

Town of Leeds

Town Council Meeting for July 12, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on July 12, 2017 at Leeds Town Hall, 218 N Main.

ROLL CALL:

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

2. Pledge of Allegiance by Councilmember Blake.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Blake moved to approve tonight's agenda and meeting minutes of June 21, 2017. 2nd by Councilmember Sheltman. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

5. Citizen Comments: None.

6. Announcements:

Mayor Peterson announced the following event

- a. Dumpster Days, July 21-23, 2017

7. Public Hearings: None.

8. Action Items:

- a. Ordinance 2017-01, Compensation of the Clerk/Recorder

Mayor Peterson asked for a motion to approve Ordinance 2017-01. Councilmember Blake, I so move. 2nd by Councilmember Sheltman. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

b. Ordinance 2017-02, Compensation of the Treasurer

Mayor Peterson asked for a motion to approve Ordinance 2017-02. Councilmember Blake, I so move. 2nd by Councilmember Sheltman.

Councilmember Rohr arrived to the meeting at 7:04pm.

Councilmember Rohr indicated the wages are in line with Toquerville.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

c. Resolution 2017-06, Natural Hazard Mitigation Plan 2017-2021

Mayor Peterson asked for a motion to approve Resolution 2017-06. Councilmember Sheltman, I so move. 2nd by Councilmember Blake.

Councilmember Rohr discussed the plan with the Mayor.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

3. Discussion Items:

- a. Roadway and utility easement alternatives for Silver Pointe Estates

Rick Sant one of the owners of Silver Pointe Estates, when we received approval of our project, one of the conditions of approval was that we have a looped waterline. In order to have a looped waterline we need to get certain easements to get the waterline from our property up to Silver Reef Road. If you look at the map I provided you, our property ends right there where my pointer is and we need to get two easements going straight north up to Silver Reef Road. The first property is Ray Crosby and the second property is SITLA. By getting those two easements and putting the water line in, it would give us a complete loop for our water line. Also this easement would give us a second access out of Silver Reef going down this way to the freeway in the future when the road is developed. It not only will have a looped line. it has the possibility of having a second access to Silver Reef. We have had quite a problem getting these easements. We have been working with SILTA and Ray Crosby for about a year and a half now. I finally had a meeting yesterday with SITLA and they have approved the easement and it will take about another month to get all of the paperwork done, but we should have an easement from SITLA by the middle of next month. The Mayor has been trying to contact Ray Crosby, he has talked to him a few times, but every time he promises he is going to come down. The last time he was going to come down the middle of July to look at the stakes that we had so he could see where the easement was on the property. As of yet, we still have not seen him down here, he has not commented, nor been able to get a returned phone call from him. We are really at a loss as of what to do, as far as, solving the problem. One of the solutions is to ask for you to condemn the property so that we could have the easement for the access and the water line. I am here today to discuss that with you and to find out what your opinion is and what you consider our options are, if you have any ideas for other options.

Councilmember Blake, where is Ray Crosby located at?

Rick Sant, he lives in Springville, he has a business in the Provo area. He has told us he has been busy working on a new building for his business and it has keep him very busy and that is why he has not been able to get down here, but we have been working with him for a year and a half. It has been very frustrating.

Councilmember Blake, so what was your feeling when you talked to him is he for or against this? Is there an issue with this?

Rick Sant, perhaps the Mayor can answer that, he is the one he has talked to him since this is an easement for the Town. The easement will be given to the Town.

Councilmember Blake, I understand that, but I am not big on condemning property.

Rick Sant, I have not talked to him directly.

Mayor Peterson, the thing that he has raised is as Mr. Sant mentioned is he has been very busy on another project. He wants to find a route through his property, he is concerned that there might be some historical ruins in the area that is proposed and that is why I believe you have it staked out so he can come and see. I believe SILTA, with the discussions they have had, indicated a bit of a realignment that originally was going to have a little bit of an arc to the right as you are looking at the map oriented in the way it is drawn right now, and then coming into Silver Reef Road a little bit further to the right as you are looking at it on the map. So that would be to the east, but there were some historic ruins that were in that area from some of the old processing facilities for the mine.

Rick Sant, yes and he asked us to move it over, which we did.

Mayor Peterson, the discussions with Ray, he wants to preserve that which is historical, but he has not indicated he does not want to see an easement going through the property, but he just wants to look at it and make sure that it is located somewhere that does not disturb the historical artifacts that are in the area.

Councilmember Rohr, this easement that has SITLA pointing to it, is that at the edge of SILTA's property?

Rick Sant, yes, both easements are right on the edge of both properties. There is kind of a gully to the east if it, but in this area that we are putting the easement on is a natural topographical place that works perfect for that easement. The easement is 65 feet wide and it is staked out there right now so you can see where it is going to go. It works out very well as far as traffic is concerned and intersecting Silver Reef Road and getting the line in the most efficient way.

Mayor Peterson, is this a route that has been discussed with LDWA and satisfies their requirement, with regards to a loop?

Rick Sant, they have seen our plans and have discussed it with them; Elliott could probably answer that better than I.

Councilmember Sheltman, I would prefer to be representing the Town in this. If there are any questions for LDWA, they would be more than happy to answer those through official channels. I do have a question, back in June 8, 2016, Glen Carnahan from Alpha Engineering represented that you guys were working on this and you would get them signed and intended to record them concurrently with the plat. Since the plat is recorded, I am assuming something has changed; you thought you had something you didn't have on your easement?

Rick Sant, I am not familiar with that.

Mayor Peterson, I believe the easements that were being discussed were with regards to the location of the tank within phase I and the lines that would need to go to and from the tank.

Glen Carnahan, correct.

Councilmember Sheltman, as I remember it was the pipeline on the edge of the SITLA property was part of that too.

Glen Carnahan, no we never represented that because we didn't have an easement at the time.

Councilmember Sheltman, ok, the other question is you are talking about eminent domain here, condemnation, is that what we are talking about?

Councilmember Blake, no.

Rick Sant, one of the options

Councilmember Sheltman, are we talking about that for the Crosby property.

Rick Sant, yes Crosby.

Councilmember Blake, Rick, I would be more than happy to contact Crosby to see what I can do to follow through and push this through; I am not big on eminent domain.

Rick Sant, ok.

Councilmember Blake, I am not a fan of eminent domain.

Mayor Peterson neither am I, and I would appreciate you trying. I can provide you with his number after the meeting and hope you are able to get a response from him and see if we can get this sorted out.

Rick Sant, if we bring it to the Council, it would probably be turned down, is that correct.

Nate Blake, I am not a big fan on eminent domain, so from my standpoint, yes, I would vote no against eminent domain.

Mayor Peterson, if I could ask our attorney who is here what our appropriate responses is right now, since it is a discussion item.

Gary Kuhlmann, not right now, you really cannot decide, and you should not be deciding whether you would, or would not, approve this. You certainly could express an opinion.

Rick Sant, actually, that is all I am asking right now is an opinion, if it is a forgone conclusion that it would be turned down, it would be fruitless for us to explore that option. That is one of the reasons I am here is to explore all options and to discuss what we might do to solve this

problem, because we have been given a situation where we have a requirement before we can develop our land and if we can't meet that requirement, it really puts us at a disadvantage. Councilmember Blake, Rick I have been in the business not nearly as long as you have, but I have been in the same business that you have for a lot of years. So, I can definitely hunt down this Crosby gentleman to see what I can do.

Rick Sant, do you know Ray Crosby?

Rick Sant, I don't.

Councilmember Rohr, so, the Crosby part, is that in the middle of his land.

Rick Sant, no, just on the edge. Ray Crosby's property is right here and this is right on the edge of the property. That is BLM right there, that is the Greens' right there, and then that is County. This is SITLA right here and then this is Ray Crosby right here. He owns all of this property right here.

Councilmember Rohr, there is County land in there too.

Rick Sant, yes the County land is right there. The Rice Bank building is sitting right there.

Councilmember Blake, so you are talking 65 feet by how many linear feet?

Rick Sant, probably 65 by 200.

Councilmember Rohr, well I probably wouldn't have a problem with running a water line if LDWA is in approval. But I remember that when they approved the final plat, I specifically asked if it had been signed off by LDWA before it was going to be recorded and I was told that it was. Well later, I find out that it's not. LDWA never signed off on it and it still got recorded as if it had been. I have a problem with the fact that you are thinking of putting a street that would run right into a very crowded small area on Silver Reef Drive. The Museum is there, we are already having traffic congestion problems and to add another flow of traffic right into that spot where it is so congested at times I think would be a mistake. So, I would be concerned about the street aspect. How much of an easement would you need just to do the water line?

Glen Carnahan, 25 feet.

Mayor Peterson, if I can correct something that you said Angela, the Town Council voted to approve the map for recording subject to the tank fitting on the particular proposed parcel in phase I and that was unanimously approved by those here at that meeting. A few weeks after that, an email was received from the engineer from the LDWA saying "looks great, our surveyor was out, go ahead and record it". So, I do not believe it is accurate to say it was not followed through as the Town Council had voted to approve it, subject to that being identified as an acceptable situation for that water tank and that approval was received by the Town in an email from the engineer for the LDWA.

Councilmember Sheltman, just for clarification, it was more than just the tank location, it was also whether the tank could be located there, that was an important part of the project. The other was the loop we are talking about now, that was a requirement that we had on the property.

Mayor Peterson, there may have very well been LDWA requirements, but I am speaking of the requirements that were set by the Town of Leeds Town Council.

Councilmember Sheltman, well another thing is to, if you look at the meeting minutes before this was approved, the LDWA was supposed to have final say on that particular issue. I don't have anything from the engineer from the LDWA. I know representation was made that the developer was happy with it, but that was not what was put in the motion that you, yourself made, which it had to be satisfactory and approved by LDWA. It was mentioned two or three times in one paragraph.

Mayor Peterson, it was mentioned in regards to the engineer and it was the engineer who sent the email saying it was acceptable and please go ahead and record it.

Councilmember Sheltman, a copy of that would be helpful.

Mayor Peterson, I can provide that to you.

Councilmember Blake asked Rick what his phone number was. So the issue on the table today is the 65 foot easement by approximately 200 foot.

Rick Sant, that is correct. In other words, we have a requirement that we are trying to meet and we are running up against a block wall. We are just looking at other options as to how we can solve it. One of them would be a condemnation, but from what I understand, the Council is not in favor of that, we need to look for something else that would solve the problem. It is a possibility that we could take the water line in another location and then work on the road easement, because we would have more time on the road easement than what we are looking at right now for the water loop. One thing that we could do

Councilmember Blake, because you don't need 65 foot for the water loop, so the 65 foot is actually for the road easement.

Rick Sant, we could go along the property line here and go up there like that.

Councilmember Rohr, on the other side of the Greens' property?

Rick Sant, yes that is correct, just on the other side.

Councilmember Rohr, is that County or BLM there?

Rick Sant, that is BLM, we would go to the BLM for a utility easement. That is a poor location for a road however because it is right at the turn if you look at the map. Silver Reef turns right there and this would come in right in the middle of the turn, which would be a bad location for a road. But we could take a waterline up there and run a line from there which would take care of the need for a water loop. Then continue to work with Ray Crosby on the easement.

Councilmember Blake, so the reason for the 65 foot easement is for an additional road going out.

Rick Sant, that is right.

Councilmember Blake, because you don't need that for your water loop.

Rick Sant, that is correct. We need to solve both problems. We need to figure out another access for Silver Reef.

Councilmember Blake, so you are trying to combined them both, the two of these so I know what I am discussing with Ray.

Rick Sant, right, and the easement need to be 65 feet wide because of the Town Ordinance which states a major collector road needs to be that wide.

Councilmember Rohr, so you are saying you need this as a secondary access, are you considering equivalent with this.

Rick Sant, I am saying the Town needs it, that would be how our project would get out on a secondary access; however, the majority of Silver Reef would not have that access because the road wouldn't be coming down. This road right here wouldn't be coming down. This project here would have that access, but everybody that lives up in here only have one exit by the Town and that is down Silver Reef Road to the freeway.

Councilmember Rohr, I am concerned that this, and then this would come up to here creating even more traffic for everyone up here who is trying to exit to the freeway which is the only way to get out for a fire or major problem. So to me, that is not a secondary access.

Mayor Peterson, well I think what I was understanding is it is a second access for the people who live to the north of where that is coming in and to the west of where that is coming in. It would seem logical for the people who would be in this area to be developed to head down towards Silver Reef Road at a lower point. It would be quite the round-about-way to head north in order to head south.

Rick Sant, we are mainly looking at the people who live in old Silver Reef, the first development in Silver Reef. Where the people in the Highlands, and other areas, would be coming down Silver Reef Road like it is now.

Councilmember Sheltman, have you had contact with the property owner, you said you talked to him about this?

Rick Sant, talked with Crosby? No I haven't, the Mayor had representing the Town. It is a Town easement.

Councilmember Sheltman, so what is his stance on this?

Mayor Peterson, he said he is very much in favor of an easement for a road and utilities to go through his property, he was just concerned and SILTA was with the initial alignment that there were some ruins related to some of the processing facilities for the mining communities, and he wants to be sure this was free and clear of those particular foundations and the like along his property and he wants to come and look at it. He asked that it be staked, that the developer has done across his property, because he gave his permission to come and stake it and the stakes are there, it is just a matter of trying to get him to come and look at those stakes to determine whether or not he is satisfied with the alignment.

Councilmember Sheltman, so where is the condemnation request coming from if we are still working on it? That seems a little extreme at this point.

Councilmember Rohr, and how long has it been since you first contacted him?

Mayor Peterson, I would say it has been over a year since it was first raised with him, when dealing with SITLA there is a fairly lengthy process that they went through, came back and said there is a different alignment that they wanted to look at. The early statements to Crosby were that there was a need for a water line to complete a loop, also, it would ultimately be a road, but initially it would be a water line that would be installed. And I said we were working with SITLA, but obviously, SILTA had some ideas that could change it. So my initial contact with him was just, is there interest in providing an easement or not and if he said no, I would have taken that back to the developer and said there is no interest. He has said he is interested in an easement, but it has been over a year. Right now SILTA has decided to move forward with their easement, on a realigned basis, which is what I believe you are now showing on this map.

Rick Sant, correct.

Councilmember Blake, so not to misrepresent myself, SITLA has approved this easement.

Rick Sant, they have approved it, but it hasn't been signed yet. They are doing all the paperwork.

Councilmember Blake, but they have approved this? I don't want to get in there and misrepresent myself when I talk to Ray.

Rick Sant, there archeologist came out and checked the old location and said no, there are foundations there, you can't go through there, so we moved it over to the west to the property line that you see now. The archeologist checked that out and said yes, that is all right, go ahead with it. I have talked with Erin with SILTA, met with him yesterday and he told me it was approved and that he is just waiting for the paperwork and legal documents to be signed.

Councilmember Blake, Rick, has your engineer tried to contact Ray Crosby?

Rick Sant, no, I thought it would be best for the Town to request it since the Town is the one getting the easement.

Mayor Peterson, right, the easement is not granted to the developer in this case.

Councilmember Blake, I am aware of that, I just know from some of the developments that I have done, I had to get the easements dedicated to the City, but I have always done that.

Rick Sant, I thought it would be more a personal situation to have the Town go to him, rather than have my engineer go to him. Also, the engineer doesn't work for the Town, yet the Town engineer, Sunrise could have gone to him.

Councilmember Blake, well I will make it a point to contact Ray and let him know, as long as I am not misrepresenting myself, or the Town, that SITLA has approved this, but has made a couple of changes and see what I can do to move this process forward.

Rick Sant, their archeologist walked their property and found that it was clean, as far as, any ruins that was concerned.

Councilmember Blake, and then what I will do at that point is I will probably put him in contact with you and your engineer to put paperwork together.

Rick Sant, ok

Councilmember Blake, then they can get it over to the City.

Councilmember Rohr, I have a question, what is the standing on the secondary access?

Rick Sant, to be installed with phase II's project.

Councilmember Rohr, ok, and so if phase II never gets off the ground, it will never happen?

Rick Sant, that is correct.

Councilmember Rohr, but then we are still stuck with a road up here.

Mayor Peterson, the road is not being installed at this point. It is a water line.

Rick Sant, primarily what we are looking for now, is to put the water line in and then in the future, have an easement that we can put the road in when it is time to put the road in. So, eventually down the road, in the future, that road is planned for and the easements for installation would be completed. Also the other one that you were talking about, that now has been dedicated to the Town. The Town owns that easement.

Jones Waldo, I have one question, I am council for the Silver Reef Development, if were unable to get Ray Crosby to agree to this easement and we cannot go forward with a condemnation action is what I am hearing here tonight, would the Town approve the water line in the alternative BLM alignment? Because it will be your easement and so we need to know what our options are more clearly.

Mayor Peterson, I think because it is not an action item, would the Town consider it is what we could discuss.

Councilmember Blake, you are underestimating how smooth I am.

Jones Waldo, I hope you are very smooth because this has taken a lot longer than it should have to deal with Ray.

Town Council and Rick discussed it further and will discuss other options after discussing it with Ray.

- b. Serving as Body Politic for Majestic Mountain subdivision, requested by Alberta Pace
Town Council and Alberta Pace discussed the Town serving as a body politic for a waste water treatment plant for Majestic Mountain. Councilmembers indicated they did not want to serve as the body politic; however, is willing to see if Ash Creek is willing to come to the next Town Council meeting to discuss options for them serving as the body politic.

10. Citizen Comments:

11. Staff Reports:

Councilmember Blake indicated Penny Weston approached him about a nuisance.

Mayor Peterson responded the amendment to the Nuisance Ordinance will be ready in August.

Mayor Peterson, highlight solid waist

2. Closed Meeting:

13. Adjournment:

Councilmember Blake adjourned the meeting.

Time: 8:04pm.

APPROVED ON THIS 9 DAY OF August, 2017



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder