

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, September 9, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, September 9, 2020 at 7:00pm. This will be an electronic meeting.

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

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Town Council Meeting

Time: Sep 9, 2020 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89236007070?pwd=bENHekFDVnNIM290NGFmYTR2d1dVdz09>

Meeting ID: 892 3600 7070

Passcode: 293858

One tap mobile

+12532158782,,89236007070#,,,,,,0#,,293858# US (Tacoma)

+13462487799,,89236007070#,,,,,,0#,,293858# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 892 3600 7070

Passcode: 293858

Find your local number: <https://us02web.zoom.us/j/89236007070?pwd=bENHekFDVnNIM290NGFmYTR2d1dVdz09>

Regular Meeting 7:00pm.

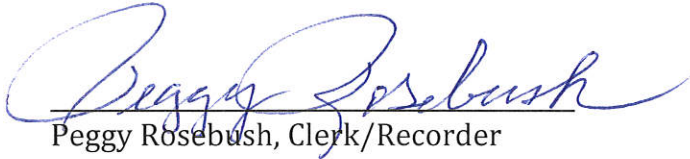
1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of August 12, 2020
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. BluCan Opt Out Window: September 1 – November 30, 2020
 - b. Dumpster Days September 18-20

7. Public Hearings:
8. Action Items:
 - a. Discussion and Possible Action Regarding Main Street Storm Water
9. Discussion Items:
 - a. Preliminary Development Agreement, Silver Eagle Estates, Changing Number of Lots From 82 to 16
 - b. Update on Variance Hearing
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. Roll Call Vote to close electronic meeting

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 September 3, 2020 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.leedstown.org.



Peggy Rosebush, Clerk/Recorder



Town of Leeds

Electronic Town Council Meeting for Wednesday, September 9, 2020

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, September 9, 2020. This was an electronic meeting.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: LORRIE HUNSAKER	_____	x
COUNCILMEMBER: STEPHEN WILSON	x	_____

2. Pledge of Allegiance: Mayor Peterson

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Roberts moved to approve tonight's agenda and meeting minutes of August 12, 2020. 2nd by Councilmember Wilson. 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: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments:

Doris McNally said I want to ask a follow-up question regarding some things that came up in the July meeting. At that time, this was under discussion regarding Land Use Ordinance Chapter 19 Historical. There were some comments in that meeting about how Natalie Nelson was approached by Mayor Peterson and she gave some assurances that she would have within 4 weeks some kind of complete work on what they were doing and I would like to get an update on this. And also see where we stand on a rezoning or whatever is being discussed at this time. I would like to have transparency on what might be going on.

Mayor Peterson said I have followed up repeatedly with Natalie, but unfortunately, I do not have any new information from her. At the last meeting it was mentioned that the Commissioners were interested in

having her look into a historic district which is a specific type of entity that does exist in the State of Utah. She was going to follow-up with some information on how they would see that structured. I will certainly continue to follow-up and hope that we might have something by our next meeting on September 23rd.

Doris McNally said just to be more specific, in the approach that is being taken relative to this topic and also relevant to the ordinances that would be surrounding the area., in the minutes it refers to the Mayor's comment ... this is relevant to the sound and resurrecting the gunshots. I would like to know where those stand because there have been some drafts and I would like to know what is going on with that and if there is any information.

Mayor Peterson said there has been no further discussion with Council. At the time we last discussed it, we were waiting to hear back from the County as to what direction they are comfortable with. They came back with the idea of a historic district. We are waiting for further discussion on Council level.

Doris McNally said the people in the area would like to hear what is going on and, hopefully, be a part of discussions that might be going on relative to this.

6. Announcements:

a. BluCan Opt Out Window September 1 – November 30, 2020

Mayor Peterson said the blu-can opt out window is September 1 thru November 30. Thanks to Peggy and Aseneth, they worked very hard to make sure we got out to the existing people who have blu-can service the opt out information. If you are currently opted out, you do not need to re-opt out. You can always opt in at any time. If you want to opt out, you have this one time 90-day period to do so. We will be looking to make sure as we get closer to the deadline that plenty of information is posted at the Post Office and posted on the bulletin board at Town Hall.

b. Dumpster Days September 18- 20

Mayor Peterson said our next dumpster days will be September 18-20. The dumpsters will be on Cherry Lane again.

Councilmember Stirling said I just wanted to bring to your attention that Councilmember Hunsaker has joined the meeting.

Mayor Peterson said thank you for highlighting that. Councilmember Hunsaker had technical problems. She joined the meeting at 7:09 PM.

7. Public Hearings: None

8. Action Items:

a. Discussion and Possible Action Regarding Main Street Storm Water

Mayor Peterson said I did have the opportunity to discuss this matter with a representative from Zions Bank Finance. They shared with me that they, too, would require that we have bond counsel. That is a State requirement. Anyone we would get a loan from would require it. They also indicated their interest

rate would be 2.5% to 2.7%, as opposed to .5% from CIB, plus the \$15,000 in fees and bond counsel. I have looked to other jurisdictions and municipalities and asked what thoughts they may have. CIB is where I got pointed back to. I was asked at the last meeting, to look for any other available grants and to look into other financing options. The answer to that is that we do not seem to have any, at least I have not been able to uncover any. The other thing that I would highlight is that there was a comment made at the last meeting regarding being mindful not to take down all of our cushion with regard to excess funds. One of the things we have is called accumulated surplus which has a maximum. This is something calculated basis the previous year revenue. That amounts to about a little over \$200,000. The Town does have that. The reason we have been using the capital improvement fund is in order to be able to utilize it for projects and not have a situation where we are carrying accumulated surplus beyond what the State permits. With that, we do have some additional money should we have some unexpected emergency. We would not just be relying on the capital improvement fund. The one option that I see, the most reasonable from a financial standpoint would be to consider using the capital improvement funds and to take advantage of UDOT's willingness to participate at the level they have at this point to allow us to undertake the project at a cost of about twenty-five cents on the dollar. We would need to re-open the budget and that is why it cannot be done at this meeting. And we would need to put the money in to accommodate that. We were originally planning on \$12,000. It would come out at about \$82,000 as a result of the need to come up with the additional funds. Is Council in agreement we should look to re-open the budget and are we in agreement that we should move forward with this project?

All Councilmembers agreed.

Mayor Peterson said I will go to work on getting things in the necessary format and we will re-open the budget. We will have a Public Hearing on it at the next meeting. I will look to take action on it. Normally, we try to give a couple of weeks in between, but if there is significant public comment on it, if Council feels we should take action on it, we can.

9. Discussion Items:

a. Preliminary Development Agreement, Silver Eagle Estates, Changing Number of Lots From 82 to 16

Mayor Peterson said we have a preliminary development agreement with Silver Eagle Estates. They have asked for just a reaction from the Planning Commission and Town Council with a concept that they are considering changing the number of lots that were approved in the preliminary development agreement which was 82 lots. They are now asking, using the exact same parcel, to propose a 16 lot development. They have worked out a wastewater solution where each individual property would be required to have an enhanced system. It would not be a shared system and there would be no body politic involved.

Scott Messel said the applicant contacted me several months ago about the idea of coming back in with the decreased number of lots on the same parcel of land. I did a review and shared my comments back to them. It is a concept plan just to get feedback before they can move forward with preparing everything for a preliminary plat. On one of the lots there was concern about it being a flag lot. They needed to make the cul-de-sac longer in order to adjust the lot line so we have a lot with frontage instead of it being a flag lot. They did make those changes. The Planning Commission was in favor of the proposed changes and they liked the idea of it being less dense rather than higher density. Now it is being presented to Council to get your feedback.

Mayor Peterson said is the next step after getting our feedback would be to expect a formal application?

Scott Messel said correct. A formal application for a preliminary plat. That would begin the subdivision application process, including a Public Hearing and contacting the neighbors within 300 Ft.

Councilmember Stirling said Scott, you asked questions about Lots 5 and 6. Is that correct?

Scott Messel said yes, and they responded back.

Councilmember Stirling read excerpt from Scott Messel comments and the Engineer's response. In response to Lot 6, I have never seen the Town turn into the developer. Our Land Use Ordinances do not plan for the Leeds municipality to be the developer. Our ordinances basically provide guidelines. The body politic should not participate in a right-of-way. It is not the Town's responsibility to provide a right-of-way. That is the developer's responsibility. Even though the Fire Code states that you can have only one access for 29 lots. We should demand having that second access. The body politic should not participate in any way securing that for the developer.

Scott Messel said developers need to do the improvements on roadways adjacent to their parcel with frontage on their parcel. For offsite, if it is something important enough to the municipality, there may be a reason for the municipality to want to work with them on making that improvement.

Mayor Peterson and Councilmember Wilson discussed the location of the proposed project.

Councilmember Roberts said we have had a lot of discussions in the past about this property. It went quite a way as far as preliminaries even to the point of a Phase 1. I cannot remember the number of properties included in Phase 1. In that Phase 1, they had to establish a finished cut on that hill and get that fully developed. At the time, we were unwilling to let them go any further than that based on a secondary egress into that property. That has been a battle on that property for a while. It had been presented to the Town that they had a secondary egress. We need to make sure the developers know that we are very much going to hold a secondary egress into that property. They can cite fire codes all they want. I am supportive of the concept, but the location of this property needs a secondary egress.

Councilmember Stirling said it is my understanding that a couple of years back they were given a will serve letter from LDWA. Is that something we want to include somehow that we approve LDWA in servicing this at least in the preliminary parts of their review?

Councilmember Roberts said the conversation that took place during the Planning Commission meeting, the representatives of the developer disclosed that they have a will serve from Washington County Conservancy also. I do not think it is the Town's position to steer them one way or the other on a water service that services their property. That process should take place how it may. The other thing that I am not understanding is, Mayor, when you said each property would have its own onsite wastewater, it was my understanding it would be a collective system because of the size of the property. Maybe I misunderstood that.

Mayor Peterson said we can certainly double check with them. It was my understanding that they would each have an Orenco type system that would service each individual parcel and that Washington County Conservancy would be satisfied even though the lots are not 9 acres each.

Scott Messel said that was my understanding as well. When they submit the application, we need to make sure that whoever is serving it meets the requirements and we need to make sure they have enough water and means to handle waste water before we give them any vesting with an approved preliminary plat.

Councilmember Stirling said one thing that I would like to bring up is as a Town we absolutely should steer all new developments to LDWA because in the meeting that the Mayor and I went to with Washington County Conservancy, they specifically said they did not want us to have a patchwork system of water. This is in the LDWA service area. The LDWA service area is anything within the municipality of Leeds. They do have enough water to service this. Our municipality does not have any infrastructure, any extra funds to maintain a system for 16 homes. I think it is important that from here on out we need to be the Town that steers all new developments to whichever water source we would rather have them with. Anything that goes through the County will fall back on the Town sooner or later. I do not think we have the funds at this point to handle that.

Mayor Peterson said they did indicate that they are not looking for a patchwork. The agreement that the Town has with them says that where there are infill lots that are surrounded by areas serviced by LDWA, it was fully expected that LDWA would provide the water. The indication that they gave was if for some reason that was not possible they would consider providing water. This is not an action item tonight. I will look to speak with Washington County Conservancy to find out what, if any other, will serve letters have been issued at this point. They indicated in the meeting that they are willing to contact us in the future before issuing a will serve letter.

Councilmember Roberts said Danielle, I do not disagree with what you said. My reluctance with solely going with LDWA, and as a shareholder of that company, that company has filtered any type of development here in Leeds. So, whether it is Angell Springs or the Conservancy, as a shareholder of LDWA, I think it is in LDWA's best interest to utilize the water they have available. The more people who connect to it the better it is for the entity itself. As Town Council, we have to understand that is a private water company. The thing that I want developers to understand is if there is water out there available, it is not the Town's position to dictate where it comes from if there are multiple entities that can provide the water.

Councilmember Stirling said I understand, but I think it is absolutely the Town's job because we are the water purveyor at this point which dictates whether or not we can say yes or no to anyone who comes in for a review. I think that LDWA has enough water to be able to service new development in general and then it does not put the burden on the municipality who does not own any of the infrastructure. And everyone who is a shareholder should not be subjected to the dues and upcoming additional fees. The Town should come up with some type of process to be able to say this is the service area for LDWA and future developers need to first come to us before Washington County Conservancy because the agreement is between Leeds and Washington County Conservancy, not individuals who want to develop in Washington County. I think that is where the problem has been in the past. If we mix the water in any way, shape or form, every single LDWA shareholder will have to start paying the same amount into Washington County Conservancy. Right now, we do not have to. There is a fee that everyone will have to start paying if we do mix it. I do not think the shareholders of LDWA should have that burden on their back.

Mayor Peterson said they did say there will be a user fee that would kick in quickly if we take any water from the Conservancy. As a result, I think they are amendable to not setting that up without having us

determine that it was really the necessary route to go. I would also add that I was contacted by the President of LDWA, and in sitting down with him, he indicated that there were some new conversions that were done in the past year, they now have sufficient water to be able to service this project and other proposed projects. I think we can move forward in terms with the applicant to say they should consult with us about the water and I think we will be consulting appropriately with Washington County Conservancy. In going forward, the developer should contact us before entering into future will serves. I do not think we want it to turn into multiple will serves. Is Council in agreement to have our Planner contact them concerning the comments made this evening regarding the second access and coordinate the water with them? Scott, I think you said they have already addressed the flag lot.

Scott Messel said yes, they addressed the flag lot.

Mayor Peterson said how does Council feel about that?

Councilmember Stirling said Scott, I have one other question for you. In reading some of the other points, it was stated that a lot of the cuts that were done previous to them obtaining this effected the Hillside Ordinance. Do you have any other recommendations for those?

Scott Messel said if cuts were already made, we should look at those individually if it was done outside of the Hillside Ordinance at the time. The cuts and fills that are made now need to meet the requirements of the Hillside Ordinance. We can get with their engineers and work with them to make sure they meet our Hillside Ordinance.

Councilmember Stirling said can you put something in your final review comments about that?

Scott Messel said I can do that.

Mayor Peterson said are there any disagreements on moving forward with this? We will expect to see this at some future point.

b. Update on Variance Hearing

Mayor Peterson said a Variance Hearing was held yesterday with Hearing Officer Meg Ryan. As the hearing was progressing, Meg offered up the alternative which is an ADA accommodation being sought and offered to stay the hearing if the applicant was interested in looking into and pursuing an ADA accommodation. That was the end result of that. There is now a bit of research and some ADA information being forwarded from Meg Ryan that will allow that process to examine an ADA accommodation. Are there any questions from Council regarding that status?

10. Citizen Comments

Kohl Furley said for the August totals in the Town of Leeds, we had 3 medical transports, 8 medical refusals and 2 fires. At this current time, we are at 2,793 calls for service. We are roughly 300 to 400 over what we had this time last year. He talked about other fires and the air quality. He spoke about new HVFD part-time employees and employee education.

Kohl Furley and Councilmember Stirling discussed possible employment with HVFD.

Doris McNally said my question is for Alan, Alan, I am a representative of the LDWA Board, and I am asking this question for information. You made a comment earlier that in the past LDWA has floored the activities of new developments in the area. Could you explain that or offer more information so I can understand? I have not heard that statement before.

Mayor Peterson said Alan, would you like to respond in the public meeting, or do you think a different forum would be better?

Councilmember Roberts said part of me wants to respond and part of me....

Doris McNally said it is not a gotcha question. I am just asking for honest input.

Councilmember Roberts said individuals in the water company in the past have tried to use positions of the water company serving developments as a way of having control or having an influence on some developments. If you want to get into specifics, we can do it one on one, or what I prefer to do since you are on the LDWA Board, I will use this opportunity to say LDWA needs to have more open meetings with their shareholders so the shareholders can have a face to face conversation with Board members of LDWA.

Doris McNally said I think, as other organizations, we have been struggling with the Covid situation. I would like to have a further discussion with you. In the time that I have been involved, I have heard that we have more than enough water and we have been building a really great infrastructure to support the Town. I would openly welcome that conversation, Alan.

11. Staff Reports:

Councilmember Roberts said you mentioned comments early on about the opt out for recycling. I would not discourage anyone from getting into the program or opting out. There will be some changes to come in on the recycling. We still have to look at how soon we will fill the landfill in Washington County. It is still a number of years off, but any opportunity we have to recycle is that much less that goes into the landfill. With that said, recycling is an investment. It is going to cost more that if you put it in a trash can and take it to the landfill. That is where individuals have to ask themselves am I willing to make that investment for the recycling program. The other thing that comes into play is if you moved from one municipality to another one in Washington County, even though you filled out the opt out, with the exception of 2 municipalities who elected to monitor individuals who move in and out, you will automatically be in the recycling program.

Councilmember Stirling said the Mayor and I spoke with the Washington County Conservancy regarding the renewal. We did come up with helpful information to facilitate where we would like to go with water and the easiest way to provide water for our Town. They said they did not want to see a patchwork quilt of water. They want to have the LDWA service area and LDWA cannot service outside of that area. In the next meeting, Mayor, will we have a discussion item? Where are we going on this?

Mayor Peterson said I think what we mentioned at that meeting was our interest was to update if we were going to approve the amendment and also update the agreement to make sure it accurately reflects the relationship between the Town and the Conservancy is going to be. I am not sure that will be ready in a couple of weeks. We can certainly have them come join us at a Town Council meeting when we get to

that starting point so they can share answers to any questions that might come up. Does this make sense to you?

Councilmember Stirling said yes, absolutely. I was wondering if anyone had the opportunity to read through our General Plan especially for Chapter 19. Are we going to come back to that in the next month on ideas for the Planning Commission to reiterate what the original General Plan was? And to update Chapter 19 as well.

Mayor Peterson said I am still waiting to hear back from the County. I did re-read it. I do not read the same thing into it with regard to it referring in anyway to Chapter 19. I do not think it is appropriate to move forward without the County's approval as they are the landowner in this case. It will be a different starting point all together if the County is not in agreement with it. We need to coordinate with them when it involves land that they own. I do not see any action on the next meeting or two. I hope to hear back from the County and will continue to follow-up with them.

Councilmember Stirling said I do appreciate that, but I think because Chapter 19 was named Residential, Commercial, Historical to begin with and then it specifically says "this chapter is in the process of work and will be added when completed" ... if you look at the dates there, as well as our General Plan, I think LoAnne Barnes did a lot of work on this with all of the historical things in Town. If you would let me have LoAnne give maybe 3 minutes of her recollection of what that original General Plan was. If the County is going to go ahead and do a Historical District, would it be a part of the Town?

Mayor Peterson said a district is just as we are a part of the Hurricane Valley Fire Special Service District, just as we are part of Washington County Special District #1 which is solid waste, districts do not mean they it becomes no longer part of the Town of Leeds. I am not familiar with exactly how this would work, and they have not yet put together a proposal. I do not have any information on this at this point.

Councilmember Stirling said I do understand. But I think we do need to move forward on Chapter 19 instead of having a blank page. Mayor, would you give me the opportunity to ask LoAnne what recollections she has?

Mayor Peterson said LoAnne, if you care to share recollections tonight or would you rather do it in 2 weeks? Either is fine by me.

LoAnne Barnes said I would appreciate to have the opportunity to come back to you in a couple of weeks.

Councilmember Hunsaker said the animal ordinance and parking ordinance have gone to the Planning Commission.

Councilmember Wilson said I just want to mention that Valley Road has some water flow issues that need to be addressed. There are spots that have been washed out pretty bad.

Mayor Peterson said we have been doing some work on the ditches along side of the road. Please bring an itemized list to my attention and I will speak to Antonio to figure out what we can do.

Mayor Peterson said there was a Council of Governments meeting. They are continuing to look at the bus service from St. George to Zions. He discussed how they are trying to move forward with this.

12. Closed Meeting

Mayor Peterson said there is a Closed Meeting topic this evening relative to pending litigation. We are looking to meet in a closed session per Utah Code Section 52-4-205. Before I ask for a motion to go into that closed session, Town Council will be convening at Town Hall and will be on a teleconference call with the Town Attorney. There will be no action taken, as required by Utah regulations. I will not be ending the meeting here. I will be muting it on this end, and we will be returning only to take the closing roll call vote and to adjourn. There will be no action taken. At this point, is there a motion to go into a closed meeting?

Councilmember Stirling said I so move. 2nd by Councilmember Roberts.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

The Town Council returned to the public meeting at 9:30pm.

13. Roll Call to close electronic meeting

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

APPROVED ON THIS 23rd DAY OF September, 2020

Wayne Peterson
Mayor, Wayne Peterson

ATTEST:

Peggy Rosebush
Peggy Rosebush, Clerk/Recorder