

PUBLIC NOTICE

TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting on
Wednesday, December 14, 2011, 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 November 9, 2011 Town Council Meeting
6. Financial Reports for November, 2011
7. Announcements:
8. 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.*

REGULAR MEETING:

ACTION ITEMS:

9. Discussion & Possible Approval of ORD 2011-02. Town Council and Planning Commission Meeting 2012 Schedule.
10. Discussion & Possible Approval of ORD 2011-03 on proposed Amendment To Mixed Use Ordinance Chapter 23 of the Leeds Land Use Ordinance 2008-04
11. Discussion & Possible Approval of the Planning Commission recommended ordinance amendments to correlate with the proposed draft Site Development Plan Ordinance.

WORK SESSION:

DISCUSSION ITEMS:

12. Presentation of the "Community Covenant Program" by SGT. Hyrum Durfee of the National Guard
13. Discussion on franchise fees for utilities in the Town rights-of-way
14. Discussion the posting of flags on holidays.
15. Discussion on Town Hall 2012 business hours

UPDATES BY STAFF:

16. Replacement of damaged posts of Silver Reef & Wells Fargo historical directional sign.
17. Update regarding Silver Reef Highland park being deed to the Town of Leeds

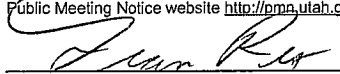
CLOSED MEETING – A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a). OR A Closed Meeting may be held for the discussion pending or reasonably imminent litigation; as allowed by Utah State Law (52-4-205) (1) (c).

18. 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 December 12, 2011. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pma.utah.gov>, the Town of Leeds Website www.leedstown.org, and Spectrum Newspaper


Fran Rex, Clerk / Recorder

TOWN OF LEEDS TOWN COUNCIL MEETING

December 14, 2011

MINUTES

BUSINESS SESSION:

1. **Call to Order** – At 7:00 p.m. by Mayor Roberts
2. **Pledge of Allegiance** - was led by Keith Sullivan
3. **Roll Call** - Present was Mayor Alan Roberts and Council Members, Frank Lojko, Keith Sullivan, Angela Rohr and Peter Aurigemma. Also in attendance were Planner Consultant Bob Nicholson, Sunrise Engineer Russ Funk, Clerk/Recorder Fran Rex, and Grapevine Wash Representative Drake Howell.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **A Motion** was made by Keith Sullivan with a **second** by Angela Rohr to **Approve Tonight's Agenda including Minutes** of Town Council Meetings from **November 9, 2011** with the following **changes**: Move item 12 to be 9; The roll call votes of Angela Rohr were accidentally placed on the row of Keith Sullivan as follows 1st roll call vote on item 11, Angela Rohr voted nay, 2nd roll call vote on item 11, Rohr voted yea, and the roll call vote on item 13, Rohr voted yea. Also, on the 3rd row from the bottom of item 11, the word "unnecessary" corrected to "necessary." An **Aye** vote was **Unanimous**.
6. **Financial Reports for November, 2011** – The council reviewed and discussed.
7. **Announcements** – Mayor Roberts announced an opening for a Planning Commission Member and Alternate. He also announced that letters were sent out to residents who were listed on the address change resolution informing them of their new address, and included a reproducible letter from the Town for residents to send to entities needing confirmation of the Town sponsored address change, and also a reference list of entities requiring notification by the resident, and those being notified by the Town. Roberts also noted that the business license and dog license reminders were being sent out with the trash bill instead of separately to prior licensed businesses and dog owners.
8. **Citizen Comment** - None

REGULAR MEETING:

DISCUSSION ITEMS:

9. **Presentation of the "Community Covenant Program" by SGT. Hyrum Durfee of the National Guard** – Sergeant Hyrum Durfee informed that the Community Covenant Program was established in 2008 to help facilitate structuring an organization to better help service men and their families while the service men/woman are deployed. He noted that citizens were already willing to help, and that this program channels their energy into a specified funnel and combines it with the local militaries efforts to mitigate the need of United States Government assistance. Mr. Durfee said they were going to each town to receive support (no funds), and that each town was asked to decide what type of support it desires to give, create a covenant, and have a "signing ceremony" for local leaders, clergy, and citizens to sign their pledge of support. They discussed the different types of ceremony possibilities, the types of support such as informing servicemen of the availability for utility abatement, food assistance, checking on family needs and etc. The Council voiced their support for the program.

ACTION ITEMS:

10. **Discussion & Possible Approval of ORD 2011-02. Town Council and Planning Commission Meeting 2012 Schedule** – After Council discussion, a **Motion** was made by Frank Lojko with a **second** by Mayor Roberts to **Approve ORDINANCE 2011-02. Town Council and Planning Commission Meeting 2012 Schedule**. An **Aye** vote was **Unanimous**
11. **Discussion & Possible Approval of ORD 2011-03 on proposed Amendment To Mixed Use Ordinance Chapter 23 of the Leeds Land Use Ordinance 2008-04** – Mayor Alan Roberts reminded of last month's meeting discussion, and Contract Planner Bob Nicholson's assignment of getting input from

professionals from surrounding towns. He turned the time to Nicholson for his report. Nicholson said the Leeds Standard Specifications for Design and Construction is the adopted standard for street design and construction within the Town of Leeds. The zoning code (& subdivision chapter) mandate compliance with the 'Standard Specifications' and there is presently no flexibility to consider other street design options than those street standards contained in the 'Standard Specifications'. The proposed code amendment to the Mixed-Use Zone section (Chapter 23, new section 23.11) would allow the Town Council to consider and approve other street designs that met 'good engineering practice', 'met the intent of the zone', and 'not be contrary to the public interest or adverse to safety'. Nicholson reminded that at the November 9, 2011 Town Council meeting the question was raised whether flexibility in street design standards would necessitate allowing flexibility in utility design and construction. Since the November 9th meeting, Nicholson said he posed that question to two civil engineers who deal with the 'Standard Specifications'. Larry Bulloch, Public Works Director for the City of St George did not advocate allowing flexibility in utility design. His comment was he doesn't see an obvious conflict by allowing street design flexibility but staying with standards set for utilities. Nicholson reported that Larry said, "applicants should identify any specific conflict between proposed street design standards and the present utility design and construction standards and address the specific issue if a conflict is found". Nicholson reported that Russ Funk, engineer with Sunrise Engineering stated, "I can't think of any good reasons why any variations in the streets design would necessitate flexibility in utility design. There may be a few minor items, such as storm drain inlets that would need to be considered if the Town doesn't require curb and gutter, but in general I think the utility standards should not be compromised". Nicholson then gave the following staff recommendation: Staff recommends approval of the proposed amendment as modified by Mayor Roberts and Town Attorney Heath Snow, and it would become a new section 23.11 giving the Town Council ability to consider other street design standards not presently contained in the 'Standard Specifications'. The 'Standard Specifications' establish design and construction standards for streets, utilities, survey monuments, blasting, etc and the recommended flexibility is limited to only street standards. He said minor issues such as storm drain design can be handled through the subdivision approval process (approval by the Town Engineer of the Construction drawings). If a conflict is found in the future between an approved alternate street design standard and the utility standards found in the "Standard Specifications" then the issue can be revisited at the Town's initiative without asking Grapevine Wash (GVW) for a \$1,000 application fee, or giving GVW a fee reduction to consider a code amendment to address the issue again. Mr. Nicholson then read the language he recommended as follows:

23.11 Any requirement of compliance for street design standards within Leeds Standard Specifications for Design and Construction may be modified within a mixed-use zone at the Town's sole discretion, if: (i) said modification(s) meet a "nationally recognized street design standard such as the standards established by the Institute of Transportation Engineers" and conforms to good engineering practices; (ii) the spirit and intent of this Chapter will be observed; (iii) the granting of such modification(s) will not substantially affect the Town's General Plan or the Town's other Land Use Ordinances; (iv) the modification(s) will not be contrary to the public interest; and (v) any adverse affects to the health, safety and welfare of Leed's residents and visitors can be mitigated.

Nicholson noted this amendment would only apply to mixed use zoning, and stated that the Planning Commission had just reviewed the mixed use zone, and were planning to finalize and recommend to the Town Council an amendment to the mixed use ordinance with several changes including adding a minimum acreage of 200 acres for mixed use zones. They felt mixed use zones were best for and intended for large acreage parcels. Nicholson reiterated that since there was no apparent conflict between street standards and utilities, the Council should limit the flexibility to street standards. Mayor Roberts asked Town Engineer Russ Funk for comments. Mr. Funk distributed a Sunrise Engineering review of the Grapevine Wash Traffic Standards Development Document. He said the document outlined some of the differences between the Towns current adopted standards verses what was proposed. He noted that GVW would still be getting a GEO Technical review of the soils, but he was still concerned with some items such as design speeds, intersection angles and spacing, and roadway cross sections. He said that some of the issues were preference, some safety, and some functionality. He stated the Town Council could make some exceptions for "preference" items, but should not make exceptions for "safety" items, and could make some exceptions for "functionality" items. He reiterated his concerns and that any changes should be carefully considered. Council Member Angela Rohr asked if there was a current safety standard for stopping site distance, to which Funk stated The American Association of State Highway and Transportation Officials (AASHTO) is the standard for safety related issues. He said there were years and years of studies behind their standards, and that AASHTO standards were pretty safe standards to go by. Council Member Keith Sullivan asked if Mr. Funk saw any problems with the proposed amendment suggested verbiage. Mr. Funk read the proposed verbiage, then

said the verbiage addressed his concerns by covering the safety issues, and made sure new standards were not automatically accepted even though they adhered to nationally recognized standards. But that each proposed change would be looked at on a case by case basis. He also stated his concern regarding some of the standards referenced by the GVW documents, and said some of the designs were designs used to address issues in an established development, but stated they may not be the best designs to use in a new development. Mayor Roberts reminded that in the November 9th Town Council Meeting, Legal Staff Heath Snow had recommended not to make exceptions to standards, but that if the Town decided to make exceptions, the above language was the best to use. Sullivan clarified that the discussion should be focused on the question of whether to allow the Town to consider and approve other street designs to give more flexibility. Roberts agreed this was the purpose of discussion because the current standards were cut and dry with only four options. He noted that the Planning Commission language did not limit it to streets, but that the Town Council had added this verbiage. Roberts, then gave time to GVW Representative for comment. Mr. Howell stated that GVW had initiated the possible amendment and had paid the amendment fee. He noted that his concerns on limiting the scope of the amendment to street designs had been mitigated since the last Town Council Meeting, and was now comfortable with limiting it to streets, and referenced Bob Nicholson's recommendation that if utility spacing needed amending, the Town would bring the amendment to the table or waive the fee for GVW. He stated that GVW had also paid for the above referenced Sunrise Engineering review. He reiterated that tonight's issue was not approving GVW's proposed standards, but the issue was whether or not to allow the Town the flexibility to consider and approve other street designs which are nationally approved standards. He said that safety was already noted in the proposed language, and that GVW would take on the burden of proof to show that all their proposed standards are tied to AASHTO and American Public Works Association (APWA) standards. He noted that just because a design was different did not mean it did not adhere to standards. Sullivan applauded GVW for their forward thinking, and ascertained that they were looking for flexibility in reviewing other street standards because the four currently approved road types would not work in their development, to which Mr. Howell answered yes. Mr. Howell then asked the Town Council to approve the mixed use ordinance amendment. Sullivan then verified that the proposed verbiage was that which was written in the staff report 23.11 (and stated above). Mayor Roberts concurred, and reiterated it was narrowed down to street designs by the Council. Nicholson noted that the Planning Commission's mindset when discussing the issue was streets, and the idea they might need to take the utilities into consideration as well was not even contemplated yet, and thought if utilities had been discussed, the Planning Commission would have been hesitant to include it. Town Council Member Frank Lojko asked Mr. Funk and Mr. Nicholson or Mr. Howell that if the Town Council accepts the above language the Town would not be forgoing utility and safety standards. Mr. Funk agreed that the current language would cover safety issues, and said he felt the language also made it clear that just meeting a national standard would not automatically make it accepted by the Town. Nicholson stated this would just allow an applicant to present something different, but the Town would still need to be convinced it was safe, functional, and worked well for Leeds. He reiterated that if a conflict were identified between street designs and utility corridors, the Town could then bring it forward and amend it more, or waive or decrease the application fee for GVW. But, he reiterated that since no conflict has currently been identified, it is best not to open "that door" with utilities because a lot of work goes into setting utility standards. Lojko reiterated that the Town would still have the flexibility to accept or reject ideas. Council Member Peter Aurigemma said "Hasn't pervious pavement been used in Southern Utah with great success and is holding up well?", to which Mr. Funk stated GEO Technical studies consideration soil aspects such as clay, but does not address longevity. Rohr asked if freezing temperatures would break it up. Mr. Howell stated that the GEO Tech study would help formulate the types of street surfaces GVW would ultimately propose. He then added that the currently proposed street standards were not only made to mitigate existing conditions in existing developments, but were meant for new developments as well. A **Motion** was made by Keith Sullivan with a **second** by Frank Lojko to **Approve ORDINANCE 2011-03 on proposed Amendment To Mixed Use Ordinance Chapter 23 of the Leeds Land Use Ordinance 2008-04**. Roberts asked for further discussion. A friendly amendment was made by Angela Rohr and accepted by Sullivan and Lojko to reference **Section 23.11**. The Motion now read "to **Approve ORDINANCE 2011-03 on proposed Amendment adding Section 23.11 to the Mixed Use Ordinance Chapter 23 of the Leeds Land Use Ordinance 2008-04**" as follows:

23.11 *Any requirement of compliance for street design standards within Leeds Standard Specifications for Design and Construction may be modified within a mixed-use zone at the Town's sole discretion, if:(i) said modification(s) meet a "nationally recognized street design standard such as the standards established by the Institute of Transportation Engineers" and*

conforms to good engineering practices; (ii) the spirit and intent of this Chapter will be observed; (iii) the granting of such modification(s) will not substantially affect the Town's General Plan or the Town's other Land Use Ordinances; (iv) the modification(s) will not be contrary to the public interest; and (v) any adverse affects to the health, safety and welfare of Leed's residents and visitors can be mitigated.

The following Roll Call Vote was taken:

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR ALAN ROBERTS	X			
COUNCIL MEMBER PETER AURIGEMMA		X		
COUNCIL MEMBER ANGELA ROHR			X	
COUNCIL MEMBER KEITH SULLIVAN	X			
COUNCIL MEMBER FRANK LOJKO	X			

Proposed Amendment Section 23.11 to Mixed Use Ordinance Chapter 23 was

Approved X Rejected TABLED

12. Discussion & Possible Approval of the Planning Commission recommended ordinance amendments to correlate with the proposed draft Site Development Plan Ordinance - After a brief discussion, a Motion was made by Frank Lojko with a second by Mayor Roberts to **Table this item until the next Town Council Meeting.** An Aye vote was **Unanimous**

WORK SESSION:

DISCUSSION ITEMS:

13. Discussion on franchise fees for utilities in the Town rights-of-way – Mayor Roberts said Leeds currently receives franchise fees from energy and communication utilities, which are set forth in a State Ordinance to allow fees to be levied on utilities. He noted that two other entities operating through Town right of ways are Leeds Domestic Waterusers Association (LDWA) and Leeds Irrigation Company, but the Town did not currently charge them fees. These two entities do not fall under the jurisdiction or have been given waivers by the public service commission in 2001. A franchise fee agreement would need to be created with these entities. Roberts stated he thought all utilities, whether public or private, should be treated with the same standards. Council Member Peter Aurigemma asked if profit and non-profit entities should meet the same standard, to which Roberts said he felt all utilities should be treated equally the same. He said he was waiting for information requests from the State Tax Commission and the Department of Corporation from the State of Utah. He said he applauded both LDWA and Leeds Irrigation for being professional and charging for their services, and thought it was best to keep things on a business level.
14. Discussion the posting of flags on holidays – Mayor Roberts reviewed that the new flag display on Main Street was completed by a Boy Scout Eagle Project, and they set the flags out for the first few years. However, now it was up to the Town to decide who will and when to display the flags. He wondered if other groups could aid the Town in posting them at times. Public Works Director George Fridell stated it takes one person 2 ½ hours to put them up and 2 ½ hours to take them down; whereas, in would only take 4 people ½ hour each time. Discussion was had regarding groups or neighborhoods taking on the responsibility to display the flags each holiday. The Council reviewed a National Holidays list for displaying the flag. It was decided that the following holidays would be most appropriate for the flag to be displayed in Leeds: Memorial Day, Flag Day, Independence Day, Veterans Day, Pioneer Day, and Labor Day. It was decided that some effort should be made to find volunteer groups/neighborhoods to each commit to display the flags on one of the holidays. Mayor Roberts said he would petition volunteers in his newsletter.
15. Discussion on Town Hall 2012 business hours – Discussion was had by the Council on extending the Town Hall business hours. The Council gave a few suggestions, but noted the decision was between the Mayor and staff.

UPDATES BY STAFF:

16. Replacement of damaged posts of Silver Reef & Wells Fargo historical directional sign – Public Works Director George Fridell said there was some delay in getting it done, because the firm that initially planned to donate the materials had a change of management. But, now that the new

management has approved the donation, the materials were ready for pick-up. Frank Lojko and Angela Rohr commented on the beautiful pieces of wood that had been delivered thus far. Fridell said a sealant would be placed on the wood for weather protection.

17. Update regarding Silver Reef Highland park being deed to the Town of Leeds – Mayor Roberts reported that clerk/recorder Fran Rex had located the Silver Reef Highland park plat map which read “to be dedicated upon the recording of this plat.” He added that legal staff said if the above verbiage was on the plat map, then the Town officially owns the park.

18. Adjournment – by Peter Aurigemma at **9:25 p.m.**

APPROVED ON THIS 11th DAY OF January, 2012.



Mayor Alan Roberts

Attest:



Clerk/Recorder Francene Rex