

## PUBLIC NOTICE

### TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting on  
Wednesday, April 11, 2012, 7:00 p.m.

At Leeds Town Hall, 218 North Main Street  
**Public is welcome to attend**

## AGENDA

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

### BUSINESS SESSION:

#### Regular Meeting 7:00 p.m.

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 *March 28*
  - b. Minutes of Meetings, 2012 Town Council
6. Announcements:
7. Citizen Comment: *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.*

### REGULAR MEETING:

#### ACTION ITEMS:

8. Approval of Full time Planning Commission Member

### WORK SESSION:

#### DISCUSSION ITEMS:

9. Draft Ordinance for Leeds area Cemeteries Update.
10. Review of the Final Development Plan Agreement for Grapevine.
11. FY 2012-2013 Budget
12. Future of CCC Camp

#### UPDATES BY STAFF:

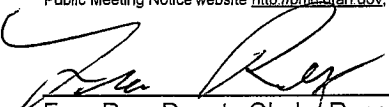
- 13.

**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).

14. 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 April 10, 2012. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://gma.utah.gov>, the Town of Leeds Website [www.leedstown.org](http://www.leedstown.org), and Spectrum Newspaper

  
Fran Rex, Deputy Clerk / Recorder

**TOWN OF LEEDS  
TOWN COUNCIL MEETING**

April 11, 2012, 7:00 p.m.

***MINUTES***

**BUSINESS SESSION:**

1. **Call to Order** – At 7:05 p.m. by Mayor Alan Roberts.
2. **Pledge of Allegiance** - was led by Council Member Joe Allen.
3. **Roll Call** - Present were Mayor Alan Roberts and Council Members, Joe Allen, Nate Blake, Angela Rohr and Frank Lojko. Also in attendance were Leeds Contract Planner Bob Nicholson, Town Engineer Russ Funk of Sunrise Engineering, Grapevine Representative Drake Howell, and Deputy Clerk/Recorder Fran Rex.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **A Motion** was made by Joe Allen with a **second** by Nate Blake to **Approve Tonight's Consent Agenda**, including **Minutes** from the **March 28, 2012** Town Council Meeting and Executive Session. An **Aye** vote was **Unanimous**.
6. **Announcements** – Mayor Roberts announced that dumpster days were the following week. He referenced the April newsletter, and reminded citizens to be aware of what and how items were being placed into the dumpster. He noted the Town spends \$200 to organize the garbage in the containers.
7. **Citizen Comment** – Danielle Stirling said she had heard that the Grapevine Wash Development used the 2007 Leeds Master Road Plan to ascertain the possibility of a second access to their development through the Stirling's property. She said that although the 2007 Master Road Plan shows this possibility, the Stirling's were not interested in giving a right of way through their property for said access. She said their family had protested at the time the Master Road Plan was approved, and still did not want this. She said her discussion with someone at the Bureau of Land Management (BLM) concluded that BLM did not recognize the Leeds Master Road Plan as enforceable with the BLM. She also added that mining claims near the cited Master Road Plan road were currently inaccessible to their owner. She asked that the Leeds Master Road Plan be amended to delete the possibility of crossing their property for a possible future connection road. Mayor Roberts noted the RPO will be conducting a feasibility study beginning in June, 2012 to access the feasibility of several possible corridors including 900 N Babylon to the river; and 900 N Babylon to Toquerville. He explained that a Master Road Plan looks at an area to see if it is feasible to put a road somewhere, and that it was important for a Town to look at road studies to ascertain where possible growth could happen and where it could not.

**REGULAR MEETING:**

**ACTION ITEMS:**

8. **Approval of Full time Planning Commission Member** - Mayor Roberts announced the resignation of Alex Beal as a full time Planning Commission Member. He continued that the policies and procedures say we fill those positions by the alternate. He said Jared Westhoff submitted he would accept the appointment. **A Motion** was made by Nate Blake with a **second** by Mayor Alan Roberts to **Appoint** Jared Westhoff as a full time Planning Commission Member. **Four Aye votes** were given from Mayor Roberts, Joe Allen, Nate Blake, and Frank Lojko, with **one Nay vote** from Angela Rohr.

## WORK SESSION:

### DISCUSSION ITEMS:

9. **Draft Ordinance for Leeds area Cemeteries Update** - Mayor Roberts said the current draft combined two drafts from the past year. He said the idea was initiated by Mayor Hyrum Lefler and applauded his efforts. Roberts said the current cemeteries lacked organization and this proposed ordinance will solidify how the Town will operate regarding the cemeteries. Council Member Joe Allen said he did not see any concerns that "jumped out at him." Roberts added that this document would pertain to all the municipal cemeteries now and in the future. Council Member Angela Rohr voiced her concern requiring vaults, and noted her mother was just buried in California without a vault -- even though it was an area with more rain than Leeds. Joe Allen asked if a vault was industry required and if they were cost prohibitive. Rohr answered they added \$1,000.00 to the cost of burial, and Mayor Roberts said he did not know of a municipality in Utah that did not require a vault. He added that vaults created a more stable solid structure. Council Member Frank Lojko said they should find out if it is a State Law. Lojko also asked if the ordinance should address a request for a cremated spouse to be buried with his/her spouse. Mayor Roberts asked the council to further "digest" the draft ordinance for further discussion in a future meeting.
10. **Review of the Final Development Plan Agreement for Grapevine** – Mayor Roberts said the draft agreement had been reviewed by Town Legal staff, and has gone back to the Grapevine legal staff. He advised that legal staff desired to hear any of Town Council's concerns before it continued its review. Roberts stressed that this type of an agreement was a crucial document, because it was what the Town would need to "live with." He reiterated the importance of carefully considering its components. Town Engineer Russ Funk of Sunrise Engineering said he had contacted Dana Meier from the Utah Department of Transportation (UDOT) and could set up a meeting with him the following week. Mr. Funk was asked to set up a meeting for 11:00 a.m. on Thursday, April 19<sup>th</sup>. Roberts noted that since more than two council members would be attending the work meeting, it would be posted as an open meeting. Time was then given to Grapevine Representative Drake Howell to discuss the draft agreement reviews. Howell stated that Grapevine was comfortable with most of the changes the attorney's "red lines" suggested. He reminded that the Annexation and Development Agreement passed in 2009 granted the following vested rights: 1) density; and 2) mixed use zoning; as well as 3) this process for obtaining final development plan approval. With the final result being a Final Development Plan and Final Development Plan agreement. He noted the recitals of the draft agreement summarized the history of the process so far, he noted the development agreement goes beyond zoning, and enters both parties into a contract law, which tells what each can expect from each other.

Howell stated that section two (2) lists what the development plan consists of (i.e. The Final Development Agreement; the Master Plan Book; the Pattern Book; the Existing Conditions exhibit; the Emergency Response exhibit; the Traffic Study and Traffic Mitigation Plan; the Master Utility plans; the Interlocal Agreement; and all other documents entered into by both parties. He noted many of these were in the exhibit "J"). He noted that all plans submitted thus far are preliminary plans, adding that some potential sites have been identified for a conceptual site drainage plan, preliminary water master plan tanks, storm water detention areas, and a sewer treatment facility. He noted that early on in the process, Town staff had submitted the Grapevine Wash proposal to all affected entities such as Washington County Conservancy District (WCWCD), Leeds Area Special Service District (LASSD), Bureau of Land Management (BLM) and etc. He informed that the affected entity responses would be included to the list of conditions. Council Member Angela Rohr asked if the Town was "locked into" the preliminary plans for sewer and etc., and if the approval of the proposed agreement would be the last time the Town would have say in the approval process, to which Mr. Howell referred to GVW's new proposed language in section two (2), and said approval of the agreement did not lock in all approvals. He said the development would not get final approval until everything came back approved from the State, and noted there were several "approvals" associated with each condition listed in section three (3). He said GVW had inserted a new subsection after 2.2.9 which reads as follows: *"The Town acknowledges that the plans for draining water, drainage, sewer, telecommunications, natural gas, and power are all preliminary. And prior to necessary permits being granted shall be finalized and reviewed and approved by Town staff. Said final plans will comply with requirements set forth in section 3.2 below which is the conditions of approval section. And when approved shall be deemed incorporated into this agreement as if originally attached hereto."* Howell reiterated the Town would not be "locked in" and added that GVW could not come back for subdivision approval until the list of conditions are approved by staff, and the sewer is approved by the Department of Environmental Quality (DEQ), and the State of Utah for the water system, and so forth. Rohr reiterated her question of "if this would be the last time the Town would have say about it", to which Mr. Howell said no, that this would not be

the last time the Town would have say about it, and explained that prior to necessary permits being granted, all the preliminary plans would need to be finalized and stamped by GVW Engineers, and the Leeds Town Engineers. He stressed that this would not be the last time the Town would have any say about it "by any sense of the word." Town Engineer Russ Funk added that when the ordinance was passed allowing possible exceptions to the street standards, it did not include exceptions to sewer and water, so the original standards would be in place to protect the Town.

Mr. Howell then addressed section three (3), entitled "Responsibilities of Developer: Conditions of Approval," which included the following subsections: Wildland-Urban Interface Code; Accesses; Impact Fee Analysis; Sewer; Culinary Water; Natural Gas; Telecommunications; Electric Power; and Storm Drainage. He reminded of Town Engineers recent remarks that it was a good idea for the Town to review and update their Capital Facilities Plan and Impact Fee Analysis. Noting section 21.1, Commissioner Frank Lojko said in light of the comments from Danielle Stirling; and the environmental impact and seemingly unfeasibility of the area; and not wanting to impose eminent domain, he suggested that GVW find another alternative to using Babylon Mill Road as a possible second access. He suggested looking at other routes from Old Babylon Road (900 North). Council Member Nate Blake stated if the Town signed the agreement as is, the Town would be agreeing to help the developer obtain an easement. Mr. Howell said GVW was looking at all options and planned to analyze which is the best option. He added that they looked at the 2007 Master Road Plan as a guide of what the Town might want. Lojko also noted that using Babylon Mill Road (200 North) would bring more traffic onto Main Street. Blake added it would also bring traffic by the Town Park. He also suggested that GVW consider other options and not think of Babylon Mill Road (200 North) as an option. Howell noted that Babylon Mill Road was a dedicated road to the Town of Leeds which already went through part of the Stirling's property. They were just hoping to have the Towns assistance of pursuing something (like a connection road) the Town had already contemplated in the 2007 Master Road Plan. Lojko stated the Town was currently designed into "pocket areas" and the need to be connected did not seem critical. Mayor Roberts asked if this was the right mind set when looking to a town's future. Lojko asked if widening 900 north would be an option, to which Howell said he would like this option, but said the Fire Department would not approve another lane because it would still only be a one "artery" access, with no emergency access. Howell reiterated they would like to keep all options open for now. Mayor Roberts thanked Lojko for bringing up his concerns.

Discussion then turned to section four (4), entitled "Project & System Improvements - Cost Sharing" of the proposed draft agreement as follows. Ideas were discussed regarding how the development would fund the needed improvements. Howell suggested a contract be made to require a fee from GVW in lei of impact fees so the funds could be set aside in a PTIF account for specific public improvements. To which Engineer Russ Funk suggested that two contracts would be advisable. He suggested one contract between Leeds and Grapevine, and one between Grapevine and UDOT. Lojko cautioned against too much creativity since it would probably be a different Town Council when the project began. Rohr stated her concern about impact fees being assess in 2012 for a project taking place at 2022 cost, to which Roberts stated that usually impact fees are not collected until the development is close to beginning, and that the Town would continually update impact fees to allow for inflation of costs. Mr. Funk reiterated this was why it was important to update the current impact fees.

Mayor Roberts gave time to Ms. Stirling for another question. Ms. Stirling asked if they passed the proposed development plan agreement, as is, including the proposed possible second access, could the future Town Council take her property using eminent domain because of the agreement. Mayor Roberts stated there were things governments can and cannot do regarding exactions. He said governments have the potential to take exactions of properties, but they cannot take them without compensation, and without some type of just reasoning. He said it was quite a process and most municipalities do not look forward to doing it. He said personally, he thought governments should be extremely careful to only do it if there is good reasoning like health, safety or welfare of the community and with good solid findings. Ms. Stirling then requested that the option for a second access road through her property on the 2007 Master Road Plan be removed because the Stirling's did not want it; she said the BLM did not want it; there were wetlands in the proposed path; and the farm was 130 years old. David Stirling added that there was not an existing school in Grapevine, and the road did not help the current residents.

Noting Section 27 regarding the amendment process, Howell stated they had added a possible paragraph requesting if the desired change simply "tweaked" the boundary of a village a little, then the subdivision site plan or plat plan submitted with the application could serve as the "amendment." The agreement discussion then continued as follows. Mayor Roberts voiced his concern having a development with the same type of issues as

Elim Valley where properties were sold off that were not tied to the original agreement, which led to having some land locked properties. He said the Town wanted a guarantee that the entire development would stay intact, and not send off different areas to building companies. Howell suggested discussing this with Town Attorney Heath Snow. He added that GVW did have a "cross easement agreement" between the three land owners to help mitigate this situation. He added that Elim Valley had a lot of debt due to leveraging the land; whereas, GVW land is not leveraged with debt. He reiterated this should be discussed with the attorney. Roberts noted if the project "went south" it was really not the governments concern unless it caused land locked parcels. Council Member Joe Allen asked how they would mitigate three and four story buildings from being an eye sore, to which Howell responded by pointing to the map displaying the areas planned for three and four stories. He explained the natural topography naturally slopes to the Virgin River so the buildings would not be obtrusive; and beautiful view corridors would be maintained by design. Rohr added the buildings would not "jet out" on the skyline because of the prominent knoll, and gave the example of the multi-story Dixie Regional Hospital in St. George being subdued by the Foremaster Ridge behind it. Joe Allen asked if it was wise to go that high, to which Howell responded it was hard to have a discussion over opinions and noted that one of Vision Dixie's guiding principles were to cluster development and intensify the cores, which makes the streets safer by bringing "more eyes on the streets." He said given the rigid design guidelines, amount of planning, energy and resources, it was planned in a way that it would work and be an amenity the Town would be happy with. Rohr reminded of the fire truck issue, to which Howell said they had talked with Leeds Area Special Service District (LASSD) and committed to not build the three and four story structures until GVW made a ladder truck and satellite public safety building to house the ladder truck, available to LASSD.

Mayor Roberts then moved the discussion to the proposed Interlocal ("Cooperation") Agreement. Drake Howell noted that the Annexation Agreement said GVW would enter into an Interlocal Agreement with Leeds. He said GVW accepted most of the comments, suggestions and edits Attorney Snow had made to their proposed agreement. He pointed out that GVW Local District had the authority to finance parks and recreation, streets and rights of way, health care and water. He said the Interlocal Agreement section 2 establishes that GVW Local District will finance, build, construct and then dedicate all those elements of infrastructure to Leeds. He then pointed out the following caveat (underlined): 2(e) "*Within ninety (90) days of completion of a Public Improvement and final written acceptance of the improvement as complete by Leeds, the right, title and interest to such Public Improvement shall be dedicated and pass to Leeds unless Leeds is unable or unwilling to accept dedication of such improvement*". Howell reiterated they agreed with the changes Attorney Snow had made. Mayor Roberts noted the changes or modifications GVW legal staff made to the agreement would now go back to Leeds legal counsel for review. He said he had asked Drake to present the general direction GVW was planning, to which he did. Roberts said the Town Council needed to understand the documents and make sure it is the direction that is best for the Town without denying rights to property owners to do what zoning and ordinances allow. Engineer Russ Funk asked if there was a section included in the development agreement about coming to an agreement on the roads and streets before it was accepted. Mayor Roberts answered the agreement incorporated the Traffic Impact Study (TIS) exhibit. He added that the Town still wanted to discuss the TIS with UDOT. In referencing the (TIS), Roberts stated the Council had the responsibility to look at the potential growth and impact a development will have on the Town, but to also be cautious of limiting public the right to use a road. He said it was up to the Town to look at the best way to handle the amount of traffic and the direction it comes from within the Towns boundaries. He added the Town had the responsibility of managing it. Howell reminded they were all working through the processes of going back and forth to amend the agreement until it was agreed upon. Stating he had missed last month's meeting, Funk noted Sunrise still had a few concerns dealing with streets and traffic. Howell gave a follow up regarding last month's Town Council discussion regarding balcony covered sidewalks in or out of the Main Street rights of way. He reported that Attorney Snow would send a letter stating he was initially okay with the idea of arcade, canopy or balcony covered sidewalks if there is a public access easement and the Town did not have to maintain those sidewalks so as to avoid liability. Funk added there should also be no utilities, to which Howell agreed. After a little discussion regarding "walking through" the points on the Staff Report on the Sunrise Engineering Letter during the last Town Council meetings, Funk asked if a final approved revision to the traffic documents would be made to include all the agreed changes. Roberts said the meeting with UDOT the following week would be helpful, but noted dealing with UDOT would not give instant answers, because it is dealing with things "way down the road. Therefore, Mayor Roberts said some things could not be answered at this time. He explained by saying just as the water and sewer were conceptionals at this time, and all questions could not be answered, all the traffic issues cannot be addressed and answered right now. But, he added, as the Town looks at the platting, it will become "nuts and bolts". He thought it was good for Danielle to bring up her concerns, but noted all questions could not be answered at this time. He said he understood her question, but also understood a

developer looking at the Towns Master Road Plan to come up with a possible second access. He noted that when Silver Pointe Estates came to the Town for their subdivision approvals, the Town told them that after a certain number of homes, a second egress would be required. But the Town did not tell them they could not build, the Town gave them conditions. He said this was the same. Howell stated he looked forward to visiting with UDOT and going over the Sunrise concerns regarding traffic. He then emphasize that when relating to all the impacts GVW will be making on all public utilities and especially roads, GVW understand they need to carry their proportional share, and do not want to "weasel out" of any obligation of paying their share, and have no illusion to be a "free rider". They want to establish the mechanisms that will pay for it. He noted more certainty diminishes speculation. But stated all the studies that could be done regarding traffic would only give educated guesses, and referenced the Leeds 2007 impact fee analysis projected the population of Leeds would be approximately 1,300 and it is now only 820 which is 4 residence less than in 2006. He thought a more effective way to go would be to complete phase one, then do another pneumatic impact study to get the actual numbers to use, and GVW will respond to those actual numbers. And then do other studies as needed. Russ Funk agreed that up-to-date studies along the way would better tell what was needed, and noted the roads may be beyond capacity even before phase 3 due to other development. Howell reminded that "spot improvements" could be required (such as a turning pocket, or a signal at an intersection) well before another lane was needed. He added that if the "trigger number of vehicle trips" is reached during GVW phase one, due to growth in Silver Pointe Estates, and/or SITLA or elsewhere, GVW would be there to pay its proportional amount to mitigate the traffic. Lojko asked Howell to narrow the focus to illuminate so many different possibilities in the future. He said he thought this would help reassure the public. Howell noted many things were defined, however, there were some areas without certain definition and has several options. Lojko cautioned that public attending one or two meetings along the way may not see the whole picture because only one portion or option was discussed that night, to which Howell noted GVW had been having open meetings with the Town for a few years, and trusted the Council would not make a final decision based on what was heard in just one meeting. Mayor Roberts said he respected private property owner's views, but did not think the Town or the development could "lock down" what the real impact future growth will have on Main Street. He noted Silver Pointe Estates, SITLA, and etc. will all have an impact on Main Street, when/if they are filled in. Lojko stated it is better to approach a situation by stating something like "we are looking at going this way or that, and want to avoid these scenarios..." -- instead of laying out all the possible options. He thought citizens can get overloaded with too many options. He also stated his worry that the issue was being "muddied" with some other issues in town. Roberts agreed. Howell requested that the public hearing be moved to the May 9, 2012 Town Council Meeting so as to provide more time to have open discussion; the UDOT meeting; and more time to review the agreements. Roberts agreed, and noted this agreement was crucial, and the Town needed to be very comfortable with it.

11. **FY 2012-2013 Budget** – Mayor Alan Roberts directed the Town Council to review the FY 2011-2012 Budget to ascertain the needs for the FY 2012-2013 Budget. Council Member Frank Lojko noted the delay in the next road improvement were to save funds, and said having Council Member Nate Blake stake the roads instead of Sunrise Engineering would save \$21,000. He also advised for the Town to meet with LDWA and The Leeds Irrigation Company to come to a compromise on who will fix the depressions. Roberts said he had met with LDWA regarding the final inspection and check off of their water line project. He added that the Town had not been informed nor asked to generate a punch list. He said they were working on the issue.
12. **Future of CCC Camp** – Mayor Roberts read the following report from Council Member Angela Rohr: *"There is historical interest in the Leeds CCC camp. It is the only remaining site with stone buildings. There are no water, electricity, or toilet facilities. It is not a heavily visited. The site is steep and the ground very uneven. Recent improvements include; Glazing one building (most already broken), completing and stabilizing stone stairs to the top with period appropriate railing, installing beautiful historical information signage and the Cody Allen Eagle Scout project which installed drainage around the buildings that appears to be very effective and will help stabilize them and another set of stone steps on the west side that are in disarray and pose a hazard. These steps should be posted as hazardous and do not use, dismantled or there is a bid for about \$700 to stabilize them. To be operated as a park."* Rohr recommended posting it for "enter at your own risk" and dismantling the extra steps. Then, revisit the site and evaluate the status annually. She added that the CCC Camp is off by itself and not under much supervision, and said the expense of putting in water and a toilet where high compared to the need. Roberts added that the Historical Committee asks what to do with the CCC Camp. He stated he thought it was the best interest of the Town to keep it maintained, but did not think paying a monthly water and bathroom facility cost was necessary. The idea of posting a sign stating water and bathrooms were available at the city park was discussed as a positive solution.

**UPDATES BY STAFF:**

13. Mayor Roberts advised that Town Council Members needed to be engaged even when "hot topics" were on the agenda, and they were charged to make decisions in accordance to the current ordinances.

14. **Adjournment** by Mayor Frank Lojko 10:02 p.m.

APPROVED ON THIS 25<sup>th</sup> DAY OF April, 2012.

  
\_\_\_\_\_  
Mayor Alan Roberts

Attest:

  
\_\_\_\_\_  
Deputy Clerk/Recorder Fran Rex