

TOWN OF LEEDS
TOWN COUNCIL MEETING

September 12, 2012

MINUTES

BUSINESS SESSION:

1. **Call to Order** – The meeting was called to order at 7:06 p.m. by Mayor Alan Roberts.
2. **Pledge of Allegiance** –The Pledge was led by Mayor Alan Roberts.
3. **Roll Call** – Present were Mayor Alan Roberts and Council Members, Joe Allen, Nate Blake, Joe Allen, Angela Rohr and Frank Lojko. Also in attendance were Attorney Heath Snow, Grapevine Representative Drake Howell, with minutes being taken by Sheryl Lee.
4. **Declaration of Abstentions and Conflicts by Council Members** – There were no abstentions or conflicts.
5. **Consent Agenda** – Mayor Alan Roberts recommended removing the minutes from August 22, 2012 from the Consent Agenda because all Council Members had not had time to review them. A **Motion** was made by Angela Rohr with a **second** by Frank Lojko to **Approve Tonight's Consent Agenda**, including Town Council Meeting and Executive Session. An **Aye** vote was **Unanimous**.
6. **Announcements** – Mayor Roberts announced that the Leed's Wild West Days would be held September 21 & 22, with most of the activities being held on Saturday, September 22. Angela Rohr reminded the citizens that it was not too late to register to vote, and they could go online to register. Mayor Roberts noted that currently there is no clerk/recorder and Work Force Services is now taking applications for that position.
7. **Citizen Comment**- Peter Aurigemma noted that at the last Town Council Meeting a motion was accepted by the council members in attendance to accept the Consent Agenda. Three members were in attendance, with two voting aye, and one abstaining. He questioned how many votes it took to pass this motion. Attorney Heath Snow clarified that a quorum majority was necessary for a vote to pass. Since 3 members were in attendance, 2 votes would carry.

REGULAR MEETING:

DISCUSSION ITEMS:

8. **Grapevine Traffic Mitigation** –In previous meetings the council has discussed the traffic mitigation study and they have addressed some concerns with Grapevine Wash Representative Drake Howell.

Drake questioned the threshold that the Town has recommended setting on Main Street that triggers improvements that are necessary on Main Street and for an interchange on the freeway. They are currently requesting a LOS (Level of Service) D. He noted that our Town Planner Bob Nicholson & the Town Engineer Russ Funk from Sunrise Engineer had recommended a LOS C. At the last Town Council Meeting dealing with this issue the majority of the council wanted a LOS B. He presented a map of the US Highway System from 1926 pointing out that at that time the Highway 91 ran down Main Street so the historical character of Main Street has always been an important transportation corridor. He then presented Transportation Master Plans that summarizes some of the standards of LOS that adjacent communities in Washington County have. Roadways or intersections within the study area should be analyzed with and without the proposed development to identify any projected impacts with regard to Level of Service and Safety. Where the highway will operate at a LOS C, or better, without the development the impact of the development on the roads and the intersections within the study area should be mitigated to an LOS D for arterial and collector streets and LOS C on all the other during the peak hours of travel. Both Washington City and St. George currently have a LOS C & D, Ivins has an LOS A-D, sometimes E. He presented an exhibit used by Florida's Department of Transportation showing actual visuals representing the different Levels of Service. He stated that Main Street should be considered an "Arterial Street", it is the entrance to get into town and out of town with a purpose to move traffic through town.

Commissioner Joe Allen questioned whether it should be considered an arterial road because there was direct access from residential housing. Allen felt that before he will raise the limit he wants to see the science of how safe these streets are going to be.

Commissioner Nate Blake stated that a LOS B is three and a half times what the road is today. With the market as it is now, he feels that it is reasonable to start with that level, and once the threshold is reached the Development can come back and request that the service be changed. Howell stated that if the Town will go on record as saying that there is no standard that is established right now and is something that will be evaluated in the future Grapevine will be done with this discussion. He also stated that an LOS B would be unreasonable. The development feels it is arbitrary and has no established basis in any of the neighborhood communities, as well as being anti-growth and anti-development. He recommends going by a vehicle per day standards because spot improvements such as adding a lane or interchange could change those numbers. If the Town considered all of the properties that could be developed in Leeds that would greatly reduce the developments' capabilities.

Commissioner Frank Lojko said with sewer costs, resources of water, hillside ordinances, etc. that will limit the development, that number would be much smaller. The Town needs to set a guideline to motivate the developers to come up with a solving the problem rather than the council trying to solve the problem for the developers.

Howell questioned whether the Town would not issue any building permits once this threshold was met, even with a town resident wanting to build a single home. He also felt that the Town should make sure that every developer is paying a fee that is established to mitigate Main Street traffic.

Lojko added that with the amount of traffic that would be added to the road it would devalue property values of Main Street to have a lower LOC.

Howell responded that the value of commercial property would go up.

Commissioner Allen noted that Grapevine wants a walkable community. He feels that that is what Leeds currently has, but we would lose that if we raised the traffic level. He also noted that while the council values the staff's opinion, it is ultimately this is the decision making body. He stated he was comfortable with an LOS B, and noted that we need to be looking for solutions for future development.

Commissioner Lojko added that it was not accurate to compare Main Street to an arterial road because of the irrigation ditches on both sides, narrow driveways with humps and residents having to back out on the road and so he would feel comfortable staying at a LOC B.

Howell noted that UDOT will not respond to a need until the traffic calls for it but,

Lojko felt that the developers should be approaching UDOT and telling them that they have property that can't be developed because of the limited number of traffic on Main Street and use what political strength that we can from our representatives and senators and move forward that way.

Mayor Roberts noted that while the staff suggested a LOS C, the majority of the council (legislative body) is comfortable with a LOS B, but feels that the Town needs to meet with their legal counsel before it sets a number. He also reiterated that individual land owners and other developers would be held to those standards. The people in town need be in driver's seat to decide the future of this town, not any land owner, regardless of who that is. An individual coming in for five lots should be under the same regulations and rules as any developer coming in for a hundred homes.

9. **Grapevine Road Cross Sections** – There were two types of streets that the council had concerns with at the last meeting. The first was a “residential road with no on-street parking”. The council wanted the developer to add parking on at least one side of the street.

Howell noted that they have added an 8 foot parking lane on one side of the road, changing the street to a 40 ROW (right of way). The second street was a “landscape road with no parking”. Howell explained that this was simply a road to get into a neighborhood, with no houses located on it so parking wouldn't be a problem. The council felt the changes were acceptable.

10. **Grapevine Wash Draft Agreement** – It was noted that the Grapevine Attorney, Matthew Ence had made changes to the last agreement that was given to the council and that a current draft agreement was not available. It has been provided to Attorney Snow in a red-line form so that counsel could see all the changes that have been made in the document.

In section 3 the wording was changed to read that “Grapevine would be in compliance with all applicable laws, regulations, ordinances, and specifications”. Each item under this section reads the same. Counsel Snow noted this includes fire standards, utilities, etc.

Section 6 - Impact Fee Credits, “If there is ever a time when the developer dedicates land for a public improvement that is considered a system improvement” – the Mayor pointed out that it just said land at the point of dedication and he wanted it to clarify that it was the” “value of the unimproved land”;
Section 9.3– changed to read “interface with most current adopted street plans and/or the Leeds Master Road Plan as required by Leeds Town Ordinances”;

Section 11.6 – Density allocation – “in order to insure that the density is spread generally proportionally across the property the developer agrees with the Town that without the express consent of the Town shall not by virtue of a density transfer increase the density of any village by more than 25% of that described in the pattern book”. Heath Snow noted that there has been a concern

with transferring commercial into villages that have always been considered residential – they have proposed adding a sentence – “Furthermore, developer agrees that it shall not transfer commercial density to Villages F, G & H as described in the pattern book without prior Town approval”;

Section 11.7.1- Residential Development – “for each subdivision containing single family residential properties the final plat and CC&Rs governing such subdivisions shall state that “use on such properties limited to residential use only, subject to applicable Leeds Town ordinances”;

Section 14 – Mixed Use & Multi Family Buildings– “for all structures, except detached single family dwellings, the building design shall be subject to design review and approval by the Town Council with recommendation from the Planning Commission”;

Section 18 – Babylon Road Access – “The Developer agrees not to pursue a ROW for access along the Babylon Mill Road Extension without the consent of the owners upon whose property the road would be established”;

Section 19.2 – Storm Drainage – “We will comply with applicable Utah Law regarding the effect of its’ storm water on adjacent properties”;

Section 22 – Substantive Work – “Shall mean and include preparation by developer and acceptance by the Town of either a) a master sewer system design for the project or b) a master water system design for the project”.

Attorney Snow questioned whether this meant paperwork was done, or if they had to visually prove that work was actually being done. The council wants the agreement to clarify that work is actually being done. Heath will work on this section and come back with clarified language;

Commissioner Lojko asked if a clause could be added that would keep the Town from being responsible for any of the development, whether it be roads, sewer, etc.

Attorney Snow replied if there was a combination of a public project, for instance a sewer system was going to be completed partially with developer money and partially with public finance funds, we borrow money from the State of Utah, that triggers a requirement under Utah Law that if you use public funds you have to hook everyone up who comes within 300 feet of the sewer, and if they fail, or their financing fails and we have started a project, that could be a problem. This could be addressed by requiring “full performance bonds”. This is already covered by our ordinances, but having it in the agreement would not hurt. The mayor noted that because Grapevine is a Local District, the Town would not be responsible for any of the project until we assume the responsibility;

Section 23 –Amendments to Agreement – “Either the developer or the Town can initiate a discussion of potential amendments”;

Section 26 – Termination Upon Sale to Public – Once the property is sold to the “end user” the development agreement terminates – On commercial property the agreement will require a 3 - 5 year period. On residential property it should require a one year time period. The agreement will run with the land so if the property is sold, the new owner would be bound to the same ordinances. This doesn’t address how long someone could rent their homes for and

Commissioner Blake wanted this section to reflect a clause that would address “vacation rentals”.

Howell indicated that they needed to have further discussion on this;

Section 22 – Terms – Development must be completed within 35 years, with 3 five year automatic renewals (which would give a completion period of 50 years). The counsel was not comfortable with the automatic renewals.

Attorney Snow suggested that maybe we should require a certain percentage to be completed to trigger the extensions. Howell argued that some processes will take longer to which Snow asked Howell to provide us with absorption studies that show us proposed length of times because it seems that the City is being told that we are not giving them sufficient time.

Heath would like to see the applicant giving us some data as to how long they think it is going to take them to develop this. If they could give us some hard data done by a professional stating that they need 50 years, maybe the counsel would be more inclined to give the automatic extensions. Snow will readdress this section for future consideration.

ACTION ITEMS

11. Resolution 2012-06 – R&PP Application/BLM Adjacent to Catholic Cemetery – In the process of hearing an application for a development from Rick Sant, it was discovered that there was a parcel with approximately 0.89 acres that was on BLM land.

Mr. Sant had two roads proposed that would eventually be deeded to the Town of Leeds but they cut across this property. There is also part of the Catholic Cemetery that is located on this parcel.

Attorney Snow stated that to have BLM deem this land inconsequential, set aside, put up for sale or abandoned and conveyed to the Town is a 4 to 5 year process.

Mayor Roberts feels that it would be in the best interest of the Town to acquire a 99 year lease on this land. The initial cost to start this process would be approximately \$100, but would also require an environmental assessment which could be very costly. It was suggested that the Town contact Mr. Sant and get a written agreement from him stating that he will cover the cost of this assessment before any resolution is made.

A motion was made by Frank Lojko with a **second** by Joe Allen to table this for the next Town Council Meeting. The voting was **unanimous**.

UPDATES BY STAFF

12. Impact Fee Road Projects – The council needs to get a correct breakdown of exactly where the funds have been spent and what funds need to be spent before any decisions are made. When we get those numbers we can move this into an actual discussion items.

13. Address Changes to Fuller Property – Fire Chief Steve Lewis proposed some address changes at the last meeting for the Fuller Plaza property. There is one minor amendment dealing with a county resident. We will need to have an exhibit of these changes to go with a resolution.

14. Tree City Requirements – It was proposed by Mrs. Allen in a previous meeting that we become a “Tree City”. This does have a dollar amount that has to be committed by the Town for matching funds of \$1200, and it can be substituted in kind, but we need to be committed if we are going to do this. The trees have to be on public ROWs. The Council will discuss this at a later date.

15. **Helicopter Ordinance** – It was proposed in a previous meeting that we should have an ordinance in Leeds dealing with helicopter businesses.

Mayor Roberts was not concerned with this issue as any applicants would have to come before the Planning Commission and the Town Council to receive any license to operate in Leeds.

Alan Howard made the comment that the presentation was less than factual and there are regulations already in place that would cover this. Commissioner Blake recommended dropping this off as a consideration.

16. **Resolution 2012-05 – Governments Natural Hazard Mitigation Update** – Mayor Law signed the original agreement to adopt the Five County Association of Governments Natural Hazard Mitigation Plan. This is a plan set in place for FEMA to cover natural disasters in our area. All towns wanting to be eligible for the FEMA funds had to sign the agreement. The Association is now asking the Council to sign a Five Year Plan Update. The update is approximately 500 pages long.

Mayor Roberts asked Counsel Snow what the legalities would be if we didn't sign the update. Snow suggested contacting the representatives from the Five County Association to see if they could come and give a presentation so that we could know what we were agreeing to and what the repercussions would be if we didn't sign it.

17. **Closed Session** – The motion to move into a **Closed Session** was made by Joe Allen, **seconded** by Nate Blake, and the voting was **unanimous**.

18. **Close Execution Session** – The motion to close **Execution Session** and move back into **Public Meeting** was made by Frank Lojko, **seconded** by Nate Blake, and the voting was **unanimous**. There were no motions made as a result of the closed session.

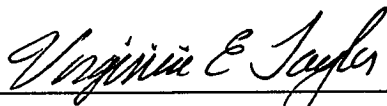
19. **Adjournment** by Joe Allen at 10:05 pm.

APPROVED ON THIS 24th DAY OF October, 2012



Mayor Alan Roberts

Attest:



Deputy Recorder/Virginia E. Taylor