peterson, we asked Gary at our last meeting to negotiate with the lowest cost provider and Gary will you give us an update on that.

Gary Kuhlmann, I talked to him and he was exited to take the position. I sent Caleb Cottam the contract at \$110.00 an hour and he did sign it.

Mayor Peterson asked for a motion to approve Resolution 2017-02, approving legal services agreement for a Public Defender.

Councilmember Rohr, I so move. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

- b. Discussion and possible action on Majestic Mountain Development LLC zone change on parcel L-4-A-1 from Commercial (C) to Multiple Residential (R-M-7) on approximately 1.295 acres

Mayor Peterson indicated Town council will be discussing both 9b and 9c.

Councilmember Cundick, I have a question on the letter dated January 17th addressed to the Town of Leeds from Alberta Pace. It says "at the Planning Commission On January 4, 2017, I applied for a zone change on two lots to be changed from commercial to residential R-M-7, it was suggested by the Planning Commission in order to keep the zoning consistent with the surrounding area, that I rezone the remainder of the 3.38 acres to residential R-1-20. I agreed;

therefore, I am applying to rezone the remaining 3 ½ acre lots to R-1-20". So I am not quite clear on how much is still in the R-M-7.

Mayor Peterson asked Alberta or Gary to highlight the changes on the map.

Alberta explained on the map where the different zones were and that Planning thought it would be better for the rest of the property to all be residential.

Councilmember Cundick, it's not all R-1-20 then, some of it is still.

Alberta Pace, yes it is half acre residential.

Councilmember Sheltman, I got a question on it, because I have got two sets of drawings that show, if I look, you can see it on the map here. I have a smaller version, but if you look here, I got Main Street here, I got this area here as what would be the request for residential, and then on this one, both of these lots to all the way up to Main Street, so there are two different areas. I was just wondering, which is the one we are voting on. Do you see that?

Alberta Pace, well you are voting to make this R-M-7, and you're voting to make this all residential

Councilmember Sheltman, I understand that.

Mayor Peterson, look to the next page.

Councilmember Sheltman, see how that is different? In other words, here is Main Street; you have an area here that goes with this parcel, and then an area here.

Alberta Pace oh it is not there.

Councilmember Sheltman, No

Alberta Pace, oh for pete sakes. Well this is the correct one.

Councilmember Sheltman, ok are we sure about that?

Gary Kuhlmann, I am not sure about that.

Alberta Pace, I think you have some maps in the back there that show.

Alberta, Gary and Councilmember Sheltman looked over the maps and discussed them.

Mayor Peterson, looking at the applications, I believe the front map is what it is being rezoned to, and the back map is showing the two different parcels. It is showing parcel L-4-A-1.

Councilmember Sheltman, so we are voting on this, not on this?

Mayor Peterson, correct, because it is a portion of parcel L-4-A-1 I believe it was that I read out.

Councilmember Sheltman, I understand that, but it is not like that on this one, L-4-A-1 looks like it covers this entire area, where here, maybe you centered it.

Mayor Peterson, but I believe the front map, as I am reading it is showing what the new zoning is without trying to delineate between parcel L-4-A-1 and L-PERM-1.

Alberta Pace that is just the rezoning initials the whole thing, right.

Councilmember Shletman, I don't know I mean I understand what you are saying, but I am still not real sure what is being represented. I know we have a bigger map and it doesn't show it does it?

Kristi barker, well the subdivision one might, I can grab it.

Councilmember Rohr the only question that I had is, what happens with this little bit here that is not included in any lot, that's right next to the road?

Mayor Peterson, it is probably unbuildable so whatever L-PERM-1 is.

Councilmember Rohr, is that the Towns responsibility?

Mayor Peterson, no it is private land and its zoned commercial R-1-20.

Councilmember Rohr, it is not a separate lot.

Mayor Peterson, these are two parcels right now. They ae still two parcels, it is when they go to subdivide, they would need to assign that land presumable to something here that would make it part of an acre.

Councilmember Rohr, I pointed it out to her that I thought it was a problem.

Town Council looked at the subdivision map and discussed it.

Mayor Peterson, what I am seeing here is this is showing parcel L-4-A-1. and this is parcel L-PERM-1. So I think the purpose of this is to show where the current parcel boundaries are, and then it is a portion of each of the parcels being rezoned. And what the other map then shows, so this is the parcel map, and then this becomes the actual zone change area to what things become after the zone change has taken place.

Councilmember Sheltman, okay, so what we are looking at for the change on the residential is this property here, then what does this becomes?

Mayor Peterson, this becomes zoned R-M-7, a portion of it is coming from L-PERM-1, and a portion of it is coming from L-4-A-1.

Councilmember Sheltman, Ok

Mayor Peterson, and this is not trying to show the difference between, because L-4-A-1 and L-PERM-1 are maintaining their boundaries right now. It is a physical boundary description that is describing what is going to be zoned the different types of zones within it. Is that correct Gary?

Gary Kuhlmann, the outside boundaries are not on it.

Councilmember Sheltman, so this is the 1.26 acre then, this parcel here, or 1.29, or whatever it is.

Mayor Peterson, well that is the acreage that becomes R-M-7, it is a combination of a portion of the land.

Councilmember Sheltman, I understand that, what is actually shown here is the 1.27.

Mayor Peterson, added in it's coming out of L-4-A-1, yes. So are there further questions or comments from Council. I just have one thing that I would like to add. I appreciate the excerpts that were shared relative to the General Plan. I don't have the copy right in front of me, but I do believe the General Plan also talks about a concern regarding affordable housing within the Town of Leeds in looking to maintain that as well. So there are a lot of sections to the General Plan trying to focus on different things and I believe you would find one that does talk about wanting to make sure we maintain an affordable housing alternative.

Darryl Lewis, 10% of the population of the Town, sorry, there isn't a Town in the State of Utah that has 10% of its population in low end, high density housing.

Mayor Peterson, the current population of the Town of Leeds is 825. As I followed your math, I believe you were suggesting four residents in each of the actual units.

Darryl Lewis 17 and it could go as high as.

Alberta Pace, 16

Darryl Lewis and that is with two children, it could go much higher than that. I am just responding to your comment that there is low density, or high density and I understand that. but not to this degree and not this concentrated.

Mayor Peterson, Okay Council. any thoughts with regards to whether to move on this this evening, or are there other questions that we want answers relative to the zone change. There are other questions later on relative to a body politic, and this is not; although, the one map was brought out related to a subdivision, this is not about subdividing it, this is about first rezoning it. and then deciding whether or not that should be done or not. That is the first step in the process.

Councilmember Sheltman, if I may add something, you can stop me if I am wrong, I mean I understand the aspect of the zoning. verses to other things that will come up after that fact. But, it was mentioned at the Planning Commission, that there was a document given to Planning Commission and we have it in our packet too. This is an unusual one that we have a couple of situations that we usually don't have, including a sewer system, but what I am looking at as far

as zoning the area here is, basically you have 1.29 times 43,560, which is basically the square footage of an acre, and if you put those together you have 56,492. Per our Ordinances, three family residence are 28,000 square feet, so you are 56,000. It like squeezes right into the size that is necessary for that to fit within what we require. It is mentioned in the letter by Bob our Planner of what it is going to be, and he basically says, it is 56,000 square feet minimum for two triplexes and he says it is just enough for two lots with a triplex on each side, which is what I am seeing here. He also mentions the fact there is a packaged plant in a sewer treatment system. So it is mentioned in it, so when I am looking at it, what I see is, it just relative to zoning is that we have enough space pretty much exactly for two triplexes based on what is required by Town Law. What I don't hear anybody, what I didn't see Bob address and what I haven't seen is, you really have three structures and it is this one. This isn't a shed, or a work area, this is a sewer plant based on everything that I have seen and read, it is a sewer plant. And by that, I mean it is a system that you put water into it and it goes through a system and comes out the other side hopefully cleaner that put into it. There are requirements in this book, 317 to sewer. There are requirement in here that basically say that at certain periods of time, the water has to be tested, people have to come in and there are requirements that you have to meet. This isn't a septic tank in your back yard. In Ordinances you can look at it and say, possibly that, we have accessory buildings. An accessory building is a detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building. I have also looked up the definition of this in the Webster Scholastic Dictionary because if we have a question, that is where we are supposed to go. But accessory building that is not what this is, so I don't see where it fits in that. Subordinate and incidental, those terms basically mean, not a major part. In other words not something that is imperative or important, which is what I would think some place to put your sewage is. So my question is with the zoning issue here is, if we just squeeze by with two triplexes, what do we do about this, because for a single family resident minimum required on a R-M-7 is 10,000 square feet. That means you don't have enough space. We would be approving something that wouldn't hold what we are trying to put on there. The other question that I have, because again, Bob mentioned it for a reason, as far as this, this is something different. The other question that I have is can you put a sewer plant on a residential lot? I don't see where that is going to be possible.

Alberta Pace, it is not going to be on a residential lot.

Councilmember Sheltman, it will be zoned residential when we get done with it.

Alberta Pace, the picture you have that looks like a shed, that isn't what it would look like. It would look more like a regular home, or it could be put into the ground where you wouldn't even see it.

Councilmember Sheltman, what I got from, is it Mr. Lowery?

Alberta Pace, Its Roger Owley.

Councilmember Sheltman, he said it is about 22x22 and eight to ten feet tall.

Alberta Pace, yeah

Councilmember Sheltman, that is pretty large, I mean that is noticeable.

Alberta Pace, well like I said, this is one here that gives you an idea; it will just look like a regular residential home. It will not look like a shed.

Councilmember Sheltman, just for the record, what you are showing me are fairly large structures. That one and that one especially, that looks like a.

Alberta Pace, well what I am saying is the style; I am not saying it will be that big. It will be what Roger said, and this is probably three times that big. But the style will look like a home, or it will be good looking, or it will go in the ground if you don't like it. We will just put it in the ground.

Mayor Peterson, is that planned on the R-M-7 property, or is it planned elsewhere, because as I believe, this is meant to service more than just the two triplexes.

Alberta Pace, it is right here and then the waste water will be piped up into these areas here.

Councilmember Sheltman, so like I said, I don't know because we never had one of these before. And my questions are, one of which is again, these are residential lots, can we put this on a residential lot, and the other is, if we do put it in, do we consider it a single, would it be the same as a single family structure and if it is, then we are going to have to readjust something that we are approving, I would think.

Gary Kuhlmann, by definition, it cannot be deemed as a single family.

Councilmember Sheltman, I didn't think so.

Gary Kuhlmann, because your single family structure is for habitation. But, we have sewer facilities on our residential lots all over the place.

Alberta Pace, the engineers have designed a size to accommodate what they will need for the building.

Mayor Peterson, excuse me one second Alberta, our Attorney.

Gary Kuhlmann, we have sewer facilities on residential lots, we don't have a sewer treatment like this, but we have sewer treatment, you have septic tanks. Or if she wants to bury the whole think in the ground, how is that different from a septic tank?

Councilmember Sheltman, well I would think.

Gary Kuhlmann, I understand the shared aspect of it, but as far as going to your question. Can you put it on a residential lot? I don't know why you couldn't.

Councilmember Rohr, it is a Conditional Use Permit.

Councilmember Sheltman, what?

Councilmember Rohr, public utilities.

Councilmember Sheltman, I guess we need to define public utility. There is nothing in the description that says sewer plant. I mean I am not sure if that would qualify as a utility when it is the end spot for that particular purpose.

Alberta Pace, well this isn't the final drawing, there is another drawing that shows.

Councilmember Sheltman, and I would argue that this isn't a septic system or a septic tank.

Gary Kuhlmann, no, are talking about difference, are you are talking about impact, are you talking about design, are you talking about how it looks?

Councilmember Sheltman, well no, I didn't talk about looks, I am saying it is a fairly large structure, so what I am wondering is if you need 10,000 square feet for a single family residents, what requirements will you have. I mean how close do you allow residents to get to this thing?

Gary Kuhlmann, well that's a question you probably need to talk about.

Councilmember Sheltman, and that would have to do with the amount of area that you would need to put it in place.

Gary Kuhlmann, but as far as being able to put it in under residential, I don't think anything prevents that.

Councilmember Sheltman, that seems kind of odd, if I have to have a utility on a certain type of property, it seems kind of odd that this would be different.

Gary Kuhlmann, what do you mean a utility on a different kind of property?

Councilmember Sheltman, well what I am saying, if I was going to put an electrical plant, can I put that on a residential lot?

Alberta Pace, Pratt engineering has already worked on a system and I can get him to answer some questions.

Gary Kuhlmann, the answers yes.

Councilmember Sheltman, I can?

Gary Kuhlmann, absolutely it is Conditional Use.

Mayor Peterson, it is Conditional Use, it is Public Utility.

Gary Kuhlmann, absolutely you can put it on a residential lot. And so whether you are going to do it or not, is a complete different question. Whether you want to have it there with a residential structure as well, is a complete different question, but as far as putting the facility on a residential lot, I don't see anything that would prohibit that.

Councilmember Sheltman, you say you have seen sewer systems before, what kind of requirements do they have, as far as the area that you need for it.

Gary Kuhlmann, I said I have seen what?

Councilmember Sheltman, you said you have seen sewers on residential before.

Gary Kuhlmann, I have never seen one of these on a residential lot.

Councilmember Sheltman, oh so you haven't.

Gary Kuhlmann, we have sewer facilities on our residential lots. You have a sewer facility on your residential lot.

Councilmember Sheltman, well excuse me, I have a septic system on my lot.

Gary Kuhlmann, I understand that.

Councilmember Sheltman, I have never had a representative from the State come on my property and take a water sample. So I would argue that there is a big difference between what we are discussing here and a septic system.

Gary Kuhlmann, and I am not saying they are identical, but they are both sewer facilities. Now you might not like it, you might not want it, and that is your choice.

Councilmember, wait a minute Gary, first of all, this isn't me making a judgment, this is me asking questions. So it is not whether I want it or not. I am asking questions based on my research and things that I have concerns about. So when you tell me there is a sewer system on a residential, I have never seen one. Now if you mean septic, I believe I could make a pretty good argument that there is a big difference between the two.

Gary Kuhlmann, you have three foot, four foot wide septic lines going all over the place in residential zones. I am just saying, I am looking at it, you are asking about it, and I am classifying it as a facility, a utility facility.

Mayor Peterson, I think one difference with regards to it Elliott is that a septic, before anybody can put in a new residents, they have to get a permit from Southwest Utah Public Health. That is for a standalone septic system, they don't regulate shared systems, those are regulated by the State.

Alberta Pace, yes and we have been working with the State and the State has approved everything, except they require that the City of Leeds be the body politic. Everything else has been approved by the state.

Elliott Sheltman, but I am asking zoning issues here. Like I said, I am wondering, you got two facilities, two triplexes, in other words according to Bob, they just fit and my numbers show that too. There is no leeway. Are we going to add a third structure, because that is what this is on the property, because if we are, I don't see where we have the amount of square footage that we need properly zone it. I don't see an indication of where that is going to be. I don't have that on the map, so that's just something I am bringing it up, because if we approve it, are we going to have to go back and look at it.

Gary Kuhlmann, well that certainly, we need to know where it is going to be.

Mayor Peterson, I believe Alberta what you have said with this map is, it is on an area that is not going to be zoned R-M-7, it is on an area that is zoned R-1-20, is that correct. The location where you pointed to here?

Alberta Pace, yes this is half acre, the lots down here are residential, but this is not a residential lot, it is a lot set aside for the system.

Mayor Peterson, this is getting confusing, because this is starting to look at it and this is why I think the question of how somebody wants to zone a piece of property is very different from how they want a subdivision approval. And I understand you asking is there a way to do it, and we happen to know there is a preliminary subdivision map that they have drawn which is showing that they are not considering it part of any of the half acre parcels as I look at it.

Alberta Pace, you should have one back there.

Mayor Peterson, this is what came from back there.

Alberta Pace, there is another one that is latter than this one.

Mayor Peterson, but, Alberta, the application that was brought forward and Gary, I believe we are supposed to addressing the zone change, right now. I understand there are questions and they are legitimate and I wouldn't want to let somebody have their zone change approved if we knowingly were going to say, you have no place to put the facility that you would need later.

Councilmember Sheltman, how do you address it latter?

Mayor Peterson, right, so I defiantly support what you are asking. It just so happens that she has brought out this map that was a preliminary one that she had submitted for the subdivision because she has a subdivision application that she is working on that would follow if the zone change is approved. And what it shows is .95 acres it looks like, is going to be set aside, you are saying, as a lot that is not going to have a residents on it, but will have this facility on it.

Alberta Pace, right.

Mayor Peterson, and then the half acre, the R-1-20 lots are separate and apart from that particular piece of property, which are separate and apart from the R-M-7 properties that would be there.

Councilmember Sheltman, so you are saying that is on another, that's on another application.

Mayor Peterson, this is the subdivision application, but I appreciate it, we should be asking. If the thought was to put it on one of the R-M-7 lots, there wouldn't be the space for that. But as I am hearing Alberta, and if I am wrong please correct me, but what you were pointing to is not on the R-M-7 that you are envisioning the shared system to be for waste water.

Alberta Pace, oh no, no, these two are the only R-M-7.

Mayor Peterson, and they are each the 28,000 square feet and then the actual facility to treat is where on this map?

Alberta Pace, right here and then it will be piped up and circulated for watering yards and things like that, irrigation.

Mayor Peterson, so that is the output of the water that would be considered acceptable for irrigation.

Alberta Pace, yes everything will be piped down, there is a culvert here for the sewer system to come down and it is all gravity flow down to this and then there will be pumps that will pump it up around the road. There is another map, you should have it back there that shows where the waste water will go once this is has been purified. The State requires that it be 6% less nitrogen when it comes out of the system.

Councilmember Rohr, so this whole area here is what you want in R-M-7. From Main Street Councilmember Sheltman, no right here, it does run up this way. It confuses me.

Alberta Pace, no it just goes from here and it will be lawns and grass here all the way to Main Street.

Councilmember Rohr, so you're not having this, this is all part of it; this here is on Main Street.

Councilmember Sheltman, that is right, we are looking at that.

Alberta Pace, this is a lot here, this right in here is where the building will be.

Councilmember Rohr, on this that we are trying to approve goes all the way to Main Street.

Alberta Pace, no it doesn't. This is that and it doesn't go all the way to Main Street.

Councilmember Rohr, well that is what it shows, that we are trying to approve.

Mayor Peterson, if you want a larger picture of it, just so everyone in the audience can see, it as well, that's the map.

Councilmember Sheltman, yeah we just did that, so we are going all the way up here somewhere, right, According to this.

Mayor Peterson, that's what it shows is its R-M-7, now this is the subdivision, which I have not looked at before because we are doing it by one step, so don't go there, but this is showing that you are not going to be doing R-M-7 on part of the R-M-7, so that confuses me.

Alberta Pace, well what they have done here is they have drawn it where it is very confusing.

Here is the fire station, they haven't come all the way down here, this is the road down here and the fire station is in here, and I don't know why they did that.

Mayor Peterson, so they have miss labeled you are saying on this drawing where it says Main Street there, Main Street is actually over there.

Alberta Pace, yes.

Mayor Peterson, I think given that I would suggest that we request updated maps be drawn and allow us to know with certainty exactly where the zone is going to end. Because that is conflicting and I do suspect what you just said has the appearance of being correct, but I don't want to go on has the appearance is correct.

Alberta Pace, I wouldn't either. You are right, that is confusing. So shall I check with the engineer?

Mayor Peterson, I think we should ask if there is any other question, I would just like to provide them to Alberta if we have them now. With regards to that obviously is something that is an inconsistency with the maps.

Alberta Pace, it is confusing.

Councilmember Sheltman, Does that affect the other item that we are voting on, where the 2. Something goes the 2.7 goes to residential?

Mayor Peterson, well I would suggest that we out to, if we are going to approve the zone change since they are really kind of two adjacent lots that we are reshaping, that it would be better to not try to approve one, or decide on one tonight until we have a clear picture.

Alberta Pace, tell me what you think about being the body politic.

Mayor Peterson, that is a separate agenda item.

Alberta Pace, if you approve that, then we can work this out. If you don't approve being the body politic then it won't work.

Mayor Peterson, ok we will work on that, in the very near future you will see that, I just think we need to move ahead and clear this up. Are there any more questions that Councilmembers are aware of other than the boundary map issue with regards to the zone change? It sounds like we might want to ask Bob Nicholson a question or two and ask him to be here at our next meeting to verify some things.

Councilmember Sheltman, yeah he can read a map, I have seen him do it before.

Mayor Peterson asked for a motion to table action items 9b and 9c to the March 22 meeting.

Councilmember Cundick I so move. 2nd by Councilmember Sheltman.

Councilmember Rohr, isn't there some rule about you can only tabling something so many times?

Mayor Peterson, I believe that is for Planning Commission, that if they table it a certain number of times, it moves forward to the Town Council, so that something can't stall out at the Planning Commission.

Gary Kuhlmann, you have this one being tabled, along with her agreement, because the map needs to be updated, so you are okay.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

- c. Discussion and possible action on Majestic Mountain Development LLC zone change on parcel L-4-A-1 and L-PERM-1 from Commercial (C) to Residential (R-1-20) on approximately 2.732 acres

Item tabled.

- d. Discussion and possible action regarding the Town of Leeds serving as waste water body politic for Majestic Mountain Development LLC

Mayor Peterson, at our last meeting, we asked Gary to draft a letter that we might look at, in regards to trying to take into account, the concerns that were raised with regards to being the body politic. That is a one page letter in your packets, and if you haven't had a chance to read it, you can do so now.

Councilmember Cundick, we had also asked for some examples of systems in the County and who the body politic was for those systems. Do we have any input on that?

Mayor Peterson, what we were provided was not who the body politic was, but an individual from the County that was involved. A call was put into them to try to find out from them who the body politic was; we have not received that information back right now, as far as who is serving as body politic on other systems that were installed by this particular provider of this system.

Councilmember Cundick, I think that is important information that I would like to have.

Councilmember Sheltnan, body politic basically means sewer authority, isn't that what we are going for here? It is a title that we would have.

Gary Kuhlmann, it is the person who is responsible, it is kind of where the State gets to go.

Councilmember Sheltnan, what we are doing is we are basically like the cosigner; we are the entity that is going to be.

Gary Kuhlmann, it is kind of a hand off, the State doesn't want to take it over and be responsible, so they require you to have the body politic, who will supervise and make sure the inspections are done, maintenance is done, the reports are done, everything like that. So that's what we would be doing, and contracting that to somebody else. That is kind of how it works; they want a Municipality to be in the loop.

Councilmember Cundick, can a special service district function as a body politic?

Gary Kuhlmann, yes.

Councilmember Sheltman, I don't know about anybody else on this thing, but looking at this what it appears to me, is basically we are looking at one right now, but we have possibilities of having a lot more. As far as I am concerned, that makes us a sewer company. Even though we may have a disagreement of what a sewer is. The way I look at it is, if we do it, we are all in. I don't see us doing it and passing it off to other entities. I know we are not talking about this, because this was in our packet from last week, but this agreement, when was that written up Gary?

Gary Kuhlmann, the Ash Creek?

Councilmember Sheltman, the interlocal?

Gary Kuhlmann, it has been a while, 6 months.

Councilmember Sheltman, it has an indemnity clause in there, where it basically says, if there are any mistakes, we're the bag holder, and just so you know at the water company, we have one of these for drinking water, culinary. This is 317, the development of State regulations, if you are going to be a sewer company. It appears to be a lot of information and fairly complex, parts of it are. Speaking for myself personally, based on the fact that I don't think we can handle that kind of responsibility, and based on the fact that we could eventually get a lot of them around here, I would vote against it. Like I said, I have looked at the stuff that we have in here, it does mention in the interlocal agreement that everything that is required by this, including the body politic, but I remember a year ago, I wasn't aware of this particular document and I don't know if anybody else was, but I didn't know we were working on this. So that's why I am giving my input now.

Councilmember Sheltman discussed it further and wondered if the agreement with the Water Conservancy, the agreement that limits the septic tanks within Leeds, could be revisited.

Mayor Peterson responded that it is a 50-year agreement, and it indicates that the Town would fulfill the requirements set out by the HAL study, which is Hansen, Allen and Luce, regarding density.

Town Councilmembers and Gary Kuhlmann discussed it further. Before any decisions are made, Town Councilmembers would like to receive the body politic list and review the development agreements that are already in place in the Town that indicated the Town will serve as the body politic.

Mayor Peterson asked for a motion to table action item 9d.

Councilmember Rohr, I so move. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

e. Discussion and possible action regarding Canyon Creek change orders
Town Councilmembers and Daren Cottam discussed the Canyon Creek change orders. There were 5 items on the change order list and the first two have been completed. The remaining items are:

3. Asphalt Patching of roadway edge 300 square feet estimated at \$1350.00
4. Remove and replace guardrail estimated at \$1200.00
5. Traffic control devices estimated at \$420.00

Mayor Peterson asked Daren to verify with the Contractor that the back-fill that was used for the wing walls will have no issues and get a letter stating that. In addition, Stout Concrete did not do the back-fill; therefore, the Town should get a credit against the remaining items.

Mayor Peterson asked for a motion to approve change items 3, 4 and 5 subject to a letter confirming satisfaction with the back-filling that has been done from the contractor, and also, an adjustment to the cost of the contract for the labor that was included in the bid for the backfilling that the contractor ended up not doing.

Councilmember Cundick, I so move. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

- f. Discussion and possible action regarding ProValue Engineering Contract for Main Street Councilmember Sheltman, we discussed this at several meetings. I think pretty much everybody is aware of what we have been doing. We are trying to find out trouble spots on Main Street, because the storms that we get seem to be larger than what they use to be, we have a flooding problem. It affects bits and pieces of Main Street, we have kind of identified a lot of that; although, there are probably a few more out there that have been hit that we will probably find out about if we start some project. What Karl has recommended here, because each area seems a little different, as far as how to fix it, he has recommended that he does an initial engineering report on one block. That will pretty much cover all the situations that will come up in other areas. What he has given us is an estimate of \$2,000, to basically do all the engineering, details for the fix, basically trouble shoot it and see what we can do to fix it. Mayor Peterson, and that estimate includes the cost of doing it. Councilmember Shletman, yes, he will price it out what the general price would be, and also drawings. Councilmember Rohr, which block is it? Councilmember Sheltman, we don't know, should we pick an easy one, or a hard one? I think he has a couple picked out, but I don't know the exact blocks. There are a couple that seem to be getting hit the worst that need the most amount of work, and I said, you should probably start with the worst one so we get a general idea of the worst case scenario. Councilmember Cundick, I have a few question then, how many blocks are we ultimately having to engineer? Councilmember Sheltman, we don't know, I can give you a guess just from what I have seen, you may be looking at six. There may be areas where the whole block isn't affected, but just one property; we have some of that in the northern area. Councilmember Cundick, so we're talking about \$10,000 plus on this probably, so the second question is who pays for it? Councilmember Sheltman, well I am not paying for it, I don't know if we have funds we can pull it out of that are specific to that kind of repair. That I don't know. I just came up with a dollar amount, and the way we can start the project. This will give us a good idea of if this is

something that we can do and over what period of time. Like I said before, this would obviously be a long term project.

Councilmember Cundick, well okay, let's go to the next phase, suppose we have the study, who pays for the actual work to be done?

Councilmember Sheltman, I am guessing we do, the Town.

Councilmember Cundick, why?

Councilmember Sheltman, because it appears as someone that lived here during the project, a lot of the trouble based on Karl's initial investigation has to do with the sidewalks, and the problem is when they put the project in, the town didn't raise the sidewalks. I know personally because I came to the meetings, and I also watched them do it. The first couple of driveways that they put in were low, and then the concern came up at a Town Hall meeting that they would cause flooding, so what they did is raise all of those areas up quite a bit, and you can see that when you go down Main Street. Each driveway is fairly high, where the sidewalks sag. It looks like a wire on a bridge, and the reason for that is, they were trying to compensate for what they believed would be a flooding problem by moving these all up. So what you created is another problem, where basically you have these low lying areas that water will flow into and run into people's property, and stay there for a long period of time.

Councilmember Cundick, is he going to give us a cost estimate to do the repairs?

Councilmember Sheltman, yes, that is one of the most important things about this, is what it is going to cost. It will be the study, the drawings, what his recommendations are for repair, and pricing out what he thinks the cost will be.

Councilmember Cundick, what responsibilities do the homeowners have in this?

Councilmember Sheltman, I don't know, I think that is part of what we find out in this study.

Councilmember Cundick, one of my concerns is that there be some participation by the homeowners. I don't know what that would be.

Councilmember Sheltman, I am not sure the homeowners would be against that depending on how much.

Councilmember Cundick, the point I am making is, there will probably be some that participate, and some that wouldn't, and if they're going to get involved, there has to be a solution that is going to work that requires everyone to participate, because if some participate, and some don't, you do not have a solution. I am talking hypothetically, that's my point on it. I think those are hard questions that we have to address.

Councilmember Sheltman that is a good point.

Mayor Peterson, I share your concern Ron with what happens once we hear back from Karl, and the idea that it needs to be somewhat a comprehensive solution. If somebody doesn't want to be involved with it, it is a difficulty, because the issue that I have heard from every discussion that I have heard is, what really matters is, how conscientious is your uphill neighbor, with regards to what happens to your property, and how conscientious you are with the water as it is passing your property is more of an impact to those who are beyond you when it comes to where the water is going to end up.

Mayor Peterson continued to discuss it and highlighted it is a UDOT road, and although he doesn't mind getting an engineering study done for a block, he wouldn't want to do so with the sense that it is the Town's problem, and we as the Town have any liability in it, because from what he has read, and heard, he didn't see it as an issue from the work that had been done. UDOT did mention that homeowners were adjusting natural water channels over time, and they were concerned about that.

Town Councilmembers discussed it further and agreed to meet at 6:00pm in two weeks with Karl to do a site visit down Main Street and would like to talk to the homeowners.

No action was taken.

10. Discussion Items:

a. Main Street curb & gutter

Curtis from Ensign Engineering, we met with Elliott yesterday and reviewed their plans for the water improvements on Main Street. They have funds available, but are only going to replace the water-line from where the curb currently ends, to where the houses end. The original plan was to go all the way up to just before the Mining Market Place, so we are going to back that off just a little bit in concurrence to their budget needs. I called Jim McConnell, who is over region 4 now, and discussed the project with him, as far as the state, and funds available. He said their fiscal year ends June 30th and begins July 1st. They get a million dollars every year to help with projects like this, but it is a first come, first served basis. I let him know we are going to be pushing to get it done this year and they have funds available this year to finish it. Town Councilmembers and Curtis discussed it further.

11. Citizen Comments:

Penny Weston, I guess I am a little shocked, are we going to ask the citizens to help participate in the upper part of the new curb and gutter you are putting in front of their homes? Because you are saying that the citizens that are getting flooded should have to participate, and I don't understand that. This is a community and we are going to be participating with our taxes with the outbuilding that we have, if that thing is okayed.

Mayor Peterson, I think there is a difference, because the residents that are having flooding issues have a curb and gutter in front of them, that they were not asked to pay for. The point is, they were not asked to pay for it and that is what we are putting in on the other side.

Penny Weston, I think Council needs to look at that, it is not fair to hit those people all along there when this is a Town issue. We are participating in everything else we pay taxes on. We are supporting a 24 hour restroom over here, so there are a lot of things that we participate in that the Town is not too thrilled about. To turn around and hit people, because you have devalued every house that is down there by allowing that drainage to go into their property.

12. Staff Reports:

Mayor Peterson indicated there will be a Public Hearing at the next meeting to move money into the Capital Improvement Fund.

Councilmember Rohr asked if the Capital Improvement Fund is only designated for sidewalks and how much will need to be transferred?

Mayor Peterson, responded currently is it only for sidewalks, curbs and gutters. It can be modified and \$25,000 will be transferred.

Mayor Peterson attended the Mayors Association where there was an update on the bills that are going through the State Legislature right now. With short term rentals, you cannot prosecute solely on the advertisement on the internet for a rental, but that does not mean you cannot prohibit the rental. With Home Occupation Business Licenses, you can no longer charge a fee unless you deem there is a burden. With impact fees refunds, they are to now go to the first homeowner, versus the builder

13. Closed Meeting:

14. Adjournment:

Councilmember Cundick adjourned the meeting
Time: 9:07pm.

APPROVED ON THIS 12 DAY OF April, 2017



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder