

## PUBLIC NOTICE

### TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting on  
**Wednesday, November 10, 2010, 7:00 p.m.**

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

### AGENDA

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 September 22, 2010 and October 27 Town Council Meetings
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:

#### ACTION ITEMS:

8. Discussion & Possible Acceptance of Annexation Petition for Silver Fox Addition (property in Angel Springs area)

#### DISCUSSION ITEMS:

9. Discussion of road easement and conditions for preliminary plat status of Silver Pointe Estates
10. Discussion of Procurement Ordinance 2010-04 to comply with requirements of the Utah Code Annotated Title 63G, Chapter 11, for Status Verification Requirements.
11. Discussion of New Sewer financial option
12. Discussion on back-up, data storage, data security, etc
13. Discussion of the Park Rock Wall specification drawings
14. Discussion of possible Project to be submitted to the 5 County for CIB Prioritization list
15. Discussion of drainage culvert on 2070 and 2071 Silver Reef Road
16. Discussion of placing a Fire Hydrant 654 W Canyon Creek Drive
17. Discussion of Grapevine Wash Local District Proposed Ordinance
18. Reports by Town Council Members:
  - a. Report on Rubber chips in Park – Frank Lojko
  - b. Codification – Angela Rohr

#### UPDATES BY STAFF:

A.

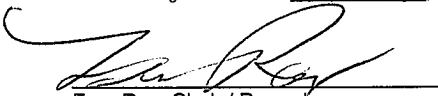
**EXECUTIVE CLOSED SESSION** – An Executive Meeting may be held for the discussion pending or reasonably imminent litigation; as allowed by Utah State Law (52-4-205)(1)(c).

B. 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 November 8, 2010. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pnn.utah.gov>, the Town of Leeds Website [www.leedstown.org](http://www.leedstown.org), and Spectrum Newspaper

  
Fran Rex, Clerk / Recorder

# TOWN OF LEEDS TOWN COUNCIL MEETING

## MINUTES

November 10, 2010

### BUSINESS SESSION:

1. **Call to Order** – At 7:02 p.m. by Mayor Hyrum Lefler
2. **Pledge of Allegiance** – was led by Angela Rohr.
3. **Roll Call** – Present was Mayor Hyrum Lefler and Council Members Alan Roberts, Angela Rohr, and Frank Lojko. Also in attendance were Clerk /Recorder Francene Rex. Council Member Keith Sullivan was excused.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **A Motion** was made by Alan Roberts with a **second** by Mayor Lefler to **Approve Tonight's Agenda** including the **September 22, 2010 Town Council Meeting Minutes; deleting the October 27 Town Council Meeting Minutes; and moving Procurement Ordinance agenda item #10** to be between items #15 and #16. An **Aye Vote** was **Unanimous** from those present.
6. **Announcements** – Veteran's Day Celebration at the Leeds Fire Department at 6:00 p.m. on November 11, 2010. Veteran's and Scouts area asked to arrive at 5:30 p.m. for presentation instructions. They will have a flag retiring ceremony and program. Also, the Leeds Planning Commission and Form Tomorrow are hosting an Open House on November 16, 2010 from 5:30 p.m. to 8:00 p.m. They will present the draft General Plan revision to date, a trails map, a circulation map, and a FEMA Flood Plain map for public input.
7. **Citizen Comment** – Citizen Ralph Rohr suggested the Council look at using Carbonite.com for a back-up system because it was less expensive than the one being proposed in agenda item 12.

### WORK SESSION:

#### ACTION ITEMS:

8. **Discussion & Possible Acceptance of Annexation Petition for Silver Fox Addition (property in Angel Springs area)** – Petitioner Gordon Casey said his property included 73 acres and was adjacent to Silver Pointe Estates. He said he was not in a hurry to develop his property, but wanted to help Rick Sant create a second access to Silver Point Estates by allowing a right-of-way through Mr. Casey's land. He stated the county told him if he ever developed, the county would prefer it be annexed to Leeds. He also said the Planning Commission had recommended he add seven (7) other parcels to the annexation petition to prevent the creation of a peninsula. This brought the total annexation acreage to eighty-seven (87) acres. The map was shown on the screen. Mayor Lefler reminded the Council that their only action was to deny or accept the petition, and this would start a process. Council Member Angela Rohr asked what zoning would be desired, to which Mr. Casey stated he did not want to address the zoning during the annexation, but would address it at the time a development agreement was presented. Clerk/Recorder Fran Rex explained the annexation process and the notice which would be given to the added seven (7) added parcels and affected entities. Council Member Frank Lojko added that this would also give Silver Reef a second access. Mr. Casey said his other option was to give the easement to the county; however, he would rather give it to the Town of Leeds. **A Motion** was made by Alan Roberts with a **second** by Mayor Lefler to **Accept the Annexation Petition for Silver Fox Addition**. Mayor Lefler asked if there was further desired discussion. Rohr wondered if the other property owners could opt out since it would create a peninsula. There was discussion on the subject,

and it was reported they would be able to respond after receiving notice of the possible annexation. Lojko stressed that the county did not want islands to develop and wanted developed areas to annex into their surrounding town. An **Aye** Vote was **Unanimous** from those present.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCIL MEMBER ALAN ROBERTS	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCIL MEMBER ANGELA ROHR	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCIL MEMBER KEITH SULLIVAN	<u>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>
COUNCIL MEMBER FRANK LOJKO	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>

Acceptance of Annexation Petition for SILVER FOX ADDITION was

Passed   x   Rejected            TABLED           

**DISCUSSION ITEMS:**

**9. Discussion of road easement and conditions for preliminary plat status of Silver Pointe Estates –**

Mayor Lefler read the decision letter written by Town Manager Drake Howell to the owners of Silver Pointe Estates after the January 27, 2010 Town Council Meeting which notified of the Town Councils decision to validity period of the Silver Pointe Estates-Phase I Preliminary Plat an additional 12 months with the following conditions:

- 1) Applicant submits Final Plat application for Silver Pointe Estates-Phase I by January 28, 2011.
- 2) Same conditions required upon original preliminary plat approval remain in effect, these include, but are not limited to:
  - a) Establish an agreement with adjacent property owner to have an easement through his property for a two-lane ingress/egress road.
  - b) Establish water and sewer plans to service the subdivision.

Mayor Lefler noted the main issues were a road easement, and a sewer solution, and the clean-up. He said the Town wrote a letter to the applicant stating the sewer solution had been met, and the clean-up issue would be heard during the December 8, 2010 Town Council Meeting. He then referred to the January 28, 2009 Town Council Meeting minutes regarding the easement requirements and read from them as follows: *"Ingress/Egress: An existing road from Silver Valley/Hidden Valley to their water tank can be improved to provide access. Mr. Sant felt an agreement with the property owners of that area could be obtained due to the fact they had placed their water tank on Sant's property. Mr. Sant understood he would need a written agreement for an easement on said private property to build the road to receive the Council's approval."* Mayor Lefler asked if the Council would require a letter from Mr. Casey stating his agreement to an easement or a deeded right-of-way. Mr. Casey stated he understood he needed to provide a deeded right-of-way, with the condition if it needed to be changed in the future before the actual construction of the road, the location could be changed slightly. Silver Pointe Estates part owner Mr. Sant stated this had been a tricky subject, and since the subdivision/development is not yet drawn for the Silver Fox addition, Mr. Sant asked the Town how they would like the second access handled. He proposed the following two options: A) Receiving a letter from Gordon Casey or draw up a legal agreement stating Casey's agreement of giving an easement through his property for an access road; B) Draw up a legal description for a road easement, then when the actual subdivision plan is drawn, the city could vacate the old easement and bring in a new easement where the plan denotes the road. He said the road would basically follow the existing road to the water tank, but could be changed a little. Lefler noted the conditions did not state the need for a dedicated easement; however the Town did want to make sure it would happen. He felt having the property annex into the town, and having the annexation agreement declare no development could not occur until the road is dedicated to the Town. Mr. Sant noted that when he must meet the requirements presents his preliminary plat on January 28, 2011; the Silver Fox may still be in the county. Council Member Alan Roberts stated the condition was "an agreement with the owner for the easement," and noted the easement needed to be the width of a right-a-way. Mr. Sant agreed and noted the easement also needed to include width for a shoulder. Roberts continued by clarifying the agreement with the owner could be obtained whether or not the Silver Fox property was annexed into the Town. Mr. Sant worried it would be harder to vacate an old easement and accept a new easement with the county. Roberts thought it would be best to have an actual easement with a legal description, which stated the plan to vacate and accept a new easement, and which would be binding with the property whether the property was in the county or the Town. He did not feel it needed to be deeded to the county. Mr. Gordon noted he planned to go through with the annexation regardless.

It was concluded that Mr. Sant would need to furnish a legal description of the road along with a map, as well as submit a suitable agreement between Silver Pointe Estates and Mr. Gordon's organization to satisfy the access road condition. Mayor Lefler noted that Mr. Sant would present a clean-up plan in the December 8, 2010 Town Council Meeting, to which Mr. Sant agreed and said the presentation should satisfy the condition that they follow up with their agreement with the Department of Environmental Quality (DEQ) in creating an approved remediation plan. He also noted he would be submitting a thirty day (30) comment period. He said they would like to do the actual clean up with the grading of the streets, but noted due to current economic conditions they did not want to grade the streets right away. He asked if the States approval of their plan would suffice in meeting the clean-up requirement. Mayor Lefler thought it made sense and was reasonable to wait, but said he would need to refer to the actual wording of the condition. Sant said his recollection was once the plan was in place, and the map was recorded with the stipulation that the clean-up had to be done per the approved remediation plan with the State of Utah, it would satisfy the condition. Roberts recalled that the condition read that whatever the State approved as the plan would be okay with the Town, since the State was the jurisdiction authority. Lefler reiterated he would research the original verbiage.

\* Note: Council Member Alan Roberts asked to be excused for 15-30 minutes.

10. **Discussion of Procurement Ordinance 2010-04 to comply with requirements of the Utah Code Annotated Title 63G, Chapter 11, for Status Verification Requirements-** This item was discussed after item #15 during the meeting.
11. **Discussion of New Sewer financial option** – Mayor Lefler referred to a letter from Sunrise Engineering regarding another community's recent approved waste water project which included connection fees in their loan/grant. Council Member Angela Rohr noted the existing residents are now paying an increased \$42.00 monthly user rate to help pay for the loan of the Leeds Domestic Waterusers Association (LDWA) water line upgrade project. She noted that item# 10 in the letter stated the cost increase. Lefler stated it would be a hefty grant, but with more people on it, it would spread out the cost. He said he would only entertain the option if a high percentage of the public approved.
12. **Discussion on back-up, data storage, data security, etc** – Mayor Lefler noted he had put this on the agenda to begin some discussion regarding back-up. He had recently received some information and a quote from a company which handles back-up for many cities. He noted their back-up was on a higher level than Carbonite, and said it had a network storage drive, network facility, they cater to towns and cities, and information is made searchable and easy to find. Lefler stated the current back-up was a thumb drive, and said more research needed to be done to know if this was adequate.
13. **Discussion of the Park Rock Wall specification drawings** – This agenda item was discussed after the return of Council Member Alan Roberts at 9:54 p.m. The following concerns and possible solutions were discussed: 1) Vehicles parking near the top edge of the wall may cause continued dirt sloping, to which the solution of building the rock wall as a triangle like a levy was suggested; 2) The Town needed to take care of the current boundary line overburden; 3) Construction of the wall should be done in such a way to prevent drainage to the Snow's property; 4) Building a Town improvement on private property could be resolved by asking the Snow's to deed the wall area to the Town as a tax right off. It was ascertained that a boundary line agreement would be better for the owners than an easement, because an easement would not provide a tax break for the Snow's. Attorney Snow said it could be done as a simple dedication and his office already had a boundary line agreement template drawn up, to which a new surveyed line could be added. Roberts stated that a boundary line agreement would make the issue clean cut and prevent possible future issues if the Snow's sold their property. Council Member Angela Rohr asked if the Town could simply take care of the overburden and not build the wall, to which Public Works Director George Fridell stated it would cost more to haul off the overburden than build the wall with the materials. It was decided to find out if the Snow's would be amicable to a boundary line agreement, and deeding the wall property to the Town.
14. **Discussion of possible Project to be submitted to the 5 County for CIB Prioritization list** – Mayor Lefler explained that the Community Impact Board (CIB) was created to give royalties to municipalities for past mining. He noted there was an upcoming meeting for the CIB to prioritize their list for grants in 2011, and currently, there were no Leeds projects on the list. The Leeds one and five year plan lists

were displayed and Lefler asked the council which they would like to add to the CIB prioritization list. Council Member Frank Lojko suggested the crucial items were street upgrades, curb & gutter, and cinder blocks falling off making sidewalks crack on Main Street. He felt since Leeds had not yet asked for this type of grant monies, it would likely be awarded some. Citizen Peter Aurigema asked if the impact fees paid by three homes on Main Street to put curb and gutter in front their homes were still in the Town's account, to which he was answered yes, but they had to be used fairly soon or would be required to be returned. Mayor Lefler said this could be the Town's contribution to the project. Council Member Angela Rohr asked if the drainage study had been completed, to which Lefler stated "not yet," and Lojko added the study information could be used to state their case with the CIB Board. It was decided to put the following on the CIB list: A) Curb and Gutter; B) Cinder Block on the West side of Main, to which Lojko stated his research on pouring cement between the sidewalk and the cinder block above the ditch (like that done in front of the LDS Church building) showed this was an economical and good solution; and C) Parking at the Town Park.

15. **Discussion of drainage culvert on 2070 and 2071 Silver Reef Road** – Council Member Frank Lojko said he had talked with both owners, and Public Works Director George Fridell had also looked at the culvert. Lojko said you could see a pipe going under the road from one side, but could not see a pipe coming out the other side. Fridell and Mayor Lefler concurred. Lojko reminded that the LDWA waterline project would go through the area in a week, and then they could ascertain where the pipe is and have the fire department flush it out if it is blocked. Lojko informed the owners of 2071 said they would unblock the pipe if there was one there, but they did not see one when they moved in. Citizen Peter Aurigemma said he had not seen a pipe on the 2071 side since he moved in. Council Member Angela Rohr noted there was another culvert up the road, to which Mr. Aurigemma said it was privately owned and still functioned. Mayor Lefler said he would alert LDWA about the situation and ask them to let the Town know when the project is in that area.
  
16. **Discussion of placing a Fire Hydrant 654 W Canyon Creek Drive** – Mayor Lefler noted further developments on the issue. He read the staff report which stated: Placement of Fire Hydrant at 654 W Canyon Creek Dr. was done under County Regulations in 2005, and the home was not built with the driveway sufficiently close to an existing fire hydrant. In spite of heavy searching, Town Staff has been unable to find history of the deposit of Impact Fee Monies for which we have a receipt and a check number on file. Furthermore, the building permit application for Dennis Budd at 654 W Canyon Creek Dr. was never given to the Fire Department for review. The Fire Department has also stated that they have not received impact fees which should have been passed to them through the Town. A new hydrant was never installed close enough to meet fire code at the time of building. Mayor Lefler suggested the following recommendations:
  - A. Approach the Property Owner at 654 W Canyon Creek Dr. for proof of the actual payment of the Impact Fees. If fees have not been remitted, explore the possibility of assessing those fees and remitting to the Fire Department their due Impact Fees.
  - B. Review with Town's Attorney the liabilities to the Town of Leeds associated with the lack of appropriate fire protection due to the nearest hydrant being at too great a distance to meet State Law requirements. And consider the question of whether the oversight of the Town to pass information to the Fire Department increases that Liability.
  - C. Review again this issue with additional information gathered.

Mayor Lefler said the Town Attorney did not think the Town was solely liable to place the hydrant. It was reiterated that the Town had a receipt for \$2,855.34 which included a building permit and impact fees; however, a deposit for the full amount nor divisions of the check amount from the check number were not found (it was check for several years before or after the receipt and building date by both Treasurer Jean Beal and Clerk Fran Rex). It was wondered if the check were held, but never deposited when the building permit was approved. It was noted the hydrant would be close enough if the driveway to the house stemmed from the intended road. Mayor Lefler stated he originally thought the Town could not legally ask the homeowner to contribute since the issue was five years old; however legal counsel said the Town could. Council Member Angela Rohr asked to research whether the impact amount that was paid included fire protection, to which Clerk/Recorder Fran Rex stated all impact fees paid during that time period were the same \$1,400 which included parks and roads, and no amount went to fire safety. Lefler noted that fire safety fee would have been charged over and above the regular impact fees, and had the Fire Department been notified, and the problem ascertained, the property owner

would have been aware of the option to build towards the intended road, or pay for an additional fire hydrant. Lefler thought it would be good to ask the home owner if they have record of the check clearing their bank. Rohr reiterated her idea that a new gravel road to the house may be less expensive. It was stated the compaction of the road would need to be strong enough for a fire truck. Mayor Lefler asked Attorney Heath Snow if the Town was responsible since it did not pass on the information to the fire department. Attorney Snow stated the fact the Town did not pass on the information did not make the fire district less liable. He said the issue would fall under the Government Immunity Act which protects cities from its general operations. He said there was a lot of immunity for liability. He also stated when a the fire district is aware of a home being further away from a hydrant than code allows, it could give a notice which puts the home owner "on notice" that there is a service problem. Mayor Lefler acknowledged the technicality of the Town not being liable for the issue, but felt the Town may still want to take action.

**10.) Discussion of Procurement Ordinance 2010-04 to comply with requirements of the Utah Code Annotated Title 63G, Chapter 11, for Status Verification Requirements-** This item was discussed after item #16 during the meeting. Attorney Heath Snow arrived at 8:25 p.m. for the discussion. Mayor Lefler explained the ordinance would comply with Senate Bill (SB) 81 section U.C.A. 63G-11-103 dealing with immigration laws designed to verify the immigrations status of procured employees. The new law requires that each public employer register with and use a "Status Verification System" ("e-verify") to verify the federal employment authorization status of a new employee. He said the proposed ordinance requires that the Town of Leeds receive an affirmative statement from procured service providers stating they are registered with and use "e-verify" to verify the immigrations status of their employees to ensure they do not employ illegal immigrants. The contractor would also be required to state the he will not use illegal immigrants on a Town project. Attorney Snow said his office simplified and streamlined the Town's old 1975 procurement ordinance and included the e-verify requirement. He stated the current ordinance divided purchases into the following three categories: a) small purchases of \$500.00 - \$5,000.00; b) intermediate purchases of \$5,000.01 to \$50,000.00; and c) large purchases above \$50,000.01. Discussion was had regarding the fund amount limit a project could incur before adherence to the ordinance was required. Snow explained that although according to the Utah league of Cities and Towns "e-verify" only applies to purchases (including contracts and Purchase Orders) issued through a Request for Proposal (RFP) process which are "large" procurements purchases, his firm added the "e-verify" requirement to "intermediate" procurement purchases to the ordinance as well. He noted that the Leeds current ordinance requires three bids on "intermediate" purchases, so they felt "e-verify" should also apply. It was noted there were some exemptions for things such as emergencies. It was also noted that purchasing items fell under different rules than hiring. Snow also suggested that the Town add a requirement to the Policy and Procedures Manual, stating the Town utilize one of the sources noted such as Homeland Security, Social Security or E-Verify to verify the immigration status when a new employee was hired. Mayor Lefler noted his concerns with the proposed ordinance in section six (6) entitled "Preference for Resident Vendors" and requiring the use of "e-verify" on "intermediate" services. He felt the Town had a good track record of using the three bid requirement, but did not want to be locked into the lowest bid, since sometimes the lowest bid was not good quality work. Snow stated the case law and statute leaves a discretionary element when determining the lowest responsible bid. He said the definition from State Code of "the lowest responsible bid" was "an offer submitted by a responsible bidder to furnish supplies, equipment, or services in conformity with the specifications, delivery terms and conditions of the contract requirements." He explained that contractors generally respond to a bid package on a form given by the Town, and not filling out the form correctly can equate to a non responsive bid. He also said the definition of a "responsible bidder" was "a person or company who has the capability in all respects to perform fully the contract requirements, and who has the integrity and reliability which will assure a good faith performance." Snow stated this allowed for the Town to use discretion in deciding a "responsible bidder." He said his office had added the requirement of accepting the "lowest responsive and responsible bid" to intermediate purchases of \$500.01 to \$50,000.00, but noted the States requirement for this was for purchases above \$50,000.00. Council Member Angela Rohr said the decision was sometimes made by a "gut feeling," and asked about the liability. She was concerned about being locked into the lowest bid if it was not a quality bid; therefore, she was concerned with section 4(b) and the sentence after the word "quotes" which read "*and shall purchase the item from the supplier, provider, or contractor offering the lowest responsive and responsible bid or quote.*" Lojko noted that doing research before sending projects out to bid would eliminate some liability. Snow stated the definition and use of the term "responsible bid" was straight

from the State Code, and that this would put Leeds in good standing to enable them to use other Towns cases as examples for interpretation. He added that if Leeds did not have an ordinance which required the lowest responsible bid, than by default it would need to comply with the States procurement ordinance which uses the above defined terms for purchases over \$50,000.00. Lojko noted there was a difference in requirements for maintenance and repair services than for new construction. It was decided to remove the requirement of accepting the "lowest responsive and responsible bid" from intermediate purchases. Attorney Snow also noted retained professional services such as the Town engineer and attorney did not need to go to the lowest bidder or be "e-verify" registered, but it was a good practice to do it. Mayor Lefler reiterated the State law did not require the "e-verify" for services under \$50,000.00, but noted Attorney Snows firm suggested the Town be in the habit of requiring "e-verify" even for intermediate purchases/services. Citizen Elliot Sheltman said "e-verify" was an easy process and thought it was a good idea to use it on intermediate purchases in order to protect the Town's people.

**17. Discussion of Grapevine Wash Local District Proposed Ordinance Resolution** – Mayor Lefler invited Grapevine Wash Project Manager Drake Howell to explain the proposed resolution. Mr. Howell reviewed that Grapevine Wash had recently annexed approximately 360 acres into the Town of Leeds, and said the annexation development agreement had established a mixed use zone and a density of 2,500 units and over 300,000 feet of commercial space. He said the development would be patterned after new urbanism or traditional neighborhoods where shops, work places, residences, and open space are comingled. Mr. Howell said during the agreement process, the Town and the Grapevine Wash (GVW) development group contemplated and anticipated the formation of a Local District to accomplish the Town's desire for development to pay for itself. He said a Local District was a mechanism a developer could use to raise funds to improve or build roadways; waste systems for culinary water, storm water and wastewater; and for parks and etc. by taxing itself. He said the State of Utah Code lists approximately ten to fifteen purposes for which Local Districts can be formed. He referred to section four (4) of the proposed resolution which listed the following four purposes for which Grapevine Wash was proposing the district be created:

- a) The acquisition, construction and operation of parks, recreational facilities, or services – such as a leisure services department or recreation center.
- b) Health care facility including health department or hospital service - such as a clinic or an assisted living facility.
- c) The acquisition, construction, and operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, sewage, irrigation, and culinary water, and
- d) The construction and maintenance of rights-of-way, for curb, gutter, sidewalk, street, road, water, sewage, storm drain, electricity, communications, and/or natural gas improvements within its boundaries through the construction, purchase, gift, condemnation, or any combination thereof of the facilities necessary to provide said services. To provide said services and facilities, the proposed District shall have all powers set forth in the Act.

Howell continued, stating it was a financing vehicle which did not remove other requirements of the law such as zoning, building permits, or State, County, Water Conservancy District approval or Ash Creeks approvals for a sewer system. It would not transend the applicability of the Leeds codes on zoning, business licenses and etc., but it would allow the property owners to leverage their ground for the above four purposes. It would give them the power to asses their own property and bond for public improvements. Mayor Lefler added that this would allow for the added burdens of that area to be on the "shoulders" of those who lived there. Mr. Howell noted this was an important element for the annexation and development approval. He said becoming a district would allow the land to become a political entity enabling them to pursue financing. Mr. Howell informed that the proposed resolution and accompanying documents were prepared by Valor Swab whom are experts in the field. And noted the documents should go through the process, the procedures, and are step driven. He said he hoped the proposed resolution could be heard in the next Town Council meeting. Mayor Lefler asked Attorney Snow about who would present the GVW preliminary plat approval, whether it would be the Local District or the Development Owners, to which Attorney Snow stated it would be the owners or their representative. Lefler noted the District would only have authority over specific things. It was stated that the District would not have zoning authority. Lefler stated the specifics the District could deal with were water,

medical, roads, and parks. Attorney Snow asked if the District intended to be the water provider and have and create water facilities which would need to be gifted to LDWA through the Town of Leeds, to which Mr. Howell stated yes. He noted the retail culinary water agreement with the Washington County Water Conservancy District (WCWCD) states the Town of Leeds is the water authority and as such has an agreement with WCWCD to retail their wholesale water. He said it made sense to "slip into that already created structure" unless something else is available when needed. Council Member Angela Rohr noted that although the Local District would be created for financing purposes, it would end up being a permanent district, to which Attorney Snow agreed and added it was not only a "financing vehicle" it would also be a facilities management and operations entity, which would run the water, and manage the parks and recreational facilities. Mr. Howell said it could manage the sewer and such, but it could also contract to Ash Creek or etc. He noted the District would be liable just as a town would be, and that they would make the decisions whether they "ran" them or contracted them out. Attorney Snow asked if the parks and roads in GVW would be public or private, and asked if the Local District would manage the park and streets it builds, to which Mr. Howell stated he was not an attorney and did not know for sure, but thought it was reasonable to assume a Local District would not be allowed to manage the park or streets. He cited that St. George City did not block off streets nor did it restrict parks to residents. Attorney Snow asked about closed recreational facilities such as Coral Canyon's recreation facility which is reserved for its residents, and Mr. Howell noted the Washington recreational facility requires an admission fee. Mayor Lefler asked if a sunset option could be added, to which Attorney Snow stated it was quite a process to dissolve a Local District, but it could be done. The Town would have to assume the obligation to maintain a water system, storm drain systems, and parks and recreational facilities & etc. Lefler noted bonding would be available to help. Mr. Howell said the process and outcomes would be similar to dissolving to a town. Council Member Frank Lojko stated that if the roads were "open" they would count in the road calculation the Town receives for Road Funds; however, it was a gated community who paid for their roads, the roads would not be in the Leeds road count calculation. Mr. Howell said he could not see a reason why Grapevine Wash would not dedicate the roads to the Town. He also noted they would need to work through some of the other concerns and differentiate between the development and the Local District issues. Attorney Snow added that the beauty of a Local District was the district borrows the money to put in the infrastructure, and they are the bond purchasers and put up the collateral. He said the collateral was equivalent to a lien against the district property, and not the Town. He added the Town does not encumber or pledge any of its assets or revenue for those improvements. The District uses its land for the collateral on the loan, and if they default on bonds or loans, the bond recourse is to foreclose on property, and the bond holder takes ownership. Mr. Howell noted this was similar to traditional development financing. Rohr noted that a public entity such as local district could access public funds from the State, to which Attorney Snow and Drake Howell agreed they could access bonds. Lojko added this was a great way to go in this economy and a way to get a quality development with infrastructure at the beginning, and not a piecemeal development. Mayor Lefler asked if there were more questions from the council, and asked if there was a specific need for the issue to be heard in December, to which Mr. Howell said the Town was in the driver's seat, but despite the economy, Grapevine Wash just hoped it could move along. However, they were a patient group and were not rushed. Rohr asked if Bureau of Land Management (BLM) land were included in the District, to which Howell said the Local District would include only the area within the "project boundary line" outlined in bold, and did not include the BLM land although it was part of the development plan. Rohr reminded of the possible idea of building a school on the BLM land. Lojko added that if a school or golf course or such were desired, the BLM could be approached. Mr. Howell added the Town could lease the land from the BLM for a Recreational & Public Purpose (R&PP), then after the lease, it could come out of the lease and be deeded to the Town. Attorney Snow stated if the property were ever deemed surplus and sold from BLM to private property, the Local District boundaries could be amended or annexed to include that property. Rohr asked if the Town would lose control if a school were on BLM land and annexed into the District. Attorney Snow stated that Leeds would still be the land use authority, and would handle zoning, business licensing, development, building permits and etc. The Town would have the normal control because all building would come to the Town for approval. He noted the district may own and maintain the buildings, but the Town would maintain its normal control. Rohr was concerned if Washington County wanted to put a school on the BLM land, they would have to buy the land from the Local District if it had been annexed into the district, to which Attorney Snow the Local District would not own the land, but the property owner would own it, and Drake Howell added the district may own some property, but the BLM land was a separate issue. He noted it was the developments intention that a school or



schools be placed on the BLM property, and said they were very supportive of having schools. Lojko noted the BLM land was annexed with the Grapevine Wash land to protect the Town from losing control of it by preventing Toquerville from annexing it. He added Leeds now had an environmental buffer, and due to some archeological and prehistoric indian sites, and dinosaur tracks on the land, he did not think BLM would sell it.

**18. Reports by Town Council Members:**

- 1) **Report on Rubber chips in Park** – Frank Lojko reported that Public Works Director George Fridell's total measurements of the park playground area needing chips was 4,000 square feet which was three times the original estimate. He said he would do more research.
- 2) **Codification** – Report from Angela Rohr will be heard during the next meeting.

**UPDATES BY STAFF:**

19. None

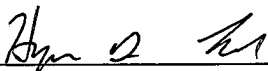
At 10:12 p.m., **A Motion** was made by Frank Lojko with a **second** by Alan Roberts to **Open an Executive Meeting may for the discussion pending or reasonably imminent litigation; as allowed by Utah State Law (52-4-205)(1)(c).** An **Aye** Vote was **Unanimous** from those present.

\*Note: Town Treasurer Jean Beal left the meeting at 10:13 p.m.

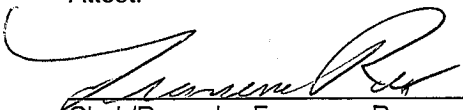
**EXECUTIVE CLOSED SESSION** – **An Executive Meeting may be held for the discussion pending or reasonably imminent litigation; as allowed by Utah State Law (52-4-205)(1)(c).** At 10:42 p.m. a **Motion** was made by Frank Lojko with a **second** by Alan Roberts to **Close the Executive Meeting.** An **Aye** Vote was **Unanimous** from those present.

**20. Adjournment** by Frank Lojko at **10:43 p.m.**

APPROVED ON THIS 8<sup>th</sup> DAY OF December, 2010

  
\_\_\_\_\_  
Mayor Hyrum Lefler

Attest:

  
\_\_\_\_\_  
Clerk/Recorder Francene Rex