Town of Leeds

Town Council Meeting
January 22, 2014

1. Call to order:
   Wayne Peterson, Mayor called to order the regular meeting of the Leeds Town Council at 6:04pm on January 22, 2014 at Leeds Town Hall, 218 N Main.
   A motion to close the public meeting and move into a "Closed" meeting to discuss litigation; as allowed by Utah state Law 52-4-205(1)(c) was made by Ron Cundick, with a 2nd by Joe Allen. All voted "Aye". Motion passed.
   The closed meeting began at 6:04pm and went until 6:58pm. The public meeting reconvened at 7:03pm.
2. Roll Call:

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMAN: RON CUNDICK	x	
COUNCILMAN: ANGELA ROHR	x	
COUNCILMAN: JOE ALLEN	x	
COUNCILMAN: NATE BLAKE	x	

3. Pledge of Allegiance by Nate Blake.
4. Declaration of Abstentions or Conflicts: None.
5. Approval of Agenda:
   Joe Allen moved to approve tonight's agenda and meeting minutes of January 8, 2014. 2nd by Nate Blake. All voted "Aye". Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMAN: RON CUNDICK	x			
COUNCILMAN: ANGELA ROHR	x			
COUNCILMAN: JOE ALLEN	x			
COUNCILMAN: NATE BLAKE	x			

   Wayne indicated on agenda item 9a Grapevine Wash, no action will be taken tonight. He then discussed Grapevine and indicated a payment made 2 years ago was posted wrong; therefore, the outstanding balance owed is $12,121.25. The time frame for objecting to an annexation agreement is 1 year; therefore, it will not be discussed tonight.
6. Citizen Comments:
   LoAnne Barnes discussed a Grant opportunity for Historical Preservation. It is a matching Grant and she would like to know if the Town Council will support it. The deadline of the Grant is in February; therefore, it will need to be voted on at next month's meeting. All Council Members were in favor of seeking the Grant.
7. Announcements:

a. Wild West Days volunteers needed.
   Wayne indicated we still need some volunteers for Wild West Days.
b. CERT Training Opportunity.
   We need more citizens to sign up before a date will be set and he strongly encourages people to take the opportunity. Contact Steve Lewis to sign up and there is only a cost if you would like supplies.
   Angela Rohr indicated there is also a CPR class available for $15.00.

8. Special Presentation:
   a. Commissioner Eardley, Myron Lee & Ron Whitehead, Local option transportation tax.
      Commissioner Eardley was unable to attend.
      Ron Whitehead who is with the Washington County Public Works Department discussed a proposal of a local option fuel tax of 3% increase per gallon. The tax increase would be paid by the Refineries and distributed back to the State, County and City's through B&C road funds. Currently B&C road funds are not enough to cover road repairs. The last time there was a tax increase was in 1997. Ron is going to each City in Washington County to see if they would support this increase. Ron Whitehead and Myron Lee discussed it further with the Council Members.
      Elliott Sheltman asked if Diesel fuel would be taxed. Ron indicated no, trucking company's pay tax based on the industry.
      Angela Rohr asked if Natural Gas is taxed. Ron indicated they are looking into that.
      Elliott Sheltman understands that the State is having trouble paying for their bills but so are citizens. The average Leeds resident pays $2,500 a year in gas already. He indicated they should go after the truck drivers; they do most of the road damage. Government should look at cutting costs to meet a budget.
      Manuel Goy asked if they receive any funding from the Department of Motor Vehicles. Ron indicated yes, $10.00 per license renewal and that goes to the Council of government (COG) for regional road repairs.
      Council Members discussed further with Ron and Myron about the breakdown of road funds and fees.
      Jo Puntil asked if there was any oversight when road repairs are done and who would oversee the repairs once they have been completed. Ron responded that the County for County roads and the City for City roads.
      Ron Whitmer takes pride in living in Utah and indicated citizens are very fugal.
      Council Members discussed the tax further with Ron Whitmer.
      Jo Puntil why wouldn't most towns say no to force you guys into a lower rate and to notify people of the increase so there cannot be any hidden taxes. When it's at the refinery, it's a hidden tax. If every City said no, it would force them into figuring out something else. Get something more concrete. Ron indicated this is not a hidden tax, it is figured on the gallons sold at the refinery.
      Elliott Sheltman asked where the tax would be indicated. Ron replied at the pump. Elliott responded that he would be much happier if they looked at taxing diesel trucks.
      After review, Council Members were slightly in favor of the new tax.
9. Public Hearings: None.
10. Action Items:
   a. Grapevine Wash Draft Final Development Agreement discussion and possible action.
      Wayne Peterson indicated there is a summary of the agreement on the Town Website.
      There was some concern of fires being an issue but there is a requirement before the first plat is in place that there must be actual satisfying of the Wildland Urban Interface Code that are

in effect. Another requirement is any necessary emergency accesses that are required be designed, funded, acquired, constructed and dedicated prior to any units constructed. Annexation is not something that is up for revision. He asked Gary Kulmann to address how a Master Road Plan works in the State of Utah.

Gary Kuhlmann, the Town Attorney, discussed the Master Road Plan and Utah Law. The Town is required to have a General Plan and within the plan it has a transportation component. As part of that, maps can be adopted and it is referred to as a Master Road Plan but in reality it is a transportation component of the General Plan. There are a few limitations to Utah Law in regards to the plan and maps. The General Plan including the transportation component is an advisory guide; impact is accomplished by Ordinance. Maps do not require dedication. We can go to the Developer and ask them to accommodate for roads or the Town can buy, gift or condemn property for the Master Road Plan. Under State code, a municipality can create an exaction which means the Developer has to give us right of way and build the road. To create an exaction, we have to show that what is required is necessary to meet a legitimate governmental interest. We need roads, so that is a governmental interest. The next thing we have to show that the exaction requirement for the dedication of land and the construction of the road impact is roughly in proportion to the development. So what the town can require from the Developer is to put in what is necessary to meet the demand of their development. If the Town wants an 80 foot road instead of a 60 foot road, then the Town has to pay for the extra 20 feet.

Wayne highlighted that in the current agreement, Main Street does not become a 5-lane road and access will not be sought without the landowner's consent.

Karla Stirling discussed annexation, contract terms and laws. She agreed with Ron Cundick's statement at the January 8th meeting about identifying where all the property was located and that Grapevine pointed to BLM Land that Grapevine does not own.

Danielle Stirling asked Council if they agreed to the 66 foot road in the agreement. Wayne indicated 60 foot until 1195 units then it goes up to 66 foot. Danielle asked who authorized that. Wayne indicated it was during mediation. Danielle remembers when she began at Planning Commission and how the rules talked about public clamor and how they should not give into it. She proceeded to read the definition of public clamor and hopes that the Town Council is not responding to it. The demands that citizens are seeking are Laws and they are asking Council to follow the Ordinances. 60 foot wide road is development clamor and making a concession is breaking the law. You cannot change the laws for a Developer.

Ron Whitmer 2 weeks ago Elliott asked by a show of hands how many people were in favor of going into a law suit. There was an overwhelming response to it. He is not in favor of the total units and they were deceitful on the acreage. He asked by a show of hands who would be willing to donate $100.00 toward a lawsuit or 2 hands for $1,000.00 donation.

Betty McKnight asked what will happen when the road goes to 66 foot. Wayne indicated that they will not be able to build anymore until they get the extra 6 foot. Betty then asked one of the Developers if they will be building or selling the land.

Tracy Beliston one of the Developers indicated it was none of her business.

Betty McKnight noticed that it is up to 2500 units and thought it was settled at 1406. Wayne indicated that additional land is required for 2500 units. Betty discussed vested interest and how it pertains to the total units.

Alan Howard 900 North borders his property. He owns the additional 1500 feet that is needed for this developments road and has the following concern. His property is in the County so he hopes the Town is not doing any planning for it. There is a natural spring that is out there and

their business is bottling water. The state requires them to keep it as zoned open space to sell the water. He is very concerned.
Stacy Eaton waved his comments.
Elliott Sheltman presented a petition with over 100 signatures on it to the Town Council. The petition stated for Town Council to consistently keep the ordinances without the fear of legal repercussion. He then asked Council to get another legal opinion. As part of the Planning Commission, he has already made decisions based on road ordinances. If road ordinances are not covered by the State, then why do we even have them and if we don't have them, or they can be taken over or changed then he does not want to be a part of the Planning Commission anymore. If this agreement goes through, then no one is going to have faith in the Town anymore. In this case the right thing to do is a lawsuit.
Karla Stirling wants Council to follow the law. It is the Developer's responsibility to follow the Towns ordinances. She further discussed discrepancies in the agreement and the annexation. Because the 2012 agreement was rejected; therefore, nothing is binding.
Betty McKnight for every person here, there are that many at home that feels the same way. She discussed the roads and total units. She thinks commercial should be included in the total units. If they come back and meet road requirements, than it becomes a whole different story.
Karla Stirling the whole agreement is speculative. She indicated a bond should be in place for the Town's protection and discussed bond requirements from another town and the preliminary plat ordinance requirements. Wayne indicated with the preliminary plat, they would still have to go through the process for approval. Karla asked how long they have to get a preliminary plat. Wayne responded it was in the development agreement that states, 25 years. Karla indicated that was something to consider.
Betty McKnight asked the County Planner if this was something they would approve, a 50 year development agreement. He indicated no, so this is something we really need to be careful of.
Matt Ence indicated the statement they received looked good and will be taken care of within the next week. They did attend the meeting tonight looking for a vote by Council. With that being said he recognized the Town Council for all their work.
Susan Savage commented on a statement Matt Ence made at the January 8th meeting, that he had worked with other Developers and nothing is out of the ordinary with this agreement. This wasn't consoling to her. She has worked with 9 different developers with her property and not a single one dealt with them honestly. She has had to go to an attorney to settle things. She still thinks they need a second access. Other developers have had to comply with that. She then asked where she could find a copy of Wildland Urban Code and was concerned about fires in that location. Wayne indicated before anything was constructed, they are required to comply with any existing codes in regards to Wildland Urban interfaces. Susan was concerned about emergency access and when that is required. Ordinances are established for the safety of citizens. Wayne responded emergency access is not the same as a second access. Emergency access is required every step of the way according to the current fire code.
Steve Lewis The road will be built to State Fire Code.
Ron Cundick asked Steve if he has a fire agreement with Grapevine and when it will be completed. Steve replied they have a draft agreement and it will not be final until all the requirements have been done. They have the same requirements as the Town for public notice.
Matt Ence indicated the fire agreement has not been final because they want to comply with the Town's requirements first, and then work on the fire agreement.
Ron Cundick discussed several issues he still has with the agreement. He questioned why the Developer would want to start a project with only 60 foot of roadway when they don't know if they can get the other land needed.

11. Discussion Items:
    a. Step Zoning for commercial property C1, C2 and C3.
       Council Members discussed the possibility of establishing step zoning. It will go back to the Planning Commission for any recommended changes.
    b. Mulberry Lane.
       Wayne discussed the road issue on Mulberry lane. He drafted a letter and asked Council Members to review. All members were okay with the letter.
12. Citizen Comments:
    Manuel Goy asked if Silver Reef Road was done because it doesn't look like the asphalt is sticking. Nate Blake indicated it is a chip seal that is an oil and rock mix over an asphalt base. Manuel asked if that was durable. Wayne indicated not as good as asphalt; however, you can do something to preserve the life of a road. This will help for 5 to 7 years. Some of the roads in that area have been done by chip seal and are over 10 years old but do not receive the road traffic that Silver Reef Road does. One of the things he would ask is for the Citizens to please stay on the road as the edges are very susceptible.
    Elliot Sheltman asked if it would help if they painted a line on the outside of the road. Angela indicated they were going to look into that.
    Manuel Goy- The yellow lines look like someone was under the influence. Wayne indicated one of the things that could be done is use light weight reflectors on the outside of the roads.
    Jo Puntil where the S curve is in the road, one side of the road is wider than the other. Wouldn't you rather just have a white line so there is no damage done to a car? Wayne would look at striking the right balance.
    Terry Danielson is the contractor done? He talked to Frank and he indicated on Bonanza Road the pipe under the road was going to be repaired. Wayne indicated yes, the contractor was done, and the Town public works will be taking care of the pipe. Terry then discussed eminent domain for a local district and where Grapevine is a local district it indicated to him that they are the ones that have the right to eminent domain. Wayne replied that he would look into that.
    Danielle Stirling thanked the Council for the speed bumps on Valley, they really help.
13. Staff Reports:
    Wayne discussed the policy for a closed meeting.
14. Adjournment:
    Nate Blake adjourned the meeting.
    Time: 9:18pm.

APPROVED ON THIS 12 DAY OF february 2014

Wayne Peterson

Wayne Peterson, Mayor

ATTEST:

Kristi Barker

Kristi Barker, Deputy Clerk/Recorder