Town of Leeds

Town Council Meeting for
July 8, 2015

1. Call to Order:
   Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on July 8, 2015, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR		x
COUNCILMEMBER: JOE ALLEN	x	
COUNCILMEMBER: NATE BLAKE		x

2. Pledge of Allegiance by Councilmember Allen.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:
   Councilmember Allen moved to approve tonight's agenda and meeting minutes of June 24, 2015. 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: JOE ALLEN	x			
COUNCILMEMBER: NATE BLAKE				x

5. Citizen Comments: None.

6. Announcements:
   a. Wild West Days, September 11th & 12th, 2015
      Mayor Peterson, Wild West Days are getting close, only 2 months away. The planning meetings are continuing to be held Thursday mornings at 10:00am at Town Hall. Volunteers are welcome.

      Mayor Peterson, I would like to say thank you to Leeds Area Special Service District for the 4th of July breakfast and the contribution to the fireworks.

7. Public Hearings: None.

8. Action Items: None.

9. Discussion Items:

Councilmember Rohr arrived at 7:04pm.

a. Silver Pointe Estates final plat recording, Phase I

Mayor Peterson, the original final map was approved by Town Council on August 22, 2012. At this point it is approaching when it is going to be recorded. We have with us tonight Rick Sant, who is representing Silver Pointe Estates and Rick if you would please present to Council the status of what was approved back on August 22, the current status of the items that were highlighted and the map change that occurred.

Rick Sant had a map of Phase I and discussed the following with Town Council:

Rick Sant, I am one of the owners of the property and Silver Pointe Estates. This is our subdivision as it was approved for 22 lots. The majority of the lots are 1 acre and the ones over here are 2 acre lots. The subdivision was approved as you see it here except for one small change. We revised the road coming down from Phase II; we moved it about 50 feet. Originally the subdivision was approved for 45 lots and then we came back in 2012 and divided the subdivision into 2 parts. The subdivision here is Phase I with 22 lots and Phase II has 23 lots. When we came before the Planning Commission and then Town Council, we divided the subdivision into 2. It was approved, the 22 lots in the first Phase and then we took Phase II with 23 lots and presented it to the Planning Commission and Town Council for preliminary approval. That is the condition that Phase II is in right now. This has been approved and we have come to a point that we think the real-estate market is strong enough that we can go ahead with Phase I of 22 lots.

Mayor Peterson ok, there were 2 issues that the Town Council had raised three years ago. One of them involved the roadway down to Main Street that is a State right-of-way. The other involved a couple of portions of BLM land that went through the Cemetery and also some planned roads.

Rick Sant, that is right, this area right in here is a UDOT easement. They thought the freeway went through here and UDOT was anticipating that in the future this would be an intersection more than what it is and so they have come in and put a UDOT easement within this area. It was not showing on the original map but we show that now, the UDOT easement. The second item was a BLM sliver of land and in order to put our road in on Silverman Drive and Bonanza Flat, we had to get an easement. We have accomplished getting the easement and it is a recorded document that belongs to the Town. We have completed those 2 requirements.

Mayor Peterson ok, Gary if I could just ask, where there is that 50 foot shift of the road, is that something that the Town should have to have as an action item, to approve that modification to the final plat before it gets recorded.

Gary Kuhlmann the Town Attorney, yes you should as a formal action item.

Mayor Peterson ok, I have talked to you about this before; however, I would just like to make sure where the road is not dedicated to the Town, a Public Hearing would not be required for that particular adjustment.

Gary Kuhlmann, no because you are not vacating anything, it only becomes dedicated upon recording.

Mayor Peterson ok, so what we will need to do is put that on as an action item at our next meeting in order to approve the modification to the map.

Rick Sant ok, that will be on the 22nd?

Mayor Peterson, it will be two weeks from tonight, the 22nd of July.
Councilmember Rohr, so it is no longer a BLM parcel?
Rick Sant, it is still owned by the BLM.
Councilmember Rohr, so we are just leasing it.
Rick Sant, I had just mentioned to the Mayor that at one time we thought we could just get that little triangle deeded to the Town, but it was going to take too long to do that. So we just went ahead and did the easement. What happened is there were 2 mining claims on either side and one at the bottom. The 3 mining claims where they went together left a little triangle in there. For some reason the BLM picked it up. What would be the right thing to do and it will take a little time is for the Town to make an application to BLM and ask for the piece of ground to be deeded to the Town.
Mayor Peterson, I believe that where it is part of our active Cemetery that is something that we should look at doing with the BLM. I will look at pursuing that and start the process of getting that deeded to the Town or in some way make it available to the Town on a long term basis.
Rick Sant, the BLM wanted to know why the Town put the Cemetery on their property and I said the Cemetery was there 50 years before you owned the property.
Councilmember Cundick, just to clarify, we are not leasing that property; it still belongs to the BLM. We just have an easement for the road.
Mayor Peterson, we have an easement for the road and also have an easement currently on Silver Reef Road
Rick Sant, they also have a sliver of land right in there that we had to get an easement for to go on and tie that road into the new road.
Mayor Peterson, I would like to try to consolidate the requests to the BLM because I think with that piece of land we should also be trying to get a long term solution, as opposed to just leaving it as an easement. It would make it much easier when doing road work.
Councilmember Rohr, are both Cemeteries Town property.
Mayor Peterson, both Cemeteries are Town property with the exception of the BLM sliver of land. There is also a bit of a land adjustment that will be taking place with regards to this.
Rick Sant, everything in green on the map will be deeded to the Town on either side of the Protestant Cemetery. There is also a little sliver of land right there that will go back to the Town, so that whole area on the North side of Bonanza Flat Road will be dedicated to the Town.
Councilmember Cundick what is in the green area now Rick?
Rick Sant, just weeds, it is vacant land.
Councilmember Rohr, so the Cemeteries are already the Town's property?
Rick Sant yes, they are already owned by the Town of Leeds except for the BLM piece going across.
Councilmember Rohr, is it recorded as being the Towns?
Rick Sant, yes, if you go to the County Recorders, you will notice that sliver of ground is owned by the BLM; however, the rest of the Protestant and Catholic Cemeteries are owned by the Town.
Councilmember Cundick, since there are Planning Commission members here, do they have any comments that we need to be aware of?
Steve Lewis from Leeds Special Service District, I met with Rick Sant earlier this week and we got the fire hydrant placements with no problems. There are a couple of lots where the road gets a little bit steep, but he is going to adjust the CC&R's on both lots to accommodate emergency services. There are some existing homes out there that have not had adequate fire protection and I am hoping that in this process, we can get some hydrants out there through LDWA and Mr. Sant's connections to improve some protection.

Councilmember Rohr, Steve, will the Town be financially responsible for the Fire Hydrants?
Steve Lewis, I wouldn't think the Town would have any liability there, the land owners would have to work that out.
Elliott Sheltman, just an issue as far as the water company. It might be good at this time where the Town is the water authority, to get together on this thing. There are some issues with the water. I think it would be a good idea anyway because there has not been much communication up to this point. Especially on something like a development, it would be helpful for both sides and get a lot better results.
Mayor Peterson, I believe there is a will-serve that the Town has designated to LDWA and that LDWA has provided a conditional will-serve. Is that accurate?
Elliott Sheltman, yes it is but there are issues with the water at this point that we have discovered in our investigations. The 105 acre feet that were originally brought over, 65 acre feet out of it is in question now. We sent out the letters today to the group that brought over the water originally, but that does not solve this development and I would think that would have an impact on your approval process.
Mayor Peterson, ok, Gary is it possible to record a plat with a condition that it is subject to resolve any outstanding issues? I know that construction drawings are normally signed off by the water company; however, that is usually the stage that we require water company approval on things.
Gary Kuhlmann, is the will-serve we have now conditional?
Mayor Peterson, yes, it is conditional on 3 things. The By-Laws of LDWA be complied with, the system is worked out from an Engineer standpoint and that the Town records a final plat on it.
Gary Kuhlmann, is the water company anticipating withdrawing the will-serve letter that we are talking about?
Elliott Sheltman, the problem is the will-serve letter is directly connected to the water agreement that was brought over originally. That agreement at this point is in question, as far as whether the water that was brought over was as represented.
Gary Kuhlmann, well, that's my question, is the water company looking to withdraw the will-serve letter, because if they are, that becomes an issue.
Elliott Sheltman, we are doing a 30 day period to clean it up, at that point it will be an issue. I was not aware that this was coming up this quick. I just found out about this today.
Gary Kuhlmann, what we are required to have is a will-serve letter and with a will-serve we are allowed to rely on that. That is why I am asking if it is going to go away.
Elliott Sheltman, I cannot guarantee at this point.
Rick Sant, what the problem is, that there is a question with the water that we purchased, which was 105 acre feet of water; there is a portion of that water that there may have been a dual ownership on it and the water company has put us on notice that there is a question about that. We hired a water Attorney and he is working on it right now. He has been working on it for a month and he is working with the LDWA's Attorney trying to resolve the matter and point out yes we own it because of this, this and this. We just got a letter today from the water company telling us that we have one month to prove to them that the water title is good. We bought it 5 years ago and there has not been any question until the last 6 months. Their Attorney has been trying to rectify it and I guess he has run into an impasse and now they are asking us to get our Attorney more involved to try to resolve it. The point being is, that the water that we deeded to them, if it never did belonged to us, why then can they turn it back to us and say I'm sorry we do not accept your water and that would null and void the temporary will-serve letter. That is the whole point and we are working on it now, hopefully by the time we meet in two weeks we will have the answer to that.

Mayor Peterson, I am trying to remember because the sequence was that there was originally a Phase I that was 45 lots that was split into 22 lots and 23 lots. When was the conditional will-serve issued? Was it on the 45 Lots or was it on the 22 lots?
Rick Sant, it was for the whole subdivision. It is on the whole 105 lots. It was for the entire subdivision, which will be 105 lots that was approved by Town Council back in 2008 and so the will-serve letter basically stated we will-serve you, you have given us 105 Acre feet of water; however, now that there is a question about if you actually own that water, why we would like you to get involved legally and try to prove to us that that was viable water that you deeded to us.
Mayor Peterson, will the will-serve potentially be modified given that this is 22 out of the 105 lots that with the water that is free and clear.
Rick Sant, well that is true, there is only 60.
Elliott Sheltman, there is still 40 left that we are still investigating that came across with the other water, so our Attorney is looking at that right now. The problem is we need to look at the developments whole 105 lots because it is an entire system we are bringing in, which means water storage and all of the capacity numbers that we have to have. The State requires a lot, I forget what it is called, but there is a plan that we have to do and that is when we started researching the water. It would have to be the entire 105 acre feet.
Mayor Peterson, with the Town Councils agreement, I am happy to sit down with Elliott Sheltman and discuss what issues they see and make sure we are coordinating between the Town as the designator of the water authority and LDWA as the designated water authority here; with regards to what issues might exist and what would be needed to get a final answer on them.
Councilmembers all agreed.
Gary Kuhlmann, we will need to notice that meeting and can I get the Attorneys names so I can talk with them.
Mayor Peterson, that meeting needs to be noticed if I am the only one in attendance?
Gary Kuhlmann, no not if you are the only one. Is there any objection to me contacting the Attorneys from LDWA or Mr. Sant?
Elliott Sheltman, no, you can do the initial contact, but if it goes very detailed, all we ask is that it is done at the office on teleconference so we can take minutes.
Elliott Sheltman and Rick Sant gave Gary Kuhlmann their Attorney's contact information.
Mayor Peterson and Rick Sant discussed the next Town Council Meeting agenda.

10. Citizen Comments: None

11. Staff Reports:

Councilmember Cundick, I am concerned a little bit with making the Peach Pit Pavilion a little friendlier. I mentioned last week looking at the possibility of putting in a mister system to cool it down. I asked Antonio to find out some information about this and what kind of cost would be involved. I just wanted to alert Town Council to know that that is an issue that I would like to look at in the future but right now I am just trying to get some information.

Councilmember Rohr, are we going to meet with Darren Cottam
Mayor Peterson, we have a 1pm meeting tomorrow, Angela and I with Darren Cottam to discuss a long range road plan.

Councilmember Rohr and is there a Wild West Day meeting tomorrow?

Mayor Peterson yes, at 10:00am and on every Thursday from here on out until the event.

12. Adjournment:

Councilmember Cundick moved to adjourn the meeting.
Time: 7:27pm.

APPROVED ON THIS 22nd DAY OF July, 2015

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Deputy Clerk/Recorder