

PUBLIC NOTICE
TOWN OF LEEDS
TOWN COUNCIL MEETING

The Town Council of Leeds will hold a meeting on, **Wednesday, February 13, 2002**, 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
5. Renae Thompson - Request a change to the minutes of December 12, 2001
6. Present Certificates of Appreciation
7. Washington County Sheriff Kirk Smith
8. Consider Approval of Three Eagle Scout Projects
9. Consider Approval of a Lot Split Request at Approximately 98 E. Center Street by Jared Westhoff
10. Resolution #02-01 To Increase the Open/Close Fees at the Cemetery
11. Resolution #02-02 To Change the Date and Time of the Planning Commission Meetings
12. Officer Robert Zubal
Request Approval for the Remodel of the Public Safety Building
13. Terry Prisbrey
Request Approval of West Center Street Options and Related Issues
14. Public Works Director Vern Watkins
15. Mayor Norma Gier
16. Council Member Jan Madison
Request Approval to Purchase Two New Flags
17. Council Member Darrell Nelson
Planning Commission Items - Meeting Date of February 6, 2002:
 1. Valerie McCulley - Request Business License for Restaurant and Market
 2. Jared Westhoff - Request a Zone Change and Minor Subdivision at Approximately 162 E. Vista
18. Council Member Gloria Parnell
19. Council Member Alene Cuff
20. Open Discussion
Three (3) minute limit per person or item.
21. Adjournment

POSTED THIS 12TH DAY OF FEBRUARY 2002


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 FEBRUARY 14, 2002. 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 24 hours prior to the meeting.

TOWN OF LEEDS

Minutes of the Town Council Meeting on
February 13, 2002

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 Jan Madison, Gloria Parnell, Darrell Nelson, and Alene Cuff.

3. PLEDGE:

Gloria Parnell

4. APPROVAL OF AGENDA AND MINUTES:

Motion by Alene Cuff to approve the agenda and minutes of January 23, 2002, meeting.

Seconded by Jan Madison. Passed unanimously.

Mayor Gier introduced Leeds resident Becky Welch. Becky has replaced Renae as the new Town Treasurer. Becky told the Council a little about herself and said she is looking forward to her new job.

5. RENAE THOMPSON:

Request a Change to the Minutes of December 12, 2001.

Renae stated she has a special request of the Town Council and that is to change a statement in the minutes of the December 12, 2001, meeting. She said she is referring to the statement that she had indicated that funds were available for the clerk/recorder's benefits. She said she has never indicated the funds are there. She said she wrote a letter to the Council concerning taking this statement from the minutes and had requested the letter be attached to the minutes. She asked the Council why her request wasn't discussed and why the letter wasn't attached to the minutes of the last meeting as she had requested. The Council said they were not given sufficient time to review the request. Renae reiterated she has never said the funds are there. At the meeting on December 12, 2001 Council Member Gier had stated that Renae had indicated the funds were there and Renae is asking for that statement to be changed. Renae said she will not take responsibility for saying the funds are there. Mayor Gier stated she has appreciated the work Renae has done for this Town. Renae said she is having a hard time leaving this job. Renae then left the building. The Council discussed what their options are concerning the request. They decided not to attach the letter Renae had written since it also contained statements of a personal nature. Since her request will be noted in these minutes the Council could also attach an addendum to the minutes of December 12, 2001.

Motion by Alene Cuff attach an addendum to the December 12, 2001, minutes referring to Renae's comments here tonight. Seconded by Gloria Parnell. Passed unanimously.

6. PRESENT CERTIFICATES OF APPRECIATION:

Certificates of Appreciation were presented to out going Mayor Mike Empey, Council Members Bob Coxey, and Bob Russ (who was not present). Also Certificates of Appreciation to

volunteers Kelley Johnson and Jeffrey Johnson. Mayor Gier expressed appreciation to these individuals for the time and effort each one of them has put in on behalf of Leeds Town. Since none of these positions are paid positions they not only received the certificates but also a “key to our city” volunteer pins.

7. WASHINGTON COUNTY SHERIFF KIRK SMITH:

Sheriff Smith introduced himself to everyone and said he likes to come to each of the communities once a year. He asked if anyone has any questions or concerns they would like to discuss. Council asked about the Neighbor Watch Program. He said he is the one to ask for help with the Neighborhood Mobile Watch Program. Under Sheriff Coleman will get in touch with Mayor Gier concerning this. He was asked about animal control problems. He stated at this time there are no funds for the county to help with animal control problems. He presented each of the Council Members with a Washington County Sheriff pin. He told the Council if they have any questions or concerns to please call him.

8. CONSIDER APPROVAL OF THREE EAGLE SCOUT PROJECTS:

None of the Scouts were at the meeting. Council Member Jan Madison will meet with the Scouts and let the Council know what is happening with their projects.

9. CONSIDER APPROVAL OF A LOT SPLIT REQUEST AT APPROXIMATELY 98 E. CENTER STREET BY JARED WESTHOFF:

Connie Peine was at the Council meeting representing Mr. Westhoff. She presented to the Council a preliminary plat of the lot split for them to review. The Planning Commission has recommended approval. The utility easement was discussed and is now on the map with the corrected width of 15’ as the Planning Commission had recommended. Connie will bring in the required letters from the utility companies and the recorded plat. **Motion** by Darrell Nelson to accept the lot split at approximately 98 E. Center Street. **Seconded** by Jan Madison. **Passed unanimously.**

10. RESOLUTION #02-01 TO INCREASE THE OPEN/CLOSE FEES AT THE CEMETERY:

Resolution #02-01 was read. (See attached). **Motion** by Jan Madison to adopt Resolution #02-01 to increase the open/close fees at the cemetery. **Seconded** by Alene Cuff. **Roll Call Vote. 5 Aye Votes. 0 Nay Votes. Motion passed unanimously.**

11. RESOLUTION #02-02 TO CHANGE THE DATE AND TIME OF THE PLANNING COMMISSION MEETINGS:

Resolution #02-02 was read. (See attached). **Motion** by Jan Madison to adopt Resolution #02-02 to change the date and time of the Planning Commission meetings. **Seconded** by Gloria Parnell. **Roll Call Vote. 5 Aye Votes. 0 Nay Votes. Motion passed unanimously.**

12. OFFICER ROBERT ZUBAL

Request Approval for the Remodel of the Public Safety Building.

Officer Zubal was present at the Work Session which was held prior to this meeting. Since he was not feeling well he did not stay for this meeting

13. TERRY PRISBREY:

Request Approval of West Center Street Options and Related Issues.

Mr. Prisbrey asked the Council if they all had copies of the letter he received from Mayor Gier in answer to the questions he had faxed her. The Council acknowledged they had copies of both the questions from Mr. Prisbrey and the letter from Mayor Gier. He asked the Council to also review the motion on August 11, 1999, concerning the zone change request. The motion was to approve the zone change for the developable parcel next to the freeway of approximately 3 to 5 acres contingent upon these conditions:

1. The Planning Commission and the Council being shown a copy of the survey of the developable parcel.
2. The property owner be required to improve the roadway to the standards of an engineer who is approved by the Town. And at least consider future or possible development out to the road on the engineering part of it.
3. Any development on the commercial part of the property be subject to site plan review by the Planning Commission and Town Council.

Mr. Prisbrey asked the Council to look at each of these conditions separately. He presented a copy of a map showing the developable parcel and the placement of proposed buildings, porta potties and etc. The Council reviewed the plat. Planning Commission Chairman Pat Sheneman was also in attendance and reviewed the plat. Mr. Prisbrey asked the Council to approve the plat. Council Member Jan Madison asked Mr. Prisbrey why he has gone through the expenses and length of time he has knowing this is all contingent upon something else. She said she cannot see where anything has followed a pattern or a requirement. To her it is all been helter skelter. She stated maybe Mr. Prisbrey has not followed the proper procedure. Mr. Prisbrey said he thought he had followed the proper procedure. He said he thought verbal agreements had been met. Jan asked Mr. Prisbrey why he has cut into the hill and digging when he has not yet been given his zone change for commercial. Mr. Prisbrey said the ground couldn't be measured until it was cleaned out and leveled the ground. He said he has been digging so he could find out what was level usable ground. Council Member Parnell said so you created more level ground by removing part of the hillside. It is also still in question as to violating the Hillside Ordinance. Mr. Prisbrey said it is basically the same. He did fill in the pond on his property. Mr. Prisbrey stated he had had conversations with Pat Sheneman and Mayor Empey. Mr. Prisbrey said he proceeded with cutting into the hill on verbal approval from Mayor Empey. He said he stopped when he thought he was getting into the Hillside Ordinance. Chairman Sheneman said he doesn't care if the whole parcel is zoned commercial. You can still only develop the portion that doesn't violate the Hillside Ordinance. Mr. Prisbrey asked the Council to make a motion to accept the site plan. Chairman Sheneman stated if Mr. Prisbrey isn't willing to step up and do what he said he would do and that is to do the compaction tests and dedicate the road to the Town of Leeds. This issue is going nowhere. Mr. Prisbrey again asked the Town Council to approve the conditions one at a time. He asked them if they have no problem with #1 why can't they by motion approve that condition and then go on to the next. Since #2 is concerning the road and ties into Mr. Prisbrey's questions and the Mayors letter in reply that issue will still take some time. The Town Council all agreed they will not approve one condition without all conditions being met. Mr. Prisbrey stated he already has had a perc test done. He said the perc test was done by PSI.

done. He said the perc test was done by PSI. Council Member Alene Cuff said she has been involved with Mr. Prisbrey now for 3 years. She wants this Council to make sure everything is substantiated when Mr. Prisbrey verbally indicates it has been done. She said he has said here tonight that he has his water and all and he doesn't. He previously told the Council that Alene wanted a road built for her and she said she has never told him to build a road for her and he did it anyway. Mr. Prisbrey said he doesn't mind the Town watching every move he makes but he wants the Town to do the same for him. He said the zone change is contingent upon him complying with the 3 conditions. He said the Council needs to look at every word in the zone change. He said there has been a lot of verbal comments about him changing this and that. Alene said the big problem is Mr. Prisbrey does not attend the meetings. Mr. Prisbrey claims he comes to every meeting he possibly can. He said this tonight should be real simple the Town should be able to approve #1 and #3 with no problem. He said he is getting real frustrated. Mayor Gier called order to the meeting. She said we need to get back to what the real question is. The real question is this has already gone to the Planning Commission and is in the minutes. The bottom line is in order to be zoned commercial has Mr. Prisbrey met these 3 conditions. The Council agreed Mr. Prisbrey has met the #1 condition. Mayor Gier asked if #3 condition which refers to the site plan review had been approved. Mr. Prisbrey said they didn't have a formal vote but Mayor Empey looked at each member and asked them if they had a problem. They all agreed if Pat reviewed and said it was okay then it was fine with them. Mr. Prisbrey said Pat reviewed it and gave his blessing but there was no formal vote taken. Pat said he has no problem with the site plan. Mayor Gier said then it is the Planning Commissions position he has met #3. Pat said yes and Mr. Prisbrey knows he needs to come back with a building permit and site set of plans. Mr. Prisbrey again indicated to the Council he would like them to vote on #1 and #3. He stated #2 is a completely different issue. The Council said no they will not break up the conditions. Mayor Gier said she would like to go back to #2. She said as she reads this condition it ties in with Mr. Prisbrey's letter of questions and Mayor Gier's reply letter. (See attached). At this point the Council reviewed the questions and reply. The Council agreed the road from Main to Mr. Prisbrey's property is Town business and he doesn't need to worry about it. The Council then reviewed the requirements from Mr. Prisbrey's property line to the tunnel which was indicated in the letter. Mr. Prisbrey said he doesn't agree with the requirements the Mayor indicated in her letter to him concerning his question # 2. He doesn't see in any motion where it says he has to build the road just to consider future or possible development. Mr. Prisbrey said he is concerned about dedicating the road and losing more of his property because of road and setback requirements. Mr. Prisbrey also said it will cost him too much money to do a compaction test every 50 feet. And he doesn't like the width requirement of 18'. Council Member Darrell Nelson said he thought the width of 18' was Mr. Prisbrey's proposal. Mr. Prisbrey said he came up with the proposal just to get it done so he wouldn't have to go through this hassel again. He said then he had Pat represent him to come in and work out a deal to help everyone understand this and accept the proposal. Mr. Prisbrey said he also told Pat before anyone accepts anything it has to go through his attorneys and be approved. He said before he came tonight he had a letter prepared for the Council that would have helped out a whole lot. His attorney said don't give it to them and when you meet with them on the road thing don't agree with these certain conditions as of tonight. Council Member Parnell said then what you are saying is you are not agreeing to your own proposal. Council Member Darrell Nelson said Pat was here and presented what he thought Mr. Prisbrey wanted. Council Member Parnell asked Mr. Prisbrey again if what he is saying is he now doesn't want this proposal. Mr. Prisbrey said yes he is saying he can't do it. He again reiterated the Town

told him he only had to “consider”^x future or possible development. Pat told Mr. Prisbrey he feels the Town is ready to approve this if he is going to build the road. If he is not going to build the road it is over. Mr. Prisbrey said so what you are saying is if I don’t build the road to your specification you will not zone me commercial. Is that right. Chairman Sheneman said that is right and the Council agreed. Mr. Prisbrey said the motion was consider. Chairman Sheneman said throw consider out either you are going to build it or your not. Give us an answer. Mr. Prisbrey said he can’t agree to a 25’ road. The Council said they did not require a 25’ road they agreed on the 18’ road. Mr. Prisbrey said yeah 18’ paved and 7 1/2’ utility easement on the side. Mayor Gier reminded Mr. Prisbrey if the tunnel is opened then we have to have ready access to the road. Mr. Prisbrey said if the tunnel is ever opened people would have use of the road then. He wants the road to remain as close to the hill as possible to leave him room on the south side of the road. Mayor Gier said the point it seems we are stuck on is the width of the road. Mr. Prisbrey agreed it is the width and dedicating it. Also the compaction tests are too many. Chairman Sheneman said Mr. Prisbrey needs to step up and do what he said he would do and that is to dedicate the road and the other requirements. If he is not willing to do these things then the discussion is over. Mayor Gier asked if Mr. Prisbrey agreed to the requirements, as stated in the letter, would the Council be in agreement to approve that he has complied with the 3 conditions for the zone change. This also included the road to Alene’s and the tower peoples property. The Council agreed. She then asked Mr. Prisbrey what he thinks. Mr. Prisbrey replied he is having a problem with the dedication right now. Mr. Prisbrey’s brother said what Terry is saying is he can’t do it. The brother then went back to the word “consider”. He said Terry has considered it and he can’t do it. Discussion then went to West Center Street was a dedicated road before Mr. Prisbrey purchased the property. The Council felt the issue wasn’t going any further at this point. **Motion** by Jan Madison to table the issue. **Seconded** by Gloria Parnell. Discussion. The Council decided that to table the issue is not what they want to do at this time. Jan withdrew her motion. Gloria withdrew her second. **Motion** by Darrell Nelson that all the conditions were not met and since the good faith proposal of February 3, 2002, was turned down by Mr. Prisbrey a new proposal needs to be submitted. **Seconded** by Alene Cuff. Discussion. Let the record show Alene Cuff declared a conflict to interest and filled out a disclosure form. She will not vote on the motion. Vote: 4 aye, 0 nay and 1 abstention. **Motion passed.**

14. PUBLIC WORKS DIRECTOR VERN WATKINS:

Vern had nothing.

15. MAYOR NORMA GIER:

Nothing at this time.

16. COUNCIL MEMBER JAN MADISON:

Request Approval to Purchase Two New Flags. Jan requested the purchase of two new flags. One for the Town Hall and one for the cemetery. The expenditure will be approximately \$100.00. **Motion** by Alene Cuff to purchase the two flags. **Seconded** by Darrell Nelson. **Roll call vote. All aye. Motion passed.**

Jan said her husband will be putting a light on the Town Hall flag pole to enhance the flag at night. She also informed the Council, Mike Kelley with the County weed control, will be sending out weed abatement letters.

17. COUNCIL MEMBER DARRELL NELSON:

Planning Commission Items - Meeting Date of February 6, 2002

1. Valerie McCulley - Request a Business and Beer License for a Restaurant and Market. Darrell informed the Council Valerie McCulley requested a business and beer license for a restaurant and market. She will be coming in to the Council when she has completed the application process.

2. Jared Westhoff - request a Zone Change and Minor Subdivision at Approximately 162 E. Vista. Jared Westhoff submitted plans to the Commission for a zone change and minor subdivision. The Commission needed more information so the request was tabled.

Richard Weddig representing Quality Wholesale Homes was at the Planning Commission meeting to address some of the Towns concerns them being in non compliance with several ordinances. He said they will be cleaning the place up and will come into compliance on the other issues. He will be coming to a Town Council meeting to discuss the concerns.

18. COUNCIL MEMBER GLORIA PARNELL:

Nothing at this time.

19. COUNCIL MEMBER ALENE CUFF:

Nothing at this time.

20. OPEN DISCUSSION:

Mayor Gier informed the Council the Town princesses will be doing a work project. The project they are considering is a phone and address list for Leeds and surrounding area.

Mayor Gier said she feels the work sessions are so beneficial she would really like to keep holding them on a regular schedule.

21. ADJOURNMENT:

The meeting adjourned at 10:10 p.m.

APPROVED AND SIGNED THIS 27TH DAY OF FEBRUARY 2002



Norma Gier, Mayor



attest: Joy Stevens, Clerk/Recorder