

**TOWN OF LEEDS
TOWN COUNCIL MEETING**

MAY 23, 2012

MINUTES

BUSINESS SESSION:

Regular Meeting 7:00 p.m.

1. **Call to Order** - At 7:05 p.m. by Mayor Roberts.
2. **Pledge of Allegiance** - Was led by Joe Allen
3. **Roll Call** – Present were Mayor Alan Roberts and Council Members, Joe Allen, Nate Blake, Frank Lojko and Angela Rohr. Also in attendance were Leeds Contract Planner Bob Nicholson, Town Treasurer Jean Beal, Deputy Clerk/Recorder Fran Rex and Clerk/Recorder Amy Fisher. Also present were Town residents that filled the room.
4. **Declaration of Abstentions and Conflicts by Council Members, if any** – None
5. **Consent Agenda:** Discussion was had regarding Citizen Comments on agenda items. It was decided that the council should go through the items on the agenda and then allows citizen comments either after each item or at the end of the work session. **A Motion** was made by Nate Blake with a **second** by Angela Rohr to **Approve Tonight's Consent Agenda** and strikes any wording after citizen comment line # 8 and include meeting **Minutes of May 9, 2012 Town Council Meeting**. A friendly amendment was made by Frank Lojko to approve consent agenda and strike any wording after citizen comment line # 8 and to limit 3 minutes per citizen to which Blake and Rohr agreed. An **Aye** vote was **Unanimous**
6. **Announcements:** None
7. **Oath of Office to new Clerk/Recorder Amy Fisher** – Mayor Roberts introduced Amy Fisher as the new Clerk/Recorder and Deputy Clerk/Recorder Fran Rex gave her the Oath of Office.
8. **Citizen Comment:**

WORK SESSION:

DISCUSSION ITEMS:

1. **FY 2012-2013 Budget (Preliminary findings)** - Budget was under discussion with some changes recommended. Steve Lewis stated that the LASSD will volunteer to do the July 4, 2012 Breakfast and fireworks. Donations are welcome. Insurance was discussed. A Public hearing was scheduled for June 13, 2012.
2. **Review and discussion of Final Development Plan for Grapevine, Exhibit J** – Mayor Roberts reminded this item first came before the Town Council from the Planning Commission on the first part of March 2012. He noted the council has had some discussion, but he would now like to solidify what would be acceptable and what required conditions need to be further outlined. Contract Planner Bob Nicholson stated an annexation agreement with Grapevine Wash (GW) was signed by the town in 2009. He said that the agreement granted conceptual approval for the project, including the 2,500 dwelling units and the 300,000 sq. ft. of commercial floor area. He then gave the following staff report in part: He gave background information and said high density projects such as GW need a high level of amenities and outstanding building design to be successful and considered an asset to the Town. GW has provided an Architectural Pattern Book showing what building design is proposed for the

various types of residential structures. It will be critical to make sure that the GW buildings meet the standards set forth in their Pattern Book. He said it has been noted and the developer understands that the projects phasing will be limited according to street capacity and other infrastructure such as water, sewer and power. It will be phased in and only approved upon compliance and feasibility. The proposed GW project faces major obstacles to becoming a reality including obtaining the necessary public utilities to the site (water, sewer, power, etc.) and also necessary access roads with adequate capacity to handle the project's traffic. Previous traffic mitigation proposals have included the idea of having 5 traffic lanes on Main Street, but the Town Council has wisely rejected that idea, and stated that Main Street will remain a 2 lane street, with on-street parking and a center turn lane. Nicholson then reviewed the conditions set forth from the Planning Commission as follows:

1. Compliance with all Leeds Town codes, unless a specific waiver or variance is granted by the Town Council. – Town Council deemed acceptable.
2. All utilities, including water, wastewater, storm drainage, electric power, natural gas, telephone, and similar utilities shall comply with local and state standards. – Town Council deemed acceptable.
3. Street designs which are different than those set forth in the Leeds Standard Specification for Design and Construction shall be approved by the Leeds Town Council, after hearing the recommendation from the Planning Commission and the Leeds Town consulting planner and engineer. – Nicholson noted that the Planning Commission had spent at least 2 meetings on internal development roads. They discussed street design, narrow widths, turn radius, "Y" intersections, intersection spacing and sidewalks. The commission recommends approval of these things based upon some conditions and keeping with National standards.
4. A Traffic Mitigation Plan shall be approved by the Town Council which sets forth how proposed traffic from project will be accommodated by the public streets. Three accesses are needed in order for the project to reach build out. – Planning Commission did not recommend a 5 lane roadway for Main Street, but wanted to keep 2 lanes with on street parking.
5. Gravel parking areas are not permitted. All designated parking areas shall have a hard surface consisting of asphalt, concrete, brick pavers, or similar material approved by the Town Council. – Developer has eliminated the gravel parking and said that all parking will be some sort of hard surface.
6. All buildings shall comply with the design intent set forth in the Architectural Pattern Book for the Grapevine Wash project. All buildings which are three (3) stories or more in height shall be subject to design review by the Planning Commission prior to issuance of a building permit. The purpose of such design review is to promote compliance with the Architectural Pattern Book. – Nicholson stated the compliance with the Architectural Pattern Book will be critical. The Town Council discussed the maximum height of buildings; the general consensus was to have a maximum height of thirty five feet which would allow up to 3 story buildings. Driveway widths were also discussed.
7. Parking for residential units shall comply with section 6.4.3 of the Leeds Zoning Code, unless a modification to these parking requirements is specifically approved by the Town Council. – They discussed parking code requirements. Nicholson directed their current discussion to single family dwelling, and advised to wait for multifamily discussions until a detail plan is presented, and after details are proven acceptable through the completion of Phase I. Mayor Roberts reminded of last month's discussion and said he thought the Town Council agreed to stick with the two car garage requirement because it sets the pattern for safety the Town wants to comply with. Council Member Nate Blake asked if the two car garage requirement was also for multifamily or if covered car ports were acceptable for them. Roberts replied that previous dialog was "let's see what Grapevine plans" and look at the existing ordinances and then decide from there. Nicholson said code 6.4.3.1.3 stated the requirement for two parking spaces but that one needed to be enclosed. He also said code 6.4.11 gives the town the ability to make adjustments. Blake advised they would need to look at apartment parking requirements in the future, to which Roberts agreed. Council Frank Lojko cautioned to not approve anything below codes but asked Nicholson if there was something in the Mixed Use Ordinance that would allow changes. Bob Nicholson answered mixed use parking code 23.9.5 gives the Town the ability to reduce the parking requirement if it can be shown that shared parking is a viable alternative. He also informed of code 23.10 which states modifications maybe approved at the Town's sole digression, upon finding it meets the spirit and intent of Chapter 23 of Land Use Ordinance 2008-04. Maintenance responsibility for public streets and utility systems shall be determined and approved as part of the Final Development Agreement for Grapevine Wash. – Mayor Roberts said this item still needs to be discussed in depth with town engineer present. He noted this was a key issue of the agreement. In answer to a question from Town Council member Frank Lojko, GW representative Drake Howell stated that Rocky Mountain did not anticipate the need for an additional substation and GW intends to have the electrical lines placed underground.

8. A second public street access is required when GW has 101 or more dwelling units, and a third public street access is required when 600 or more dwelling units have been issued building permits. –Mayor Roberts stated that all the streets in the development will be “public streets”, so strike the word “Public”. The number of homes will need to be addressed once the applicant gives a modified mitigation plan. Lojko asked about eminent domain, Babylon Mill Road(200 North) and Old Babylon Road(900 North) reference in the agreement to which Nicholson, stated Attorney Snow has already struck the eminent domain, and the Babylon roads references from the draft agreement.
9. GW shall create a project-wide master HOA with CC&R’s which creates an Architectural Review Committee (ARC) for the project. The ARC shall review plans before submittal to the Planning Commission and Town Council. – Nicholson said that this is a broad overview of the building permit approval process.

Discussion was then had about a sewer system. Lojko asked if State law would require town residents to hook onto a sewer system for which GW received a grant. To which, Mayor Roberts stated no because GW Local District is a separate entity and can receive grants separately from the town. Town Council Member Nate Blake asked if a 5 lane Main St. was “off the table”, to which Nicholson stated it seemed the Town Council has taken a 5 lane Main St. “way off the table”. Discussion was then had about Fire Protection. Fire Chief Steve Lewis stated that Leeds Area Special Service District (LASSD) is currently in negotiations with GW for an Interlocal Agreement. Culinary water was then discussed. Mayor Roberts said Leeds entered a pooling agreement with Washington County Water Conservancy District (WCWCD) to enable Leeds to whole sale water and be the water authority. WCWCD does serve water to homes throughout the county but enters into pooling agreements for municipalities. Town Council Member Angels Rohr asked if Leeds would need to provide culinary water to GW, to which Roberts stated GW has the ability to provide its own water. However, this will need to be discussed in depth with condition list # 8 above. Roberts then asked Nicholson if he had any further comments, to which Nicholson said no. Roberts then turned over time for Public Comment as follows:

Ron Cundick - he noted the draft agreement required an inter-local agreement between the town and the developers and had the following concerns: 1) is there an inter-local agreement? And noted that the TC has the total discretion on exceptions, and he would like to see the draft copy; 2) the agreement says that if there is a conflict between what the ordinance says and the agreement says and agreement prevails. Ron is asking that the Town ordinance should prevail and is asking the Town Council to reverse it; 3) if the sewer system for GWV district that uses state or federal funding, would require the entire town to connect/participate to the new system.

Kevin Lee – Said that it is necessary to see some of these drafts He suggested that before any proposals come before the town which influences private property, the property owner be contacted; he noted that in his opinion, the shortest route for a second access is Babylon; and asked that agenda items be better specified.

Annette Densely – Resident of Harrisburg said on behalf of Harrisburg residents she advised they are not interested in a 4 way Interstate Interchange at Harrisburg.

Don Goddard – Leeds Resident for 45 years, noted he would take the issue to the Attorney General if he finds anything wrong.

Alan Howard – Owns the property adjacent to the 900 North Access Road and noted that he is unwilling to sell any portion of his property for a larger access than the current 60’ right of way. He advised that he needed to preserve the rest of his property to protect the ground water for his Crystal Springs business. Noted that Linda Lott gave her comment time to Alan Howard.

Elliot Sheltman – Thanked the Town Council for their efforts and for the Grapevine Open House.

He noted his concerns that the current drawings did not show floor plans or price points. Wondered how prepared Grapevine is and what due diligence they have done. He thought the agreement should be iron clad with no risk put upon Leeds.

Betty McKnight – wondered why Grapevine would be willing to wait so long for a profit and asked how close the town is to signing a final agreement. To which Mayor Roberts stated he would not speculate on the timing and noted they did not yet have a completed draft. She then stated the following concerns: 1) Is 900 North county road. If not, she thought Grapevine was land locked: 2) the agreement needed to include the specific proposed sewer plan: 3) Concern about the 50 year clause, due to future changes: 4) zoning variations and parking for studio apartments.

Martha Ham – Asked who the members of the Grapevine Wash Local Special Service District Board are and how they were appointed. To which Mayor Roberts informed the board members had to be property owners in the district, or agent or officer of an owner of land within the Grapevine Wash District and their names are listed on the local district document. Grapevine Wash Representative Drake Howell stated the board was nominated by the land owners served by the district, and then elected by the Town Council approximately one year ago at a public meeting that was publically noticed.

Susan Savage - Appreciate the Town Council for serving and having public comment. Noted that we are all stewards of this land. She noted that when mining the area they found a petrified forest, it might have been a Wonder of the World. She reiterated that our area is a treasure. Also, that more than economics and property rights are involved.

After ascertaining there were no more public comments, Mayor Roberts moved forward to the next item on the agenda.

3. **Draft Ordinance for Leeds area Cemeteries Update** -- Mayor Roberts asked Contract Planner Bob Nicholson if cemeteries need to be dealt with as a land use issue, using land use procedures, to which Nicholson replied that he would research for the answer. Roberts noticed that the present draft is two drafts merged together. He answered the prior question regarding the requirement of vaults. He stated that vaults stabilize the land and that he wasn't aware of any municipalities in Utah require a vault. Town Council member Nate Blake said he thought that all the town council members have read it and are comfortable with putting it on the next agenda, to which council member Frank Lojko agreed. Roberts stated he would like the State Code reviewed to ascertain if it needs to be dealt with as a land use item. Citizen Darrell Nelson asked if he could review it before the council made final approval. The Town Council agreed to this.
4. **Discuss West Center Street Roadway and Drainage** -- Mayor Roberts reminded that a property owner had deeded a portion of his property to the town to allow better road access to the Cuff property. He noted the town has conducted an agreed upon survey so the property owner could set a fence. He said it is important for the town to establish where the property lines are. Roberts also noted that there is also a drainage issue. A great deal of sediment appears after a significant rainfall. He said it needed a good defined drainage, and the town may want to look at mitigating this at a future date.

UPDATES BY STAFF:

Frank Lojko -- He noted that the Town Council has approved to chip and seal West Center Street, but it has been waiting for some issues to be dealt with. After the fence is installed, the town could complete the chip and seal. He also said he was proud of Mayor Roberts for following all the rules and procedures. He said "Hats off" to the Mayor for going through the last difficult months and allowing Public comment.

Mayor Roberts -- Responded by pleading for the public to have dialogue with appointed officials. He noted that he may sometimes come across as annoyed, but he has to consider the process, establish an agenda and try to accomplish the items on the agenda. He said the town will follow the ordinances and procedures of the State and Town regardless of the applicants. He noted if the town follows proper procedures, the town will not need to be concerned with lawsuits. Roberts also asked for the council's opinion for bidding on a .03 acre parcel of land adjunct to the cemetery parking lot at the Washington County tax sale. The council agreed.

Angela Rohr -- She noted that she attended the Washington County Solid Waste meeting and informed that they had lost their recycling coordinator and also reminded that Leeds receives funds from Washington County for recycling.

CLOSED MEETING -- A Closed Meeting was not held.

Adjournment

1. **Adjournment** by Mayor Frank Lojko **9:49 p.m.**

APPROVED ON THIS 13th DAY OF June, 2012.

Alan Roberts
Mayor Alan Roberts

Attest:

Amy Fisher
Leeds Clerk/Recorder Amy Fisher