

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, October 11, 2017

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, October 11, 2017 at 7:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

### **Regular Meeting 7:00pm.**

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting minutes of September 27, 2017
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Meet the Candidates night, October 18<sup>th</sup> at 7:00pm
  - b. Dumpster Days October 27-29, 2017
7. Special Presentation:
  - a. Gary Kuhlmann on Americans with Disability Act, Fair Housing Act and reasonable accommodations
8. Public Hearings:
9. Action Items:
  - a. Washington County GIS Agreement
  - b. Discussion and possible action on Leeds RV Park sign
  - c. Discussion and possible action on a subdivision plat amendment on parcels L-VVWE-5 and L-VVWE-4, Vista View Estates for Subdivisions Inc.
  - d. Discussion and possible action on a Request for Reasonable Accommodation to allow up to 8 residents in a detox group home
10. Discussion Items:
  - a. 2016-2017 Financial review
  - b. Nuisance Ordinance 2000-2, amended by Ordinance 2017-03
  - c. Follow up on Main Street storm water
11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
12. Staff Reports:
13. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
14. Adjournment:

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 Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted October 5, 2017 at these public places being at **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmn.utah.gov>, and the **Town of Leeds website**

[www.leadstown.org](http://www.leadstown.org).



Kristi Barker, Clerk/Recorder

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# Town of Leeds

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## Town Council Meeting for October 11, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on October 11, 2017 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u>          </u>
COUNCILMEMBER: RON CUNDICK	<u>          </u>	<u>x</u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u>          </u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u>          </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>          </u>

2. Pledge of Allegiance by Councilmember Blake.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Sheltnan moved to approve tonight’s agenda and meeting minutes of September 27, 2017. 2<sup>nd</sup> by Councilmember Blake. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: RON CUNDICK	<u>          </u>	<u>          </u>	<u>          </u>	<u>x</u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>

5. Citizen Comments:

Susan Savage, I was just made aware concerning the detox issue that some of our neighbors have been told that this is a proposal to bring people in who are just leaving prison. I was at the Planning Commission meeting when it was explained and I did not get that idea at all.

LoAnne Barnes, announced that tomorrow night there will be a presentation at Town Hall as part of the Smithsonian. It is about the CCC Camp and in the 1930s they addressed flooding.

Stephen Wilson, indicated there are some action item he would like to hear about and wants to know if comments can be made again.

Mayor Peterson responded it will be before the next comment period so if there is something that you want to say, it would be a good time to speak now.

Stephen Wilson, so action will take place before we have a chance to comment.

Mayor Peterson, that could happen, yes.

Stephen Wilson, stated he is here about the action item that is on Main Street where they are talking about putting a half-way house. We have heard it called a half-way house, and then heard it was not a half-way house. Being next to it, he was concerned about it and how come residents were not made

aware of it. He was not aware of it until last week and he is a backdoor neighbor to it. Stephen is a little concerned about what's going in there and why it's going in there and would like to comment after hearing about it first.

Mayor Peterson, asked Town Council if they will allow citizens' comments after the presentation. Council indicated yes.

Jean Beal, asked if it was a detox or a rehab and if it was girls or boys. She gave her experience over the past 10 years with people on drugs and does not want to see this across the street from her. She asked Councilmembers to please not allow it in the middle of town.

JW McKain, indicated he doesn't know enough about it to make an argument, or to be for or against this; however, but wondered how we got to this late date and just now are discussing the issue. He asked the Town Attorney when he knew about it

Gary Kuhlmann indicated the request was dated September 28<sup>th</sup>.

JW McKain, so who has known about it since September 28<sup>th</sup>?

Mayor Peterson, responded Planning Commission and Town Council.

JW McKain, recommended a period of observation because as he understands it, there needs to be more of an infrastructure here. He asked Council when they heard about it.

Councilmember Sheltman, indicated he found out about it at the Planning Commission meeting and he went because he didn't understand what the actual agenda item was.

Councilmember Blake, I got an email, but I get about 300 emails a day. Somebody change the rules, I got it last week, so this week I was able to update myself. My phone started ringing this afternoon and from that, I found out what was going on, so this is the first time hearing about it other than the brief email I read.

Councilmember Rohr, an email was sent to our Town email accounts, which I don't check every day. I usually look at the headings to see what it is going to be about and there was nothing that stood out so I didn't look at it. Then I arrived at the meeting for Planning Commission and it was the first I really heard about it last week.

Mayor Peterson, I had heard a few week before, there was in inquiry about if there was to be a request for an accommodation subject to the ADA, how would that be processed. Then the application came in on September 28<sup>th</sup>. When I first heard of it, I was told they were looking at a variety of properties throughout Washington County, but the details did not come in until the application was filed on September 28<sup>th</sup>.

Greg Bohannon, I live in the County and I came to propose a question to the Council to see if they would allow me to develop 5 acres as an RV Park or Mobile Home Park.

Mayor Peterson, recommended talking to the Clerk because there is a process that involves Planning Commission and Town Council.

Danielle Stirling, stated she is on the Planning Commission and she didn't know anything about this until last week. She requested to have more time for planning to do their research on it; however, they were not able to get any. One of the individuals who had done a lot of research on this asked her to present this to the community. There was in individual couple who had their house up for sale and the same group offered money on it.

Danielle read from the attached letter, see (Exhibit 1) from Brett and Sacha Walker.

Danielle indicated her biggest concern with the Town right now is the fact that they never get information and it is not fair. And with the Mayor saying he didn't know about this, when she documented this and has it for everyone to see that she met with you multiple times. If we as a Town don't get the information, where do we get to make decisions in an educated manner. It's not fair or right and in a few weeks we need to change this.

Mayor Peterson, replied that information is inaccurate. If you listen to what I said earlier I did say I was contacted about an inquiry about it, and that I did respond of what the process would be. I

realize people are very emotional about this, but I can tell you every time somebody wants to talk about an issue, it is not something that goes before the Town Council immediately. It does not go before the Planning Commission. There are processes that are followed. It was not presented as a detox facility that is being proposed here when I was asked about the Fair Housing Act and how it would apply to a group home.

Councilmember Blake, Danielle, what were your recommendations to bring it to Town Council?

Danielle Stirling, we recommended to deny because we didn't have enough information to research it.

Councilmember Blake, then how did it end up on our agenda tonight?

Danielle Stirling, basically what it does is, if we deny it, it still goes to you. We denied approving, that doesn't mean it can't go to Town Council.

Mayor Peterson, stated our Ordinances indicate that when an application is received it gets put on the next agenda, in this case the Planning Commission, and then after Planning Commission takes action, it is put on the agenda for the next Town Council.

Danielle Stirling, we asked to be able to research it ourselves so we could present something to you. We wanted to look into it, he talked to us for twenty minutes and told us we had to do it, and within two minutes, I found things on my phone that specifically showed the City of Bountiful had different stipulations than what he said were mandated by law.

Mayor Peterson, responded that he listened to the Planning Commission meeting recording yesterday. I believe strongly that it is an advisory body to the Town Council and that is best left to do their work as an advisory body, I do not attend their meetings. The issue that is being raised is, you are allowed to have Town Ordinances that limit the number of unrelated people in a home, those Ordinances are all over this state, and if people do not have a disability, that can be enforced. But the Fair Housing Act is a Federal Law that trumps local ordinances when it comes to what is discriminatory. So the fact that you can find lots of other communities with laws that would say you can't do this type of thing, that does not mean if an application came forward to them and somebody said they wanted an accommodation under the Fair Housing Act, that they would be able to say no, we have an ordinance. Danielle Stirling do you know what the entire State of California's is, it is six. Have you looked at Utah, he did not tell us that. He told us there were no ifs, ands, or buts about this and we had to do this. Gary Kuhlmann the Town Attorney, that is not true. I suggest you listen to it again because I never told you what you had to do, or couldn't do. I gave you what the laws are.

Jean Beal, I have a question, why weren't neighbors notified what was happening?

Unidentified Person, and why is the Attorney representing their interest?

Danielle Stirling, he is representing Wayne's interest.

Mayor Peterson, Called for order, he is not representing their interest or the Mayor's interest, he is representing the Town's interest, and it is an insult to suggest otherwise by a variety of people.

Darryl Lewis, stated he attended the Planning Commission meeting last week and was puzzled by two seemingly meaningless topics, one under item 6, Gary Kuhlmann on ADA, FHA and reasonable accommodations. The other was under item 8c, request for reasonable accommodations to allow up to eight residents. Mr. Kuhlmann made a twenty minute presentation creating the impression that the acts make any resistance to someone seeking protection under these acts futile. I wondered what this was all about until he brought up that drug recovery fell under these acts. Mr. Kuhlmann, for anyone that might not know, is the paid attorney consultant for Leeds and I believe he was acting in that capacity during the presentation. Mr. Kuhlmann said he was discussing these acts federally and made no attempt to cite any specific laws or judgments. Mr. Kuhlmann said he was discussing these acts in general and made no attempt to cite any laws, case, or judgement. I had the impression he was stating his personal opinion regarding the intent and scope of these acts. I came to realize this all had to do with the purchase of a home on Main Street in Leeds to house a drug rehab facility. I wondered who on the commission invited Mr. Kuhlmann for his input since there was no explanation

to why he was there. When I raised the issue of a public hearing, Mr. Kuhlmann referred that input was simply clamor and chatter. The impression was then created that this issue had to be agreed to at once and sent to the Town Council. Strangely here it is again on the agenda with no public hearing. I want to remind the Council that there is something called the deceptive practices act. This act appears to be just as binding as the acts referred to by Mr. Kuhlmann. The handling of this issue bears all the hallmarks of deception. My research of the subject clearly has shown the success rate of these facilities to be in the 30% range, an immediate drop in property by 20%, and an increase of crime rate of approximately 30%. To the effect of citizens, this might be referred to as reverse discrimination. We are a Town of 850 people. Every day we have children of all ages walking around this property to or from school and this is ongoing. Leeds does not have a police, fire, or medical facility stationed within the Town. When the parties were asked why Leeds, the answer was, it is quiet and peaceful. Since there are many quiet and peaceful communities in Southern Utah, this seems quite curious. The residents in this area of this proposed facility may not be as rich, or powerful as some who might not be affected by it, but they have helped shape the Town of Leeds and are just as valuable as any other citizen. It is my firm belief this proposal should be given the light of day with all of its ramifications and the people of Leeds be given the full opportunity to voice their viewpoints and our views are not chatter or clamor.

Darryl recommended the Town get a second legal opinion.

Susan Savage, the reason I made a comment in the beginning about neighbors being told that this is people coming out of prison is because somebody has conveyed that idea to the public who must have been here in the meeting. The problem that I see and have seen in our meetings is that people are being told things that are not true. I think it is unfair for Danielle to point to Wayne and read a statement without saying who's talking and saying it.

Danielle Stirling, it is on the paper.

Susan Savage, I just want to offer this and since Danielle has mentioned Wayne, I just want to say that something came up in the Planning Commission meeting, I made a statement two or three months ago and Danielle shut me down immediately with four points. So I researched it and when I came back to the Planning Commission from my research and documentation not a single one of those points were true.

Danielle Stirling that was your opinion Susan.

Susan Savage, that was not my opinion.

Mayor Peterson, excuse me but we are here to have public comment.

Danielle Stirling, she is attacking me, that's not fair.

Mayor Peterson, you may speak after she speaks.

Susan Savage, you are attacking Wayne and that is why I said your name. Those things were documented. We have had multiple emails from Get Involved Leeds that had lies in them. We had one that came to round up people to come to a meeting and when we got here, the issue was not even on the agenda. People said, why are we here. We have had things on there that were preposterous and the reason why I am saying this, and the reason why I made my statement in the beginning, was just so that whatever people want to say and think about this, and whatever the people are proposing for this detox facility that I was hoping it would be clarified. Whoever has told people it is people coming out of prison, if the people are proposing that, they have a chance to clarify it. That is not what I heard in the meeting, I am not saying that I think I know what it is or anything, I am just saying, I was here in the meeting, and that is not what I heard. One position for Townspeople is you really should come to meetings, and you should know what people are talking about, and you should see how people behave, because you hear rumors, but you are not here to see what it actually is. There are very few meetings that I have missed this year and I have quite a different opinion about how things are happening and information getting out than our community. I would have liked to see on

that agenda that was posted a clearer statement, but I do not think that Mr. Kuhlmann was taking a position at all. He took about twenty minutes, he explained the law. He explained pros and cons and explained how the law describes public clamor. Come and listen, come to the meetings. People say to me they don't like to go to meetings because they're contentious. Sometimes they are, but we elect people to come and be on the Town Council and appoint people to the Planning Commission and we think they are wonderful when we elect them, and then we abandon them and never come and support them, we just listen to rumors. Sometimes when we are here we would agree and sometimes we wouldn't agree but we need to have the truth. People need to be responsible when they say I have heard Elliott say there is a big problem in this Town with secret meetings, you know what..... Unidentified person said, stay on the subject.

Gary Kuhlmann, indicated it is public comment time, anything can be talked about.

Mayor Peterson, we will allow public comment when the item comes up. This is citizen comment period that is open to comments for three minutes then take their turn at the end of the line.

Danielle Stirling, I am not sure why Susan has a personal vendetta agents me. At the Planning Commission we had a gentleman come who started talking about putting something in by the cemetery. I told him my opinion of what we had gone through with a completely different Planning Commission. I explained to him these were the steps we looked at on Planning Commission when we were looking to see if we could expand this. This is what we had found, we didn't want to put any money into it, but we said if we look through the four steps. Our Town doesn't have any money, this is what I explained to him, I didn't say it was law, I didn't say it was fact Susan, I said these are what we did. Now Susan thought she needed to go and throw me under the bus because I gave this gentleman a little bit of an opinion from what we had found at the Planning Commission. That is all I did, I am not quite sure why she has a personal vendetta that every single time she talks she has to throw me under the bus. That's ok; I am not here for personal gain. The only thing that I want to do is make sure that this community has a voice and right now, we don't have a voice. Brett and Sacha Walker, if that is what you would like to know, since we brought all of this in. They were concerned about what was happening with their home. They were concerned about why nobody else had heard anything about it. The only reason why I am here, I don't get paid on Planning Commission; I don't get paid to be here away from my family. The only reason I am here is to make sure our Town has a voice and right now, I don't even remember when the last time was any of us had a voice, with let's say, there are secret meeting all the time, sewer anybody heard about sewer plans. Guess what there's a lot of talk with the Mayor and sewer. Anything that you don't already know, I am not telling anyone in this building anything except the fact that we need to get our vote and our voice back.

Jean Beal, stated they are in jail, then they go into rehab, then drug court. She taught at the Jail and she knows 10 people that got clean for a year and are now dead.

JW McKain, indicated he was sorry he was only here for one issue and would like to hear the facts of the applicant so we can have a discussion about it. He recommended keeping it professional.

Darryl Lewis, stated he has a couple of comments. He and Susan were the only citizens who attended Planning Commission last week. Susan indicated that someone who was at the meeting indicated that when a person comes out of jail they go into this facility and he didn't hear that, nothing like that. What he did hear is this was step one of people entering rehab and in this facility for one to two weeks then move on to another facility. Second thing was he heard Gary referring to ADA and FHA and he did not present any alternatives to those acts. Darryl continued to discuss the statistics for having a facility within Town.

Doyal Likens, gave a history of his experience with a family member on drugs. He is scared to death of those people; they get out and reoffend over and over. He hopes they find another place that is not here.

Jenny Wilson Indicated one thing with the letter that Danielle passed around is, Brett and Sacha are not here, they are moving, but she has been friends with them for 12 years and she heard about the pin points in the letter as they were happening. She stated she was concerned about her home value and gave an example of homes in Bloomington that have not sold due to a rehab.

Darryl Lewis, homes in Bloomington are now in a law site against the City.

Mitzi Butler stated she lives to the South of the subject's property and she didn't think she could make it tonight because of the stress. In May, she showed a schedule one for Silver Pointe Estates and has the recorded deed. At the time she asked if anyone on here knew about it, that the City had signed off on it, nobody knew and it had been signed off by one person. I told you at the time this person has no limits on what he is doing, there is no responsibility, he doesn't answer to anybody and then I found that letter yesterday by talking to the Walkers, I heard they had an offer and I went hum, called them up and I found out he is doing it again. Working with people who are trying to take away our money and spaces and he has been working with them since probably August and did any of you know about this? No, shame on you.

Mayor Peterson, responded, if I can clarify yet again, when I was asked, I had said, I heard a few weeks earlier with an inquiry about this, which would bring it to early September. These claims that it was somehow hidden are untrue. The claim about a plat being recorded, this Town Council voted unanimously to approve the final map after other conditions had been met and it was an approved plat by a prior Town Council subject to conditions. The conditions were satisfied, this council was aware of it, this council reviewed the final map and said subject to an LDWA engineer approving the location of a tank that it would be an acceptable final plat map. That approval was received from that engineer prior to the recording of it.

Councilmember Sheltman, if I can comment on that because I am sick of hearing it, I am running for Mayor, but I don't care about being Mayor, in fact if you vote against me, I will thank you. That is not true, I am sorry it is going in this direction, but I am fed up. The LDWA did not approve it, the motion was quite clear made by the Mayor with my concern that the LDWA would approve the location, that doesn't just include the tank sitting there, it has to be approved on the state level. The Engineer for the Town chose to go to the water engineer who didn't know what was going on and said yeah sure ok over an email. It wasn't given to the LDWA. There are specific instructions in the LDWA minutes that state to the engineering firm and the developer not to do that. We don't want to get out of the loop and mistakes to be made, we directly said and I have proof of all of this if anybody wants to go to the LDWA that we said exactly it. You do not do anything without us being in the loop to the point that the developer in a meeting asked our permission to talk to the engineer. The answer was no, that is not true that motion was ignored. That plat was filed without LDWA's approval and that plat has no water on it right now. They don't even have the proper things in place for the first phase and that is a fact. I am speaking as the president of the water company that is not true, and I am sick of hearing it here and having to sit on my hands and I am sick of people in the community going around saying I am a liar. It is a fact and I can prove it and I can tell you for a fact the Town can't. It put the Town in a very bad position, a position where if the LDWA pulls the trigger with the developer, the developer may sue us and you know what we will do, we will be forced to sue the Town because the water company is run like a business.

Mayor Peterson and Councilmember Sheltman discussed it further.

Susan Savage recommended citizens go online and read the Town's meeting minutes.

Darryl Lewis, indicated he was at the Planning Commission meeting and it was titled Reasonable accommodations to allow 8 people and nobody knows what that means. Darryl conditioned to discuss it.

## 6. Announcements:

Mayor Peterson announced the following events:

- a. Meet the Candidates night, October 18<sup>th</sup> at 7:00pm
- b. Dumpster Days October 27-29, 2017

7. Special Presentation:

- a. Gary Kuhlmann on Americans with Disability Act, Fair Housing Act and reasonable accommodations  
Gary Kuhlmann discussed the ADA and FHA laws.  
Town Council and Gary discussed it.

8. Public Hearings: None.

9. Action Items:

- a. Washington County GIS Agreement

Mayor Peterson indicated Bob Nicholson talked to the County about updating the Town Zoning Map. They will charge \$50.00 an hour, plus printing services. The Contract doesn't obligate the Town to use them.

Councilmember Rohr made a motion that the town contract with Washington County GIS services for possible future use of their services on an as needed basis at \$50.00 an hour and their listed printing services. 2<sup>nd</sup> by Councilmember Blake.

Councilmember Sheltman, is this an open-ended agreement, or is there some kind of timeline on is?

Gary Kuhlmann, Responded if it is interlocal agreement it is 50 years, a simple contract like this I don't think there's any limitation to that. You can do what you want.

Mayor Peterson, we can choose not to use them.

Councilmember Rohr, I would think at any point if their rates go up we could reevaluate because this would be null and void if their rates go up.

Mayor Peterson, they would need to submit a proposal and we would need to approve it as a Town Council.

Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK				x
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE	x			

- b. Discussion and possible action on Leeds RV Park sign

Mayor Peterson, stated it was mentioned by a couple of Town Council members that there was a new sign on Main Street at one of our previous meetings. Upon further investigation it turns out it is the same sign post, the same lighting interior, a new skin and paint job and



framing put around it that replaces what had been a pail blue one with rust color and blue on the sign. Our Ordinance says that if you maintain a sign you can maintain it but you can't change its color. So a letter was sent to them asking them to come to the Planning Commission because when it comes to signs it says the Clerk/Recorder is the sign enforcer of the Ordinance. But it also says that if the Clerk/Recorder feels like it is appropriate, it could be brought forward to the Planning Commission and Town Council, which was done in this case. The Town Council is now here to discuss it and take action on it. Planning Commission did meet and unanimously voted recommending approval to the Town Council. In listening to the presentation one thing that I heard is the applicant did offer to reduce the hours of lighting and setting it up on timers. What is before us now is changing the color and it was not a maintenance item and therefore it is a new sign.

The Mayor indicated it is now in front of Council to determine whether it will be approved, lighting be limited on it, or if it is a total non-conforming sign that has been changed because of color.

Councilmember Rohr, stated the new sign seems to be much brighter and with the manager's comments about changing the intensity of the light and/or the hours, She thinks that is a good idea. We do have a night sky Ordinance so she thinks it's a good idea to restrict the hours to 10:00pm.

Mayor Peterson and councilmember discussed the lighting hours.

Councilmember Sheltman, asked if the base is on Town property?

Councilmember Rohr, in the easement

Councilmember Sheltman, indicated it is a non-conforming sign and is in violations under chapters 22.2.1.14, 22.3.11.1, 22.3.11.2, 22.3.6 and 22.11.3. Another possibility is under 22.2.3.2. to put the sign on the RV Park. He continued to discuss it.

Councilmember Rohr, I believe the person said the sign was the same thing that it was before and it seems like that would fall under maintenance of repainting, cleaning or other maintenance and repair, but not changing the structure.

Town Council and Gary Kuhlmann continued to discuss it.

Councilmember Sheltman made a motion on the Leeds RV Sign, item 9b that we deny it as it presently stands because it is in violation of Town Ordinances.

Motion died due to lack of second.

Councilmember Rohr made a motion to allow the RV sign that was repainted to remain with a decrease of lighting intensity and the time that it be turned off by 10:00pm.

2<sup>nd</sup> by Councilmember Blake. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	x
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	_____	x	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

- c. Discussion and possible action on a subdivision plat amendment on parcels L-VVWE-5 and L-VVWE-4, Vista View Estates for Subdivisions Inc.

Mayor Peterson asked Kristi Barker if we have received all the necessary letters back. Kristi Barker, indicated one out of two did.

Mayor Peterson stated we will not be able to take action on it because we will need a Public Hearing on it then. It will be schedule for the next Town Council meeting.

- d. Discussion and possible action on a Request for Reasonable Accommodation to allow up to 8 residents in a detox group home
- Scott Mayfield the applicant discussed the request. The request is to seek reasonable accommodations under the Fair Housing Act for eight unrelated individuals with disabilities. The purpose for the house is to provide a housing environment for individuals to overcome trials and afflictions in a non-judgmental, non-condemning way. It has been clinically proven that in a home environment, residential home environment is the best way to do that. That is why they believe it is necessary to do it in a residential treatment center. Scott gave his background; he is a retired cop and a certified drug expert. The question was asked why Leeds? He indicated they are actively looking everywhere in Southern Utah. They have put offers in on other homes in Washington and St. George and contrary to what was said tonight, those were not denied by the City, neither one; in fact, they have been given approval through a City Attorney in Washington to move forward and the City of St. George already has a home there. So that was not accurate. The reason they chose Leeds is not because they want to single out Leeds, it is for a couple of reasons. One is they want a nice quiet environment and the home needs to accommodate the number of residents they are looking to house. The clients they will be housing already live here, in St George and all throughout Southern Utah. They do not take court-ordered or mandated clients, they do not have law enforcement drop them off at the door or those who are ordered by drug court. There is a difference between detox centers and residential treatment centers. There's is different from most, to try to elevate some of the issues; the clients come to the home voluntarily and have to have insurance. They are only seen by appointment and are given a background check; they can't be using, and have to be seen by the Doctor prior to coming to the home. Once that is all complete, they come to the home and they are not allowed any visitors.
- Scott explained the difference between their proposal and a drug treatment facility. If at some point they don't want treatment, they are not allowed to just walk out of the front door, they can contact a family member, if nobody is available, the staff will arrange to take them wherever they need to go to get there safely.
- Scott discussed parking and security and gave Councilmembers pictures of the home. The applicants believe the home follows FHA and indicated Utah is one of the highest in the nation for drug use and depression.
- Mayor Peterson read the attached letter that Kerry Bennion requested be in the minutes (see exhibit 2).
- Town Council and Scott Mayfield discussed it further.
- JW McKain, indicated he wondered if public comment could be suspended until later because there were a lot of people with hurt feelings and now that they have more information a lot of people already left. He stated he has a lot more information than he did before; therefore, he doesn't act emotional but intelligently. He was in a motorcycle gang years ago and had the experience of drugs being around and the recovery from it is close to impossible and with these kind of circumstances, they didn't have the ability to go places and dry out, you had to do it on your own. He continued to discuss it with the applicant.
- Greg Bohannon, thanked the applicant for his explanation and has dealt with people who needed to go to a place like this and it is a needed thing; however, he does need to let him know

he is a property owner adjacent to it and has many concerns with it. One is if they decide to move in a couple years with a detox center there he can't see that helping. He has a lot of other questions and hopes that Council will have another time where they can be addressed before any major decision is made.

Darryl Lewis, indicated he has been in Leeds for two years and use to live in Santa Ana, California for 45 years. The use of public ground in Santa Anna is 0%, where in Leeds, it is 100%. It was mentioned earlier that 90% of people's fears and concerns was inaccurate and he ventured to say that the person that said that has zero credibility to know if it's accurate or not, they don't live in Leeds and do not know the general plan of Leeds. Darryl continued to discuss it.

Gary Rosenfield asked why they picked a home in the middle of Town.

Scott Mayfield Availability and a home that fits the space they need.

Gary discussed it further with Scott.

Mayor Peterson discussed his experience with group homes. He asked Gary Kuhlmann to do some research on what is a dwelling verse a residence before moving forward with this and the Council needs to come up with a list of findings.

Councilmember Rohr asked if the request for reasonable accommodations for eight will remain with the property.

Gary Kuhlmann indicated yes; however, it depends on how you draft it. Council gets to determine if eight is reasonable based on its determinations.

Mayor Peterson asked fora motion to table action item 9d for two weeks from this evening on the 25<sup>th</sup> of October.

Councilmember Rohr, I so move. 2<sup>nd</sup> by Councilmember Blake.

Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK				x
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE	x			

Councilmember Blake left the meeting. 10:22pm

10. Discussion Items:

a. 2016-2017 Financial review

Ralph Reid asked Councilmembers to review the financials and let him know if they have any questions.

b. Nuisance Ordinance 2000-2, amended by Ordinance 2017-03

Gary Kuhlmann indicated he looked at it broadly and the land Use Ordinance will still need to be gone through to update once Council makes some decisions on the ordinance.

Town Council and Gary discussed it. Mayor Peterson recommended Councilmembers to go through it and mark up any changes they might recommend for the next council meeting.

c. Follow up on Main Street storm water

Councilmember Sheltman stated Karl thinks he has lined up something to get us funding on this. There are two UDOT individuals that would like to set up something for next week. The way that it would work is the part that UDOT thinks they are responsible for, they will cover, and the part they think we are responsible, we will cover. There may be some B&C funds available too. Town Council discussed it further.

11. Citizen Comments: None.

12. Staff Reports:

Curtis Nielsen from Ensign gave an update on the curb and gutter.

13. Closed Meeting:

14. Adjournment:

Mayor Peterson adjourned the meeting.

Time: 10:35pm.

APPROVED ON THIS 8<sup>th</sup> DAY OF November, 2017



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder

# Exhibit 1

Brett and Sacha Walker  
165 North Main Street  
Leeds, Utah 84746  
435-862-6921

1. Received an offer on our home, September 5, 2017.
2. The offer was low and had a contingency based on approval for a business license from the city.
3. They had to inform all the neighbors and then wait for the city meetings in October to determine if one would be given. We were still trying to negotiate a final offer at this point. We thought it was weird that they had to wait an entire month to get approval for a business license.
4. That's when we were told that the business license they were waiting for was a half-way house. This was a day or two later.
5. We were uncomfortable with this offer because we thought there was no way the city would approve that. They try not to let us have more than two chickens. We thought there was no way they would approve this. We didn't want our home tied up waiting for this approval and then not have it not go through and have to put the house back on the market. AKA: wasted time.
6. We were told that St. George City and Washington City had already denied their business license. This added to our thinking that there was no way that the city of Leeds would grant a business license.
7. During negotiations, we tried to get them to take the contingency off if we lowered the price. They would not accept.
8. But we were told by our realtor that they had talked to the Mayor himself multiple times. They assured us that they were pretty positive that it would move forward. This was because of the type of license (a medical license) that whether the neighbors wanted it or not they couldn't stop it.
9. Our realtor told us to wait until Monday, September 11, 2017. They would be speaking to the mayor again and we should wait to see what he said to make sure that everything was okay to move forward.
10. We received 2 other offers 8 days after the first, September 13, 2017. We accepted one of these that same day.

October 10, 2017

Dear Town Council Members and Citizens of Leeds:

Please consider the following as you evaluate the long term impact of the proposed use of the property at 95 S Main Street in Leeds.

Do the residents of Leeds, the Town Council, or the surrounding community have an immediate need or desire for the services provided by the proposed drug treatment center (DTC)/halfway house?

The US Department of Health and Human Services (HHS) recommends that anyone proposing to establish any type of Halfway House, Drug Treatment Center, or Drug Rehabilitation Center choose a location that is near, at a minimum the following services:

- Public transportation **(there is none in the Town of Leeds)**
- Potential places of employment **(there are very limited possibilities in the Town of Leeds, clearly not enough to support the existing population)**
- High schools and community colleges **(there are none in the Town of Leeds)**
- Health care clinics and hospitals **(there are none in the Town of Leeds, furthermore local ambulance service is not available)**
- Law Enforcement presence **(Town of Leeds has no local officer or law enforcement presence)**

Please also consider the results of a recent 3 year study relative to Halfway House participants, which the **New York Times** calls "groundbreaking" and "startling":

*"Inmates who stayed at the halfway house being studied (on which the local government subsidizes \$110 million a year) had an increased chance of committing another crime. The study found that 60% of inmates released directly to the street in 2008-2009 were rearrested or back in prison within three years: among those sent to a halfway house, the figure was 67%."*

Very interesting to note that based on this study, those sent to a halfway house had a higher incident of being rearrested than those which were released directly to the street.

Facts relative to neighborhoods surrounding DTCs or Halfway Houses:

- Property values of all surrounding properties are reduced significantly and immediately
- Vandalism, loitering, and vagrancy increase
- Neighborhood children and teens face greater exposure to drugs, drug addiction and alcoholism

Consider the following letter:

"I am a senior at college studying Business Management with a minor in Communications. While studying in a course entitled, "Persuasion" I have become very familiar with the purposes of Halfway Houses and while they do have fine intentions I would like to address their overall ill effect on neighborhoods and communities.

A fully operational halfway house presents loses to nearby residents that can be quantified both financially and socially. Allow me to first illustrate how these homes can change the real estate market in their vicinity. Property value is a calculated estimation of what land or a structure is financially worth. This calculation is based off of several factors including location, physical distinctiveness of the terrain

and buildings, as well as how the climate of the real estate market is at the time. However, when one comes to the point of buying a home, especially families that have children, a question arises nearly every time without fail, "how is the neighborhood and community?" I know of no one that has bought a home without this as a major concern. If a halfway house is located in the vicinity then there is going to be a sense of insecurity among potential residents. I for one would feel this way even if I was assured nothing "bad" ever happens. These homes provide a place to live for grown men or women or both that have or are struggling with major problems including drug use, or mental issues. This alone deters home owners, thereby, worsening the climate of the real estate market. With less interested buyers property values decline. A financial loss is recognized by those already established in the area and by the community at large from the lost taxes that would have been paid by the homeowner.

In regards to the social effect of halfway houses, do the pros outweigh the cons? Let's analyze a hypothetical situation in which a halfway house is being occupied by recovering drug addicts. How can we be certain that the home is going to be monitored properly? Marilyn Philips, a recovered drug addict herself, now managing a halfway house even admits that "there are certain things that [she] can't monitor". In essence, residents of the facilities are not always going to be under great supervision. Imagine that a resident decides they no longer want to be there and they escape with very little effort, a task not as easy to do in a judicial care system. These people become dangerous and a hazard to others due to their extreme behavior as they seek out drugs, are on a buzz, or even trying to flee capture. Reported in NJToday, New Jersey's oldest weekly periodical, there were 201 escapes by halfway house residents between January 2008 and March 2009. This is an average of one escape every two days over the fifteen month period. These escapes were affiliated with seven out of the twenty five privately run halfway houses in Trenton, New Jersey. Problems such as this prove the instability of halfway houses in view of their management. Current and potential residents do not want to be faced with those concerns; they don't want to live in fear of these realities.

Finally, an American writer by the name of Samuel Clemens (1835-1910), also known as Mark Twain, once wrote a piece called, "Corn-Pone Opinions". The article was not discovered until after Clemens' death and was then published under this title. What Clemens made clear in this literature was that men and women seek very hard to be like the majority of those they are around. He quotes a slave that he heard as a child say, "You tell me whar a man gits his corn pone, en I'll tell you what his 'pinions is." (1923). In essence, the more there is of a certain type the more attraction there is for that particular type. Take for example the societal class system in the United States. People that are upper class live near other upper class people and so on with middle and low class individuals. Ghettos are ghettos because of those that they attract. In application, halfway houses pose the potential of attracting more individuals of the type being housed into the vicinity. While it depends on the type of residents at the house, in most cases this is not a good thing. As this occurs slowly and over an uncertain period of time you will begin to see changes in the quality of certain neighborhoods and even communities.

In conclusion, I find myself seeing more to lose than there is to gain with halfway houses. Understandably, this may not be true in all cases; but from those that I have taken into consideration such as those that treat drug addicts and mental handicaps (dangerous type) it is hard to see how these programs can benefit the majority. Should we really risk these types of dangers with families nearby? Perhaps, halfway houses have a place among the under aged offenders but not amongst grown adults that then have the privilege to live in the midst of common citizens. In the case of those that are nailed for illegal drug use does that punishment even fit the crime? How about those guilty of sexual abuse?

October 10, 2017

The point is that it doesn't seem right to put a shark in the same tank as your gold fish. What I hope to accomplish with this letter is that we reconsider who is allowed to live in a halfway house. Most importantly, we need to remember where these houses are."

Thank you for your consideration.

Sincerely,

**Kerry J  
Bennion**

Kerry J and Keena L Bennion

Digitally signed by Kerry J Bennion  
DN: cn=Kerry J Bennion, o=K2 Inc.,  
ou, email=kbennion@k2incsvc.com,  
c=US  
Date: 2017.10.10 09:12:48 -0700'