

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, October 24, 2018

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, October 24, 2018 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 26, 2018 and October 10, 2018
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
7. Public Hearings:
8. Action Items:
  - a. Discussion and possible action regarding number of meetings per month and meeting calendar for 2019
9. Discussion Items:
  - a. Short-Term Rental Ordinance
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. 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 22, 2018 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).**



Peggy Rosebush, Clerk/Recorder

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# Town of Leeds

## Town Council Meeting for October 24, 2018

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on October 24, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____
COUNCILMEMBER: NATE BLAKE	_____	x

2. Pledge of Allegiance by Councilmember Stirling.

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Stirling moved to approve tonight's agenda and meeting minutes of September 26, 2018 and October 10, 2018. 2<sup>nd</sup> by Councilmember Roberts. 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	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

5. Citizen Comments:

Lynn Potter stated that he is aware Councilmembers are thinking about reducing monthly meetings from 2 to 1. He hopes that Town Council meetings will stay at 2 and that the Planning Commission would go to 2 meetings each month.

6. Announcements:

Mayor Peterson announced that there will be Trunk or Treat this year located along Babylon Mill Road, alongside the Town Park. It will start at 6 PM. Cars should arrive by 5:45 PM. And there will be a hot dog dinner for \$1.50.

Mayor Peterson said that Arbor Day observance will also be on October 31<sup>st</sup> at 5:45 PM. Leeds is a Tree City USA. We are having Arbor Day in conjunction with another event to try to have more people in attendance.

7. Public Hearings: None

8. Action Items:

a. Discussion and possible action regarding number of meetings per month and meeting calendar for 2019

Councilmembers reviewed 2019 meeting calendar. Mayor Peterson proposed going with 1 meeting instead of 2 in July, August, November and December. This will accommodate for a holidays that falls on a meeting day (July 24, 2019) and for Thanksgiving and Christmas holidays. Historically, there has been only 1 meeting in November and December. Eight months out of the year there would be 2 Town Council meetings and 4 months a year there would be 1 meeting a month.

Councilmember Stirling said she originally suggested going to 1 meeting each month because in the last few months there has been only one thing on the agenda for each meeting.

Councilmember Roberts stated that he is in favor of staying with 2 meetings a month. He said he is concerned about continuity on a number of issues. Continuity can get lost in less frequent times that Town Council meets.

Councilmember Sheltman stated that 2 meetings a month are easier to work with. He thinks it will be hard to stay on top of things when meeting only once a month.

Mayor Peterson said he would like to decide what will be expected in 2019 and then move ahead with it. He said even if there is a shorter agenda, it is best to follow through when you say you are going to have a meeting.

Councilmember Stirling made a motion to approve the 2019 meeting calendar with 2 Town Council meetings a month (second and fourth Wednesdays) for 8 months (January, February, March, April, May, June, September, and October) and 1 Town Council meeting a month (second Wednesday) for 4 months (July, August, November and December), and to approve 1 Planning Commission meeting a month (first Wednesday of the month). 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELE STIRLING	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

9. Discussion Items:

a. Short-Term Rental Ordinance

Councilmember Stirling discussed LaVerkin's ordinance on this subject. The LaVerkin ordinance goes into detail as to what it includes. LaVerkin's ordinance addresses every aspect of problems that could arise from this type of business, violations and fines. Leeds needs to adopt something that is going to be advantageous to those you want to be able to use their facility. She stated that she is not opposed to having vacation rentals in Leeds. She thinks Leeds would be able to sustain 5% to 8% vacation rentals.

Councilmember Sheltman stated that Leeds will never have the amount of revenue off of vacation rentals to offset the added expenses. Leeds would have to find some alternate funds. The one thing all cities have in common is that a manager must be on-site at all times. He stated that before they go any further on this, he needs to know if Leeds will be able to enforce ordinances that have been put in place, and if we do, what it will cost. He thinks this is the first step, and until this is done, not much time should be spent on this issue. If Leeds will be weak in enforcement, even for 8 to 10 units, then it should be decided to have vacation rental or not. Some cities have outlawed vacation rentals. He really wants to know what needs to be in place and what it would cost for enforcement. If it is cost prohibitive then we should not take the next step.

Councilmember Roberts asked how do you balance allowing individuals to do what they want to do as long as they do not conflict with health, safety and welfare of other people. Most other municipalities who encourage any type of short-term rentals realize the positive financial gain they get. You have an increase in tax-base revenue. Leeds does not fall in this category. He said it would put a great deal of responsibility on the people who want to participate and utilize their property for such. Language should be written that the responsibility is there and they would be scrutinized very closely. He asked who does the scrutinizing. The Mayor will get all of the complaints. He said he is not sure how you balance the people using their property and then holding them fully responsible for what goes on. There should be significant pressure to get people to want to abide by the rules because not everyone will unless they are compelled to. He said he is in support of people using their property for many different purposes. He is not sure how you justify a percentage number allowed. He said that the Town Attorney drafted some recommendations and possibilities such as allow 3 properties per 1000 population. Does this really open the opportunity for individuals who want to utilize their property for a vacation rental? He said if the Town goes with only 2 properties per 1000 population then they should not spend time on the documentation and all that will go with it.

Mayor Peterson said that in setting this up it is important for the Town to specify what is permitted and not just try to prohibit. Trying to prohibit results in "catch me if you can" type of behavior. One of the things that needs to be addressed is a family unit. If there is going to be something functioning in this Town, it should be something that is not evident to the neighbors. One way to encourage this is to have greater setbacks so it is not something as close to the property lines as other homes would be. Another thing would be to make sure we define a family unit. A family unit in Leeds is defined by relationship to the homeowner where you could go multiple generations up and down within the same bloodline. If you don't go this route, you are allowed 4 individuals who are not related. Not 4 families and not 4 people who come in and bring their kids, grandkids, parents, etc., but rather 4 people who are not related. This is not unreasonable if we are setting up something as a short-term rental opportunity. Another point is the size of the unit. Another factor is the frequency of the rental. We need to be very mindful of the zoning when allowing a commercial activity in a residential area.



Mayor Peterson said he thinks prohibiting this completely is futile and that the State direction is one where they are expecting communities to regulate it and permit it in some way. It is important for the Town to look into what we need to do to evaluate it and find a way to regulate it.

Councilmember Sheltman said he wants to see enforcement first. He said without proper enforcement it will not work. How will we provide enforcement and how will we pay for it?

Mayor Peterson suggested that the next step could be to speak to the Town Attorney and tell him to limit the focus on enforcement.

Councilmember Stirling discussed the reasons why so many people visit this area, but we do not have a place in town to stay a night or two. With the right ordinances and strict laws, if someone wants to have a BnB or vacation rental at their property then they should have the right to do it.

Mayor Peterson said that there needs to be a mechanism for enforcement and he would like to know the cost. Enforcement will be an expense. This needs to be done in stages, such as enforcement, and total number allowed. We can ask the Town Attorney to come up with some answers such as who can we use to enforce it and what kind of fines could we have in place and how could we recover the cost.

Councilmember Stirling said that in addition to enforcement, occupancy load is another key factor. Some municipalities have a limit of 15 and some have it at 10.

Mayor Peterson said that most places have a limit of 10 because if you go over 10 then you have to have a sprinkler system in place.

Brian and Shelly Hansen discussed what inspections were required at their facility in LaVerkin. Mrs. Hansen said that the Fire Department did an on-site inspection and the Building Inspector had to sign-off on it. She said that they were required to give their phone number to neighbors within 300 feet.

Michael Katz asked Mr. & Mrs. Hansen about the management of their facility and if there facility is a BnB. Mr. & Mrs. Hansen said they have a short-term rental and they are the on-site management.

Mr. Hansen discussed sales tax. He said they charge 12.5% sales tax and a portion of that goes back to the city.

Lynn Potter said that he does not think the City should be able to say no to anything regarding what people want to do with their property. But cities should have conditions. He does not think a number should be put on the number of rentals, but if you do, you should include a lottery and every year it should come up so everyone gets a chance. He thinks the most important thing to do to facilitate this is to charge about \$2,400 each year for a license. This will cover the cost for administrative fees and private security. The people who will pay this kind of money will value their license. It should be 3 strikes and you lose your license for the rest of the year.

Alan Cohn stated he agreed with a lot of the points made so far. He said this past weekend there were 11 cars and an RV at a property on Silver Reef Rd. and probably more than 30 people in the house. He stated that the property is probably on 3/4 of an acre on Silver Reef Rd. which is barely a road. We need some kind of zoning on this. It should be reasonable enough that it won't cause unnecessary

stress on the community or the nearby houses. The setback issue could be a minimum of 5 acres or 3 acres whichever would be reasonable to accommodate a few extra cars and a few extra people and the neighbors are not going to know. It all comes back to enforcement. We have 6 or 7 illegal rentals and some have been cited. We should start enforcement so that the illegals will not think they can do whatever they want and get away with it.

Michael Katz, applicant for a BnB, asked if the Council was going to look to distinguish and separate a BnB from Air BnBs and vacation rentals. There is a big difference between them. He asked Council to keep this in mind.

Angela Rohr said Council should consider setting a license fee high enough to cover expenses and that there should be a code enforcer and it should not be the Mayor. She said there are plenty of people in this Town who could use an extra job. We already have a Bnb as a conditional use, but we have no guidelines. There should be separate guidelines for Bnb, Air BnB and vacation rental.

10. Citizen Comments: None

11. Staff Reports:

Mayor Peterson reported that he spent a part of the day, and only half the time that Judy Henck spent, with Daniel Allen, a representative of the Division of Natural Resources. Daniel has completed about two-thirds of the tree inventory in the Town of Leeds. Daniel said that he would be measuring the diameter of every Town-owned tree in this inventory and record their condition.

2. Closed Meeting: None

13. Adjournment:

Mayor Peterson adjourned the meeting

Time: 8:07 PM .

APPROVED ON THIS 14<sup>th</sup> DAY OF November, 2018



Wayne Peterson, Mayor

ATTEST:



Peggy Rosebush, Clerk/Recorder