

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, February 27, 2019

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, February 27, 2019 at 7:00pm. 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.

### **Regular Meeting 7:00pm.**

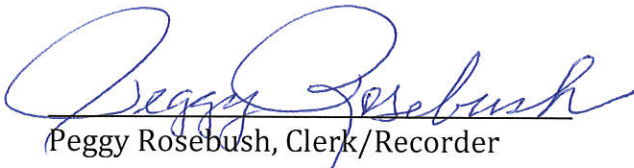
1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting Minutes of February 13, 2019
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
7. Public Hearings:
  - a. CIB Planning Grant Application
8. Action Items:
  - a. CIB Planning Grant Application
  - b. Discussion and possible action on 3 Change Orders for Main Street Curb & Gutter Project
9. Discussion Items:
  - a. Silver Eagle/Millennia Wastewater Proposal
  - b. Short-Term Rentals
  - c. Fines and Forfeitures
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 February 21, 2019 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).**



Peggy Rosebush, Clerk/Recorder

# Town of Leeds

## Town Council Meeting for Wednesday, February 27, 2019

### 1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, February 27, 2019 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 Councilmember Roberts.

### 3. Declaration of Abstentions or Conflicts: None

Craig Hall, Town Attorney, joined the meeting via telephone

### 4. Approval of Agenda and Meeting Minutes of February 13, 2019:

Councilmember Sheltman moved to approve tonight's agenda and Meeting Minutes of February 13, 2019. 2<sup>nd</sup> by Councilmember Roberts. Motion passed in a Roll Call Vote.

#### ROLL CALL VOTE:

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

### 5. Citizen Comments:

Lynn Potter said at the last meeting he spoke about an idea he had regarding the short-term rental problem and how to make it function. He said previously he said to base it upon the size of a person's property. I have had another thought that I think would be better. Base it upon the number of people they can have on the size of the person's property. If they have a half acre, maybe 1 person; 1 acre, 2 or 4 people. You cannot have 30 people to show-up on a 1-acre parcel. Make it progressive. This way you would have some control over it and it is defined and part of their license. I think this way is fair to the people and their property rights, and to the people next door.

6. Announcements: None

7. Public Hearing:

Mayor Peterson said we had a Public Hearing back in June. The CIB did not want to hear our application within their 6 month window where a Public Hearing is considered still valid. We are now on the agenda for the first week of May, but we have been requested to have a new Public Hearing on a revised CIB Planning Grant Application that basically updates the date on the application. At this time, do I have a motion to open the Public Hearing on the CIB Planning Grant Application?

Councilmember Roberts moved to open the Public Hearing on the CIB Planning Grant Application. 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

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

a. CIB Planning Grant Application

Mayor Peterson asked is anyone from the public would like to comment on the CIB Planning Grant Application.

No one responded.

Mayor Peterson asked for a motion to close the Public Hearing on the CIB Planning Grant Application.

Councilmember Roberts made a motion to close the Public Hearing on the CIB Planning Grant Application. 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

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

8. Action Items:

a. CIB Planning Grant Application

Mayor Peterson said this needs to be updated due to the date. He asked if there is a motion to approve the CIB Planning Grant Application that is for \$35,000. It will be matched by a Planning Grant from the MPO that is still in force and the Town will be putting up \$1,000.00 so that neither party will have a controlling funding of the actual process. He asked if there is a motion to approve the execution of the

CIB Planning Grant Application.

Councilmember Sheltman made a motion to approve the execution of the CIB Planning Grant Application. 2<sup>nd</sup> by Councilmember Roberts. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

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

b. Discussion and possible action on 3 Change Orders for Main Street Cub & Gutter Project

Mayor Peterson said we have with us this evening the engineer, Josh Nowell. He asked Josh to go through the change orders one at a time and we will resolve them one by one.

Josh Nowell with Ensign Engineering, the design firm and engineering firm. Interstate Rock, the contractor for the project, is requesting these change orders. Change Order No. 001 is for the asphalt square footage above the estimate and the valve can adjustment height. We approached the south side of the project and there was a little more asphalt needed to complete the project. The asphalt amount is 701 square feet more which came out to be \$2,890.18. To raise the valve can is \$355.00. The total for Change Order No. 001 is \$3,245.18. Change Order No. 002 is requesting 2 additional drive approaches that were installed. There were some discrepancies on what is a drive approach and what is not. The total for installing 2 more drive approaches is \$2,900.00. Change Order No. 003 is for additional labor and materials for block wall including steps. Initially, the block wall was not in the estimate. You asked Interstate Rock for a price to install the block wall. The original cost was \$4,253.00 which was approved by Town Council. This did not include the steps. The total for Change order No. 003 is \$4,499.00 which is a \$500 increase from the previous estimate for the steps. The total for all 3 change orders is \$10,242.94.

Mayor Peterson said he would like to add, and correct him if he is wrong, adding these change orders in still keeps the project under the total amount that was originally budgeted that UDOT had approved financing for. He asked if this is correct.

Josh Nowell said it is correct. We have a UDOT Grant, which is a co-op program, for \$102,100.00 of co-op with the Town contributing \$60,000.00 of their own money. In addition, we were able to secure the Safe Sidewalk Funding package through UDOT which is an additional \$37,500.00. The total project cost is \$199,600.00. If you take away the engineering fee, it leaves you \$175,770.00. The total that Interstate Rock is requesting is \$173,920.44 which is a difference of about \$1,800 and some change. We are \$1,800.00 and some change under budget. If this was a grant/loan split, you would use your loan money first and then you would use your grant money. You would spend your \$60,000 first and then you would spend the rest of the grant money. If there is any money left over, you would give that portion of the money back to the funding agency. The Town will be giving back about \$1,849.56.

Mayor Peterson asked Council if they have any questions or comments.

Councilmember Roberts asked if we were going about this backwards. The work is completed. A change order would come into play before the work is ever completed or even started.

Josh Nowell said right. There were a couple of items that they jumped the gun on. Had we gone about this the correct way, I am almost certain that the 2 drive approaches would have been approved. But, yes, I do agree. For the asphalt portion of the project, the width of the road down at the south end was actually wider, and we had to add an extra foot for a certain length. We knew there would be some discrepancy there.

Councilmember Roberts said he can see why you could not hit the asphalt right on. He asked if each property has 1 drive approach or is there more than 1 approach at some properties.

Josh Nowell said there are more than 1 approach at some properties. UDOT's standard is 1 drive approach for each property. This is the rule, but not without exception.

Councilmember Roberts said properties that are already established are going to be a little cautious about standing their ground.

Mayor Peterson said in one instance, there is a structure that was built straddling 2 parcels and there is 1 approach for each parcel.

Councilmember Roberts said we had a previous discussion on the wall and the steps going to it. It was my understanding the property owner would foot the bill for the steps. There was never an established path there.

Mayor Peterson said that message was relayed the following morning after Council voiced their opinion. I did have a meeting with the contractor at Town Hall and they thought that the drop-off was going to be too severe and they were concerned about the threat of a lawsuit. I shared with them that a threat of a lawsuit is nothing new and I was a little surprised that would be the basis for making that kind of change. I do think it sets a very bad precedent to pay for steps on someone's property, when I believe it was that person's responsibility. I think it would be perfectly reasonable to say to the contractor you are more than welcome to contact that homeowner and see what they would like to do at this point after the fact. I do not think the Town of Leeds should be doing it. This is the reason I asked for these change orders to be split out into 3 separate ones because in my view they had different attributes and different aspects to them. I thought it might be easier when it came time to take action not to lump them all together. One consideration that I suggest we keep in mind is that I would not be inclined to approve it at least without a condition on it that should UDOT determine they are not acceptable and they are not going to provide the funding for that portion of the project. This is more than a little bit backwards that they came to us afterwards, and I am disappointed with it, in particular we did have the one change order for the wall to begin with. Going forward I will let a contractor know that there is no discretion and that they absolutely have to come to Town Council if they want to make a change to the actual contract that we have. With that being said, are there any other comments or questions from Council at this point regarding the 3 change orders?

Councilmember Sheltman said he agrees on the steps. That was something we set up front, but it is not a lot of money. It was agreed and voted on that the property owner should cover this. It is nice having these after the fact because it puts us in control. He said he remembers Interstate Rock was considerably less expensive than the next closest bid and they bid it pretty low.

Josh Nowell said it was low.

Councilmember Sheltman asked Josh Nowell if he remembers the difference.

Josh Nowell said it was about \$20,000 to \$25,000.

Councilmember Sheltman said this might be part of the reason, but it would still be the lowest bid even with adding on the change orders. I think other than the \$500 for the steps, I personally do not have a problem with the other numbers.

Mayor Peterson asked if he would agree with the concept of approaching the subject with UDOT. I would not want to be paying 100% when we are paying 30% of the cost of the project.

Councilmember Sheltman said he agrees.

Mayor Peterson asked Councilmember Roberts for his thoughts.

Councilmember Roberts said he fully understands Change Order No. 001 and No. 002. We had a discussion and came to an agreement on the steps, but it is not a large amount of money.

Mayor Peterson said at this point it sounds like it would be appropriate to request a motion if you do not mind voting at the same time to approve Change Order No. 001, approve Change Oder No. 002 and to deny Change Order No. 003.

Councilmember Roberts said to make it conditional on Change Order No. 002.

Mayor Peterson said Change Order No. 002 is subject to UDOT being willing to fund the project that involves the 2 drive approaches.

Councilmember Roberts made a motion to approve Change Order No. 001for \$3,245.18; approve Change Order No. 002 for \$2,900.00, with a condition that UDOT approves the specific changes and will incorporate this into the project; and deny Change Order No. 003 for \$4,499.00. 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

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

9. Discussion Items

a. Silver Eagle / Millenia Wastewater Proposal

Mayor Peterson said he shared the letter and agreement from the Water Conservancy with Council before

the weekend via email. The agreement was approved by Town Council at a September 14, 2011 meeting. There were also some minutes that I included so you could understand what was being thought about it at the time it was being put into place. He asked if there was a representative present. We do not have a representative, I apologize for that.

Richard Jex said he works with Dan Jones.

Mayor Peterson asked Richard Jex if he would like to share anything at this point and time before we have a Town Council discussion. There will not be any action tonight. We prefer to have a discussion on these types of things. If there is any action, it would be at a future meeting. He asked if there is anything beyond what I have described that you think Council needs to be aware of before our discussion.

Richard Jex said Dan Jones asked him to attend to explain the type of system being proposed.

Mayor Peterson said what he thinks they should be discussing this evening is Item 7b from the agreement. There are a lot of other considerations with regard to this project. The overall document that was approved has 21 pages plus the exhibits. I would want to highlight that what we are discussing tonight is the wastewater situation. I think since we have members of the public here, I would like to share with you the paragraph regarding specific rights and responsibilities for the sanitary sewer service and facilities. He read aloud Item 7b of the contract. He said this is the issue that we are needing to discuss tonight to provide some input. As I read it, it says first there could be a system that could be dedicated to the Town if the Town was willing. If the Town did not choose to have that take place then there could be another entity that would serve as the body politic and if neither of those was possible then the Town would agree to serve as body politic providing that they were satisfied to the financial viability of the proposed solution. He asked Craig Hall if he agrees this is reasonable focus for discussion this evening.

Craig Hal said absolutely. He said there are the 3 options you can address tonight.

Mayor Peterson asked if Council agrees.

Councilmember Sheltman said we have gone through this before. We are talking about the issue of body politic, but just as important is what are these systems and, as a Town, how do we oversee the process. He asked how do we put requirements in place, how much room on a lot do you need for one of these and what standards do we put in place based on Rule 317 which is the State of Utah Sewer Regulations. That would have to be part of this when we discuss it. He asked would we not have to do this first before we proceed on this. If we decide to be the body politic, it would help to know how much responsibility we would have doing it. If we are going to oversee it, we should oversee it all the way. Since the Town is responsible for it, no matter who the body politic is, it would come back on the Town if there were some kind of problems. A lot of maintenance will need to be done on it and there are a lot of State regulations which increase weekly. He asked Craig Hall if there is any agreement that is actually signed.

Craig Hall said no, not that he is aware of. It was approved by former Council on September 14, 2011. The minutes were in the email that the Mayor sent to you over the weekend. He said he is not aware of any signed document or any recorded document with Washington County.

Councilmember Sheltman said the agreement is not dated, signed or notarized and it was not filed with the County. He asked if this is correct.

Craig Hall said this is his understanding.

Councilmember Sheltman said that was the night we ended up with a new Mayor. The Mayor we had in place was moving and it is his name on the signature line. At the time this was voted on, he was no longer the Mayor. He asked if this has any effect on what we are discussing tonight as far as the legality of the agreement.

Craig Hall said he does not think so. If we go back to 2011, and if the agreement of 2011 is the same agreement before you tonight, and I assume it is, you can rely on that document or sit down with the developer and say we have these questions. Is there a need 8 years later to revisit the terms and conditions of the document? However, they are entitled to rely on a document. Maybe ask Mr. Jex or the other gentleman involved why wasn't it completed 8 years ago.

Mayor Peterson asked Richard Jex if this was news to him.

Richard Jex said he was not involved back 8 years ago. He said most recently he has gotten involved to provide recommendations on a sewer that would meet the qualifications of Rule 317 and that would meet the standards and be in compliance with what your District looks for in nitrogen protection.

Councilmember Roberts said he understands what Councilmember Sheltman said, but the Town, in an open public meeting, looked at this document and a Council agreed to accept this document. In my opinion, that binds the Town to this document. For the actual signature not being there, is this legally binding or not? The condition of that motion probably was not based on we do not accept this until an actual signature is on it.

Councilmember Sheltman said if there are no signatures on it and it is not notarized, how do we know this is even the document that was voted on? The minutes do not go into that kind of detail. This is the reason I am bringing it up. I just wanted to put this on record so in case it comes up later.

Mayor Peterson said if he could just clarify one thing about the document that was distributed. It is the document that was included in the meeting file. We do have a good sense that was the draft that was there.

Councilmember Roberts said he would like to know what our attorney thinks about it.

Craig Hall said what he is relying on is the email sent out over the weekend, including the document, the motion and the minutes. If it is the Council's desire, we could go back to Heath Snow who drafted the document and see if his file reflects that the document in our hands tonight is the same as the final document that he prepared 8 years ago. We can do some additional due diligence if it is the desire of the Council. This agreement does have a lot of obligations on all of the parties, especially the developer. He asked if it would be best if we did a work session with the developer so we can get a sense of where we are in 2019 versus where we were in 2011. He asked if it would be worthwhile to spend an hour with the developer. He said he has a little apprehension about going forward on an 8 year old document when I assume none of you were around.

Mayor Peterson said he was at that meeting as a member of the public.



Councilmember Sheltman said he was not on Council at that time.

Mayor Peterson said there is a Clause 31 that says the Town may review progress pursuant to the agreement once every 12 months. He read aloud Clause 31. He then read the definition for Default. He said he does not disagree with the idea. The only question that I have is for the person involved with the design of the system. He asked Richard Jex to give an overview on the system.

Richard Jex said he works as a wastewater engineer and he has worked with the manufacturer and the sales distributing company in Utah for about 14 years. I have worked on several projects that have used this process. Richard Jex gave a detailed description on the proposed system, including information on monitoring and maintaining the nitrogen level.

Mayor Peterson asked if there are any other questions from Council.

Councilmember Roberts said the first thing to decide is if we consider this agreement valid then we can have further discussion on if the system being presented meets that particular paragraph. If we do not see that this document has validity, then there is no sense in having any more discussion.

Mayor Peterson asked for Craig Hall's point of view towards the recommendation of having a work session with the developer to look at the agreement in its entirety at this point.

Craig Hall said this is his recommendation. It has been 8 years, you need an update to see where they are.

Councilmember Roberts said he assumes this action coming forward is because there are timetables built into the agreement. The developer wants to meet the timetables so he does not lose what he considers vested interest. But he has real vested interest, he should probably have a sit down with the Town and have more dialogue.

Craig Hall said if you want, I can do some more due diligence with Mr. Snow and find out what recollection, if any, he has.

Mayor Peterson asked if Council would like to instruct Craig Hall to actually pursue this and to investigate a little further the former Town Counsel, Mr. Snow. And then also, do we want our attorney to contact the developer to see about setting up a work session at a future Town Council meeting.

Councilmember Sheltman said it would be helpful. I have concerns about it and it bothers me that we do not have any record of it being officially signed off on.

Councilmember Roberts said he is supportive of it.

Mayor Peterson said that he, too, shares the idea. He asked Craig Hall to pursue contacting former Counsel, Mr. Snow, and then make contact with the developer. Once you have had these discussions, we will need to figure out what would be the appropriate amount of time. I presume we will do it prior to a Town Council meeting and setting up an early start for that.

Craig Hall said he will be in St George on the 28<sup>th</sup> but could come a day early if we want to do it at the Council meeting on March 27<sup>th</sup>.

Mayor Peterson said he thought this is a reasonable timetable to try to pursue. He asked Council if they plan on being here on March 27<sup>th</sup>. He said we do not want to under estimate the amount of time needed. I think 5 PM would be the best time. He asked Council if they agree.

Councilmembers Roberts and Sheltman both said they agree.

Mayor Peterson said to aim for 5 PM on March 27<sup>th</sup>.

#### b. Short-Term Rentals

Mayor Peterson said at the last meeting we agreed he would follow-up with a few other Mayors and our Counsel was going to check with St George. I spoke with the Mayors of Ivins and Santa Clara. They both said if it is in a designated zone, it is the only way it works. A zone needs to be dedicated prior to the building of that particular zone. I asked them about compliance cost, and they said very low with respect to the dedicated zone and that almost all of the compliance costs were associated with illegal renters elsewhere in the communities.

Craig Hall said he spoke with the St George City Attorney. They have some dedicated zones, but most of their problems come from the short-term rentals in the non-dedicated zones. Compliance is very high in the dedicated zones and compliance elsewhere is problematic. They do a lot of knock and talk based on complaints.

Mayor Peterson said he thought it was said that we would wait until March to bring this up again. He said if Council has nothing else to add at this point, I would like to suggest we have this on the March 13<sup>th</sup> agenda as a discussion item.

Councilmember Sheltman asked Craig Hall who does the enforcement.

Craig Hall said they actually have a police officer who does compliance. If it is a nuisance call like a wild party, it is usually code compliance. On occasions, they will have the police department do it.

#### c. Fines & Forfeitures

Mayor Peterson said we had some suggested penalties that were put forward by our attorney and his associate at the last meeting. There is a proposed ordinance for adoption. There will be no action tonight, but it is for additional discussion tonight. One member of Council wanted to think a little bit more about it and expressed some concern with the potential severity of some of the penalties that were being proposed. He asked Craig Hall if there is anything he would like to add.

Craig Hall said it is self-explanatory. It is my suggestion that we not fiddle with the provisions that are regurgitated from the State Code for fines, forfeitures and penalties, but as we go through our codes, non-compliance program and creation, we can identify which offenses are infractions, which are Class C and which are Class B. I would prefer it that way instead of changing what I consider the base ordinance or the base structure.

Mayor Peterson asked Council for their thoughts.

Councilmember Sheltman asked if it would be possible to post this publicly so the people will know this is

what is on the agenda.

Mayor Peterson said he thought we could make it available and I think we should have one more discussion, and then as things progress, move it onto action at the second meeting in March. I will have our Clerk make this available on the website, the actual fines and forfeitures that were proposed at our last meeting, and the additional language here for the ordinance that is being proposed here tonight. We can get that out so people will have the opportunity to voice opinions on March 13<sup>th</sup> before we take any action which, at the earliest, would be March 27<sup>th</sup>.

#### 10. Citizen Comments:

Angela Rohr said a 90% reduction in nitrogen is a lot more fundamental than what we have looked at in the past. I was wondering what the name is of this particular system that gives this kind of reduction. I am thinking that Silver Eagle was more like half acre or smaller lots. A 90% reduction seems like it would take 9 acres, 9 one acre lots, to meet that kind of reduction. I am curious about the name of it. She asked how effective would this system be if 10 years into the project instead of 70 homes contributing to the system there were only 10. She asked if this would be a non-functioning system if it was not getting the appropriate amount of effluence.

Mayor Peterson said we could revisit this at the work session. He then asked Richard Jex if he has this information.

Richard Jex said the technology is actually a combination of 2 different manufacturers' products. The core treatment system is Orenco Advantex, but within that is a 2-stage system with chemical feed to drive some of the processes and the polishing stage is a technology from a company called NR. He gave more detailed information on how the treated water is run through to complete the process of removing the nitrogen. He said there are a number of systems installed that achieve similar results. There are several wastewater technologies that are designed for capacity, but then they under perform when they have lower flow rates. This particular technology works just as well and achieves results in an under-loaded condition. If this were the case, you could probably do servicing once a year instead of 4 times a year. If the activity is reduced, the treatment is still achievable. There is a system outside of Mesquite in Scenic, Arizona, that test fired a similar configured system. It was designed for 30,000 gallons a day, but they ran 500 gallons a day through it because there was only 1 spec home and it was able to perform.

Kevin Lee said this is right next door to his property. He asked if each of the units filtrate at each house or does it all collect at a plant and does the plant have moving parts like motors and aerators in it. I have second hand information as to why they have put it off for so long. They have been pursuing a lot of different options and this has been one of the big factors as to why it has gone on for 8 years.

Mayor Peterson asked Richard Jex if he can answer these questions. He asked if this system is for individual homes or is it a central processing.

Richard Jex said the system is split. Part is at the house and part at the plant. The technology can go either way. There is one configuration where you could have part of the system on the lot and then at a central plant. The proposed design being discussed now is regular gravity collection to a centralized location. The one exception to that is they have looked at possibly gravity flow to one point and then having a lift station to move it to a more appropriate spot for the treatment plant. They would need enough acreage for the treatment plant. They would need 4 or 5 acres for the system.

Kohl Furley with the Hurricane Fire District said they are currently at 478 calls for service this year. They are in the process of repairs and remodel of Station 43 located in LaVerkin. And they are in the process of refurbishing an ambulance, a brush truck and a staff vehicle. Burn season is from March 1st to May 15<sup>th</sup>. He said you can access the burn regulations on their website or you can call them. He said they fall under the State regulations for burning. It is regulated by the Department of Environmental Quality & Air Quality. There is no fee for burning. However, if you burn illegally, and a law enforcement officer comes out, there may be a fee for illegally burning or negligent burning.

#### 11. Staff Reports:

Mayor Peterson said we do have an individual who is looking to get a business license for an RV rental company. The rentals would be delivered to parks in the area. We do permit sales and service of RVs in a commercial zone. He said he was wondering if Council is comfortable with administratively approving the rentals instead of selling them, but they would not allow, as stated in their application, anyone to stay in them at the actual office site which is in the Silver Mining Marketplace shopping center. And storage would be behind it and would not take up any of the parking out front.

Councilmember Roberts said he does not have a problem with it as long as it is clear that no one is occupying that site. It is not a trailer park.

Councilmember Sheltman asked if he could get more details on it.

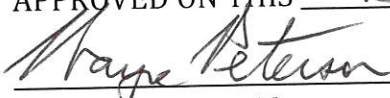
Mayor Peterson said it is just grey enough that I wanted some input from Council on it before treating it administratively.

#### 12. Closed Meeting: None

#### 13. Adjournment

Mayor Peterson adjourned the meeting at 8:10 PM.

APPROVED ON THIS 13<sup>th</sup> DAY OF March, 2019.

  
\_\_\_\_\_  
Wayne Peterson, Mayor

ATTEST:

  
\_\_\_\_\_  
Peggy Rosebush, Clerk/Recorder