

PUBLIC NOTICE

TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting on

Wednesday, March 9, 2011, 7:00 p.m.

At Leeds Town Hall, 218 North Main Street

Public is welcome to attend

AGENDA amended

Up to two Town Council Members may participate in the meeting by telephone or video conferencing (Ord 2006-08)

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE CLERK/RECORDER BY 6:55 P.M.

BUSINESS SESSION:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Abstentions and Conflicts by Council Members, if any
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Minutes of Meetings from February 23, 2011 Town Council Meeting
6. Announcements:
7. Citizen Comment: (No action may be taken on a matter raised under this agenda item). *Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Fran Rex in writing before 1:00 p.m. on the Wednesday one week before the Council meeting.*

WORK SESSION:

DISCUSSION ITEMS:

8. Discussion on a draft proposed Addressing Grid Resolution in preparation for the Open Houses & Public Hearing.

ACTION ITEMS:

9. Discussion & Possible Approval that the Town of Leeds is willing to negotiate reductions or waivers of impact or other fees for a possible Veterans Affairs (VA) facility.
10. Discussion & Possible Approval of the amended Arroyo Regal Development Agreement for Silver Eagle Enter into preliminary offer the possibility.

UPDATES BY STAFF:

CLOSED MEETING – 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 A Closed Meeting may be held for the discussion pending or reasonably imminent litigation; as allowed by Utah State Law (52-4-205)(1)(c).

11. Adjournment

In compliance with the Americans with Disabilities Act, 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 Town Hall at 879-2447 at least 24 hours prior to the meeting.

Certificate of Posting

The undersigned Clerk/Recorder does hereby certify that the above notice was posted March 8, 2011. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town of Leeds Website www.leedstown.org, and Spectrum Newspaper



Fran Rex, Clerk / Recorder

**TOWN OF LEEDS
TOWN COUNCIL MEETING**

March 9, 2011

MINUTES

BUSINESS SESSION:

1. **Call to Order** – At 7:03 p.m. by Mayor Hyrum Lefler
2. **Pledge of Allegiance** – was led by Alan Roberts
3. **Roll Call** - Present was Mayor Hyrum Lefler and Council Members Alan Roberts, Angela Rohr, and Keith Sullivan, with Frank Lojko attending via Skype at 7:07 p.m. Also in attendance were Clerk/Recorder Fran Rex, Treasurer Jean Beal, Town Building Inspector, Drake Howell, Kurt Allen, and Randy Stevens.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **A Motion** was made by Alan Roberts with a **second** by Keith Sullivan to **Approve Tonight's Agenda less item 5b of Town Council Meeting Minutes for February 23, 2011**, and to **strike** the second line typographical error of item 10. An **Aye** vote was **Unanimous**.
6. **Announcements:** Mayor Lefler informed of the two upcoming Information Open Houses on the Addressing Grid to be held Saturday, March 19 2011 from 10:00 a.m. to Noon, and Friday, March 25, 2011 from 6:00 p.m. to 8:00 p.m. Angela Rohr noted the heavy rain on Monday pooled water on the corner of Mulberry and Cemetery Road, and wondered if the culvert needed cleaning. Mayor Lefler noted this was a problematic area, and although the culvert size was increase and is cleaned periodically, it still clogged at times. He said the catch size needed to be increased. She also noted the culvert was bent and there was pooling by two other culverts along Main Street.
7. **Citizen Comment** - None

WORK SESSION:

DISCUSSION ITEMS:

8. **Discussion on a draft proposed Addressing Grid Resolution in preparation for the Open Houses & Public Hearing** – Mayor Lefler asked the Town Council Members to read the draft proposed Addressing Grid Resolution and redline it, then e-mail their comments to the clerk/recorder.

ACTION ITEMS:

Discussion & Possible Approval that the Town of Leeds is willing to negotiate reductions or waivers of impact or other fees for a possible Veterans Affairs (VA) facility – Mayor Lefler informed he sent a letter of interest to the VA for this facility, and the Selection Committee was meeting on the proposed site at Grapevine Wash Master Planned Development on Thursday, March 10th. He said the VA had inquired about the Town's willingness to waive or reduce impact and other fees for the construction of their facility should they choose Leeds for the location. Lefler stated what the estimated fees would be and gave the following recommendations for possible choices.

Option #1 That the Council offer a full waiver of the Bldg Permit Fee, the Surcharge Fee, the Plan Check fee, and the Park Impact Fee; that the Council offer a reduction in the Impact Fees for Roads (based on traffic impact estimates) and Public Safety. And the Town would work with the Leeds Area Special Service District (LASSD) to reduce its fees; and, that Water and Sewer Impact Fees be reduced from the Town, and the Town to work with WCWCD for a reduction or full waiver of their water hook-up fees.

Option #2 That the Council is willing to negotiate with the VA to reduce or waive impact and other fees.

Lefler noted that such a reduction would save the VA about \$183,895.00 with additional savings through reductions on the water, public safety, sewer, and road impact fees. He also stated he felt the second option was best, unless there was a consensus on the first. Council Member Keith Sullivan said he would like to weigh the benefits the town might receive against waiving any fees. Grapevine Wash Representative Drake Howell said the property taxes of twenty (20) homes would offset waiving fees. Mayor Lefler invited the Town Building Inspector Dennis Mertlich to give some explanations. Mr. Mertlich stated the expectation of which impact fees would normally be paid depended upon who would end up owning the property when completed. He said if a private entity owned it, they would be subject to all the normal building permit and impact fees; however, If the State or Federal Government maintained ownership, it would not be subject to building permit fees other than possibly water, gas and

power connection inspection fees. Mayor Lefler said the Ogden VA facility was privately owned, and Mr. Howell said he was 99% sure this VA facility would be State or Federally owned. Town Council Member Angela Rohr noted the prisons are contracted out. Mr. Mertlich continued, stating if it was privately owned the Town would need to send the plan check out, and suggested a company in Salt Lake City, or one in Las Vegas. He thought they would reduce their normal fee by approximately 68%, so the Town could reduce their normal building permit fee to 25% which would cover the plan check cost plus a few inspections, re-inspections, and a little administrative cost. He also noted that since the facility would be 9-10 buildings rather than 1 big building, many requirements would not apply. He added if the facility remained State owned, there would be no need for a surcharge, since the State of Utah controls that charge. He concluded by stating the possible waivers given should be driven by knowing who the property owner would be. Mayor Lefler reiterated if the property was owned by the State, there would be no building fees, surcharge, or plan check fees. Clerk/Recorder Fran Rex referenced Ordinance 2007-06, chapter 5.2 listing types of developments not affected by impact fees. She noted 5.2.3., on the "not affected" list, stated "*Public Facilities of the County, State, school district, special service districts, municipalities, or political subdivision of the State of Utah or Federal Government.*" Angela Rohr asked if the Town would do the inspections if the Government owned the facility, to which Mr. Mertlich said the Government may contract with a local inspector, but if there was no other electrical inspector in the area, Dennis would do the electrical inspections. There was some discussion on whether the property would be owned privately or by the VA. Town Council Member Alan Roberts suggested since the Town did not presently have specific reduction amounts, the Town should simply state it was willing to reduce the fees. Town Council Member Frank Lojko noted the strengths for Leeds being picked by the Department Facility and Construction Management (DFCM) were its easy access to Interstate I-15, close exposure to Iron County, and a great building site. He thought the drawbacks were not having infrastructure in place, not knowing specifically how much Grapevine Wash will be willing to do other than their property donation, and not knowing specifically what the Town was willing or could afford to do. He did not think the Town should give so much away to inhibit the ability of placing infrastructure. He suggested they call towns with VA facilities to ascertain what fees they waived. Grapevine Wash Representative Drake Howell was invited to give input. Mr. Howell said the VA facility would be a rehabilitation center and skilled care nursing home. He said he was impressed with the Towns analysis to estimate the impact fees, and felt the endeavor was a partnership between the Town and Grapevine Wash. This being the Town's willingness to give fee reductions, and Grapevine Wash to donate ten (10) acres of land. He said Grapevine Wash addressed all the infrastructure issues with their offerings packet, and he strongly suggested the Town Council review Ordinance 2007-06 as they decide on their offer, and noted if the facility was owned by the government the Town Council may not have a choice about waiving the impact and building permit fees. Mr. Howell also noted that some of the benefits of having a VA facility in Leeds would be the increase in Town property valuation, commercial valuation, and sales taxes. He also added the increase of residents to Grapevine Wash would make a big residential percentage increase. He thought the good benefits definitely would outweigh the costs. He added the Town could not currently assess a sewer and water impact fee since it did not currently have a capital facilities plan for them. Angela Rohr asked who would pay for the road, to which Howell said they were still figuring this out. He stated Grapevine Wash had almost completed an easement agreement with the Washington County Water Conservancy District (WCWCD) to install a major pipeline from the WCWCD well, just south of Grapevine Wash, to Main Street. This would run the course of the proposed road. He said the line installation would wind up leaving a sub-graded gravel road. Howell added the road would not be the full width needed, nor paved, but would complete a major portion of the road project. He said the rest would be a challenge. Keith Sullivan asked what the cost to the Town would be and if the benefits would outweigh them, to which Mr. Howell stated the Towns primary impact would be on Main Street which is a State road, and that the Town would receive extra State Road Funds because of the new road. Sullivan noted he felt the benefits far out-weighed any downside, but did not want to discount the fees so much that the Town would go broke. Howell added he felt the VA facility would be an anchor to Grapevine Wash and Leeds, and would only be a contribution to the Town. Lojko noted that the DFCM was very rigid with many guidelines and may require Grapevine Wash to put up a bond. Alan Roberts noted the more roads Leeds had, the more funding from the State, but also, the more liability. He said liability was okay if the Town could draw in enough revenue from other places to replace it. Town Attorney Heath Snow said Ordinance 2007-06 clearly identified developments not effected by impact fees. He said according to the ordinance, if the VA were the owners, the Federal Government was exempt from any impact fees. Mayor Lefler asked if that included road impact fees, to which Snow said yes. Sullivan asked Snow if he saw any negative impacts of having a VA facility, to which Snow answered he saw none unless you perceive growth as a negative impact. He said growth has both positive and negative impacts. Mayor

Lefler asked for a motion. Roberts stated he did not think a motion was necessary since the ordinance stated State and Federal entities were exempt from impact fees. Snow noted that Leeds challenge to receiving the facility was no current complete infrastructure. And Rohr noted the location, atmosphere and central location were its selling points. Lojko added the presentation would also add to its desirability. Lefler asked which Town Council Members could attend the property viewing, to which all members said they would not be available. The Mayor said he would attend.

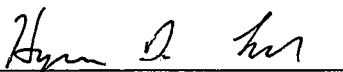
9. Discussion & Possible Approval of the amended Arroyo Regal Development Agreement for Silver Eagle

– Mayor Lefler said the current draft development agreement amendments for the development now called Silver Eagle included suggested changes made by the Town Attorney. He reminded that the Arroyo Regal development lost their preliminary plat entitlement approximately one year prior, and the new owner (with the new name of Silver Eagle) was now re-approaching the Town with a proposed name change, an increase of open space, and more compliance with Town rules. Lefler said in order for them to re-apply, the development agreement needed to be revised. He noted the past unpaid fees of Arroyo Regal were now paid, and said the Town Council could review the agreement to ascertain how it needed to be amended. He recognized there were past “sore spots” in its history, but felt it was in the Towns best interest to move forward and find a way to iron out the differences and concerns so the property could be of some value to the Town. He turned time to Town Attorney Heath Snow for an explanation of the changes. Snow noted the map exhibits would be a major portion of the changes since they displayed the number of lots, the amount of open space, the general sizing, and general location of the lots. Clerk/Recorder displayed a map on the screen which Snow said closely resembled the correct map. He said the agreement was a basic development agreement. He said the current agreement identified the obligations on each type of infrastructure such as roads, water, and sewer. He noted the sewer was the biggest hurdle to overcome. He said no plats could be presented until the above obligations were addressed with a solution. He said the original agreement gave the owners limited development rights or entitlements, but it also notes their acceptance and acknowledgement of a huge development obligation to design to the Towns standards, and to install all the infrastructure at their cost. Snow said the following items were changed in the current draft amendment: 1) Includes the name change; 2) Clearly states who would maintain the park in the development; 3) Makes clear that this agreement supersedes and replaces the prior agreement; 4) Makes clear the rights will be given to Millenium Investment Group; 5) Tied the definition of projects to the attachments in the back ; 6) Added compliance with the hillside ordinance (which was previously missed); and 7) cleans up a few other things. Town Council Member Alan Roberts was concerned that some of the “annexation” language in the “whereas” portion was confusing and could make it seem as if the property was not annexed into Leeds. He asked Heath to clarify it. Heath said the recitals gave the history of the property being annexed, and its zoning. He noted the zoning ordinance allows for a higher density bonus when more open space is left. Roberts noted “Whereas B” stating “*the average lot size being greater than .69 Acres*”, was a bit confusing and may create some uneasiness because it was not clear. Heath noted it can be confusing to laymen since the concept of bonus density and the factors (such as roads and open space) used in calculating overall density can get a bit confusing. Roberts suggested that the “B Whereas” be a bit more general. Attorney Snow asked the Town Council to give input on other things they felt needed to be added. He said the agreement contained some definite stringent requirements without being too micro managing. Roberts noted the new exhibits had been modified, to which Snow said an access was acquired. Mayor Lefler asked if the variance on the hillside ordinance that Silver Eagle obtained during a Board of Appeals meeting would apply to the new agreement. Kurt Allen stated the Board of Appeals variance was given to the new Silver Eagle Estates development. It was their first step in the development approval process. Roberts concurred, and added it had to do with the grade of the egress road. Town Council Member Frank Lojko said the park maintenance obligation needed to be decided and asked if this would still be a gated community; he noted the number of lots in the agreement did not reflect the recent lot number change from 82 to 72; and said the acreage number was not correct with open space. Discussion was had regarding having a “public park” in a gated community, and if the Town would be responsible for the maintenance. It was ascertained that the new owners did not want it to be a gated community, therefore, the park could definitely be an easily accessed public park dedicated to the Town and turned over to the Town for maintenance. Silver Eagle Estates Representative Kurt Allen agreed that 10 lots were taken out, and said 8 acres of open space were added to address the incorrect amount of open space acreage. He also stated it was the new owner’s original intent to take out the “gated community” from the agreement, but the Planning Commission worried this might negate the agreement. Roberts stated he would rather it not be a gated community because of the inaccessibility to the park. Attorney Snow said a change from gated to non-gated would not negate the agreement. Then he ascertained that the area in which

the lot reduction was made was area 2 and had the L-1-20 designation. Alan Roberts noted the lots on the hillside were removed, to which Mr. Allen pointed on the displayed map showing lots which were combined to prevent building on the hillside. He noted the small squares were the intended building pads, and said they would leave natural vegetation, and there would be minimal disturbance. He said it was the owner's intent to partner with the Town of Leeds, to make sure Leeds got what it wanted. He said they were willing to take the time needed to make it a good project. Lojko felt the current document had too many errors and was nervous there were more, so he wanted more time to read it again. Mayor Lefler wanted to make sure all comments and suggestions were received. Mr. Allen said he welcomed the comments and suggestions. Roberts acknowledged the past uneasiness about this development, but he advised to leave that in the past and look at this as the new development it is. He said the Town annexed this property so it could be managed better – for the good of the developer and the Town. He said the Board of Appeals made the decision on the road, so that is how it stands. Mayor Lefler asked the Town Council Members to review the document again, red line it and send it to the clerk/recorder to send to Attorney Snow by March 16th, 2011. Angela Rohr stated her biggest concern was the 2nd road, and asked if the development met the hillside ordinance, or if they were "excused. Mayor Lefler noted the road did not meet the hillside ordinance, but they were given a variance. Heath stated the Board of Appeals approved Silver Eagle a waiver for a 11.52% grade. He noted that with the proper cuts and fills that comply, they could accomplish that grade. Angela Rohr worried that parts of the road would not be safe, to which Attorney Snow stated a uniform grade could be accomplished by cutting and filling the hillside properly. Alan Roberts did not think it was correct to make a statement that parts of the roads were unsafe. He noted that the biggest deciding factor was the ability of Emergency Vehicles to traverse the road, and regular vehicles would not have an issue with traversing an 11.52% road. Kurt Allen added that the hillside ordinance protects grades greater than 30%, and that grades over 30% could not be disturbed. He said they would be encroaching on the 30% grade in a few short isolated places on the 2nd road. He said the hillside ordinance had nothing to do with the engineering, slopes, drainage, or crowns of the road. The ordinance was designed to protect the "sacred nature" of hillsides. He explained that the 1st road encroached upon this ordinance before it was annexed into Leeds. He said the Board of Appeals thought if they allowed the encroachment, then the 1st road, which was unsafe, could be improved by widening the road and adding retaining walls. Frank Lojko thought the Town should check the language of the Town's recent agreement with the Washington County Water Conservancy District (WCWCD) to make sure nothing is incompatible. He also wondered what the obligation of Leeds Domestic Waterusers Association (LDWA) would be since the first project did not go through. He also stated a sewer solution needed to be addressed, and said the developer needs to find the solution. He noted if septic tanks were acceptable by the County, the Town should require a dry septic. He thought septic tanks would be expensive due to the rocky conditions. Mr. Allen said the intent of the owners was to continue down the road with an agreement with Ashcreek Sewer District to take sewage to Harrisburg. He said it was a great expense, but was a viable sewer solution. Lojko thought a septic option should not be an option, to which Attorney Snow stated the current agreement offers it only as a last resort. Fire Chief Lewis stated the current fire code allows for a 10% grade with the exclusion stating "or under change by the local fire authority." He said he was willing to work with what was reasonable, and said an 11.52% grade did not make him nervous. Roberts reiterated the BoA was not dealing with the road, but the grade of the hillside ordinance. Mayor Lefler asked the Council Members to get their comments to Attorney Snow by next Wednesday. Attorney Snow was asked to make the following changes: 1) "B Whereas" be a bit more general; 2) Make changes to make it a non gated community; 3) change the lot number from 41 to 31 in area 2, L-1-20; 4) increase the amount of open space by 8 acres; 5) add a statement regarding public roads; and 6) add a bubble style map. After receiving further input from the Council Members, he would also add their comments.


10. Adjournment by Frank Lojko at 9:11

APPROVED ON THIS 23rd DAY OF March, 2011



Mayor Hyrum Lefler

Attest:



Clerk/Recorder Francene Rex