Town of Leeds

Agenda
Town of Leeds Town Council
Wednesday, May 25, 2016

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will, after a brief public opening hold a **CLOSED MEETING** on Wednesday, May 25, 2016 at 6:30pm and a **PUBLIC MEETING** on Wednesday, May 25, 2016 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.

Closed Meeting 6:30pm

A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale , exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).

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 May 11, 2016.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
    a. Monthly community pot luck barbecues. Last Friday monthly at 7:00pm, May to September in Town Park
    b. Leeds Community Blood Drive, Tuesday June 7, 2016 at Leeds Town Hall from 2- 7pm
7. Public Hearings:
    a. 2016-2017 Tentative Budget on the General Fund and Capital Improvement Fund
8. Action Items:
    a. Discussions and possible action regarding Ordinance 2016-04, Zoning Agreement for the Grapevine Wash properties.
    b. Discussion and possible action regarding Zone Change for Parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.),Residential R-1-1 (1 acre) on approximately 77 acres
    c. Discussion and possible action regarding Zone Change for Parcel L-3281-A for Capital Funding LTD CO LLC from Mixed Use (MXD) to Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.) on approximately 25 acres.
    d. Discussion and possible action regarding Zone Change for Parcels L-3281, L-3285, L-3284-A-1, L-3286, L-3287 and L-3289 for MSH Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1(1 acre) on approximately 199 acres.
    e. Discussion and possible action regarding Zone Change for Parcels L-3282-F, L-3282-D-2 and L-3179-A-3-B for MISI Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 68 acres.

f. Discussion and possible action regarding 2016-2017 road works.

9. Discussion Items:
   a. Ash Creek follow-up
   b. Washington County Days of '47 Celebration
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports

    A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale , exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).
12. 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 May 24, 2016 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.

Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council CLOSED Meeting Minutes

May 25, 2016

1. Call to order:
   Mayor Peterson called to order the "Closed" meeting of the Leeds Town Council at 6:38pm on May 25, 2016 at Leeds Town Hall, 218 North Main.

ROLL CALL:

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

Also in attendance were Gary Kuhlmann, Bob Nicholson and Jody Burnett.

2. Purpose of the closed meeting was to discuss impending litigation and related matters as allowed by Utah state Law 52-4-205(1)(c)

3. Adjournment:
   Mayor Peterson adjourned the meeting with the intent of reconvening the Public meeting after a motion by Councilmember Cundick and 2nd by Councilmember Rohr. 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

Time: 6:58pm.

APPROVED ON THIS 8th DAY OF June, 2016

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting
May 25, 2016

1. Call to order:
   Mayor Peterson called to order the regular meeting of the Leeds Town Council at 6:38pm on May 25, 2016 at Leeds Town Hall, 218 N Main.
   A motion to close the public meeting and move into a "Closed" meeting to discuss litigation; as allowed by Utah state Law 52-4-205(1)(c) was made by Councilmember Cundick, with a 2nd by Councilmember Rohr. 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

The closed meeting began at 6:38pm and went until 6:58pm. The public meeting reconvened at 7:04pm.

ROLL CALL:

	Present	Absent
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 Rohr.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:
   Councilmember Cundick moved to approve tonight's agenda and meeting minutes of May 11, 2016. 2nd by Councilmember Rohr. 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 events:

   a. Monthly community pot luck barbecues. Last Friday monthly at 7:00pm, May to September in Town Park.

   b. Leeds Community Blood Drive, Tuesday June 7, 2016 at Leeds Town Hall from 2- 7pm.

7. Public Hearings:
   a. 2016-2017 Tentative Budget on the General Fund and Capital Improvement Fund

   Mayor Peterson asked for a motion to open the Public Hearing on the 2016-2017 Tentative Budgets on the General Fund and Capital Improvement Fund.
   Councilmember Cundick, I so move. 2nd by CouncilmemberRohr. 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

   No public comments were made.

   Mayor Peterson asked for a motion to close the Public Hearing on the 2016-2017 Tentative Budgets on the General Fund and Capital Improvement Fund.
   Councilmember Cundick, I so move. 2nd by Councilmember Rohr. 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

8. Action Items:
   a. Discussions and possible action regarding Ordinance 2016-04, Zoning Agreement for the Grapevine Wash properties.
   Jody Burnett, it is a pleasure to be here this evening to introduce the Zoning Agreement because it represents the culmination of an extensive effort over the course of several months, working cooperatively with the Grapevine Wash Property owners and their Attorneys to address both

sides concerns arising out of the Annexation and Development Agreement originally approved in 2009. I have had the opportunity to be here for the Public Hearings, in front of both the Planning Commission and Town Council and I know a lot of good, involved, concerned citizens had expressed some concern over the density being proposed as part of the zone change being adopted. I think it has been said before, but I want to reiterate that it is important to understand and recognize that we are not writing on a clean slate. There has been a lot of dispute between the two parties about the interpretation of the Annexation and Development Agreement, but at some level, it contains provisions that allows for up to a total of 2,500 residential units and approximately 300,000 sq. feet of commercial. So what we are doing here, is eliminating all of the areas of dispute about any ambiguity in the Annexation and Development Agreement, terminating it in total and replacing it with a much simpler Zoning Agreement that will vest these properties with the zoning designations depicted on the Zoning Map and each of the applications for the four groups of parcels, owned by four separate owners; otherwise, they will be vested for 15 years, with 2 five year renewals if everything is moving forward and being complied with. In exchange for that, we have the maximum potential density of just over 1000 residential units, with no commercial. We also clarified for the benefit of both parties, that the Town's current Land Use Regulations, Design and Standard Construction Specifications for public improvements as of today's date, which is the effective date of the agreement, are what would be in place and anybody, whether its Leeds property owners, or potential purchasers of their property, know exactly what they have to do, as do we, to come in and comply with the Town's regulations in order to get the subdivision plats approved on any of those properties. I think it greatly simplifies that and clarifies our situation. From my standpoint, I do not have any hesitation and strongly recommend approval of this agreement, being in the best interest of the Town. The agreement is pretty straight forward and has a total of 3 exhibits. It provides that the property which is described in exhibit "A", has a total of just over 369 acres collectively will be zoned pursuant to the various designations as described in the Zoning Map.
Jody Burnett and Town Council discussed the terms of the Zoning Agreement further.
Mayor Peterson thanked Bob Nicholson, Gary Kuhlmann and Jody Burnett for the work they did on the Grapevine Wash properties.

Mayor Peterson asked for a motion to approve action item 8a, which is Ordinance 2016-04, the Zoning Agreement for the Grapevine Wash properties and its related rezoning, or zone change applications, as detailed in the agenda items 8b, 8c, 8d and 8e.
Councilmember Cundick, I so move. 2nd by Councilmember Rohr. 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

Bruce Baird, I too would like to give an academy award speech just briefly. You mentioned three of the people that I was going to list and I was also going to list you, Councilmember Cundick, members of the Planning Commission, Town Council and actually the citizens, who

gave meaningful and important input during the process. This is a good outcome and we thank you very much.

b. Discussion and possible action regarding Zone Change for Parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.),Residential R-1-1 (1 acre) on approximately 77 acres.

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f. Discussion and possible action regarding 2016-2017 road works.
Mayor Peterson, what was distributed right before our meeting was an email I received from our consultant regarding a few questions I asked him to follow up on with respect to some of the outstanding issues beyond our standard maintenance plan that we are planning for the 2016-2017 fiscal year. One of them is the Canyon Creek culvert, we now plan on getting an estimate to shore that up, both on the street level and down below by the middle of next week. Some new erosion has been discovered at the wash near the culvert on Old Hwy 91. It is opposite of 900 North, a little bit closer to Town than 900 North. One can see there are three areas that the erosion is taking place. It seems to have been going on for an extended period of time. It appears that it is runoff from the road that is causing it. Daren Cottam contacted three contractors to get pricing for what the repairs would be. He has not heard back from them, but his personal estimate basis his experience is $2,500 or less. Cherry Lane is following up on a comment raised by Councilmember Blake at our last meeting and he has some pricing there for material. Nate was willing to spread the material if it was delivered. He is going to get some additional information and get back to us on that; however, we did put money into the budget for that particular thing, but we did not put in the amount that he is suggesting here. We put in $1,500, this is coming in at $2,964. Gary am I correct that we can make those kind of adjustments to the budget when we go about approving it in its final form in two weeks?
Gary Kuhlmann, Yes.
Mayor Peterson, ok, that is something that we may look to take up there. Daren also sees some asphalt patching; we patched the entire Town last year, but he would expect it to be less than $500 dollars worth of patching that would need to be done in Town. The final point is that he believes the maintenance is going to come in $10,000 below what he originally thought.
There is some favorable pricing right now, with regard to some of the material. It is an oil based process out there and even though it has rebounded some, we are still far below where we were two years ago when we were first laying out this plan.

Mayor Peterson discussed it further and indicated if we go ahead with the plan, we should still have a $75,000 cushion in the B& C Road Fund.

Mayor Peterson asked for a motion to go forward with the repairs, as it was originally laid out in the 2016-2017 Road Maintenance Plan, with the maximum cost on that being no more than $50,000 and that we will, as was the case last year, make sure that our consultant obtains competitive bids for all stages of the work.
Councilmember Cundick, I so move. 2nd by Councilmember Rohr. 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

9. Discussion Items:
   a. Ash Creek follow-up.
   Mayor Peterson, the Ash Creek follow-up is a one page transcript I pulled together. There were some questions as to what had been said by the Superintendent from Ask Creek, with regards to if sewer lines were brought into Town. One specific question that Councilmember Cundick brought up was "do you require that an existing area adjoining any service that is brought through needs to be hooked up to a sewer line, or would they be able to remain on septic tanks"? The response started out by saying "the rule and by State code, if you are within 300 feet you are supposed to connect" and then he goes on to speak about the idea that he is looking into alternatives and believes there would be alternatives that could allow for kind of a three phased way of connections taking place. The first would be, those choosing to connect and able to when the lines are first brought into an area, to do so at that point in time, then requirements be put into place, should a septic system fail along the line, the people would be required to then hook into the sewer instead of replacing the septic. The discussion that we had is that the connection cost is comparable to the cost of replacing a septic tank. The third method to connecting was, when the home sells and at that point, the new home owner would be required to then connect to the sewer line. That is what he thought he could investigate and possibly get approval for, with regard to bringing sewer lines into the Town of Leeds. The question we need to look at tonight is, is it worth having him look into this.
   Councilmember Cundick, I think those are interesting ways to deal with the problem. It doesn't overcome the Statute and we don't have any immediate development here requiring us to look at that, so I am reluctant to put too much energy in it right now.
   Mayor Peterson, I think the energy would be on the Superintendent of Ash Creek, with regards to whether he could find that flexibility in the State Code that is there.
   Councilmebmer Cundick, I have no problem checking into it but I don't want any commitments.
   Mayor Peterson, I think we could definitely make it clear that we are not committing to it, but we would be interested in hearing what might be doable.

Councilmember Rohr, my thought is there are several areas where sewer is not going to be an effective mechanism unless there were ways to work around that. That would be a deal breaker for me.
Mayor Peterson, when you say that, I know in the initial discussions it was mentioned that some of the areas on the West side of town are just too far spread out to make it feasible. Some areas are too hilly, such as the Silver Reef area to make it feasible and then there are some concerns along Main Street; although, he mentioned I believe when it was brought up, the possibility of having lines that might not just be along Main Street that would still allow for gravity feed to take place from the homes to the actual lines.
Councilember Rohr, it is a big concern for me in thinking of having your sewage pumped up hill to the sewer line from your house. When electricity is out, that means it's all coming down to you and it's not going anywhere. That is a problem in several areas in Town.
Mayor Peterson, ok, I could certainly get back to him and say "we would be reluctant to be subjecting people who would be in a situation where pumping would be required to be forced into this type of thing", just so he could structure it accordingly, with regard to any approach that he thinks might work. The other topic is something that may come into play, and that is Silver Pointe Estates is going to initially have for its Phase I, a shared septic system, which a previous Town Council had approved. The time is perhaps near where we would be called upon to be the body politic, to actually administer a shared septic system in a development. In order to do that, we would certainly need to contract with, or obtain the skill set and the licensing required to do that. That is something that Ash Creek said they would be willing to consider. What I would suggest that we could do at this point, again with no obligation, is to ask them if they could provide a cost for what it would be to provide that service from the start of the process, all the way through the ongoing process. That process starts with the actual installation of the lines, the installation of the shared system and then carries through to its operation once it becomes operational.
Councilmember Rohr, I think that would be an appropriate way to approach it, because they are one of the few people that have a good expertise in the field.
Councilmember Cundick, I think our big concern as a Town is, we don't want to end up owning the liability on this. We are in an area that we do not have any experience. To my knowledge, there are no systems that we have the oversight on right now and it is a pretty good leap to get into that, especially if it is going to be expanded. I am always concerned about liability, so that is something we have to look at very carefully. I think having an estimate of what is involved to get going, and what might go wrong also, would be good to know.
Mayor Peterson indicated he will contact Ash Creek.

b. Washington County Days of '47 Celebration.
Town Council discussed the Days of '47 Celebration. Communities in Washington County are being asked to make a contribution to hold a joint community event. The cost of the contribution from the Town would be 32 cents per resident, totaling about $250.00. Town Council agreed to make the contribution for the celebration.

10. Citizen Comments:
Susan Savage, I am so grateful to all of you and to the people of Grapevine Wash for working through this development situation and coming to an agreement.

11. Staff Reports:

Councilmember Cundick, I really think with the money coming in from the RAP Tax, we could consider making the Peach Pit Pavilion more hospitable for the summer, if we put in a misting system and some fans. I think we have the funds now to do that and I would like to see us go ahead before the summer is over.
Mayor Peterson, the good news on that is I received an email today from the individual who came out to provide an estimate. He has now got all the information from the equipment supplier that he needed and he said he should have an estimate to us by next week. On the June 8th meeting, I hope we will have something that would be able to be considered and decided on at that point.

Councilmember Rohr, is there any thoughts on Arbor Day at this point?
Mayor Peterson, no specific plans have been made other than far preferable to do it earlier than December. We originally talked about making it part of Wild West Days, if it happens and I think now is the time to think separately from that and go for a separate stand alone event.

Mayor Peterson, just an update with regard to the extension that was granted with respect to Silver Pointe Estates. They have been discussing things with the LDWA that we still need to verify but it is the Developer's belief that they have come to an agreement. Their Engineers have come to an agreement with the LDWA regarding the storage tank that was a final piece that needed to be addressed. There are a variety of easements that are being obtained, with regard to where water lines would need to go and there has also been a letter of credit provided in order to support the actual infrastructure if we end up approving the recording of the plat. That will be on our agenda for the next meeting on Wednesday, June 8th at 7:00pm.
Bob Nicholson, on Silver Pointe Estates will they have an HOA to cover their sewer maintenance costs for the long term?
Mayor Peterson, yes they will be having an HOA set up there.
Bob Nicholson, my concern is the Town not to be responsible for the cost, so the HOA should bare that long term maintenance.
Councilmember Cundick, well it should be, it will depend on how many houses get built in there and how good the HOA is to handle it. That is my concern, if we get a small number of houses built and a high expense for that kind of operation. We may need to have a bond on to cover it.
Mayor Peterson, we should definitely go forward with that. I know it has been raised with the Developer and they had said that we need some sort of bond, not just that they would pay on undeveloped lots to make sure it was covered and supported. It is something that Ash Creek mentioned that the vast majority of the cost is going to be installing the system, operating it will be fairly minimal and really wouldn't be difficult to maintain with a small number of homes. It is still very important that we make sure that is taken care of and addressed.

12. Adjournment:
Councilmember Cundick adjourned the meeting.
Time: 7:47pm.

APPROVED ON THIS 8th DAY OF June, 2016

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Clerk/Recorder