

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, March 14, 2018

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, March 14, 2018 at 5:30pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

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

### **Work Meeting 5:30pm**

1. Call to Order/Roll Call
2. Interviews and Discussion on Town Attorney

### **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 February 28, 2018
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
7. Public Hearings:
8. Action Items:
9. Discussion Items:
  - a. Town Attorney
  - b. Cemetery Property
  - c. Nuisance Ordinance
  - d. Development of Waste Water Policy for Non-Septic Systems
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 8, 2018 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](http://www.leadstown.org).



Kristi Barker, Clerk/Recorder

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# Town of Leeds

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## Town Council Meeting for March 14, 2018

Chad Woolley applicant for Town Attorney called in at 5:32pm. In attendance were Mayor Peterson and Alan Roberts.

No quorum to start the official meeting.

1. Call to Order:

Mayor Peterson called to order the work meeting of the Leeds Town Council at 5:43pm on March 14, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	_____	x
COUNCILMEMBER: NATE BLAKE	_____	x

2. Interviews and Discussion on Town Attorney

Town Council interviewed:

Chad Woolley from Cowdell, Woolley, Attorneys at Law

Blake Hamilton and Brian Paterson from Durham, Jones & Pinegar

Craig Hall from Bennett, Tueller, Johnson & Deere

Eric Johnson and Blade Patterson from Blaisdell, Church & Johnson  
for the Town Attorney.

Councilmember Roberts made a motion to close the work session and recess until 7:00pm. 2<sup>nd</sup> by Commissioner Stirling. All voted "Aye". Motion passed.

Time: 6.52

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on March 14, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____
COUNCILMEMBER: NATE BLAKE	x	_____

2. Pledge of Allegiance by Commissioner Blake.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Mayor Peterson asked for a motion to approve tonight's agenda and meeting minutes of February 28, 2018.

Councilmember Blake so move. 2<sup>nd</sup> by Councilmember Roberts. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	<u>x</u>	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	<u>x</u>	_____	_____	_____

5. Citizen Comments: None.

6. Announcements: None.

7. Public Hearings: None.

8. Action Items: None.

9. Discussion Items:

a. Town Attorney

Mayor Peterson indicated the work session held earlier was to interview the four candidates and asked Councilmembers how they would like to proceed.

Mayor Peterson was asked to summarize the work meeting and will make the recording available for the Councilmembers that were not in attendance.

Town Council discussed it further. There will be another work session on March 28<sup>th</sup> at 6:15pm to discuss it further.

b. Cemetery Property

Mayor Peterson indicated Town Council should have all gotten an email from a citizen wanting to sell their property that is next the cemetery. He asked councilmembers if they would want to pursue the property to expand the cemetery.

Town Council continued to discuss it and an executive session will be held at the March 28<sup>th</sup> meeting to discuss strategy for purchase.

c. Nuisance Ordinance

Mayor Peterson indicated an updated Nuisance Ordinance was made available last Thursday and put on the website and continued to discuss it.

Town Council discussed it and before it gets adopted, a rough draft will be sent to the Town Attorney and the Town Prosecutor.

d. Development of Waste Water Policy for Non-Septic Systems

Mayor Peterson, indicated there had been talk about a meeting that Danielle and I were going to attend; however, Ash Creek sent out an email and would like the Town to provide some kind of feedback on if the Town would want to be a body politic.

Councilmember Blake, stated we spoke on this and I though most of us agreed that someone other than the Town would be the body politic on a waste water system and Ash Creek would be the logical one.

Councilmember Roberts indicated in the past, the Town had an interlocal agreement with Ash Creek. It terminated about six years ago, but in some development contracts for subdivisions the Town of Leeds has said they would be the body politic. The State wants someone to be the body politic, because they shy away from development, or developers.

Councilmember Blake, replied Ash Creek specialized in wastewater systems, Leeds doesn't. Councilmember Roberts, stated Leeds would contract it out to someone anyway if made body politic, but it makes more sense to have Ash Creek do it. When you are talking about a localized system for development, you are going to have to enter into an agreement with Ash Creek somehow. Ash Creek does not want to be the body politic, they are fine with overseeing the systems, they would contract that out for development. There are two dynamics here, one you have a physical pipe that connects to a system, or you have an onsite.

Councilmember Blake, the liability issue for the Town of Leeds considering the liability issue for Ash Creek, who specializes in it, considering the law change that requires 7.9 acres, which makes it almost impossible to build a home. It makes more logic since to have a specialized system that Ash Creek designed and we approve and have them cover liability issues.

Mayor Peterson, Indicated Mike Chandler from AshCreek indicated they would be willing to serve as body politic but didn't want it on a piecemeal basis. They don't want to have an interlocal agreement on one, and body politic on another. They would rather have a cohesive strategy. One thing that got brought up that I think is important, and I think Nate said it, was a system that was approved by the Town. Once the Town has said okay to one system, they will want it to be consistently applied.

Mayor Peterson and Councilmember Roberts continued to discuss it. Councilmember Roberts indicated he prefers to have an interlocal agreement with Ash Creek; however, the Mayor stated the only problem with that is it would be subject to renewal.

Councilmember Stirling read part of the email from Ash Creek and asked if we have had any meetings with the people that were CC on the email.

Mayor Peterson replied with this group, I have meet with the Water Conservancy District, Tina Esplin and Brie Thompson because they have had applicants come in and say they would like to build on Leeds property with less than 9 acres. They asked me to be there when they explained the requirements. Rick Sant had dealt with the Town from Silver Pointe Estates with one of the agreements Alan mentioned earlier, where Town Council approved that the Town would serve as a body politic for a waste water solution. The other individuals in there, I have not metwith the regards to this particular subject. There was one individual there, Ian Crowe who is involved with Grapevine Wash, so I have had those meetings. You and I met with him and Rick Sant where there might be an agriculture use of the waste water that didn't seem to pan out. But no, there has not been any other meeting. The way that I read it is, these people have gone into Ash Creek and asked what their options are.

Mayor Peterson continued to discuss it.

Councilmember Stirling just to be perfectly clear, I did not meet with the Mayor and Ian Crowe as a Councilmember. I was asked to come for some information that Ian had said with my husband about irrigation. So I have never met with Ian Crowe and the Mayor representing the Town. I wasn't a Councilmember at that time.



Town Council continued to discuss it.

The Mayor indicated he is interested in Ash Creek being the body politic and it sounds like we have 3 different opinions.

Councilmember Roberts wants the Town to be the driver of the bus.

Commissioner Sheltman, indicated the Hansen, Allen, Luce Study is 80 pages and about two paragraphs about Leeds. The assumption is, there must be nitrates and that is it. That has locked us in to a situation where we don't have the ability to use septic unless you have a large amount of property. Almost 1/5 of households in the United States are on septic, they work well for a long time. People in the sewer business think they do not, because if you are on a septic, you are not paying money, or impact fees, or maintenance fees to a sewer company. It has basically been set up where there is something wrong with them, and that isn't the case. As far as what is going on here, we are involved with it whether we like it or not, we don't have a choice. The State water laws are tough on culinary, and especially on sewer. If you have a system in place here, no matter who is the body politic, if you start getting leakage and you start having ground water problems, it will come to the Town. The penalties for something like a leaking sewer system that affects ground water are unbelievably hard. Personally Nate is right; I don't believe this is something you can hand off to somebody which means we have to be ready to take the full responsibility of doing it.

Town Council continued to discuss it.

Councilmember Stirling, Councilmember Roberts and Councilmember Sheltman recommended the Town be the body politic.

Commissioner Stirling asked Commissioner Roberts what the agreement was that expired with Ash Creek.

Commissioner Roberts, the agreement was for treatment of waste water for Leeds and continued to explain it.

Town Council continued to discuss it. The topic will not go on the agenda again until Town Council discusses it with the Town Attorney.

#### 10. Citizen Comments:

Mitzi Butler, I have been trying to figure out this septic problem since it came up and my recollection was we had a series of meetings a while back, and the little sewer house systems on each lot, or a larger one for development got voted down. Is that a correct statement?

Commissioner Blake, that is correct, because we didn't have the knowledge, somebody in our Town did not have the knowledge to approve that system, that is why I keep bring up Alberta Pace.

Commissioner Sheltman, we didn't have any Ordinances in place for sewer plants.

Commissioner Blake that is what we are working out now.

Mitzi Butler, so the potential to have little sewer houses is still on the table.

Commissioner Sheltman, it could be.

Commissioner Blake, there are hundreds of options out there, not necessarily little houses.

Mitzi Butler, I am just worried about a total electrical failure with the pumps.

Mitzi Butler continued to discuss it and recommended doing research on a specific system.

Angela Rohr, requested updates on fire service.

Darryl Lewis, stated he thinks it would be helpful to know that Ash Creek is a commercial enterprise that needs to make money. He encourages Town Council not to give that responsibility away. If Ash Creek was to be the body politic, they would want bonds and that is what the Town could be doing.

Mayor Peterson, replied Ash Creek is a special service district and continued to discuss it. Darryl Lewis, stated they are being funded from their services; we are funded by taxes and discussed it further.

11. Staff Reports:

Mayor Peterson indicated he was contacted by Silver Pointe Estates this morning. They brought over to our engineering, Sunrise Engineering, a proposal where Ray Crosby spoke to Rick Sant, and there is a joint proposal they are looking to put forward with regard to the road coming out where it was originally proposed, but passing through a portion of BLM land and Ray Crosby's land. They are going to review that with Sunrise to see if it meets the Town requirement for radius and like for a road. That is something that is likely to be on the March 28<sup>th</sup> agenda if they get the response promptly. I will circulate that with the BLM easement that would be needed there.

Mayor Peterson, I attended a planning commission meeting for the County. What came up was a 6 lot subdivision that was going to have individual waste water treatment. Four of the lots tested positive from a perk test standpoint, two did not, so they would not be able to build on those two. They have a parcel somewhere near the Leeds Cemetery that I will be following up on where it is.

Mayor Peterson, fire district is finishing up their fire station. It is a joint station with Washington City

12. Closed Meeting

13. Adjournment:

Mayor Peterson adjourn the meeting.

Time: 8:31pm

APPROVED ON THIS 28<sup>th</sup> DAY OF March, 2018



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder