

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, March 22, 2017

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, March 22, 2017 at 6:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah. After the meeting is opened, the Town Council will participate in a site visit to South Main Street. The Town Council anticipates reconvening at 7:00 pm at Town Hall for the remaining agenda items.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

South Main Street Site Visit 6:00pm.

Regular Meeting 7:00pm.

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting minutes of March 8, 2017
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Easter Egg Hunt, April 15 at 9am in the Town Park
7. Public Hearings:
 - a. Resolution 2017-03, Open and Amend the 2016-2017 Budgets
8. Action Items:
 - a. 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
 - b. 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
 - c. Discussion and possible action regarding final change order on Canyon Creek project
9. Discussion Items:
 - a. Discussion of waste water alternatives for Majestic Mountain Development
 - b. Main Street curb and gutter update
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. Adjournment:

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting:

The undersigned Clerk/Recorder does hereby certify that the above notice was posted March 21, 2017 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov> and the Town of Leeds website

www.leadstown.org



Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting for March 22, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 6:03pm on March 22, 2017 at Leeds Town Hall, 218 N Main.

Mayor Peterson asked for a motion to adjourn to the South Main Street site visit.

Councilmember Rohr, I so move. 2nd by Councilmember Cundick. All voted "Aye". Motion passed.

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

South Main Street Site Visit 6:00pm.

Councilmember Sheltman attended the site visit.

Mayor Peterson reconvened the regular meeting at Town Hall at 7:00pm.

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 Blake.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Cundick moved to approve tonight's agenda and meeting minutes of March 8, 2017.

Councilmember Sheltman, I have a couple of comments on this, as far as the minutes go, there are a couple of things where I spoke and I don't see it in the meeting minutes, but I would like it put in there. When it is concerning the map, the R-M-7 application, I would like that to start at least from the time that I walked up to the map and said does anybody notice a problem with this, to the point where we tabled it, because the map was improperly drawn. One other thing is I had quite a bit of comment

in question with our attorney about the R-M-7 as it was presented to us, I would like all that put in the minutes.

Mayor Peterson, this has happened before, if I could request, we do try to get them out a couple days before hand, if you could kind of identify what it is that you would like, it would improve the chances of being able to approve them. I think given the situation here, it would be appropriate to table meeting minutes of March 8 and therefore just ask for the motion if I would be able to ask those who made the motion and seconded it, well we only had a motion.

Councilmember Sheltman, if I may bring up one more thing, we are getting the agendas a day before the meeting. I know we had a conversation about 3 or 4 months ago, where we decided we agreed to try to get them sooner, at least one week before the actual meeting. It is really hard, I am not retired but even if you are, it is kind of hard to do this in one day. It would be helpful if we had it earlier so over the weekend we could address the issues and basically it would also be helpful for the people out there, then they could see it over the weekend and actually have an idea if it is something they want to attend or not. I do know we agreed to it, I mean I do understand that our staff has a lot of work that they have to do and I hate throwing any extra on there, it is a little more difficult to do this that early, but is that something we can do?

Mayor Peterson, well I would just highlight for our last meeting, I know you phoned in the day before and requested an item be put on. The trade-off is that we do need to post it through the state website and as result we would just need to repost it if we are going to be updating it. There is no such thing as a preliminary agenda, I have looked into that. The only thing we would need to be mindful of is that we would need to know if any changes were made, we would see the reposting, so I don't mind putting an early agenda together, but there is no such thing as a preliminary agenda.

Councilmember Sheltman, so we can do that then?

Mayor Peterson I will look to do it the Thursday before the meeting so you can have the weekend to look at it.

Councilmember Sheltman, that would be very helpful, thank you.

Councilmember Rohr, that was the practice the first two years I was on, we got it the Thursday before.

Mayor Peterson asked for a motion to approve tonight's agenda with the meeting minutes being tabled until next meeting.

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	_____	_____	_____

5. Citizen Comments:

Mayor Peterson, I thank you all for coming. I did receive an email from somebody I also had forwarded to me an email that was not sent to me initially and the response that I did get that I think is appropriate to share is from the general manager of Ash Creek, Mike Chandler, I believe he's the individual referred to as Chapman in the email that was forwarded to me. Mike Chandler writes:

"Mayor, I received a copy of this email from a concerned citizen about this Wednesday's meeting. I am afraid that Mr. Sheltman has mischaracterized my comments from last year's

town council meeting. He has also confused a couple of other points. But chiefly, I do want to convey that Ash Creek Special Service District is NOT at capacity, and we accept new customers every day. All of our communities (Hurricane, Laverkin, and Toquerville) are experiencing some of the fastest growth they have had for some time. We are regularly approached by areas in the unincorporated county about serving as a "body-politic" for new sewer service. By way of example, at our board meeting this Thursday evening we will be discussing the possibility of an inter-local agreement with Mr. Jared Westhoff for the Quail Creek RV Park just south of Leeds in the unincorporated county to be sewered through our Harrisburg pump station. It's unfortunate that some of the mis-information in the email below is being circulated. Please let me know if I can be of assistance in addressing any of the concerns that were identified below. Sincerely, Mike Chandler".

I think the main point that he wants to make sure is understood is that Ask Creek is not at capacity. Councilmember Sheltman, may I comment on that since that is my email. One year ago, Mike Chandler came and spoke to us. I asked him many questions, I will let you decide what this is if I may put this in the record. He was talking about capacity to Ask Creek, where Ask Creek gets pinched right now is during the winter storage volume, we do not have the ability to flow the extra heavy stuff under the land, we are not discharging anything. Down here what's that capacity? Mike "if you mean our holding capacity in winter months that is one to two months, by the end of February we are up to the gills, full up". I don't know what, I wasn't planning on any disparities on Ask Creek, however, those are his words not mine and it is one of the reasons why I would like to keep the minutes straight and make sure everything gets on the record so it is clear. It was not my intention to disparage Ash Creek, I appreciate the work they do, but I am quoting from Mr. Chandler per those minutes. That is taken from an audio, because the minutes, if you look at them, clearly, all they say is basically we had a conversation. I think it is important to do the minutes in a way where you can back to it and either prove your point or in my case defend yourself. Mayor Peterson, during that same presentation Mr. Chandler did fill me in on exactly what was being referred to, he mentioned that they recently increased their capacity by quadrupling it by setting up the ability to aerate their ponds and with that activity they're able to reduce the holding time to 30 days and what he indicated to me in speaking with me yesterday was that when he said filled to the gills they want to be filled to the gills. Ash Creek utilizes that water to generate crops, those crops generate income that offsets their operating costs. He said they have other alternatives that are available, they can disburse the water and they are not at capacity. So he just wanted to make clear because clearly as it circulated, it circulated beyond the Town of Leeds to people who live in towns that are served by Ash Creek currently and he was just very concerned that word not be misunderstood that somehow they would have to stop processing the sewer that they have. Councilmember Sheltman, again, I apologize to Mr. Chandler if I caused any problems. Mayor Peterson, the other thing that I would just like to highlight, I get the sense people are here and would like to make comments and we will get to that. The sense that I got when I was able to read the email that was sent around is that somehow the town of Leeds is looking to take on risk. That is not at all my intent with regard to the situation that we have. We signed an agreement with the Washington County Water Conservancy that required us to limit the new septic tanks that came into the Town of Leeds, requiring if it was not already on an assigned parcel that there be 9 acres of land available. At about that same time the Town Council of Leeds also signed two annexation and preliminary development agreement that said that they would serve as body politic for a shared septic system or a shared waste water solution that was mutually agreeable to the Town and the developer. One of those agreements had a timeframe on it of five years, in 2011 four years into that timeframe the Town Council voted to update that agreement and at that point they extended it an additional 10 year. So the Town of Leeds does have a couple of obligations to be a body politic.

Now I have experience from my previous time when I was in New Jersey, I served on the Board of Education in a volunteer capacity and the first week that I was president of that Board of Education I was notified by our superintendent that we were being fined \$138,000 by the Environmental Protection Agency of the State of New Jersey and the reason for that is we operated a sewer treatment facility at one of our High Schools and they said the copper coming out of the water treatment facility was far too high. Now I was very concerned about what was happening to our students if we had all that copper in the system. I asked that question and what I was told is it is perfectly fine for human drinking. That's what comes into the drinking water, it's that the water that comes out of this treatment plant goes to a creek that goes to a river that had a fish in it that does not do well with copper. As a result we were told we had to address that copper. That school district was utilizing a local individual to serve as the monitor of that treatment plan. What I would like to see here for the Town of Leeds, and why I introduced Mike Chandler here over a year ago, was to be able to utilize a professional organization to really take care of the management of a particular sewer system, septic solution that is being pursued in the Town of Leeds, because we are obligated to do it on a variety of levels, but the two specific ones are there and there are others that will certainly come in to play. In a perfect world I would like to see that Leeds is not the body politic. I would like to see it that a sewer district is the body politic, somebody that is used to dealing with this 317 code and knows how to follow it. I heard some people concerned that Ash Creek has never operated the type of system that is being suggested for the Town of Leeds. I would suggest that along the lines of indicating that a professional NASCAR driver who has never driven (filling in your favorite brand of automobile) is therefore not going to be confident and capable of driving that automobile. The Ash Creek facility treats 750,000 gallons of waste, and as a result, it would be a small fraction if they were to get involved with the Town of Leeds. But, what we are looking to do as a Town Council is look at alternatives. I spoke with Ash Creek, I spoke with our Town Attorney and they have indicated on the Ash Creek front their general manager Mike Chandler would be willing to take to his board the concept of Ash Creek serving as the body politic for a wastewater system in the Town of Leeds, that are not just individual homeowners' septic tanks. That continues as is. Our attorney has indicated that would be far preferable from a risk standpoint. So I just want to make it clear that at no time has anybody that I am aware of on this Council been looking to try to increase the risk exposure for the Town of Leeds. Rather to the contrary, I know I personally have been trying to find an alternative that will make it that we have professionals managing the wastewater solutions that need to be brought into our community as a result of signed agreements that were signed in past years. One of the things that I've learned being part of a board of education and a Town Council is they're an entity. That Leeds Town Council is an entity sitting here today is the five-member votes that we take, where there's a majority, that's what the Leeds Town Council has decided. We as a Town Council need to live with decisions made by our predecessors, who again functioned as a group of five people, came to a majority and passed something and therefore agreed to a particular agreement. These types of agreements are only amendable with the agreement of both parties, so it's not something that can just easily be renegotiated or moved away, but at this time, I just wanted to give that introduction because I didn't want people to be saying they don't want Leeds to be taking on the risk of these kinds of activities, when I don't believe that is the intention, nor has it been any of the steps that has been taken by the Council of Leeds, although I can understand how people would've gotten to that conclusion by reading the email that had been forwarded to me, but not sent to me. Our opening for comments from the public is two time periods. One is at the start of the meeting or close to it which we are now. We ask people start by sharing their name and then speak for three minutes, after three minutes, I do have a timer here, we ask that you stop at that point if you'd like to speak more, you just wait until the rest of the people who are interested in speaking first have

that opportunity and then we will circle back to the people who still have more to say. There will be a similar citizen comment period at the end of this meeting, but before I start I would like to offer that the Town Council as well if they have anything that they would like to say relative to the information that I shared in this introduction.

Angela Rohr, when will the Ash Creek board met to consider whether they will take on being the Body Politic?

Mayor Peterson, we need to decide as a Town Council that we would like them to consider that and at a meeting a month ago there was some suggestion that they might not be qualified to do it. I think it's important for us as a Town Council to discuss that and decide if indeed their professionalism might be an assistance to the Town the Leeds and something else I would add, is I know nobody on this Town Council that sits here right now who have any interest in any mandatory hooking up to a sewer line that gets brought through Town. I have heard some concerns from people over the past couple days about that and there are, if you take State or Federal funding, requirements for people to hook up even if they have a perfectly fine working septic system. I don't want to see that happen and we made that very clear when we were having our meeting with Mr. Chandler that that was not a direction that Leeds was interested in heading. He thought there might be a way to phase it in for those who wanted and then later on only if the septic system failed or somebody sold the home, but he was unable to really get any traction on that with the people he needed to, but the Town Council position was zero circumstances where we would force any member of this community to hook up to a sewer system that they did not want to be hooked up to and I say that saying I'm speaking for the other Town Council members. Certainly please correct me if anybody feels differently about.

Angela Rohr, there was also the mention of when a sewer line was within 300 feet of your property that you are obligated to sign up, State regulations.

Councilmember Cundick, as I understand it, that is only if State or Federal funding is involved not if it is private funding.

Mayor Peterson, correct and I believe it has been pretty clear from the members of Council that there is no interest in us having any State or Federal funded sewer line running through Town. Councilmember Sheltman, if I may ask a question about Ask Creek. The meeting with Mr. Chandler was a year ago. I may have missed something, but I don't remember talking about this item since then until it was presented in my packet a couple of meetings ago to vote on. I don't understand why we have to hook on with Ash Creek now since we don't have anything for them to service. So why are we doing this now?

Mayor Peterson, well you will recall if you look at the minutes two months after that meeting we did have a discussion. Ange had asked whether we should resurrect the agreement which was in place for them to take a couple of hundred hook ups and then there were others who wanted nothing to do with them and it was summarized in the end by saying that we would ask them if there was a proposal they could put forward where they might be called upon if we were dealing with a shared system that was not a sewer line within Town. It did as our attorney mentioned at the last meeting, sit on his desk, regrettably due to some health issues he was dealing with, and it was only something that he completed reviewing, what they proposed, a few weeks back. It was brought forward for discussion and possible action, you will notice many items on the agenda are discussion and possible action. We are not allowed as a Town Council to take action on anything unless it is listed as being for a possible action at that meeting on the agenda that must be published at least one day in advance.

Councilmember Sheltman, that is understood. The other question I have is the Ash Creek agreement that was generated September of 2016, I didn't see that either until it was presented in my packet with the body politic and somebody asking, requesting, to put a sewer plant basically on

their property to service two triplex. This is the kind of stuff where we talk about transparency a year ago where as a group, we work as a group to represent these people here and each one of us has the same responsibilities. If I am in the dark about something, I can't work in your best interest; I might as well not be here. I am going to request again that, for instance you are talking about Ash Creek and going that direction, I think I would say I don't see a reason for that and we wouldn't have had to take up this time. I'm not sure I am the only Councilmember, but these people were obviously concerned about this issue. It is not just an email that brought them here. I have to know what is going on as a Councilmember, if not there is no point in me being here. If I basically am handed stuff working as a rubber stamp, that is not going to do you guys any good. Like I said, these are important issues, again my question is it would have been six months ago, what are we doing this for? We don't have anything for Ask Creek to service, why are we doing contracts with them? Six months ago we didn't have anything for them to do. If you are talking about large developers there is a history there. If you look at the history they were going to basically put in a very large sewer plant basically that they were going to service, that they were going to feed into, that when growth increased it would go there. The agreement you are talking about with body politic and those agreements that we signed with developers quite clearly state that. I would argue that the body politic doesn't have anything to do with triplex or small developments. It has to do with these sewer plants, that was the agreement. Legally they agreed to provide that for a community as a benefit. It was sold as a benefit and legally we agreed to be the body politic for that entity. I believe one could make the argument that we are not supposed to be a body politic for small units and subdivided lots with two homes on them. That wasn't the plan originally, I was here and maybe Nate remembers it too. I was here and I heard those discussions. There are others here in the audience that I recognize from that period of time also. So, I want to know ahead of time what we are doing here. I don't think that is a request that is out of line considering our positions here. I would like to hear what the other Councilmembers have to say about that and if they agree, if so, I would like to set this up from this point on, we are involved in the process, not just after it is done before it begins. Can other Councilmembers comment on that?

Councilmember Blake, if we move forward on this it sets a precedent that you can take a small development and put your own waste water treatment on it. That sets a precedent to larger projects to come in Town and there are 100 different waste water treatment projects you can do and in taking to Planning Commission they were instructed by aour Attorney to not look at the wastewater treatment center, but just basically look at the zone change itself, and not even deal with the wastewater treatment center.

Mayor Peterson, and that is why it was a separate item on the agenda because it was an item for a zone change, the other request was whether or not the town was willing to serve as body politic. Nate you may recall, you were on the phone for Mr. Chandler's presentation, you were ill that night and it did come up and you mentioned having reviewed, having walked the site on the Silver Pointe Estates and having reviewed the plan, and I would just highlight with the claim that there was no plan in place, it happened before you were on Town Council Mr. Sheltman, but it was indeed something that has been reviewed by previous Council as I mentioned earlier. And as much as people might like to, and I personally would love to if it worked that way, but it just doesn't work that way, you can't ignore what previous Town Councils have done and I would bring back the discussion to the fact that two meetings after the presentation by Mr. Chandler, Elliott, there were discussions among this Council and while we didn't agree to do exactly what you wanted it was summarized at the end of the discussion and there was no challenge to that not being an accurate summary

Councilmember Blake, can I clarify something really quick? On that subdivision you are speaking of, that was actually a hybrid septic system. It wasn't a wastewater treatment center.

Mayor Peterson, correct.

Councilmember Blake, so there is a difference.

Mayor Peterson, yes, they are different types of things and that is why we were obligated as a Town to agree to a system, which you had the opportunity to review, what would be appropriate and we did say on an application we were ready to service as a body politic because previous Town Councils said we would do that if it was a system that was approved as appropriate. Our engineers reviewed it, members of Town Council reviewed it and decided that it would be an appropriate system, a shared septic system for phase 1, which is what we are discussing here. In that there is a need to have somebody operate that and the person that operates that has to be licensed and has to be able to follow 317 to the letter and that is where there is a purpose to be discussing things with Ash Creek. That agreement is not meaningless, it is not hypothetical, the Town has a real potential requirement to be able to serve a subdivision with a wastewater solution, and my desire is to see somebody with a level of expertise such as Ash Creek and if others on Council want to suggest others that they think are equally qualified, I suspect it's a short list, I'm open to it, but I think we are obligated as a Town Council to look at how we can bring expertise in. In New Jersey, there is a huge problem with local real estate taxes driving people out of their homes. The reason for it, having lived there for several decades is, that everybody wants their own everything. That every Town has its own police, its own fire, its own school districts, its own water company, if they are able to have the resource. As a result, it is no economy of scale, and I think it is appropriate to bring in. As a Town, we use the Town Attorney; we don't have a full-time employee Town Attorney. We don't have a full-time employee as a Town. We have a part-time clerk recorder, we have a part-time treasurer, we have a part-time public works person and we utilize a contract planner, we utilize a Town Attorney on a contract basis and we utilize engineers on a contract basis, because we don't have enough work to justify having all of our own in those types of specialty. So I think it is appropriate when looking at wastewater to look for somebody who we could potentially contract with who is known to be competent in that area.

Councilmember Blake, but that wasn't contracted between the City and Ash Creek. That was contracted between the developer and Ash Creek and the Homeowners Association that he was going to set up.

Mayor Peterson, no that was the Town that was the one that was saying we would service as the body politic and we needed somebody to operate and oversee that system.

Councilmember Blake, yes but it was covered in cost.

Mayor Peterson, yes it was covered in cost, absolutely and all of these things being proposed, all of these developments that previous Town Councils signed on to. The good news is nobody signed on saying the taxpayers of Leeds will fund this despite what might be indicated. There is the opportunity to set up a special assessment districts that would actually be the houses that are utilizing the facility and they would pay for it. There would be the possibility to have it be a special service district. I am sure if Ash Creek or somebody else was involved they would probably want to do special assessment districts where there was the ability to make sure they were charging people, not only for the month-to-month operating costs but also for the replacement cost. The developer will be putting in the initial system but nothing lasts forever and as a result you need to be in a position, ready to make replacements when necessary.

Councilmember Blake, you are talking a difference between a hybrid septic system and actually mechanical parts that actually do the job of recycling the waste water into actually usable water. There is an absolute difference there.

Mayor Peterson, I am not sure I am following with regards to it is all being paid for initially by the developer and then it would be paid for by those who are utilizing the services with their homes.

Councilmember Blake, a septic system is a totally different system than an actual waste water treatment system, which is what they are talking about doing.

Mayor Peterson, right, there are different waste water systems. They are very different, I agree with that.

Councilmember Rohr, it does seem that by voting first for a zone change which will add even a greater burden to the system and then addressing how it is going to happen, body politic, where the responsibility ultimately lies, might be in reverse order.

Mayor Peterson, well presently in the one property that has been most recently brought up has indicated they believe they found a solution where it will be a self-contained unit on each property. We have it as a discussion item later this evening so we can hear what that plan is, but I think that the way that our Land Use Ordinance reads, you can't request to provide a subdivision of property unless you have it zoned how it is you are looking to subdivide it. I believe that our Contract Planner and our Town Attorney both indicated that it is a multistep process and until you have done the zone change, you could not file an application that was trying to use the new zone and get to the details you are speaking of with regards to how waste water would be treated. Something has to come first, it can't be all treated as one package and I believe our Ordinances do spell out the sequence you would need to follow in order to be able to have a change in zone plus have a subdivision approval at a later stage, it can't be an earlier state.

Councilmember Sheltman, you are making a good point though Ange. The question two weeks ago at our meeting was septic system versus sewer plant. It was sold as a packaged plant, which is a fancy way of saying septic system but if you look at what it does it has got pumps, pressurized systems, sprinkler systems, timers inside of the structure. Even if it is not a structure, it is still a sewer plant by definition versus the dead piece of cement that I have in my back yard and you have one in your back yard that just recycles water 24-7 without any thought of electricity or without any thought of maintenance. You just clean it out once in a while. The question I have this time were the same ones I have now. Where is this thing in the Ordinances? I don't have a sewer plant in the ordinances, I don't care what you want to call it, but there isn't anything I can look at. How big of a pad do you put this on? Again whether it has a structure or not it doesn't matter, what do you put it on? How much space do you give it? It creates smell, it creates methane gas which is dangerous and toxic, it has other situations involved with it that we don't even know about for sure. Do I give it a bigger footprint, do I put it farther away from other structures. I don't know that because I can't look in my book and find it. We never even discussed this before. We have never discussed a single system to service a triplex or five buildings, or whatever. Again in the beginning, we were talking about very large systems to serve all the new growth here in one location where it would be nice and safe and nobody would have to deal with. It is all the same unit serviced the same way, it is not 20 different units, with 20 different manufacturers where you have to get a part for this one in Ohio and another from China. There is no consistency here, there is no uniformity, which is what you need if you put systems together like this. If you have ever done anything like this you know that is what it has to be, it has to be consistent so the person working on it can understand that equipment and not have to learn 20 other types of equipment. They are simple in a way, but are also very complex in another. So when I look at something like this, I am thinking, okay I can just put this thing on the ground, there is no consideration into how much space I need to give and that is the kind of stuff you do before. I mean if we knew these things were coming, then why didn't we do this a long time ago so we were prepared. As far as the applicant tonight, how can you approve an application when you don't know how much space this particular item needs. In this particular one the structures take up the amount of space, there is nothing left over. So where do I put this thing? It doesn't fit anything we have in our ordinances. It is not a secondary structure or an accessory building, it isn't one of those because it says in the thing that it

is subordinate and incidental, that means it is secondary, that means it's a part of it means it's not important. This is important, so where am I supposed to look to find this? And then the other question is the public hearing at a planning commission when you have people show up to see if they like the idea or not. Yeah okay, we might have to follow the laws because this is required by some prior thing that some other group that we don't even remember did, but you should have input in it. You should be able to ask questions that we should have the answer to. It goes through a process. We haven't done that, when we get this the first time two meetings ago, it was all thrown into one piece, here you go, all this to vote on. You guys don't even know what is going on, why would you? And I want to say something because it keeps coming up, previous Councils, yes previous Councils did something, yes, they locked us out of sewers, how is that working out right now? So we are going to compound it by doing a quick decision here based on that instead of looking at the original agreement and seeing if we maybe can get out of it. Okay that might be hard to do with Ron Thompson, but how about the other one which is look at what was represented on the developer's end. This developer, it comes up for reevaluation next year. It has been a decade since this guy came here and promised us everything that he did. Okay, yeah the economy blew up, but it's 10 years. So why can't we reevaluate it and say you get five more years and that is it. We might not even need these things, if he goes five years without a development, it might not even matter. So why are we going to tie in with Ash Creek, yes, negotiate, talk but why sign an agreement. What is the rush? Who out here is desiring this right now? And those are the questions you would be asking us if we had done this the correct way.

Mayor Peterson, if I could, I think you would want to be corrected on this, Mr. Sheltman, you said previous Town Councils locked us out of sewers, I think you meant to say septic with regards to that.

Councilmember Sheltman, that is correct, thank you.

Mayor Peterson, if we could also keep in mind when we look at our Ordinances, very much of the building code is incorporated by reference. We don't have something, if you look at our Land Use Ordinances that says "how does a septic system get installed"? It is installed because of the way that the code reads as far as what is required with setback distances from other items, other lines moving in and out of the house. When we ask how walls and roofs are constructed, they are not in our Ordinances. They are referenced by building code and that indeed is how these things occur. At the last meeting, our Town Council mentioned that a Conditional Use in a residential zone is a public utility and a public utility is a shared waste water system. It was described as that over a year ago when the presentation was being made by Ask Creek. So there is I think a lot in our Ordinances that you are looking for that really doesn't exist in terms of the way things function. It is building code, it determines how that is done, but I would ask is there anybody else, I don't want to keep the public waiting for their opportunity to comment

Councilmember Sheltman, if I may have one more little bit here, I am glad you brought that up because per the minutes that were going to be approved tonight, the Attorney stated that you can put this in a residential because it is a public utility. That Attorney in our packet two weeks ago wrote this for the application and what it says is "the Town of Leeds has been asked by the applicant to grant our sponsorship as a body politic that is defined in rules 317, and that is a big old book by the way, Utah Administrative Code, with regards to and this is what he called it, a private wastewater system. It is not a public utility, he said that two weeks ago. Now unfortunately I asked some questions in the meeting and all of the sudden it becomes a public utility, it is not. Not by any definition, it is private for the use of the builder, the private use for the people who are living in those structures that are serviced by the unit. I am going by my own Lawyer; I am going by the first thing he said not the second. Maybe the second one was right and this one is wrong, but I am getting a complete different answer here, so my question to anybody on the Council here is,

how much square footage do I give one of these things, can you tell me that? That doesn't have anything to do with what we were talking about as far as what you were mentioning. How much square footage do I have to put one of these things on? Where is it and how much is it.

Darryl Lewis, I must say that as a citizen of Leeds, I am really, really, really embarrassed by tonight. Mayor I have heard you say nobody on the Council wants to take on risk for the tax payers of the Town of Leeds and yet if you look at the minutes of the March 8th meeting, and I am reading directly from them, 9D is a discussion and possible action regarding the Town of Leeds serving as waste water body politic for Majestic Mountain Development LLC. That was March 8th, you and I both I believe are looking at March 22 agenda for this evenings meeting. There is no movement from that position. Secondly, you make the statement that the Town Attorney and the Planner believe that it is appropriate to attack the zoning of these two parcels before attacking the body politic. I have seen nothing in legal form that they actually said that and they actually mean it and what it is based upon. I believe the people in this room are here for a reason and they are here because they care about this issue that is on this agenda. All of the conversation that has taken place in the first 40 minutes of this meeting have had nothing to do with what is on this sheet, nothing. It is all Ash Creek. There is nothing on this agenda that allows anybody in this room to address the various issues on this agenda as they are talked about. I believe that in this Country, in this Town of 825 people, we ought to be able to be a little more honest with the population of this Town and give these people a chance to talk about the zoning. And with 17 units going in up there that could add 10% of the population, a minimum of 10% of population increase in this Town of drug addicts, of people who don't have jobs, of increases of crime, before we ever get to a body politic. You yourself say we need to talk about zoning first and yet what has this 40 minute been on? It has been on a sewer, the very thing that you say the planner and the attorney say should come second. Thank you for your time.

Susan Savage, I have been attending Town meetings for the past year, I have missed very few of them and sometimes I am the only person sitting in the audience. So, I want to thank people for coming. My comment tonight is we all have a responsibility in our democratic system to keep up on things. What happens is that people don't keep up with things as they go along, they haven't come to hear how all different members on the Council function, how they work through things, whether they are even present. So we wait until someone raises an issue that might be contentious and then everyone shows up and is angry. And then when you have a place where you want people to run for office, who wants it? I have lived here all my life and I want to say how much I appreciate this Council and the leadership. There is quite a diversity of opinions, I have appreciated so much, the organization, the generosity of hearing the people's opinions. The openness to hearing people's opinions at the beginning, and at the ending of meetings. Sometimes we have contentious issues and people will say things have been kept a secret from them. I have never been to a meeting and heard an issue where things have been kept a secret. They are not written out in pages and pages, but they are all posted in the agenda. We really owe it to ourselves, our Country even to take more of a part. Maybe you can't come to every meeting, but we ought to come once in a while. When you come and see how much time and how much effort the Mayor and the Town Council members are putting into their jobs, they are just volunteers. We all loved them when they were running for office, but once they are in office everyone gets mad at them. So you can try to see, put yourself in that position. So we need to come, we need to see what they are working on all the way along, so we can appreciate the many things they do for us. Then when you have a concern, you feel different and the whole relationship. I will just end and say I talked with someone who said, I said to her "come to Town meetings with me this year and let's show our Council that we appreciate them and what they are doing", and she said "I don't need to go, I have one person I listen to and I know that person knows everything, and so I don't need to go". That is very dangerous because

there is hardly anybody who can state an opinion on any subject and have it be completely objective, because everyone has an opinion and that always comes through. We need to take responsibility and come and make our own opinions.

Ralph Rohr, I am married to a Councilwoman but I have a mind of my own that I would like to share a little bit with you right now. I had to go to Utah League of Town and Councils to find out policies to govern these meetings. These meetings are important as Susan said. The Law says that it is important that the open meeting be open to the public, it is also important that deliberations be conducted openly. Now if the minutes had been approved tonight, how many of you have seen them, or known what they contain with what business was conducted, anybody. It has been that way every year, I mean every month, month in and month out and this Council has not published the minutes until the day before to the people that are on the Council, they vote on them. You and I never get to know what policies were established, what was voted on and what was done. Now, the problem with that is they are violating State Law. The State Law clearly states once the City Recorder, Town Clerk, or Clerk of a meeting gets the minutes written and they are given to the members of the public body for their review, they must be given to the public. We should not have to come and attend every meeting and listen through it all, like thirty minutes of introduction like today in order to get the gist of what is happening. Nobody really knows what was voted on in the past. Now I had to go to the legal dictionary to find out what body politic meant because I had no idea. It is a collective body that exercises some sovereignty, power of state. I am not sure I want Ask Creek or this Town exercising sovereignty power because we know what sovereignty means and it says it exercises for the common benefit of all within a geographical boundary. And yet when I look at the agendas of the meetings which have been repeatedly conducted, the exercise has been generated by the application of one developer repeatedly. And then the whole process of the body politic is put after the fact that the developer is satisfied. That is basically all I have to say, but I would like to point out that we went through this kind of Town Council conduct in years past. We went through the Grapevine Wash fiasco with law suits and much time and money spent by this Town. I really think that we need to conduct openly, Mr. Mayor, instead of just talking to Ask Creek or other various people around, you need talk to people of this Town and give us a chance to have input to see if we are interested in having sewers or have a single developer establish policies.

Thank you.

Mitzi Butler, we are having a hard time hearing back here so I am going to turn a little bit. My name is Mitzi Butler, and I am sorry that I am reading but I did a transcription for Kristi and I didn't want to be misquoted, so I typed it up and gave it to her.

Mitzi read the first page of the letter that is attached at the end of the minutes.

The timer went off for three minutes and some of the public wanted Mitzi to continue; however, the Mayor indicated we have meeting procedures and that he understood it doesn't always suit everybody, but if you treat everybody equally, that is why he is not going to time somebody who says one thing one way, or the other, he is timing everybody.

Betty McKnight, I just have a couple of points. Number one is, I actually went to Ash Creek when we were considering Grapevine. It was interesting because at that time, Grapevine was talking about building a sewer facility and turning it over to Ash Creek. Ash Creek told me that they would not take it if they didn't build it, because they would have no guaranty that it was built correctly with the State standards, because the developer drew the plans and I think we need to kind of consider that. So you don't just build a sewer plant and turn it over to Ask Creek, maybe that needs to be checked on. The same thing happened with Silver Pointe. He was going to build a filtration system and then turn it over to the City and I am thinking, hey, we don't even know anything about sewer maintenance. We would have to hire some people to manage that, there would also have to be I am sure, insurance policies to cover things like back flow in the houses. We don't even have a

clue what to do and I don't think we want to take that responsibility. I have that agreement with the Washington County Conservancy District, 58 pages and the date on it is April 23, 2006. This is at a time when there were people in the City interested in development. There was a lot of problems in the government at that time where decisions were made and I think we got to be careful. Maybe it doesn't represent us and responsibilities were given on it. I mean is anybody having a problem with their septic tanks? Do you love that they are free every month? Why not just continue something that is working. Why create a new body politic, why create another one, we always get in to trouble when we do that, don't we? Maybe we should just think of it, I just hope instead of making a decision tonight, or maybe the next meeting, we are given the chance to really consider everything so we don't get into trouble. Thank you for coming, I see everybody and we need input. If it said R-M-7 on the agenda at the post office, I thought that meant residential seven acres, but if it had said sewer, I think we would all be more informed.

Georgia Tanner, I want to thank the Council for what you do, I do appreciate that you are volunteers. I do think in this instance you might be putting the cart before the horse. I think the zoning should be voted on, absolutely, is that up to the County or to the Council?

Mayor Peterson, it is the Council, Town of Leeds has its own zoning.

Georgia Tanner, then I would put it on hold. You have the water agreement with the Washington County Water Conservancy that expires in June?

Mayor Peterson, no it expires in about forty years.

Georgia Tanner, is it a fifty year agreement?

Mayor Peterson, It is a fifty year agreement.

Georgia Tanner, I thought it was ten. Okay if we go back to the sewer agreement should we really be attempting to cross that hurdle? All small towns cross this hurdle, but for 1.26 acre parcel with three, is it three triplexes?

Mayor Peterson, two is what has been discussed as the number of triplexes.

Georgia Tanner, if you were talking about the possibility of developing 1000 of acres, or 100 homes and a golf course and shopping center, this is something as a small town that we should discuss and resolve that issue, but for this small of a possible development it seems pretty early to discuss that. If this man can handle his own issues with his sewage, than he shouldn't be allowed to involve the rest of the Town in that issue. I think it is a little early for the Town to try to make that, it is a hard decision to make it is a little early for one developer with three triplexes to impact this whole community.

Mitzi Butler read the second page of the letter that is attached to the end of the minutes.

Mayor Peterson addressed some of the issues raised in the letter:

1. There is an Ordinance that indicates anything that is approved by Planning Commission will be put on the next Town Council agenda. It is not a matter of it being rushed through; it is how our ordinances read.
2. With the use of the term sewer department, it is an entity he speculates will be Ash Creek or somebody with that caliber; however, the Town Council will have to decide on that.
3. With LDWA in the past, they provided a conditional will serve letter. A prior Town Council had given final approval for the final plat subject to three conditions. Those three conditions were met and there was final plat at that point. The opportunity to object to those things was seven, eight years ago.

Mitzi Butler, I didn't want to get into this tonight, but part of the problem I had with that meeting two weeks ago was that was a red flag, there is an agenda, here is the map that was presented from the Planning Commission, it passed through the Planning Commission by way of our Town Attorney, hung up here, looked like a fifth grader's project from art class. Now where I come from,

a Planning Commission will not speak to you until you have had engineered and surveyed reports. You know exactly the building was going to lay, all the buildings were going to lay.

Ron Whitmer, and where is that ma'am?

Mitzi Butler, California

Ron Whitmer, yeah, I love California, it is a nice place to visit.

Mitzi Butler, I am just saying, how can a Council make a decision on something using something that was marked with a felt pen and with no measurements? Also, it is my belief that the signing of the Ash Creek contract was mixed in with these things that they were asked to vote on. So, I see an agenda.

Darryl Lewis, I have a couple of comments then a question. My comments are these. When Alberta first made her application to the Planning Commission for a zoning change on property, members of the Planning Commission lobbied her to increase the amount of land that she was rezoning. I believe you as citizens of the Town need to know that your Planning Commission was asking her to do this. Secondly, as an addendum to what the fine lady was commenting about on the development across the highway, I wonder if you people are aware that there is a request before the City right now for an additional 19 acres of commercial property to be rezoned commercial on the other side of the freeway right against Wonder Drive and South of Silver Reef Road. That may be part of this whole agenda as well. Those plat maps are available, or were available at the City Council. My question is I made a comment earlier about the citizens having an opportunity to make a direct comment about rezoning, as in 9a and 9b. Does the City Council have any intention of letting the City's citizens make comments specifically on this zoning, on these zoning changes, because there was not a public meeting, a public hearing at the Planning Commission. I was in attendance, so don't tell me that there was.

Mayor Peterson, I will tell you that the minutes indicate that there was. I was not in attendance.

Darryl Lewis, so my question still stands. Do you intend to allow any of us to make direct comments on each one of these rezoning?

Mayor Peterson, you have had the opportunity to do so in this comment period right now, but when it comes to taking action, the process is for the Council, action items are discussed by the Council.

Darryl Lewis, so your answer is no?

Mayor Peterson, you have had your opportunity for the last 40 minutes.

Darryl Lewis, well we haven't heard your discussion on it. We haven't heard the Council's discussion on this issue. Are we going to be allowed to make a comment after discussion on it?

Mayor Peterson, there are five members of the council.

Darryl Lewis, why is it so difficult to answer the question, are you going to give us an opportunity to make comments as these issues are discussed, or no?

Mayor Peterson, I have to tell you Darryl

Darryl, I'll take that as a no.

Mayor Peterson, you don't seem to want an answer, but I will provide it anyway. There is an order, the Town has a process for holding meetings that is held across the entire State of Utah. Every Town gets to determine how they go about doing that. This Town Council follows the format that you see here.

Darryl Lewis, no you don't, you had a forty minute meeting that was not on the agenda.

Mayor Peterson, what forty minute meeting was not on the agenda?

Darryl Lewis, you were here, we all sat through it when this meeting started and it was not on this agenda.

Mayor Peterson, it was related to citizen comments.

Darryl Lewis, I don't have a desire to argue with you. You are the Mayor of this Town and I respect that. I had a question whether this citizenry could make comments as you discussed this re zoning and evidently your answer is no.

Mayor Peterson, the answer is it is not practical to try to conduct the business if at every point in time an individual in the room is offering their opinion. This Town has the opportunity to elect its public officials that sit on the Town Council. They are elected presumably for a purpose and that is to carry out the work of the Town after getting input from the Town at public hearings that are held and from public comment that is held both at the start of a meeting and at the end of a meeting. The comments that are allowed during the start of the meetings began three years ago because I value everybody's time, I suggested it to the Town Council at that point in time and they agreed to add that time period. It used to be that people would have to wait, sit and listen to the entire Town Council agenda gone through before they had a chance to comment. This is an effort to try to make it convenient to those people in the Town who want to participate, who want to provide input before decisions are made by the Town Council.

Brad Wilson, you know I am not here to say if the issue you are discussing here tonight is right or wrong,

Councilmember Rohr, your name please.

Brad Wilson, I am not saying if it is right or wrong here, I am not saying who is right or wrong here, I don't have enough knowledge here to determine that. But I am here to say there is different opinion than the two agendas that are here tonight. Don't kid yourself, there is not only one. I have heard all of you say there is only one agenda, one agenda, that is a bunch of baloney. There is two sides to this one and frankly there is a whole lot more than that. I have lived here for ten years, well fifteen years now and I have watched this Town die. I watched families leave here because of the poor quality of life we are providing for people here and it is because in my opinion, and you can disagree with me all you want, that is fine, it is my opinion. I think that the decisions of a certain few have absolutely stopped the growth here. I don't think growth is a bad thing. I don't see it that way. I believe in growth, I think if a Town stagnates it goes in the opposite direction and I have seen that in my perspective over the last eight years since a certain group here has really fought against any kind of growth or progression. I am not saying this issue tonight is right or wrong, but there is a different opinion. I just wanted to voice that.

6. Announcements:

Mayor Peterson announced the following event:

- a. Easter Egg Hunt, April 15 at 9am in the Town Park

7. Public Hearings:

- a. Resolution 2017-03, Open and Amend the 2016-2017 Budgets

Mayor Peterson, we have a Resolution in our packets to open and amend the 2016-2017 budgets. I hope the citizens will listen to why this is necessary. The State has a maximum amount of accumulated surplus that the Town is allowed to maintain in its general operating fund. The Town of Leeds is a small Town; our budget is about \$360,000 if you back out some of the road money that comes in through the state in a somewhat variable way. But, we have about a \$360,000 dollar budget. We are not allowed to have more than 75% of our revenues in surplus. I would suggest as a Town here, with a budget of roughly, if I can round the numbers a little bit, about \$360,000 would get you to about a \$225,000 dollar surplus you can have as a Town. Regrettable I can think of many events that could take place that would cause us to need a surplus here if something were to happen in particular to this building. As a result of the limit, we must move any excess surplus above that into what is known as a Capital Improvement

Fund. That fund must have a list of projects that would justify the money going towards it. At this point, the Town does have a capital improvement plan that focuses on Main Street improvements in terms of the curb and gutter. We do have money in that fund and this public hearing is for moving the money currently in the general operating fund of the Town to this Capital Improvement Fund. It can be moved back if circumstances change.

Mayor Peterson asked for a motion to open the public hearing on Resolution 2017-03, which is to open and amend the 2016-2017 budgets.

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	_____	_____	_____

Sam McKnight, inquired about the possibility of expanding the cemetery with the Capital Improvement Fund due to the lack of space.

Mayor Peterson, responded, that is something Councilmember Shelton is looking into. It is not currently in the Capital Improvement Fund; however, possibly could be added.

Mayor Peterson asked for a motion to close the public hearing.

Councilmember Cundick, I so move. 2nd by Councilmember Blake. 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	_____	_____	_____

8. Action Items:

- a. 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, is there any Council input at this point as to how they would like to proceed with regard to this item. What was asked at the last meeting was we get a map redrawn. Main Street was mislocated on it. We do have an amended map that was distributed to everybody via email and it is in the packet, I believe. We also have item 8B which is related to it as well.

Mayor Peterson asked for a motion to approve item 8a regarding a zone change on parcel L-4-A-1 from Commercial (C) to Multiple Residential (R-M-7) on 1.295 acres and for a zone change on parcels L-4-A-1 and L-PERM-1 from Commercial (C) to Residential (R-1-20) on approximately 2.732 acres

Councilmember Cundick, Can I ask for clarification on this, will we be voting separately on them?

Mayor Peterson, yes we will be voting separately, but for discussion purposes if we can have a motion on both of them it will allow the discussion for both of them together.

Councilmember Cundick, I so move. 2nd by Councilmember Blake.

Councilmember Sheltman, according to the paperwork that was in our packets from last meeting from Bob Nicholson the planner, I would like to go over that a little bit. My numbers are a little bit different but close. Basically you are looking at 1.29 acre. If you figure an acre is about 44000 square feet, it's a total of 56192 square feet. Per our Ordinances on a triplex, the request here is for two triplexes, you need 28000 square feet. So if you take the numbers and put them together, you end up with basically just enough space to do that per what is required under the R-M-7 request. I am going to go back to what I went to last time. The structure here, I don't believe, Bob did it as a series where basically he, the way he presented it was it is a zoning issue only and I agree with that. The problem is there is an aspect in here that we don't have really good coverage on as far as the Ordinances, if any at all. So, I don't see how I can look at this without looking at the sewer structure itself because it is a structure and it does cover about 500 square feet, a little less than 500 square feet. So, my question last time and my question continues to be how do I place this on this property? I also don't have any idea on what kind of lot I can put this on. So, looking at it, I was on planning for two years, looking at it as a planner, the only thing that I can see is that if you are going to bring in property as R-M-7, or for any other reason, the sewer plant that services those particular structures should be on that property. In other words, you shouldn't be able to move it to another location. It should at least match as far as the type of property that it is on. So, my ruling on this based on experience but nothing that I can actually find, because we don't have it is that there is not enough square footage for this to be approved. The other issue of course is the sewer system versus or the sewer plant versus the septic system. That could make a difference, like I said, I looked at structures that we have and the only thing that it really fits it, the accessory building, and it is a detached subordinate building located on the same lot as the main building, the use which is customarily incidental to that permitted main building, or to the land upon which the land of the main building is stated. It doesn't fit that, it is primary. Without it, you don't have any place for your waste water to go. So, I don't think it fits that particular term. I do also since I am doing this, I also want to make it really clear that, this again isn't, I don't think it could be construed as a septic system any way imaginable. And I know it is going to keep coming up, maybe at some other meetings so I want to read though really quickly what this particular system, these particular two structures is. As I said we all have septic tanks. It is a box in the ground that water goes into through gravity and heavy water goes slow, and lighter stuff goes up, it runs through another part of the tank and goes to a leach field. It doesn't have any moving parts. I am going to read this to you just so you know what we are talking about here and I will let the Council decide if this is a septic system:

Two submersible alternating pumps, a and b set in a screened enclosure located in a dousing tank accessible though tank covers deliver effluent through a PVC pressure pipe to the subsurface low pressure equalizer distribution system laterals dousing secondary treatment bed located in the AIR enclosure for initial injection. A gate valve is used to regulate the flow of pressure to the distribution system which is set at blank head of head. A timed control devise is located in the control and testing box which cause the

submersible alternating pumps to deliver per design quality of fluent at one half hour intervals to the dosing bed. A dosing tank bed pipe is provided to prevent buildup of fumes to the dosing tank. After a period of time it goes from fluent now treated is displaced to the underdrain pipe to the recirculating tank which contains submersible alternating pumps C and D accessible through tank access. A timed control device located in the control and testing box activate the alternating submersible pumps to deliver design control quality of partially treated water through pressure pipe at one half hour intervals to the overall recirculation sprinkling network. This network distributes partially treated water evenly over reactors dosing beds secondary treatment section and the final bed tertiary treatment section, a gate valve in a recirculation pressure line is used to regulate the flow of pressure to the sprinkler heads which deliver a design volume of water permitted in blind PSI. The recirculation water that falls in a dosing bed returns through a drain pipe through a recirculation tank water that that falls on the final treatment bed which floats through a drain pipe to discharge. The discharge system consisting of a tank, two alternating submersible pumps E and F accessible through tank access a meter box, a meter, and a discharge pressure pipe are shown or use when gravity discharge is not available. The discharge pumps are activated by controls inside the discharge tank. These controls are activated by demand and not on a timed basis. The electrical boxes in the dosing tank have internal seals to prevent gas from seeping into the box and causing corrosion.

So you are talking about six pumps, recirculation systems, multiple timers, five or six tanks, pressurized pipe and all this is located under a structure of some sort. Which is sized based on the amount of infrastructure needed to service whatever the service is. It could be really large at some point. As a matter of fact some of these examples, I have a picture of one here which is more of the median size, but there are examples that are quite large that were given to us. I don't think that anyone can make the argument on that, but for future discussion; I think we need to define this for what it is from this point on. If anybody here thinks it is a septic system, then maybe you can correct me, but I don't believe anybody is going to say that. It is quite complex and again it has a lot of moving parts, it is something that requires a lot of maintenance and unlike a septic tank from other people who have talked about what is necessary to maintain it, you have to do water tests, there are State requirements. Again 317 is a big red book that comes into play. So I think it would be helpful from this point on we just call it what it was and that is a sewer system, a sewer plant as opposed to a septic. It is no way close to a septic and you know we all know septic. So that might be, again what, the way we identify it now might save further trouble or your time. So anyway, I'm looking at it and basically thinking the way that it is presented to me here, I don't see any way that I can actually vote on it. I am not sure it is the applicant's fault, I actually feel a little bit guilty because I think we should have done this in a better manner and that includes going through planning in the proper perspective. I have a concern only as far as the maps because I am not an engineer, but I play one on tv, I just wanted to say that. I am not an engineer but I am a minority, I am an illustrator, why I'm I catching these things? Why do I catch a map that is screwed up? That actually went through planning already. A planning meeting where we had an attorney, where we had Bob the planner and so I have concerns about that too because, I mean I don't know what the legalities are if I approve something that is not drawn up correctly. There may be nothing but, if I am doing that then I start to look at all the other little things you can see over there and I start to question if that has been done correctly. I just assume it is when it sits on my desk. So that is one other thing that we can maybe look at and address, but again, I don't believe the applicant is at fault here. I

believe that this was not properly handled the way it should have been and I am sorry that the applicant has gone this far in the process.

Mayor Peterson, Elliott, if I could just highlight one thing. I appreciate all the comments you made there, they are relative to an application that the applicant has reconsidered and it was a separate action item for us to become a body politic and it was a request, yes or no and we ended up tabling that item and they ended up looking at other alternatives and believe they found an alternative that we're going to hear about later as part of the discussion because I didn't want to just drop this and not have any kind of continuity with regard to what we discussed last meeting. But I think it highlights what our planner and our attorney were cautioning, which is because an application for subdivision follows a rezoning they may have some tentative ideas right now, but until it has been rezoned, you really can't start trying to get down to the detail. From our discussion last meeting two weeks ago, the applicant has changed their approach, is no longer going to be looking to have a separate lot. Each lot is going to have its own self-contained unit. Now whether or not that will be satisfactory to the Water Conservancy or not, I think we'll have a lot more information on that after tomorrow. But the applicant made the application for the zone change realizing that was the first step in a process and that they would need to address a whole lot of issues later on in order to get the point of being able to develop, and the question I think for the town Council is are we supposed to really separate these two things and I think you almost have to. If you take it to the extreme, you have got to get it to every last detail and Nate you have got a lot more experience in this area, but with regard to saying if you want to change the zone, you want to subdivide the property, is there a natural sequence to that? Because if it's not rezoned you can't do what you want to do with it and if you want to do that, it just seem like it's difficult to separate the two, but one does have to come first.

Councilmember Blake, and that is probably best to separate the two and it is hard to separate the two when they are both on the agenda.

Mayor Peterson, well right now this is the rezoning, it was the question about the wastewater system because they needed a wastewater solution that they wanted to apply for at that point. I think we, as a Town Council, are obligated to just look at it purely from a zone change and say are we comfortable with the idea about changing commercial to R-M-7 on 1.295 acres and changing from commercial to residential R-1-20 on 2.73 acres. That is how I read it, I would be interested in other people's thoughts, because I agree there are complexities to the system that you just described. We now have the applicant no longer including that in there subdivision as they speak now. So they are no longer asking about a body politic question. So we end up with, there is still an applicant for zone change and we as a Council have a recommendation from our planning commission and how do we want to proceed at this point

Councilmember Rohr, I still have a problem with taking one parcel and giving it two different zones; although, our lawyers said that would be fine. As I look at the map, and we have two triangles that makes up something that is supposed to hold multiple family dwellings, that is what the R-M-7 refers to. It doesn't look like one of those and they are not equal. Are both of those going to have to be on one side? It looks like this is divided up according to a possible site develop plan, but on this paper that we are looking at right now, it looks weird.

Councilmember Cundick, is the other residential property surrounding this, is that all R-1-20? Town Councilmembers looked at the zoning map on the wall and the Mayor indicated the other property is residential half acre that is adjacent to it.

Alberta Pace, I asked Jerald Pratt why one side was a different shape than the other side and he said he took it off of the assessors map and that was the way it was, so that is the way he had to

draw it. But, in the corner of your drawing, there is the correct dimension and legal description that is correct. He said he had to take it off of the assessor's map.

Mayor Peterson, so you are talking about the top right corner of that map when you look over there. That's the one that you are discussing that you are saying was off the assessor's.

Alberta Pace, that is correct.

Councilmember Cundick, it seems we need to solve the zoning problem with a vote because we could have a number of proposals for how it is going to be developed. We have all kinds of parcels around it that are zoned that we don't know what is going to happen with them. Any development that goes on the property has to come through that process, but the first step is to zone it. So I think we need to go forward and either approve or disapprove the zoning so the applicant know where she stands.

Councilmember Sheltman, I was just wondering how we are going to separate, I mean I understand it, normally this would be pretty straight forward and simple but I don't know how you would separate the zoning for the application that we don't, I mean yeah, we can do the zoning but would we be right back where we were and she will be stuck with this zoning if we decide whatever we use for sewer is not something we agree with. So what position would that put the applicant in, in other words, we approve the zoning, but what is she going to do with it if you can't put a sewer plant on it. I don't want to put her in a position where she has a split property where she can't use it.

Mayor Peterson, let me ask, Alberta, as the applicant, would you at this point like us to go forward with the rezoning with the understanding that it is a first step and it doesn't guarantee in any way that the subdivision will go forward in a way that you might find to your liking?

Alberta Pace, Yes

Mayor Peterson, the one thing that I would just like to reflect is that I did go back to the general plan and read through it again because at the last meeting I had mentioned that I recalled something regarding moderate or affordable housing and in fact one of the three listings in the introduction of the general plan, or the third listing it was that there was a desire for there to be a moderate or affordable housing and in particular it was desired that it blend in with the current structure of Leeds; and that it not have large apartment complexes but rather have other types of lots that would allow for more moderate and affordable housing without the need for a lot of apartment complexes. So while questions have been raised about whether this is consistent with other points in the general plan, I do believe the general plan does support the concept of lower affordable housing and I don't agree with the categorization of what that implies for the type of residents that are there that was made earlier, but I do believe that it is consistent with the general plan with regard to a triplex being there as opposed to an apartment complex, which is what is being asked to be avoided in getting affordable housing into Leeds. So any further comments from Town Council if not, roll call vote beginning on my right please

Councilmember Cundick we are voting on?

Mayor Peterson, on 8a the action item.

Motion failed 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	<u> x </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> x </u>	<u> </u>	<u> </u>

Mayor Peterson how about action item 8b that has the motion on the floor right now. Roll call vote beginning on my right again.

ROLL CALL VOTE:

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

- c. Discussion and possible action regarding final change order on Canyon Creek project
Karl Rasmussen gave an update on the work on Canyon Creek and discussed it with Town Council. No change orders were needed at this time.

9. Discussion Items:

- a. Discussion of waste water alternatives for Majestic Mountain Development
Karl Rasmussen explained how a septic system called easy treat works and discussed it with the public and Town Council. Karl is going to meet with Washington County Conservancy District to see if the system could be used for Majestic Mountain Development and will let Town Councilmembers know.
- b. Main Street curb and gutter update
Kurtis for Ensign Engineering, we have been working with UDOT to figure out the right-of-way. UDOT has a 72 foot right-of-way, but this one has some jogs in it and so we are trying to figure out the best alignment for you guys so it is not going to mess up the curb and gutter. We came up with a solution to do an offset to the existing pavement now and I think if we go off five feet from that it will allow us enough room to do the sidewalk and curb.
Councilmember Sheltman, is there going to be any drawings of it?
Kurtis, it is going to be awhile before we get any drawings, but we are working with UDOT, but we can get you an alignment for a cad file for you. Is Karl going to be doing these drawings for you?
Councilmember Sheltman, yes.
Kurtis and Councilmember Sheltman discussed it further.

10. Citizen Comments:

Georgia Tanner, I heard the situation at a board meeting before about meeting minutes not being timely, is it possible, I know you guys are going to address that issue to have a signup sheet where us members of the public who are interested in knowing what the board had done at this meeting so we can be more prepared for the next meeting, where we can sign up and get copies of those also?
Mayor Peterson, it is permissible that as soon as a draft is available, it is a public document and you may request that. If you were to send an email to clerk@leedstown.org, we could put together a list and there is no problem with providing it. At the same time it would be the same time the Council is seeing them as well.

Ralph Rohr, basically my question is the same as this lady's. I would like to know how long before the meeting can we have these documents available, or will they be on the Town website, I went there to get some information. But, the day before and the minutes being approved before we get a chance to see them is what we would like to avoid and that is what State Law requires too.

Mayor Peterson, well State Law requires that as soon as it is available in draft form to the members of the Council, it is a public document and is available to the public. So we can make it available on that timetable, as you can imagine our office operates on a Monday through Thursday basis. We just had a two and a half hour meeting and a forty minute field trip. So it is not going to be ready by this weekend. It will be well into next week before it is prepared.

Ralph Rohr, well that's better than the day before the meeting.

Betty McKnight, asked if a septic tank has to go through the Health Department and what the zones R-M-7 and R-1-20 are.

Mayor Peterson replied, if it is an individual septic tank in the Town of Leeds you have to go to the Southwest Public Health and described what the zones are.

Penny Weston, indicated she was concerned about how we are going to protect Main Street from storm water.

Mayor Peterson, it will be on the next meetings agenda.

11. Staff Reports:

Councilmember Rohr, we are looking at what roads and how much money we are going to be spending this year on the upkeep and maintenance of our roads. We were presented a document by Darren giving us some ideas. Both Wayne and I, looking at it separately, both thought the costs were high for what we would be getting. We ended up having a meeting with Hurricane City road managers and they have graciously said they would help us in a variety of ways. One of the ways was when they do this really heavy coating that we have not even used here yet, that we would be able to get with them and have their cost. We would be tied into their contract and we will be getting probably like 5 to 10 times the value for maybe only twice the cost of what the minimal is being done. I think that is the way we are going to, and it won't happen until fall. The company that does the work is very good about managing the roads and is very good about noticing the public about the work on roads and when not to drive on them.

Mayor Peterson, on Red Cliffs Road we have asked for some alternatives to keep the dust down on it. It is graded by the County, but it is a County road as well as a Town road.

Mayor Peterson, we have had a prosecutor now who has been involved in a variety of cases. On the nuisance cases, they have got some concerns that they have discussed with Gary. Gary is going to be drafting some amendments to our Nuisance Ordinance that is standalone relative to the Land Use Ordinances, as well as a portion of the Land Use Ordinances. The real quirks with it is the prosecutor has had a lot of experience with criminal charges being pressed forward and there are certain steps she feels we would do better to include in our Ordinances before we take any action against individuals, greatly reducing the cost of prosecuting it and the likelihood of not being successful in prosecuting it. That should be coming next month or so.

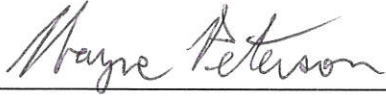
12. Closed Meeting:

13. Adjournment:

Councilmember Blake adjourned the meeting.

Time: 9:35pm.

APPROVED ON THIS 12 DAY OF April, 2017



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder

Name: Mitzi Butler

105 South Main Street

Jack and I are real estate brokers and investors and are knowledgeable about land development.

We attended the town council meeting two weeks ago, on March 8th, with no specific knowledge of what was going to be presented concerning the request being made by Majestic Mountain Development (Alberta Pace), only that it concerned 2 3-plex apartments for low income housing with some sort of an unconventional sewer system. That's all I knew.

What transpired during that meeting told me that there was a lot more that was actually going on than what was on the surface being discussed. And perhaps some of the council members might not even know what the true agenda of that meeting was. Everything was "wrong" from a conventional petition for a zoning change. It appeared more like an arranged Kabuki dance. More on this subject will come out at later dates I'm sure. When Daryl Kohimom stood up during the "Citizen Comment" section it appeared that his words of warning were being ignored and dismissed.

After the meeting I went to one of the council people and said "ok whats the real story here. Someone else besides Alberta is at the bottom of this whole thing."

I have spent time since that meeting researching a lot of different aspects of that meeting, trying to figure out what was the real reason for that meeting on March 8th.

This research started to peel open like an onion and I'm sure I am no where near the core yet. Tonight I would only like to discuss a recorded document that I found that may be closer to the truth than the actual presentations on March 8th.

I have a document recorded in Washington County on June 30, 2016 which is about 8 ½ months before Majestic Mountain Development's request was presented to the town council two weeks ago.

It is the cover page for the Silver Pointe Estates Phase 1 permit recording. This is not Majestic Mountain's project but a much larger project in Silver Reef. There is other questionable information on this page that will need to be explained in the future but for tonight but I am only going to address two issues dealing with utilities.

Issue One with several sub questions:

This section names all of the utilities that will be servicing Silver Point Estates.

Am I correct in stating that currently there is no municipal sewer system in Leeds and that all buildings in Leeds use a septic tank system.

Why on this recorded document when listing all “public utilities” that will be servicing Silver Pointe Estates there is an entity named the “Town of Leeds Sewer Department”.

What have I missed here?

Why would the town of Leeds need a Sewer Department if we have no sewers?

When was this sewer department formed? Please give me a specific date.

Unless it was formed before we moved here 5 years ago I cannot remember this ever being on any town council agenda or being voted on?

Town council – maybe you can help me by telling me you voted for this or have ever heard of the fact that Leeds has its own sewer department.

Leeds citizens – do you know anything about a Leeds sewer department?

Where is the paperwork showing how this utility company was formed, who voted for it, whose signatures are on this document and what is this entity’s structure?

Have there been any quarterly or yearly reports submitted by this company to the town council?

What is the stated purpose of this Leeds Sewer Department?

Put these facts together with the request for the town council to vote for the “body politic” portion of the proposed above ground sewer system being proposed by Majestic Mountain Development along with the fact that when asked to explain exactly what the system was she was proposing she was confused and could not do it makes me think that just maybe there is another agenda here.

Issue two with several sub questions:

The other utility listed on this recorded document is the LEEDS DOMESTIC WATERUSERS ASSOCIATION.

We attended the yearly meeting in February of the LDWA and someone asked if the LDWA had signed off on Silver Point Estates Phase 1 yet? And we were told that - No the LDWA has not signed off on that project yet and they were still working on it.

If that is the truth, how can LDWA’s name appear on a document that was recorded almost 8 months earlier?

I see the same problems here as with the Leeds Sewer Department issue? All of the residents of Leeds should require an answer to all of these questions.