

PUBLIC NOTICE

TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting on
Wednesday, June 9, 2010, 7:00 p.m.
At Leeds Town Hall, 218 North Main Street
Public is welcome to attend

AGENDA

Up to two Town Council Members may participate in the meeting by telephone or video conferencing (Ord 2006-08)

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE CLERK/RECORDER BY 6:55 P.M.

BUSINESS SESSION:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Abstentions and Conflicts by Council Members, if any
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Minutes of Meetings from April 28, 2010 Town Council Meeting
6. Announcements:
7. Citizen Comment: (No action may be taken on a matter raised under this agenda item). *Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Fran Rex in writing before 1:00 p.m. on the Wednesday one week before the Council meeting.*

WORK SESSION:

PUBLIC HEARING:

8. Public Hearing to receive comments on Opening and Amending the FY 2009-2010 Budget
9. Public Hearing to receive comments on Approving the proposed final FY 2010-2011 Budget

ACTION ITEMS:

1. Consideration and Possible Amendment to Ordinance 2009-16 with Ordinance 2010-03 – assigning Mayor as “Acting Town Manager” when there is vacancy in the Town Manager position.
2. Consideration and Possible Approval of Resolution 2010-04 by Opening and Amending FY 2009-2010 Leeds Budget.
3. Consideration and possible Adoption of Resolution 2010-05 for the FY 2010-2011 Leeds Budget or set a Public Hearing date if a “Truth in Taxation” is pursued for a possible raise in property taxes.
4. Consideration and Possible Approval of using impact fees to help fund the Basketball/Volleyball Court Lighting Eagle Scout Project of Clifton Roberts.

DISCUSSION ITEMS:

- A. Reports by Town Council Members: Frank Lojko, Keith Sullivan, Angela Rohr, and Alan Roberts

UPDATES BY STAFF:

- B. If any

EXECUTIVE CLOSED SESSION – An Executive Meeting may be held if needed for the purpose of pending or reasonably imminent litigation; as allowed by Utah State Law (52-4-205)(1)(c).

- C. Adjournment

In compliance with the Americans with Disabilities Act, the Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Town Hall at 879-2447 at least 24 hours prior to the meeting.

Certificate of Posting

The undersigned Clerk/Recorder does hereby certify that the above notice was posted June 8, 2010. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town of Leeds Website www.leedstown.org, and Spectrum Newspaper


Fran Rex, Clerk / Recorder

TOWN OF LEEDS TOWN COUNCIL MEETING

MINUTES

June 9, 2010

BUSINESS SESSION:

1. **Call to Order** – At 7:05 p.m. by Mayor Hyrum Lefler.
2. **Pledge of Allegiance** – was led by Angela Rohr
3. **Roll Call** – Present were Mayor Hyrum Lefler and Council Members Alan Roberts, Angela Rohr and Keith Sullivan. Clerk /Recorder Francene Rex and Treasurer Jean Beal were also in attendance. With Council Member Frank Lojko arriving at 10:21 p.m.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **A Motion** was made by Keith Sullivan with a **second** by Alan Roberts to **Approve the Consent Agenda** including **Tonight's Agenda**, and the **Minutes from April 28, 2010 Town Council Meeting**. An **Aye** Vote was **Unanimous** from those in attendance.
6. **Announcements** – Today's fire was a control burn by the Leeds Fire Department. Roxann Lewis, Secretary of the Cultural & Beautification Committee announced the Town's 4th of July celebration starting with a breakfast, water games at noon, dinner at 6:00, a variety show and dance--followed by fireworks and a movie. The 24th celebration would include a morning parade and possibly some activities that evening such as a pot-luck dinner, story-telling, and a movie.
7. **Citizen Comment** - None

WORK SESSION:

PUBLIC HEARING:

8. **Public Hearing to receive comments on Opening and Amending the FY 2009-2010 Budget** – Mayor Lefler displayed a budget worksheet and noted the October 2009 amended budget in column I. He noted the recent improvements to the roads came from the Road C Funds which had been saved by the Town for such purpose. He said the Leeds Police Department (LPD) had been cut back to the bare bones to conserve funds until the decision was made whether or not to keep the LPD. Lefler said the Utah State Law required expenses to equal the amount of revenue in a budget, and also required a municipality to update their budget with their actual amounts. He stated the Public Hearing was directed at accepting column Q of the worksheet as the Modified Budget. **A Motion** was made by Alan Roberts with a **second** by Keith Sullivan to **Open the Public Hearing regarding Opening and Amending the FY 2009-2010 Budget**. An **Aye** Vote was **Unanimous** from those in attendance.
Leo Lyman – Was concerned with the disappearance of the Leeds Police Department (LPD), he said having the LPD was more important than having a Town Manager.
Dale Barnes – Asked if enough funds were generated to sustain the LPD from traffic tickets, to which Mayor Lefler stated the small portion the Town received did not sustain the LPD. Barnes wondered if issuing more tickets would help.
Jared Westhoff – Said it was un-American to not be willing to pay our own way, and felt Leeds Town was depending on slave labor. He did not like the idea of higher property taxes or wasted funds. He felt a Town Manager was important for follow-up work following a meeting to mitigate future law-suits; to help Town Council Members understand all the laws; and to make sure day to day functions were not so confusing.
Rita Naase – Asked to find a way to save on funds and not spend. She felt it was wrong to pass expenses on to citizens; that the Town should manage its funds; that the Town did not need a Town Manager; that the Town Council should be given back the power; and that the Police Department should stay in Leeds to get to know the citizens. She received a round of applause.
A Motion was made by Angela Rohr with a **second** by Alan Roberts to **Close the Public Hearing regarding Opening and Amending the FY 2009-2010 Budget**. An **Aye** Vote was **Unanimous** from those in attendance. The Town Council Members comments were as follows:

Mayor Lefler – Said the Town could function without a police department, but that the wrong element would creep in if we did not at least receive police protection from the county. He noted the controversy regarding the Leeds Police Department patrol or lack of patrol on the interstate, and said there were citizens complaints on both sides of the issue. He said he agreed that Local Government should be strong whereas Federal Government was out of control. He said if we were in a battle for liberty, it may not be in the best interest of the Town to weaken its local government. He stated the proposed tax increase would only be approximately \$70.00 a household per year (ie. \$8.00 per month). He said he did not have a pre-planned or hidden agenda, but since becoming Mayor, he realized how much more was involved than the lay person might realize. He said a lawyer knows the codes extensively, a Town Manager produces more follow through; and a full time position could not be filled by volunteers. He added that he would not allow a deficit; the Town needed to pay its way; and if the Town desired an increase of services it needed to raise taxes. He desired to have a \$30,000 surplus; to plan two to five years ahead; and to be a strong Town that fights for its rights. He could see both sides of the issue regarding having or not having a police department or town manager. He did not like the idea of raising taxes, however, he did not want to strip the Town of power.

Angela Rohr – Felt that paying the Washington County Sheriff's Department \$10,000 a year would get the Town the same 12% coverage as the LPD offered for \$24,000 a year. Council Member Alan Roberts did not think the County would give 12% coverage for \$10,000. Rohr said the people were looking for protection, and wanted the police to get to know the residents in Town rather than spending time on the interstate. She felt neighborhood watch programs may help cut crime, and that a "pay as you go" system would work adequately for our small town.

Keith Sullivan – Said he was sympathetic to the call to not raise taxes. He noted that not having much revenue from sales taxes puts more burden on the citizens. He said Rohr's idea of a neighborhood watch was a good idea. He did not like the idea of the Town getting bigger but felt it was a reality and the Town Council needed to plan ahead. He said the town manager not only helped the Town run professionally, but simply helped it to work ok. He stated the problem was not as easy to solve as simply eliminating the town manager and police department, but that the Town needed to look at issues at the forefront.

Alan Roberts – Noted and applauded Police Chief Crouse's comments from the public hearing on March 10, 2010, stating the police department did not operate to generate funds, but was for the health, safety, and welfare of the citizens. Roberts reiterated that a police department was not meant to be self sustaining, but that it was an investment cities made if they wanted their service. He commented on volunteerism and noted the lack of interest of volunteers for the Planning Commission position opening and etc. He felt some jobs needed compensation since they were "day in and day out" jobs.

Angela Rohr – reiterated the purpose for this specific public hearing was to approve the re-allocation of specific funds to balance the **FY 2009-2010 Budget**.

Terry Danielson – Citizen, and former Town Council Member, said the Town Council Members volunteered for their job and should attend training classes to learn and understand their job and responsibilities. He advocated neighborhood watches, and said the Town was not in great need for its own police department. He also said the Town should cut down on legal fees.

Mayor Lefler – Responded that trainings had been attended and would continue to be, that the Council was doing their best, and that a little more respect and understanding would be appropriate considering the time and efforts put in by the Council Members. He also stated that he appreciated Terry's comments.

Citizens Naase and Lyman – stated they thought Leeds had a wonderful Mayor and Town Council and backed them 100%.

9. Public Hearing to receive comments on Approving the proposed final FY 2010-2011 Budget –

Mayor Hyrum Lefler displayed and reviewed a worksheet including the tentative budget (column "U", titled "Tentative #1) approved during the May 12th, 2010 Town Council Meeting, along with three other possible scenarios. He said the tentative budget was a base from which to work and included no police department and no town manager. He explained a few of the line items and noted he had projected less on revenues and more on expenses than actually expected. He also noted the Town was currently spending much less in legal and professional fees – somewhat due to lower development. And made mention of the recently completed chip/seal street project which had been appropriated, noting the savings and better quality received by "tacking" the Town's project onto the Utah Department of Transportation's (UDOT) Main Street project. Mayor Lefler informed he had met 2-3 times with Elliot Sheltman regarding the budget and Sheltman had submitted a proposed budget shown in column "T" entitled Tentative #0." Sheltman's proposal eliminated training funds, decreased administration, engineering, legal, computer technology, and town celebration funds. The other two scenarios were as follows: Column "V" Tentative #2 increased funds to pay Washington County Sheriff's Department for extra police coverage, and column "W" Tentative #3 showed an increase in administration costs for a

town manager, training, and public safety for extra police coverage Washington County Sheriff's Department. Lefler noted that with an average of \$8.00 a month tax the Town could have a town manager and approximately \$20,000 surplus for the general fund. Other options mentioned but not listed included having a town police department with or without a town manager. Lefler reminded of all the time spent by Leeds Police Chief Crouse obtaining grants and other funding. He then asked for Town Council Members comments to which Council Member Keith Sullivan noted if they intended to raise taxes they would go through a "truth in taxation" process, to which Lefler agreed and added the revenues would not be "seen" until January of 2011, but that a budget without a tax increase could be approved that night. **A Motion** was made by Keith Sullivan with a **second** by Alan Roberts to **Open the Public Hearing regarding the proposed final FY 2010-2011 Budget**. An **Aye Vote** was **Unanimous** from those in attendance.

Elliott Sheltman – Noted his appreciation towards Mayor Lefler and Treasure Jean Beal to enable him to get involved with the budget process. He then gave some current negative world news reports regarding the economy and stated the events would affect Leeds. He said the good news was Leeds had a \$50,000 surplus for the year, but could not always depend on such. He said the Town costs were going up and the revenue was going down, adding the Class C Road Funds would also decrease due to less gas usage. He suggested budgeting the least amount needed for each budget item, then, if more was needed, holding a meeting to get Town approval to appropriate more. He said the budget was a task master, and the Town needed to have a realistic budget and follow it. He also suggested having a "pay as you play" person to oversee certain projects and ask volunteers to do the leg work.

Pat Cundick – Appreciated Elliott's comments, and noted his concerns with the position of town manager had no reflection on the prior Town Manager Drake Howell. He voiced his disapproval of having a town manager with too much power at too high of a price who is one step removed from the citizen voters. He said the Mayor and Town Council Members should retain all the municipal power. He did not think the Town needed to raise taxes to do its job, and said the economy was stagnant. He thought Town volunteerism would increase without a town manager, and received a hand of applause.

Leo Lyman – Voiced his appreciation for what the elected officials go through. He agreed that a full time manager with executive powers was too much. He expressed his trust in the Town Council to make the decision on whether the Town needed a Leeds Police Department or not, and if it did, he was okay with raising taxes if needed. He received some applause.

Norma Gier – Noted her four year experience as Leeds prior Mayor, and stated it was a labor intensive job requiring hours and hours of ordinance and Utah Law study. It took her two years to feel comfortable with her knowledge. She said it was the most labor intensive job she had ever had, and recognized the current Town Council was going through the same learning curve. She recalled her administration's desire to hire a town manager to help with the inundation of developers, to keep the Town from being sued, and to prevent breakdowns from occurring; however, they could not afford it, so she and the Council "buckled down" and did the work; used volunteers; and knew where to go to find answers. She said residents would "fight for the Town" whereas a town manager not living locally may not be as invested. She thanked the Town Council for all their hard work. She suggested the Council make the best decision for the most people. She received applause. After no further comments,

A Motion was made by Alan Roberts with a **second** by Angela Rohr to **Close the Public Hearing regarding the proposed final FY 2010-2011 Budget**. An **Aye Vote** was **Unanimous** from those in attendance. Mayor Lefler thanks all for their comments and asked the Council for their comments as follows:

Council Member Alan Roberts – Said Elliot Sheltman's gloomy report reminded them to look at reality. He applauded the financial position Norma Gier left the Town in, and noted the budget numbers on the current budget were now separated into two categories of funds: one fund that is appropriated and another fund that can be used. Because of this, the numbers cannot be compared as easily, but he said the numbers were going down some. And although the economy is in a slump, he said the Town needed to decide what it was willing to invest in. He noted that community members did not attend the meetings when the two other Town entities (LDWA & LASSD) raised taxes. He said the Town has not consistently invested in itself like the other two entities, and noted LDWA was "sitting better" because of its recent investment of getting individuals such as Ron Cundick involved, and added Mr. Cundick's professionalism was the best thing that happened to LDWA. He said it seemed citizens were okay with full time staff on the other two entities for continuity. Not intending to be judgmental of the past Council, but just noting facts, Roberts then stated his observation of many things slipping through the cracks that affected the Towns ability to receive intended funds. He said costs were not just administration, but including other things such as the liability for roads, and noted the revenue coming in for roads would not generate the actual needed funds for them. He added that some of the benefits of having full time staff were consistency; "filling in the gaps"; and the lowering of legal fees, but said he would make his decision based on what the majority of the citizens wanted, and added that without a town manager, more would be expected of the Town Council as well as the citizens.

Joe Sheltman – Expressed his appreciation for the Town Council, but reiterated his position of the stagnate economy and said Leeds should “hunker down” and that citizens would help.

Norma Gier - Said continuity was achieved in having only two or three Town Council Members up for election each time, and did not think the Town had the money to pay for the type of town manager it needed. She also noted a town manager could leave and break up continuity as well.

Council Member Keith Sullivan – Voiced his appreciation for the comments made, but wanted to focus more on the complete budget.

Council Member Angela Rohr – Noted that most of the meetings attendees were LDWA shareholders and were invested.

ACTION ITEMS:

10. Consideration and Possible Amendment to Ordinance 2009-16 with Ordinance 2010-03 – assigning Mayor as “Acting Town Manager” when there is vacancy in the Town Manager position – Mayor Lefler said he and Town Clerk/Recorder Fran Rex had spoken to Attorney David Church of the Utah League of Cities and Towns, who said the Town could operate as is, but gave the following possible options to choose due to the resignation of the town manager. They were as follows:

- 1) Repeal Ordinance 2009-16
- 2) Approve a New Ordinance delegating authority to someone else
- 3) Hire a new Town Manager
- 4) Amend the Ordinance to appoint the Mayor as acting Town Manager

Mayor Lefler noted that approving #4 would confirm the Council’s ability to function for the Budget Hearing. He read the proposed Ordinance 2010-03 and asked the Council Members for comment. Roberts asked regarding the town manager position, and Sullivan stated the issue was to authenticate authority by appointing the Mayor power in order for the Council to make a decision on the budget that night. Rohr asked if an ordinance to repeal could be passed instead. Roberts stated the position of town manager did not tell the Council what to do, but gave recommendations and findings to enable the Council to make well informed decisions. Mayor Lefler stated his reluctance to draft and pass a new ordinance in one night without a legal review, but said one could be put on a future agenda. **A Motion** was made by Keith Sullivan with a **second** by Mayor Lefler to **Amend Ordinance 2009-16 with Ordinance 2010-03 – assigning Mayor as “Acting Town Manager” when there is vacancy in the Town Manager position.** **A Roll Call Vote** was taken:

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	x	_____	_____	_____
COUNCIL MEMBER ALAN ROBERTS	x	_____	_____	_____
COUNCIL MEMBER ANGELA ROHR	x	_____	_____	_____
COUNCIL MEMBER KEITH SULLIVAN	x	_____	_____	_____
COUNCIL MEMBER FRANK LOJKO	_____	_____	_____	x

Ordinance 2010-03 was Passed x Rejected _____ TABLED _____

11. Consideration and Possible Approval of Resolution 2010-04 by Opening and Amending FY 2009-2010 Leeds Budget – Town Treasurer Jean Beal displayed the current budget on the screen.

Regarding line item #37, the Class C Road Funds, Mayor Lefler ascertained from Jean that the estimated revenue anticipated to be received during the last month of the fiscal year would bring the total to \$35,000 rather than the earlier projected amount of \$38,000. This would also require the General Fund appropriation to be modified from \$15,459.37 to \$18,459.37. Lefler asked for any Council comments. There was none. **A Motion** was made by Keith Sullivan with a **second** by Angela Rohr to **Approve Resolution 2010-04 by Opening and Amending FY 2009-2010 Leeds Budget, and that the Class C Road Fund Allotment, line item #37 be changed from \$38,000 to \$35,000 and the General Fund, line item #58, be increased from \$15,459.37 to \$18,459.37.** **A Roll Call Vote** was taken:

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	x	_____	_____	_____
COUNCIL MEMBER ALAN ROBERTS	x	_____	_____	_____
COUNCIL MEMBER ANGELA ROHR	x	_____	_____	_____
COUNCIL MEMBER KEITH SULLIVAN	x	_____	_____	_____
COUNCIL MEMBER FRANK LOJKO	_____	_____	_____	x

Resolution 2010-04 was Passed x Rejected _____ TABLED _____

12. Consideration and possible Adoption of Resolution 2010-05 for the FY 2010-2011 Leeds Budget or set a Public Hearing date if a "Truth in Taxation" is pursued for a possible raise in property taxes – Mayor Lefler asked the Council to look over all the proposed options and to suggest one or make changes. The Council took a few minutes to look over the options. Lefler noted the cuts to professional services, engineering, and legal fees. Council Member Roberts noted that legal fees would probably go up without a town manager, to which Mayor Lefler concurred, and said it could be increased later if needed. Lefler added that some professional help may need to be contracted out to give staff reports or reviews when dealing with developments and etc. Also, travel for Town Council may need future discussion. Mayor Lefler read Resolution 2010-05. **A Motion** was made by Alan Roberts with a **second** by Angela Rohr to **Adopt Resolution 2010-05 for the FY 2010-2011 Leeds Budget, using Column "D", the Tentative Budget #1** of the FY 2011 Tentative Budget & Other Scenarios spreadsheet, consistent with the tentative budget approved during the May 12, 2010 Town Council Meeting, **including the restrictive funds.** **A Roll Call Vote** was taken:

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	x	_____	_____	_____
COUNCIL MEMBER ALAN ROBERTS	x	_____	_____	_____
COUNCIL MEMBER ANGELA ROHR	x	_____	_____	_____
COUNCIL MEMBER KEITH SULLIVAN	x	_____	_____	_____
COUNCIL MEMBER FRANK LOJKO	_____	_____	_____	x

Resolution 2010-05 was Passed x Rejected _____ **TABLED** _____

13. Consideration and Possible Approval of using impact fees to help fund the Basketball/Volleyball Court Lighting Eagle Scout Project of Clifton Roberts - - Mayor Lefler invited Boy Scout Clifton Roberts to the stand. Clifton handed the Town Council Members each a list of the materials needed to complete the project and their costs. Council Member Alan Roberts noted the discussion regarding the project during the February 10, 2010 Town Council Meeting. Mayor Lefler asked regarding possible donations and if it met the lighting ordinance. Roberts noted the concern citizens have had with the Peach Pit Pavilion lights being left on all night and asked if the Town would want a paid timer on the light, of if the Town would pay for the lighting, and if impact fees could be used to cover some of the costs. Council Member Frank Lojko arrived at 10:21 p.m. and Clifton thanked him for arranging the donated lights from Rocky Mountain Power. Clifton's mother Susan Roberts stated other donations were possible. Mayor Lefler stated he liked the idea, but wanted the lighting ordinance addressed within the spirit of the ordinance. It was discussed that the purpose of the ordinance was to protect the night sky from permanent lighting, and the periodic, timed use of a basketball/volleyball court did not fall in the same category. Council Member Angela Rohr stated her opinion that the number of lumens was not as important as having a shielded light fixture. **A Motion** was made by Keith Sullivan with a **second** by Angela Rohr to **Approve the use of impact fees to help fund the Basketball/ Volleyball Court Lighting Eagle Scout Project of Clifton Roberts up to the amount of \$1,400.00.** There was further discussion regarding the type of timer. It was decided to have two timers. One timer to go off at a designated time, and another coin operated timer. Rohr also thanked the Boy Scout Troop for the flag display on Main Street on Memorial Day. **A Roll Call Vote** was taken:

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	x	_____	_____	_____
COUNCIL MEMBER ALAN ROBERTS	x	_____	_____	_____
COUNCIL MEMBER ANGELA ROHR	x	_____	_____	_____
COUNCIL MEMBER KEITH SULLIVAN	x	_____	_____	_____
COUNCIL MEMBER FRANK LOJKO	x	_____	_____	_____

Funding for Basketball/ Volleyball Court Lighting up to \$1,400.00 was Passed x Rejected _____ **TABLED** _____

COST TO THE TOWN – Up to \$1,400.00

DISCUSSION ITEMS:

A. Reports by Town Council Members:

Frank Lojko: - Noted he was late due to an important Dixie College Meeting who will be making a big announcement in the near future. Lojko said the park signs were made for no camping, no fires, no

ATV riding in the park, and no climbing on historical buildings. His research regarding the children's playground determined if the Town replaced the wood chips it would be considered "maintenance" and general funds would need to be used; however replacing it with rubber chips would be considered "capital improvements" and the Town could use impact fees to fund it.

Keith Sullivan: Stated the "wheels were in motion" for the next sewer meeting

Angela Rohr: Stated she would look into and make contacts for a "Neighborhood Watch" program.

Alan Roberts: Stated the mason had started the CCC Camp Steps project. He said the bid included a galvanized handrail. He thought this would stand out of place. He would like a more natural look. He said the Historical Society had worried about the transfer on any other type of handrail. It was decided to put this on the next agenda for further discussion.

UPDATES BY STAFF: None

EXECUTIVE CLOSED SESSION None

B. Adjournment by Frank Lojko at **10:41 p.m.**

APPROVED ON THIS 14th DAY OF July, 2010



Mayor Myrum Lefler

Attest:



Clerk/Recorder Francene Rex

Note: The recording of this meeting did not work, and could not be restored. Minutes were taken from the clerk/recorders hand written notes.