

TOWN OF LEEDS

CITIZEN/PUBLIC HEARING COMMENT FORM

One of the most important parts of Town Council meetings is the opportunity for citizens to speak to the Council either as part of a public hearing, where a specific issue is being considered or, during public comments/other business, where any issue may be presented. In an effort to have an orderly meeting and to ensure the rights of others please follow these rules governing public comments at Town Council meetings:

1. This public comment form must be completed and submitted to the Town Clerk/Recorder by anyone wishing to speak.
2. Clearly state your name and address for the record.
3. Observe the stated time limit (3 minutes) given for remarks.
4. Speak only to the Council.
5. Follow directives that may be given by the Mayor. In addition to these rules, speakers are encouraged to be specific in their remarks.

NAME: Daniel Neault DATE: 17 May

ADDRESS: 245 N Main Leeds VT 84746

I wish to address the Council during the public hearing regarding: Clint Peterson Property

I wish to address the Council during public comments/other business regarding: Hogan Springs

Note: all citizens attending Council meetings will be expected to respect the rights of others by refraining from any open display of support or opposition to the remarks of any speaker, or open demonstration thereof. Anyone not complying with these rules of procedure may be asked to leave the meeting.

I have read and agree to abide by the rules listed above.

Signed by: [Signature]

(This form is not complete unless signed)

Thank you for taking the time to complete this form. In accordance with Americans with Disabilities Act, the Town of Leeds will make reasonable accommodation to participate in the meeting. Request for assistance can be made by calling 879-2447 at least 48 hours in advance of the meeting to be attended.

TOWN OF LEEDS PUBLIC HEARING
ATTENDANCE SIGN IN SHEET

DATE: May 14, 2003

PLEASE PRINT NAME AND ADDRESS

1. Alene Coff
2. Carlos Stirling
3. Bernadine Stirling
4. Neil Pace
5. Debra Pace
6. Jim Raines, Bush & Gudsell
7. Thomas E. Stirling
8. Scott Hayes & Tana
9. Scott Rice
10. George Fiddell
11. Clint Peterson
12. Nancy Bryant
13. Bill BRYANT
14. Ed Madison
15. Erin Gault
16. Greg Wolff
17. Daniel Thomson
18. Joe Ward
19. _____
20. _____

PUBLIC NOTICE
TOWN OF LEEDS
TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting and Public Hearing on, **Wednesday, May 14, 2003,**
at the Leeds Town Hall, 218 North Main Street at **7:00 p.m.**


Public welcome to attend.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge
4. Approval of Agenda and Minutes of April 22 and 23, 2003.
5. Certificates of Appreciation Presentation
6. Scott Hayes- Request Waiver of Impact Fees
7. Don Leavitt School Trust Lands-Introduction to the Mayor and Council
8. Ian Crowe-Discuss the Possibility of a Sewer District and Annexation
9. Public Hearing (Motion to open and close)
 Brant Jones-Zone Change from R-R-2 to General Commercial at approx. 955 Wonder Lane
10. Action on public hearing.
11. Public Hearing (Motion to open and close)
 Alberta Pace-Zone Change from General Commercial R-1-20 at approx. 700 N Main Street.
12. Action on Public Hearing
13. Public Hearing (Motion to open and close)
 Clint Peterson or Eric Early-Zone Change from R-R-1 to General Commercial on Cemetery Road by the I-15 South Bound on Ramp.
14. Action on Public Hearing
15. Public Hearing (Motion to open and close)
 Hazmat Ordinance #03-03 and Hazmat Resolution #03-05
16. Action on Public Hearing
17. Jim Raines Bush & Gudgell Eng.-Discuss Uniform Building Code Standards
18. Council Member Darrell Nelson
 Planning Commission Items
 1. Gordon Casey Subdivision's Inc. or Eric Early-Request approval of preliminary plat for a 12 lot subdivision at approximately 162 E. Vista. (Commission voted 5-0 to recommend denial)
 2. Jim Raines Bush & Gudgell Eng.-Submit Leeds Town Road Survey Map for Public Hearing Date. (Commission set date for public hearing June 3, 2003 at 6:00 p.m.)
 3. Kerry Worthen-Conditional Use Permits:
 - a) Pease Automotive (Commission recommended approval with conditions)
 - b) 8 Unit Motel (Commission recommended approval with conditions)
 - c) Storage Units (Commission recommended approval with conditions)
 - d) KD's Gas and Goodies with Propane Dispenser (Commission recommended approval with conditions)
 4. Ordinances:
 Lighting Ordinance, Constitutional Taking Ordinance and Hazmat Ordinance.

19. Mayor Norma Gier
Proposed Budget for the 2003-2004 Year
Main Street Pipeline Update
20. Council Member Gloria Parnell
Jake Brake Ordinance and Signage
21. Adjournment

POSTED THIS 13TH DAY OF MAY 2003


Joy Stevens, Clerk/Recorder

Posted in the following public places:

1. Leeds Town Hall
2. Leeds Post Office
3. Waltons Plaza

THIS NOTICE MUST BE POSTED UNTIL MAY 15, 2003. IS AGAINST UTAH STATE LAW TO REMOVE BEFORE DATE INDICATED.

In compliance with the Americans with Disabilities Act, the Town of Leeds will make reasonable accommodation for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call Joy Stevens at 879-2447 at least 48 hours prior to the meeting.

Town of Leeds

NOTICE OF PUBLIC HEARING

Town of Leeds Town Council will hold public hearings on Wednesday May 14, 2003, at 7:00 p.m. at the Leeds Town Hall, 218 N Main Street. The public hearings will be held to accept comments relative to the following:

1. Brant Jones a zone change request from R-R-2 to General Commercial in the vicinity of 955 Wonder Lane.
2. Alberta Pace a zone change request from General Commercial to R-1-20 in the vicinity of 700 N. Main Street.
3. Clint Peterson-Eric Early a zone change request from R-R-1 to General Commercial on Cemetery Road by the I-15 South bound on ramp.
4. Ordinance #03-03. An Ordinance authorizing recovery of expenses incurred in responding to hazardous materials emergencies.

The public is encouraged to attend.

POSTED THIS 30TH DAY OF APRIL 2003


Joy Stevens, Clerk/Recorder

Posted in the following public places:

1. Leeds Town Hall
2. Leeds Post Office
3. Waltons Plaza

THIS NOTICE MUST BE POSTED UNTIL MAY 15, 2003. IT IS AGAINST UTAH STATE LAW TO REMOVE BEFORE DATE INDICATED.

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TOWN OF LEEDS

Minutes of the Town Council Meeting and Public Hearing
May 14, 2003

1. CALL TO ORDER:

Mayor Norma Gier called the meeting to order at 7:05 p.m.

2. ROLL CALL:

Present was Mayor Norma Gier, Council Members Darrell Nelson, Gloria Parnell, Dave Harbour and Dale Barnes. Also present Attorney Heath Snow.

3. PLEDGE:

Gloria Parnell

4. APPROVAL OF AGENDA AND MINUTES OF APRIL 22, 23, 2003:

Motion by Darrell Nelson to approve the agenda and minutes of April 22, 23, 2003. Seconded by Dale Barnes. Passed unanimously.

5. CERTIFICATES OF APPRECIATION PRESENTATION:

Mayor Gier presented certificates of appreciation to the following board members: Council Members Alene Cuff, Jan Madison (not present), Planning Commission Members Pat Sheneman, Roger New (not present), Dave Clement (not present). Certificates were also presented to George Fridell and Ed Madison for volunteer work on the restroom project at the park.

6. SCOTT HAYES:

Request a Waiver of Impact Fees. Hayes informed the Council that he and his father-in-law, Eldon Stirling purchased Carl Seirup's old home. Hayes said the old home could not be remodeled and was demolished. Hayes and Stirling are going to build a new home in the same location and asked for the impact fees to be waived since there was home previously in that location. Mayor Gier said she does not want to set a precedence in waiving impact fees and asked Attorney Snow for his opinion. Snow said he would like to look at the Impact Fee Ordinance to see if it allows for a waiver. Motion by Darrell Nelson to approve a temporary 30 day deferral of the impact fees, for Scott Hayes and Eldon Stirling, while the attorney reviews the ordinance. Seconded by Gloria Parnell. Passed unanimously.

7. DON LEAVITT SCHOOL TRUST LANDS:

Introduction to the Mayor and Council. Mr. Leavitt was not present.

8. IAN CROWE:

Discuss the possibility of a sewer district and annexation. Crowe has been to several Town Council meetings over the past few months with a plan to annex into the Town and build approximately 380 homes on 500 acres north of Leeds. Crowe informed the Council that he needs a "body politic" for the septic system and would like to work out an agreement with LDWA for water for his project. Crowe stated he is part of a corporation and they need some kind of an answer to whether the Town would be agreeable to be their "body politic" by creating a district for water and water disposal. Crowe stated this

is a private plan and proposal and would be funded privately. He explained their corporation, and the homeowners, would fund and maintain the system. The Council discussed the creation of a new district subject to details for proper funding, the Town of Leeds role in the project, water re-use, and systems that are similar which are now in place. Crowe addressed LDWA President, Scott Hayes, concerning a water agreement. Hayes indicated LDWA needs to have a meeting with Mr. Crowe and his corporation. Crowe stated they could annex into Toquerville right now and then they would be immediately part of Ash Creek's sewer system and Washington County Water Conservancy District for water. Crowe said that is not what he wants to do since they would like to annex into Leeds if an agreement can be made. The Council discussed the fact that the impact of these homes would be on Leeds and not Toquerville. The new Council Members said they would like more time to become familiar with the project and the septic system they are proposing. Council Member Nelson said the system looks good it is the infrastructure that needs to be looked at. Mayor Gier said it sounds like the Council is not against this request but they need more information. Mayor said she would like to see a proposal in writing. Crowe said if they can get a proposal/agreement with the Town of Leeds then they won't petition Toquerville. Attorney Snow said this can happen fairly quick but everyone needs to be brought up to speed. A Work Session was scheduled for Thursday, May 22, 2003, at 6:00 p.m., for Ian Crowe, Leeds Town Council, Leeds Planning Commission and LDWA. A tentative public hearing for the Planning Commission on June 3, 2003, at 6:00 p.m.. A tentative public hearing for the Town Council was set for June 11, 2003, at 7:00 p.m.

9. PUBLIC HEARING: (Motion to open and close)

Brant Jones-Zone change from R-R-2 to General Commercial at approximately 955 Wonder Lane. No hearing. Brant Jones was not present.

10. ACTION ON PUBLIC HEARING:

N/A.

11. PUBLIC HEARING: (Motion to open and close)

Alberta Pace-Zone change from General Commercial R-1-20 at approximately 700 N Main Street. Motion by Gloria Parnell to open the public hearing. Seconded by Mayor Gier. Passed unanimously. Pace presented her plan and map for an 8 acre piece of property. Pace has the property divided into 5 lots. Pace wants to leave lot 1 commercial and re-zone lots 2,3,4, and 5, to R-1-20 for residential use. Council Member Nelson gave an overview of the request as it was presented to the Planning Commission. The Planning Commission expressed concerns about mixing commercial and residential on the property. Nelson said the Planning Commission did recommend approval of the zone change at their meeting on April 1, 2003. Nelson asked Pace for clarification on the zone change request. Nelson stated this is a lot split/minor subdivision. Attorney Snow said it appears Pace is trying to do two things at the same time. A zone change and a minor subdivision. Discussion then went to the property being subdivided first and then the zone change and whether the road is a private drive or a public road. Nelson said the public hearing is being held to consider a zone change. Attorney Snow said the Council can approve the zone change subject to a minor subdivision being approved. Bush & Gudgell Engineer Jim Raines said this can be done in a 2 step process. Raines said Pace needs to understand that a zone change gives her zero authority to do anything on that property. Raines said Pace can't grade roads, building pads, sell lots, and etc. this is all part of the development process. Raines said a significant portion of the property is in Hillside Overlay Zone. By changing the zone from Commercial to residential

doesn't change the fact that it is in the Hillside Overlay Zone. Raines said the Hillside Overlay Zone is any property in the Town of Leeds that exceeds 11% grade. Raines said zoning doesn't give Pace the right to develop the property all it does is allow her to go to the next step and go into the development phase. After she has submitted the plat, construction plan, all the studies and had them approved she can then move dirt or sell the property. Raines said just because Pace has a legal description that part of the property is partly zoned commercial and part of it residential it is not a legal lot or a marketable lot. Raines stated if Pace sells a lot she would create an illegal subdivision subject to fines and penalties. Council Member Dave Harbour expressed concern about the steepness of the property where she wants a road going through this property to access additional property. Pace said where she proposes to put the road isn't steep. Pace said the grade is well within what is allowed. Pace said she has all of her studies done concerning grades and drainage. Raines said those things are submitted at the time of the subdivision process and that is not what is before the Town tonight. Attorney Snow informed Pace that if this zone change is approved that at the subdivision level it will be looked at in relation to the Hillside Overlay Zone. Snow said the lots that are indicated on the plat may be an issue with the Hillside Overlay Zone. Mayor Gier asked Attorney Snow if the Council can approve the zone change. Attorney Snow said yes subject to Pace subdividing. **Motion** by Mayor Gier to approve the zone change request dividing the property into two zones, Commercial and R-1-20 Residential, subject to Pace subdividing. Attorney Snow asked if there will be an access problem into the commercial parcel and if so an access easement needs to be reserved. Mayor Gier then added to the motion that an access easement be reserved from Highway 91 to the commercial parcel. **Seconded** by Dale Barnes. **Roll call vote. All aye votes. Motion passed unanimously.** **Motion** by Darrell Nelson to close the public hearing. **Seconded** by Norma Gier. **Passed unanimously.**

12. ACTION ON PUBLIC HEARING:

Motion by Mayor Gier to "Ratify" the previous motion and vote. **Seconded** by Darrell Nelson. **Passed unanimously.**

13. PUBLIC HEARING: (Motion to open and close)

Clint Peterson-Eric Early-Zone change from R-R-1 to General Commercial on Cemetery Road by the I-15 South bound on ramp. **Motion** by Darrell Nelson to open the public hearing. **Seconded** by Mayor Gier. **Passed unanimously.** Clint Peterson informed the Council that he would like to change the zone from R-R-1 to commercial to allow for mini storage units. Peterson asked the Council if they have any questions. Council Member Nelson asked Peterson if he has the letter from HUD or FEMA concerning building in a flood plain as the Planning Commission requested. Peterson said he has a letter from his engineer. Nelson said no he wants letters from government agencies since the property is in a flood zone. Nelson said the Town has regulations in the General Plan and Zoning Ordinances as to what is allowed in a flood plain, and storage units is not one of those. Nelson said he isn't sure of the boundaries of the flood plain and would like a letter from a state or county agency indicating the boundary of the flood plain and building in a flood plain. Peterson said there aren't any state or federal laws prohibiting building in a flood plain. Peterson said the flood plain has been altered in such a way when the road was built up that a potential of flooding is really minimal. Mayor Gier stated the Town received a letter from Five Co. Association of Governments in which they talk about natural hazards. Five County is going to be working on these issues and how natural hazards can be minimized before they occur. One of the examples they give is to discourage development in flood plains. Mayor Gier said the advise the Town has been given is to discourage any permanent structures in a flood plain.

Peterson asked if that means his land is unbuildable. Mayor Gier said if it's on a flood plain. And the Town's General Plan indicates that that property is in a flood plain. Mayor stated the Town's concern is if he is given the okay to build in a flood zone, and there is a flood, he might come back to the Town and say he wasn't informed of the possibility. Mayor said the Town wants to make sure that anyone who builds, not only in flood plains but also other possible natural hazards, are aware of the possibilities. Peterson asked for a direct resource he could go to get some information. Mayor Gier said perhaps he should contact Kurt Hutchings at Five County. Attorney Snow stated FEMA sets flood plains not the Town. Engineer Jim Raines said the only way to remove a property out of a flood plain is to do an engineer study and apply to FEMA to have it taken out. Raines stated the Town can't take it out, Kurt Hutchings can't take it out, only FEMA can take it out. Peterson asked if he gets the letter is the zone change possible. Attorney Snow said the first thing is to get a map amendment from FEMA. Peterson stated the interstate has gone through, homes, viaducts and etc. would get wiped out before his project would. Peterson said it can't flood on his property because of all the changes. Discussion went to the wet lands area on the opposite side of the interstate from Peterson's property. Peterson said when the interstate went through UDOT provided for drainage in the area. Mayor Gier asked if there were any comments from the Council. Dave Harbour stated flood plain elevations are there because there is a 1% chance that it would reach that property in any given year, or it could reach it two years in a row. They are using this as a 100 year flood line. Harbour said that is why it is marked on the Town map as being in a flood plain. Harbour said in order for Peterson to obtain insurance through FEMA the Town has to indicate they intend not to build in those areas. The Council all agreed they would like to see a letter from FEMA and they would sooner see storage units rather than homes built on the property. Peterson said he will provide the letter. Mayor Gier asked if there were any comments from the audience.

Eric Early said he researched this on a website. Early said he couldn't find anywhere that it states you can't build in a flood plain. He said there are provisions for the building to be flood resistant but no where on the site does it say you cannot build in a flood plain. Early stated early settlers settled near bodies of water because water was a source of life. Early said the Planning Commission did recommend that they thought the proximity of the property is conducive to commercial use.

Jared Westhoff stated that Hogan Springs had a pipeline running under the freeway. Westhoff said the pipeline is no longer there but that used to be a good deal of the water that ran on the west side of the interstate.

Council Member Darrell Nelson said he would like to make one more comment. Nelson said as he drives on the interstate to Cedar City and sees the storage units and the beautiful scenery the storage units are freeway ugly. He would like to envision people driving down the interstate and saying Leeds is a nice little town. Peterson said he will put nice looking units up with green roofs and etc. Nelson reminded Peterson that he also needs to have a water line on the property for fire protection, hydrants and etc. before final approval of the site plan for the units. LDWA President Scott Hayes stated that Peterson needs to have an 8" water line. Council Member Dave Harbour said he had one more comment. One of the purposes of FEMA is to prevent building in certain areas without due consideration. They are not saying you can't build there. But in order to build there, if it is in a flood plain, there are a whole set of hoops you have to jump through. Harbour said the hoops are not inexpensive. Elevation wise you may have to change the elevation by bringing in fill. You can't do something that will raise the water level in case it does flood more than a certain amount. Harbour said there are a lot of requirements that Peterson needs to look into concerning expenses if he is going to proceed with his plans. Peterson said he is aware of flood insurance and will check into it. **Motion** by Darrell Nelson to close the public hearing. **Seconded** by Gloria Parnell. **Passed unanimously.**

14. ACTION ON PUBLIC HEARING:

Mayor Gier asked the Council for direction on a motion. Mayor Gier said the Council can deny, approve with conditions, table pending Peterson getting a letter, approve with the condition Peterson presents the letter before building, approve with no conditions and we all take our chances. **Motion** by Dave Harbour to request additional information associated with the floodplain and the authorization to build in the flood plain. Attorney Snow asked Harbour if he is approving conditioned upon Peterson getting the information requested from FEMA. Harbour said yes. Attorney Snow asked Engineer Raines how long it takes to get a LOMA (map amendment from FEMA) Raines said it takes approximately 12 months. Attorney Snow asked Harbour if his motion is to approve conditioned upon Peterson having the property taken out of the flood plain. Harbour said no. What he is asking is not to be taken out of the flood plain, but what Peterson is doing won't be in the flood plain. Raines said the extent of the flood hazard has not been determined. It's just saying the potential for flooding is there. Raines said a LOMA will only be granted after significant study. A study of the drainage in the entire area will need to be done, submitted, and approved. Mayor Gier asked if the Council can make a motion stating that the zone change be approved, with the understanding that the Town has explained their concerns about flooding, and will not be held responsible in case of flooding. Peterson said it is not against the state and federal regulations to build in a flood plain, so he doesn't understand what the purpose of LOMA would be. Raines said you don't have to have a LOMA to get a building permit. Raines suggested the motion be that the zone change be granted subject to Peterson effectively mitigating the flood plain hazard. Attorney Snow said at the conditional use level when Peterson comes in to get a conditional use permit it can be conditioned upon the building being built in compliance with FEMA's flood plain construction standards. Attorney Snow told Peterson the Town is not only looking out for the best interest of the people, who will be storing things in the units, but also for him and his liability interests. Harbour withdrew his motion. **Motion** by Darrell Nelson to approve the zone change with the condition that an effective drainage study be done with recommendations showing how they would mitigate any flood hazard. The study would also need to be approved by the Town or its engineer. **Seconded** by Dale Barnes. **Roll call vote. All aye votes. Motion passed unanimously.** Peterson thanked the Council and said that sounds doable.

15. PUBLIC HEARING: (Motion to open and close)

Hazmat Ordinance #03-03 and Hazmat Resolution #03-05. Motion by Gloria Parnell to open the public hearing. **Seconded** by Mayor Gier. **Passed unanimously.** Mayor Gier explained the significance of the ordinance and resolution. Assistant fire chief Scott Hayes said this is way over due and much needed. Mayor Gier said this ordinance and resolution will help to recover clean up cost. Because of the I-15 corridor it isn't if but when. The Council discussed several concerns within the ordinance. They were recovery of cost and expenses from the responsible parties, purchasing equipment, procuring property, and cost to the Town. Attorney Snow said a copy of the agreement needs to go to the Utah Local Governments and Trust. Snow said he will review the Town's liability policy with the Trust. Snow stated that the initial cost will go to the county. Attorney Snow said he needs to review the interlocal agreement before giving an answer to how the cost is shared. **Motion** by Gloria Parnell to close the public hearing. **Seconded** by Mayor Gier. **Passed unanimously.**

16. ACTION ON PUBLIC HEARING:

Motion by Mayor Gier to approve subject to Attorney Snow's review of the agreement. Dave Harbour to investigate financial costs and report back at the next meeting. **Seconded** by Dale Barnes. **Passed unanimously.**

17. JIM RAINES-BUSH AND GUELL ENGINEERING:

Discuss Uniform Building Code Standards. Raines said the portion of the UBC he will be discussing is dealing with grading issues. Raines said the question has come up that if you are not a developer, if you are not a subdivider, what regulations and standards need to be complied with. Raines stated you can't go out and grade off your property just because you aren't subdividing. Raines referred to chapter 70 of the UBC, which the Town has adopted. Chapter 70 has a provision for a grading permit. Any grading, with a few exceptions, requires a permit. The intent is to make sure that when people do something to their property, such as grading, the Town has a chance to look at it to make sure it doesn't impact the neighbors or Town Ordinances. Raines stated it means you can't go cut a road through your property without the Town's permission. Chapter 70 deals with lot regulations, standards and compliance. Raines said there are grading permits and studies you have to comply with. The cost of the permit itself is minimal. Raines said most people don't understand the ordinances that apply especially the Hillside Overlay Ordinance. The Hillside Overlay Ordinance applies to all zones. Raines said the Town can regulate what people do with their property. Attorney Snow pointed out that in Chapter 21 of the Hillside Ordinance, it states, there shall be no development of land having a slope 30% or more. Raines suggested adopting the International Building Code which is more stringent than the Uniform Building Code. Dale Barnes asked what the policy is after a property has been red tagged for violations. Barnes asked what the procedure is if someone has already torn up the hillside. Who restores it then. Attorney Snow said the Town can restore it and charge the property owner for costs incurred. The property owner can be cited, through criminal violation of the building code, and get an order of restitution for restoration. When someone gets a grading permit they have to take out a bond which allows the Town to tap into the bond if a violation occurs. The Council thanked Raines for the information.

18. COUNCIL MEMBER DARRELL NELSON:

Planning Commission Items:

1. Gordon Casey Subdivision's Inc. or Eric Early-Request approval of preliminary plat for a 12 lot subdivision at approximately 162 E. Vista. Darrell Nelson said the Commission voted 5-0 to recommend denial of the plat. Nelson said no curb and gutter was planned. Drainage was unsatisfactory. There was no second ingress egress. The roadway that was proposed was inadequate. Mayor Gier declared a conflict of interest and turned the chair over to Darrell Nelson Mayor Pro Tem. Eric Early stated that one of the things Jim Raines brought up, at the Commission meeting, was that if the property shows a road going through it on the General Plan instead of being 800' long and dedicating a future access was actually a flaw in Raines eyes. Early said the reason why is because at some future date the Town would be stuck with the upgrades. Early said Raines recommended, if it's in the General Plan, that it be continued all the way to the end of the property and be improved. Early said they are not opposed to doing that if that was put as a condition of the approval. Early said another thing was the drainage issue Raines brought up. Early said Raines talked about the steepness of the decline from the top to the bottom of the property and how the steepness would be a problem because of the drainage. Early said Silver Meadows Road is a steeper grade than Casey's proposed road. Early talked about the

berm not needing a bridge to cross into each lot, the depth of the 55' asphalt road, the 1/2 acre lot feeling like a 1 acre lot because of the 122' frontage. Early said one of the concessions they are willing to make, is if the Town does what Raines suggests and allow the cul-de-sac to go to the end of the property, they will make sure all the lots meet the frontage requirement for 1 acre. Clerk/Recorder Stevens asked Early how long the cul-de-sac road is. Early stated it exceeds the 800' allowed. Early said one of the things they will need from the Council is an exception to that rule. Early said there is a provision in the ordinance for making exceptions. Early said there are two provisions for an exception. One is if the topography is somehow strange, and he doesn't feel this is the case. Early said the other provision is somewhat generalized. Early read from the ordinance on page 84 where it says, "if exceptional conditions exist the Leeds Town Council, may vary the requirements of the ordinance, after receiving the recommendation from the Planning Commission, providing that such variation will not substantially "impair the intent of the ordinance." Early said in 1995 when the General Plan was approved he tried to analyze what they were thinking back then concerning the map showing the road going through at that particular section. Early stated he thinks he can tell what they were thinking when they decided they wanted a road to go through there someday. Early pointed out 2 dead end cul-de-sacs already in the vicinity. Early stated if there were an accident on Vista and Main there would be a problem with the residents in the Vista area being trapped. Early said he thinks that is why the proposed road is in the General Plan. Early said if the Council will let them take the paved road all the way through their cul-de-sac the road will be that much closer to connecting with Babylon Road. Early said he doesn't have any say so on how the road travels through the Mayor's property, or how it travels through Stirling's property, that's not his job. Early said the Stirling's have indicated to him they are not going to sell their property. Early said he doesn't have the power to finish off the road the way it should be but he can get close. Early said their cul-de-sac is close to 1200' and the county allows 1600'. Early said another thing brought up at the Commission meeting was that most cities allow 600' cul-de-sac. Early said they are really going beyond that. Early pointed out that some cities do it by zoning. He said you can have different cul-de-sac depending on what you perceive your trips per day would be. Early stated it is really all about health and safety, and the health and safety is decreased with traffic, so then you would want a smaller cul-de-sac. Clerk/Recorder Stevens stated that this is a different plan Early is presenting to the Council than what was presented to the Commission. Early said it is the same plan. Stevens said no not if you are putting the road on through because the plan presented to the Commission was an 800' cul-de-sac. Early said yes he did present the 800' cul-de-sac but they denied it based on what Jim Raines said. Early said he will let Jim Raines stand up and address this himself in a minute. Early said he wants to be a problem solver. He said there is a problem in that area, not created by the subdivision they are making, but one that is pre-existing, to which they are going to add to by about 17%. Early said with their subdivision there will be approximately 80 lots accessing Main Street from Vista. Early stated if that is a real concern then the Town might want to consider some action. Nelson said the entire Vista area is a concern. This Council had nothing to do with requiring an ingress and egress in the previous subdivisions. It's too late for this Council to do anything about that. Nelson stated it looks like Early is changing the plan and if so he has to go back to the Planning Commission. Early said he wants to direct everyone to one other page, he feels the Planning Commission didn't really get it because they are new. Nelson said the Commission Members are not professionals, they are people who care about their community Early said he doesn't want to demean the Commission but they are new. Carlyle Stirling said that may be true but the previous Commission also turned down this crazy plan when it was presented by then property owner Jared Westhoff. Stirling said the Commission wouldn't even vote for it. They voted for a 10 lot subdivision with conditions. Early said he wants to call a point of order even though he isn't a

member of the committee. Early said he remembers there being two conditioned approvals. But of course they wanted the road to go all the way through. Stirling said that was for a 10 lot subdivision. Early said wasn't that 12. Stevens said no the last one was 10. Early said the first one was 14. Stirling said that one was turned down and the first one was actually 5. Early said that was a previous agenda and he wants to get back to the focus here tonight. Early then directed the Council to read with him as he read the definition of the preliminary plat. Early focused on the preliminary plan being a "study plan". Early stated the preliminary plat shouldn't be denied because it isn't exactly the way they want it. The way we get it, to the way we want it, is by coming up with some good ideas. Early said Jim Raines had some good ideas. Nelson stated rather than approving the preliminary plat, and Early spends all of this money, perhaps he should go through some of these suggestions and resubmit to the Commission. Early directed the Council to turn to page 89 in the subdivision ordinance 23-b2. Early read the statement where it says, " the Council may review the preliminary plat and visit the site of the proposed subdivision. Then the Council shall approve the preliminary plat as submitted, or modify, or disapprove the plat etc. etc. etc." Early said with the preliminary plat they are not actually authorized to even proceed with this undertaking of really making a perfect map until they have an idea of what the Town wants. Early asked Attorney Snow if he wants to comment on that. Snow said he would love to comment. Snow said it is very clear under Utah case law that an approved preliminary plat gives a developer vested rights. It is a big step for the Town. If the developer goes forth and spends a lot of money developing underground, curb, gutter, etc., then they come back to finalize the final plat and the Town doesn't like what has been done and tries to stop it then we have legal problems. Snow stated he realizes that Early is trying to play this off, and make it seem like the preliminary plat is not very important stage. Early said that he doesn't mean to come across that way. What he wants is to leave here tonight with specific conditions for either approval, or specific conditions why you deny it. Early said he expects to receive one or the other. Early said if it's denial then he will take those conditions and put them into a preliminary plat and then come before the Planning Commission again and this time they will be approved because they will meet the specific conditions for denial. Early stated they took Jim Raines suggestion and took the cul-de-sac all the way to the end of the property so the Town wouldn't have to improve the road later on. Early said tonight they want a conditioned approval. Early asked the Council if they have any concerns then hit him with it. Gloria Parnell said even if the road is run all the way to the end it still doesn't alleviate the problem of a second access. Early said he is glad she brought that up. Early said how big of a concern is that to you. Parnell said that is the only big concern to her. If the road went through to Babylon she would approve it. Early asked if there is a consensus of the Council on that. Attorney Snow asked Early if what he is asking the Council for is to set the Stirlings and the Giers up for a condemnation action. Early said yes. You're right. Attorney Snow said lets get this out in the open, so we know why you are putting such a push on it. Early said what they are trying to do is provide a solution to a problem that already exists. Nelson said he will not be a party to condemning anyone's property for a private enterprise other than a government betterment of the community. Early said let me make sure I understand what you are saying. Early asked Nelson if what he was saying is that it isn't a public safety issue. Nelson said what is there now is there because of a mistake. There should have been another access to the whole development. Nelson said as far as condemning someone else's property for a situation like this he is definitely against it. Nelson his concerns are no second access, drainage issues, the roadway that has been proposed is inadequate, curb and gutter. Nelson was interrupted by Early. Early said if you want to recommend curb and gutter subject to approval they will put it in. Stevens said she thought that was one of the conditions given by the Planning Commission and Engineer Jim Raines. Stevens said there was quite a list of conditions and since Raines is here he could tell you what those are.

Raines said he would like to take a minute since he has received quite a lot of credit here. Early interrupted and said he wants Raines to speak but would like for him to hold off for a minute. Stevens said that is up to the Mayor who speaks and doesn't speak. Early went right on. Early said he wants to talk about condemnation and feels that is probably one of the reasons that Mayor Gier declared a conflict. Early said the only way to acquire these properties for a second access is condemnation. He said it has been made very clear by Stirling and Gier. Early said if it is really a public safety issue there is good merit for it. Attorney Snow said it is a basis for condemnation. Not the only. Just one of many. Early said it is a legitimate reason for condemning property. Early said the way to do this, at no cost to the Town, is to put money in a trust account and go out and pay fair market value for it. It wouldn't cost the Town anything and it would solve the problem. Nelson said it is getting late and he would like to hear from Engineer Raines. Raines said somehow he got credit for putting this road through. Raines said that is not what he said. Raines said the point he made is that the Town has a General Plan and if the General Plan has a road master plan element in the General Plan then when someone comes in to develop they need to either do one of two things: Comply with the General Plan or apply to amend the General Plan. Raines said his point is Early is showing a cul-de-sac and some yet-to-be-built and yet-to-be-determined road is a bad idea. Raines said he didn't say whether the road should or shouldn't go through. That is up to the Council to determine with the General Plan whether it makes sense or if it's valid. Raines said it has been clearly outlined tonight that that road coming down and connecting to Babylon Road is an element in the General Plan. Raines said the options are : 1. Look at it and say these 2 property owners have rights. Maybe we are overstepping our bounds in the General Plan by trying to impose a road upon them so let's amend the General Plan and remove that through connection. 2. The other option is to say the road really makes sense and it should go through. Raines said it would be very hard for a private landowner or developer to put money in escrow, have the Town go through condemnation, and prove the public benefit if there private money is sitting in there paying for the condemnation. Raines asked what decision do you need to make. One is does that road really need to go through. If the General Plan is valid and you support it and want this developer to comply with it then yes the road should go through. If the answer is no then we should amend the General Plan allowing to build a cul-de-sac at whatever Leeds standard is. It doesn't matter what the county does, what St. George City does, what Jim Raines says. Leeds standards say you can go up to 800' for the length of a cul-de-sac. Raines said the second part is that if you agree with the General Plan you should comply with it you can do one of two things. 1. The Town can say I'm going to help you comply with the General Plan because this is such an overwhelming need. 2. The Town can tell them to comply with General Plan. Come back with a plan after you have acquired the right of way. Raines said that is typically how it is done. Raines said he has about 1250 subdivision lots going on right now in the county and he doesn't know of one incidence where a city would step in and acquire a right of way. Raines said if you have to obtain a right of way to comply with the General Plan in Washington City they say come back when you have it. If the property owner doesn't want to grant it you can come in and apply for an amendment to the General Plan. Raines said the options are, the Town can help him get the right of way, or tell him he can't develop the property until he acquires the right of way. Come back when you get it. Raines said is the point he is making. When you have a General Plan the developer is bound to comply with it. On the other hand the Council is also bound by the General Plan. There is a General Plan issue. Either comply with it or amend it. Raines said he can see why Early would like the road to go through since it gives them 2 more lots. Raines said he agrees if the preliminary plat is substantially complete we don't need to have road profiles and detailed drainage studies in order to approve it. However, we need to look at the elements of the preliminary plat to see that it meets our needs. Raines said he has not, as Early so indicated,

misconstrued the cross sections. If you are going to come off, and be able to borrow pit what is going to handle the drainage of a 1200' roadway, a flat area that isn't built into a swell is not adequate. If it is going to handle the runoff of a roadway it is going to have to be a swell. A grade over 3% needs erosion protection. Raines said this property is around 5%. By Early's own admission his grades are at or greater than 3%. Raines said a dirt berm will erode significantly at these grades. Raines said his recommendation for denial was based on the fact that the road cross section shown is inadequate for the topography and the drainage. Raines said if the preliminary plat showed curb and gutter and some sort of retention on site then maybe we could approve with conditions. Raines said there are some other drainage issues on the property. There is a fairly major wash that goes through it. Mother Nature put that wash there for a reason. If you put lots in there that wash is going to go away. What impact will that have. Raines said maybe this doesn't need to be addressed in the preliminary plat but it would directly be a condition of the approval. Raines said his recommendation, due to the way that it is drawn not being an adequate way to address the General Plan, and the road cross section which doesn't adequately address the drainage, is reason for denial. Early then introduced Gordon Casey as their engineer, and also one of the property owners. Casey said there are a lot of issues here. Casey said the reason they have presented this plan tonight is because it is how the previous owner presented it. Casey said he has no problem with curb and gutter if that is what the Town wants. Casey said there are ways to handle the drainage with that type of section. They can retain the water from each home and put a sump on the lot, or with curb and gutter they can put in a retention pond. Casey said a temporary solution to the problem would be to leave the second half undeveloped until the road goes through. Gloria Parnell asked what is the proposal tonight. Is it the 10 lots. Casey said if that would satisfy you that would at least get them going. Then that would be the second phase of the development. Until such time the balance could be developed. Casey said that is not something they prefer but if that will work it will at least get them going. Stevens said that plan would have to go back through the Planning Commission. Casey said yes they will have to revise their plan and go back to the Planning Commission. Nelson said when this was approved at the Planning Commission there was no issue with road or right of way. Stevens said they asked for two variances. Nelson said no he means as far as the issue with the curb and gutter. Casey said there is a note right on his plan that says "they want 24 ft of asphalt, no curb and gutter". Stevens said this is a whole new plan anyway. Casey said if you want curb and gutter they will comply with that. Casey said they want to be good neighbors they want to make everyone happy, even the Mayor. Nelson said with this new subdivision sewers are bound to come. Nelson said what he would like to see is if the Town is going to get a road dedicated to them it sure would be nice to see dry sewers put in. Nelson said you give us a road and then sewers go in and we have to tear it up. Around here roads last a long time. Casey said he understands that. He said the county is limiting the number of septic which he believes they will still be able to get. Casey said they have put dry sewer in before in areas and certainly sewer will come out here someday. Merle Geir asked Casey if they have enough water for this project. Casey said they have 19 shares of water. Casey said they are willing to do whatever they need to do to get this project going and keep everyone happy. Raines said his point on drainage was not necessarily curb and gutter. Raines said the cross section provided isn't adequate for the drainage issues. Attorney Snow stated that in our ordinance curb and gutter is required and should not be waived, maybe deferred but not waived. Casey said he feels it changes the character of the development when you put in curb and gutter. Raines said curb and gutter doesn't complicate the drainage issue because there is no outlet you will have to have a large retention pond because you can't dump that water on the neighbors. Casey said there are a lot of possibilities to take care of the storm drainage. Minimum width of the asphalt was discussed. Stevens pointed out that in the subdivision ordinance it says you will have a second ingress and egress. Is this

something that will be waived. Attorney Snow said what Casey is proposing is to phase that in. It is an issue that will need to be resolved. Raines said they need to comply or amend the General Plan. Attorney Snow said maybe amending the General Plan is the way to do it. Stevens asked Snow to read section hh which refers to the second access being provided for. Snow read the section. Stevens said it says provide for a standard route of ingress and egress that must be dedicated to the Town. Snow said the applicant has a differing opinion as to the interpretation of what provide for means. Snow said this Council has taken the position that provide for means you will have two forms of actual ingress and egress. We can all have different definitions of provide for. Snow said if this is ever contested in a court of law the standard for the decision would be whether our definition is unreasonable or whether we acted arbitrarily and capriciously. As long as we have a reasonable basis for our definition it holds. The Town's definition, and has been for the past year, is that it means two forms of ingress and egress. Casey said if that is the case then technically you do not have a cul-de-sac allowed in your ordinances. Snow said he clearly understands that is an argument you can make. Raines said a development can have two points of ingress and egress with a cul-de-sac within the development. Snow said he can think of scenarios where you can have two points of ingress and egress and an 800' cul-de-sac. Casey said that's true but it is probably a larger piece of property with a different configuration. Casey said they can get 12 lots out of the property leaving it with the cul-de-sac but your definition of the ordinance says we have to have two accesses whether it's a cul-de-sac or not. Raines said it's even moved past what the ordinance says because the General Plan shows that road. Either comply with the General Plan or amend it. Raines said the preliminary plat should not be approved if it doesn't comply with the General Plan. If you are doing something that is contrary to the General Plan, as this plan appears to be, then you should first amend the General Plan and then come in with a plat. Casey said then he would sooner go with the two phases and complying with the General Plan. Carlyle Stirling said if you have to have two accesses in a subdivision, and you don't have it, then vote it down and let them figure out some other way to get in and out. The proposed road that goes through his property is private property. It is a gross invasion of private property to talk about how to access in the future and set someone up so it can be condemned in the future. Snow said speaking for himself as an attorney, and not for the Town, the options he can think of is to come back with another application with the phasing or applying to amend the General Plan and delete the road. Casey asked if it would seem reasonable they will come in with a two phase plan. He said secondly he needs to know what typical road section you want. Casey said he would rather not have curb and gutter just because of the rural atmosphere, but he will do what the Town wants. Nelson said the curb and gutter was brought up because of the encroachment of the Town road by the residents. Casey said he understands how people purge on that right of way. Nelson said the drainage was also an issue on this plan. Casey acknowledged that the drainage wasn't addressed in detail on the preliminary plan. Casey said he will definitely do that without curb and gutter if they will let him do that. If not, he will do it with curb and gutter and put in a large retention basin at the lower end of the property. Carlyle Stirling said you keep coming back to the drainage situation and ignore the fact that there is not now, and is never going to be, another access across his property. Stirling said the big concern to him is letting this thing develop to where you can then condemn his property. Stirling said the Council should not let this progress to that point. Stirling said the Council has the opportunity right now to vote this down. Stirling stated he is an old man and this is hard on him. Nelson said what they are talking about is amending the General Plan to delete the road as being a through road. Stirling stated in the same breath Early keeps saying they are going to do it like this, so when you do go on through with it will be all right. Early said he only brought up condemnation in reference to finding solutions and finding out how serious the Council is about this being a safety issue. Early said he only brought it up as a possible option. Merle

Gier asked what open drainage basin means. Attorney Snow said it is a basin that is supposed to be big enough to catch run off in the event of a 100 year flood. Gier said it is very low at the end of that property. Raines said they can't put any water in additional quantity or additional location that hasn't historically flowed there. Raines said if the drainage pattern is changed or increased you have to control it on your property you cannot put that on a different property in a different quantity or location. Raines said he would like to make one more comment. Raines said 24' is a minimum on a road and the only place it is referred to in the ordinance is as a secondary access. Raines stated 24' is not adequate for a residential street with parking. Raines said if he is asked to review it he would not recommend approval of 24' pavement section with curb and gutter on each side. Raines said he would recommend a minimum of 35' pavement. Casey said that is a lot of road. Raines said 35' of pavement doesn't even provide two lanes of traffic with parking on both sides. Raines said you probably don't need two travel lanes in a dead end cul-de-sac but it all plays into your General Plan road issue. Raines said if this is a through road, and it is a General Plan road, and it needs to connect Babylon Road to this subdivision, then it is much more than residential serving subdivision lots. It needs to be designed accordingly and that is a decision that needs to be made. Raines said if the General Plan holds and Casey comes in complying with the General Plan, and he is asked to review it, he will review it as a through road. Not just a local road servicing lots in a subdivision. It is a through road and has a through road element and the minimum he will recommend is 35'. Attorney Snow said to draw this to a conclusion he would like to summarize it. Snow said we have a denial with the instruction they come back with either a phasing plan or not. But before they come back with a phasing plan they apply for a change to the General Plan. We are going to have to address the road issue whether it is in a two phase or not. It needs to be addressed so we will know even in the first phase how wide to build the road. It needs to be decided whether that is going to be a through road. Attorney Snow said the instruction should be denial with them coming back first for amendment to the General Plan. Amending that road map in the General Plan. Snow said they can do it concurrently with the subdivision. Casey asked if it is their responsibility to ask for a change in the General Plan. Snow said if you want to make a workable subdivision yes. Nelson asked if that is such a good idea to do it just for that subdivision. Snow said that is something the Planning Commission will have to determine if its in the best interest of the health, safety, and welfare of the Town to delete that road from being a through road. If the Town feels that is fine then you should do it. Raines said the point is not to leave it in some gray area. If it is a through road it needs to be built to one standard and if it's a cul-de-sac it needs to be built to another standard. Nelson said doesn't our ordinance say they can have an 800' cul-de-sac. Raines said yes but also on the road cross section it's putting a lot of discretion on the engineer. Raines said because it sets a minimum of 24' in section hh that doesn't mean we can't impose more. Attorney Snow said they came in with a plan that isn't in compliance with the General Plan, because that is a dead end cul-de-sac road, when in the General Plan there is a through road. Snow said whether it is down the middle of the parcel or not is questionable but somewhere in the vicinity there is supposed to be a through road. Either the General Plan needs to be amended or complied with. Early said if they make application to amend the General Plan it's very possible they could end up right back here two months from now. Early said then we still don't know what you want from us. Attorney Snow said if we deny your amendment to the General Plan then we are telling you that at some point and time, whether the adjacent property owners are willing to sell or not, at some point and time it has to be a through road. Snow said it doesn't mean we are condemning tomorrow, next month, next year or 20 years from now, but at some point and time we would want that to be a through road. Raines said the bottom line is you need to decide whether the Town wants the road or not. Design standards for a dead end 800' cul-de-sac in a cross section could vary from a through road. Pat Sheneman said he feels the

Stirlings had no input in this General Plan. They feel very strongly that this road doesn't and will never go through. Sheneman said he feels there was an oversight and this road isn't supposed to be there. Sheneman said he can't think of a good reason why the road was added to the General Plan. Raines said the General Plan should always be growing and updated. Raines said he is not even addressing whether the road should be there or not. He is just saying if you have an element that is called for by the General Plan then you are bound by the General Plan. There is nothing that says you can't change the General Plan. Stirling said the first time he saw this road was when Westhoff brought it to his attention. Casey asked if they could request a review of the General Plan by the Town. Attorney Snow told Casey he needs to submit an application to amend the General Plan. Early said he would like to make a suggestion. Early said he would like the Council to approve the plat with the conditions that have been mentioned and subject to the General Plan being approved with this change. Early said that way they won't be spinning their wheels and not knowing the outcome. Early said they want more direction than just amending the General Plan. Nelson said he agrees with the request to amend the General Plan. Discussion went to when the public hearings could be set for the public hearings to amend the General Plan. Casey said he will apply to amend the General Plan. **Motion** by Darrell Nelson to deny the preliminary plat with instructions that the property owners apply to amend the General Plan to delete the through road. **Seconded** by Dave Harbour. **Roll call vote. All aye votes. Motion passed unanimously.** Early asked for clarification if the road is the only problem the Council has with the basic concept. The answer from the Council and Attorney Snow was no. There may be other conditions and drainage issues.

2. Jim Raines Bush & Gudgell Engineering-Submit Leeds Town Road Survey Map for Public Hearing Date. Nelson said the Commission set a public hearing date for June 3, 2003, at 6:00 p.m. The Council set a tentative public hearing date for June 11, 2003, at 7:00 p.m.

3. Kerry Worthen-Conditional Use Permits:

a) Pease Automotive. Nelson said the Commission recommended approval with conditions. The conditions were that it has adequate and detailed parking, finish cleaning it up, be in compliance with all State, County and Town regulations, and subject to review on a yearly basis.

Motion by Nelson to approve the conditional use permit for Pease Automotive with all conditions that were recommended by the Commission. **Seconded** by Dave Harbour. **Passed unanimously.**

b) 8 Unit Motel. Nelson said the Commission recommended approval with conditions. The conditions were that it has adequate and detailed parking, the units will be rented out for no more than 1 month at a time to any one person, be in compliance with all State, County and Town regulations, require a 24 hour on site manager, and subject to review on a yearly basis. The Council reiterated the fact there are to be no permanent guests in the motel. Worthen said there will be no one permanent at the motel except for the manager. **Motion** by Darrell Nelson to approve the conditional use permit for the 8 unit motel with the all conditions that were recommended by the Commission.

Seconded by Mayor Gier. **Passed unanimously.**

c) 6 Storage Units. Nelson said the Commission recommended approval with conditions. The conditions were that the six storage units operating hours be 7:00 am to 10:00 p.m., no secondary commercial business be run out of the units, be in compliance with all State, County and Town regulations, adequate and detailed parking, and subject to review on a yearly basis. **Motion** by Darrell Nelson to approve the conditional use permit for the 6 storage units with all conditions that were recommended by the Commission. **Seconded** by Norma Gier. Discussion. The Council discussed parking spaces. Worthen said there are 10 parking spaces for the units. He then submitted a drawing indicating all the parking spaces for the complex. **Passed unanimously.**

d) KD's Gas and Goodies with Propane Dispenser. Nelson said the Commission recommended approval with conditions. Worthen stated the gas and propane have to meet very stringent guidelines regulated and engineered by the State. Worthen said the fire marshal will also come and do his inspections. The conditions by the Commission for the gas and goodies were that the propane operator be certified and licensed by the State, hours of operation 7:00 a.m. to 12:00 p.m., be in compliance with all State, County, and Town regulations, adequate and detailed parking, and subject to review on a yearly basis. The Council discussed requirements for handicap parking. Worthen said he has already figured in the handicap parking. Attorney Snow reminded Worthen he needs to be aware of any ordinances and restrictions pertaining to the sale of liquor and advertising signs. **Motion** by Darrell Nelson to approve the conditional use permit with all the conditions that were recommended by the Commission. **Seconded** by Dave Harbour. **Passed unanimously.**

4. Ordinances: Lighting Ordinance, Constitutional Taking Ordinance and Hazmat Ordinance. The Hazmat Ordinance public hearing was held earlier in this meeting. The lighting ordinance was discussed. Nelson will make the recommended changes and re-submit the Lighting Ordinance at the next Planning Commission meeting. The Constitutional Taking Ordinance public hearing has already been set for May 28, 2003.

19. MAYOR NORMA GIER:

Proposed Budget for 2003-2004. Mayor Gier asked the Council Members if they have reviewed the proposed budget and if they have any comments at this time. The Mayor reviewed the process of preparing and adopting the budget. Mayor Gier indicated that in the proposed budget there is a long term disability medical insurance of \$11.00 per month for the Clerk/Recorder, a cost of living increase of 5% for public works, treasurer, and clerk/recorder, an increase for professional services, \$1.00 per hour raise for the 2 police officers and increase their time from 20 to 30 hours per month for each officer.

Jim Raines explained how his fee is calculated when he is retained by the Town to review and recommend various engineering projects. Raines said he will give the Town two sample professional service contracts to review. Raines said the Town will need to adopt an ordinance to charge the developer for the fee. The Council discussed and reviewed the proposed budget. **Motion** by Dale Barnes to approve the proposed budget for the 2003-2004 year and set a public hearing date for the final budget on June 11, 2003, at 7:00 p.m. **Seconded** by Gloria Parnell. **Motion passed unanimously.**

Main Street Pipeline Update. Mayor Gier said the water pipeline will be coming down Main Street and end up at the Schivwitts Indian Reservation. The Town has been asked to pay \$2.00 a foot for the water pipeline. The Council felt the \$2.00 should be paid by the water company. Mayor Gier said she will look into this project further.


20. COUNCIL MEMBER GLORIA PARNELL:

Parnell stated she has spoken to UDOT concerning the signage for the Jake Brake Ordinance. The Town needs to purchase the signs and UDOT will put them up. **Motion** by Darrell Nelson to expend the money to purchase the Jake Brake signs and various other signs that are needed around the Town. **Seconded** by Mayor Gier. **Roll call vote. All aye votes. Passed unanimously.**

21. ADJOURNMENT:

The meeting adjourned at 11:35 p.m.

APPROVED AND SIGNED THIS 11TH DAY OF JUNE 2003



Norma Gier, Mayor



attest: Joy Stevens, Clerk/Recorder

PUBLIC NOTICE
TOWN OF LEEDS
TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting and Public Hearing on, Wednesday, May 28, 2003,
at the Leeds Town Hall, 218 North Main Street at 7:00 p.m.

Public welcome to attend.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge
4. Approval of Agenda and Minutes of May 14, 2003.
5. Presentation and Crowning of Leeds Princess and Attendants
6. Public Hearing (Motion to open and close)
 Constitutional Taking Ordinance #03-04
7. Action on Public Hearing
8. Mayor Norma Gier
9. Council Member Darrell Nelson
10. Council Member Gloria Parnell
11. Council Member Dave Harbour
12. Council Member Dale Barnes
13. Adjournment

POSTED THIS 27TH DAY OF MAY 2003


Joy Stevens, Clerk/Recorder

Posted in the following public places:

1. Leeds Town Hall
2. Leeds Post Office
3. Waltons Plaza

**THIS NOTICE MUST BE POSTED UNTIL MAY 29, 2003. IS AGAINST UTAH STATE
LAW TO REMOVE BEFORE DATE INDICATED.**

In compliance with the Americans with Disabilities Act, the Town of Leeds will make reasonable accommodation for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call Joy Stevens at 879-2447 at least 48 hours prior to the meeting.

TOWN OF LEEDS

Minutes of the Town Council Meeting and Public Hearing
May 28, 2003

1. CALL TO ORDER:

Mayor Norma Gier called the meeting to order at 7:09 p.m.

2. ROLL CALL:

Present was Mayor Norma Gier, Council Members Darrell Nelson, Gloria Parnell and Dave Harbour. Dale Barnes was excused. Also present Attorney Heath Snow.

3. PLEDGE:

Dave Harbour

4. APPROVAL OF AGENDA AND MINUTES OF MAY 14, 2003:

Mayor Gier stated that Joy has been on vacation and the minutes are not ready for approval.

Motion by Dave Harbour to approve tonight's agenda. **Seconded** by Dale Barnes. **Passed unanimously.** Mayor Gier informed everyone that Mel Evans passed away this week. Mayor asked if everyone would take a minute to reflect on the accomplishments of Mel while he was Mayor of Leeds, and dedicate this meeting in his memory.

5. PRESENTATION AND CROWNING OF LEEDS PRINCESS AND ATTENDANTS:

Mayor Gier introduced Cheryl Lee the Leeds pageant director. Lee announced the Leeds Princess and her attendants. Leeds Princess is Kim Beaver. Attendants are Emily Layton and Madelyn New. The girls were presented with their crowns, banners, and flowers.

Mayor Gier presented Roger New with his Certificate of Appreciation for all of his hard work on the Planning Commission and Board of Adjustments.

6. PUBLIC HEARING: (Motion to open and close)

Motion by Darrell Nelson to open the public hearing. **Seconded** by Gloria Parnell. **Passed unanimously.**

Constitutional Taking Ordinance # 03-04. The Council discussed the ordinance and the importance of the ordinance. Mayor Gier said the Constitutional Taking Ordinance is mandated by the State that all municipalities have one. When the State Ombudsman wanted to see our ordinance one couldn't be located. The Town was informed at that time they needed to get one. The ordinance was then prepared by Leeds Town Attorney Heath Snow. There were no further comments by the audience or the Council.

Motion by Gloria Parnell to close the public hearing. **Seconded** by Darrell Nelson. **Passed unanimously.**

7. ACTION ON PUBLIC HEARING:

Motion by Dave Harbour to approve Constitutional Taking Ordinance #03-04. **Seconded** by Darrell Nelson. **Roll call vote. All aye votes. Motion passed unanimously.**

8. MAYOR NORMA GIER:

Mayor Gier reviewed several letters and training seminars she recently received. The letters were distributed to various Council Members to do a follow-up.

9. COUNCIL MEMBER DARRELL NELSON:

Nelson had nothing further at this time.

10. COUNCIL MEMBER GLORIA PARNELL:

Parnell stated she would like to get a zoning enforcement officer. Other items for discussion were turning the grass next to Town Hall into a parking area and monitoring the irrigation water at the park.

11. COUNCIL MEMBER DAVE HARBOUR:

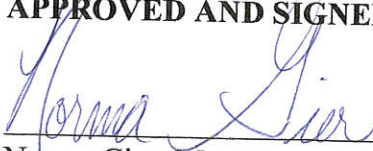
Harbour reviewed the Hazmat Ordinance and FEMA assignment the Mayor had given him at the last meeting. Harbour said the Hazmat equipment and material is purchased by the county and there is no expense to the Town. Harbour said he spoke with a person at FEMA who informed him Leeds is a participant in the National Flood Insurance Program. He said he also spoke with someone in mapping. They told him they will be mapping Washington County next year. The Council all agreed Leeds needs to be included in the mapping and will keep on top of this to ensure it happens.

Harbour said he had the opportunity to look at a map concerning property owners of the land north east of Town, who are considering annexing. The majority of the property is owned by Winding River and the BLM.

12. ADJOURNMENT:

The meeting adjourned at 8:10 p.m.

APPROVED AND SIGNED THIS 11TH DAY OF JUNE 2003



Norma Gier, Mayor



attest: Joy Stevens, Clerk/Recorder

**TOWN OF LEEDS PUBLIC HEARING
ATTENDANCE SIGN IN SHEET**

DATE: 5-28-03

PLEASE PRINT NAME AND ADDRESS

1. Ray Williams 40 South Valley Rd.
2. Emmalee Layton 40 South Valley Rd Leeds UT
3. Dejami Williams 40 South Valley Rd Leeds Ut 84746.
4. Gerald L Layton 40 South Valley Rd Leeds Ut. 84746
5. Laurel Layton 40 South Valley Rd Leeds Ut 84746
6. Velvilee Layton 40 South Vally Road
7. Carol Williams 40 South Valley Rd Leeds
8. Amanda Williams " " " "
9. Madalyn New
10. Kirk Beaver 1022 SILVER VALLEY RD,
11. Tom BEAVER " " " "
12. Roger A New
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

**Town of Leeds
218 N. Main P.O. Box 879
Leeds, Utah 84746**

NOTICE OF PUBLIC HEARING

Town of Leeds Town Council will hold a public hearing on Wednesday May 28, 2003 at 7:00 p.m. at the Leeds Town Hall, 218 N Main Street. The public hearing will be held to accept comments on the Constitutional Taking Ordinance #03-04. The public is encouraged to attend.

POSTED THIS 14TH DAY OF MAY 2003



Joy Stevens, Clerk/Recorder

Posted in the following public places:

- 1. Leeds Town Hall**
- 2. Leeds Post Office**
- 3. Waltons Plaza**

THIS NOTICE MUST BE POSTED UNTIL MAY 29, 2003. IT IS AGAINST UTAH STATE LAW TO REMOVE BEFORE DATE INDICATED.

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 Town Hall at 879-2447 at least 48 hours prior to the meeting.

PUBLIC NOTICE

TOWN OF LEEDS WORK SESSION

Leeds Town Council, Planning Commission and LDWA will hold a Work Session on, **Thursday, May 22, 2003**, at the Leeds Town Hall, 218 North Main Street at **6:00 p.m.**

Items to be discussed:

1. Ian Crowe will present a brief overview for the creation of a new district for wastewater and water re-use.
2. Project funding and management.

POSTED THIS 16TH DAY OF MAY 2003



Joy Stevens, Clerk/Recorder

Posted in the following public places:

1. Leeds Town Hall
2. Leeds Post Office
3. Waltons Plaza

THIS NOTICE MUST BE POSTED UNTIL MAY 23, 2003. IT IS AGAINST UTAH STATE LAW TO REMOVE BEFORE DATE INDICATED.

In compliance with the Americans with Disabilities Act, the Town of Leeds will make reasonable accommodation for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call Joy Stevens at 879-2447 at least 48 hours prior to the meeting.

TOWN OF LEEDS

Minutes for the Town Council Work Session on
May 22, 2003

1. CALL TO ORDER:

Mayor Norma Gier called the meeting to order at 6:00 p.m.

2. ROLL CALL:

Present was Mayor Norma Gier, Council Members, Planning Commission Members, and LDWA Board Members. Also present was Engineer Jim Raines.

3. WORK SESSION:

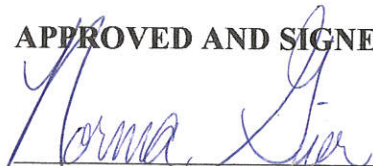
Items Discussed:

1. **Ian Crowe will present a brief overview for the creation of a new district for wastewater, water re-use, project funding and management.** Mr. Crowe did not show up for the work session. The board members discussed various other projects.

4. ADJOURNMENT:

The meeting adjourned at 8:05 p.m.

APPROVED AND SIGNED THIS 11TH DAY OF JUNE 2003



Norma Gier, Mayor



attest: Joy Stevens, Clerk/Recorder



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING

197 East Tabernacle ~ St. George, Utah 84770 Phone (435) 634-5701 ~ Fax (435) 652-5846

John C. Willie, AICP, ASLA
Planning Director

May 8, 2003

Jarod Westhoff
245 North Mesa View
Leeds, Utah 84746

RE: Sign advertising for unapproved home sites/Silver Sage.

Dear Mr. Westhoff,

The Planning Office Staff has seen a sign advertising home sites for sale for an unapproved development called Silver Sage. This signage is in violation of the Washington County Sign Ordinance and the Subdivision Laws of the State and County. There can be no "on premise" signs, until there is an approved subdivision, and it is illegal to take reservations on parcels that have not gone through the approval process, being platted and recorded with the Washington County Recorders Office.

To date, there has been no application made to develop this area. If you were to present an application for a development in the unincorporated area, first, we would need to receive a letter from the Town of Leeds stating that you had petitioned them for annexation and they were not willing to work with you at this time. This particular location is within their area of influence.

Your timely compliance to the removal of the sign is appreciated. If you have questions regarding this notice feel free to call the office of Planning & Zoning (435) 634-5701.

Sincerely,

Handwritten signature of Deon Goheen in cursive.

Deon Goheen
Washington County Planner

DG/dr

cc: Leeds Town, Mayor Norma Gier
James & Linda Bray