

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, April 10, 2019

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, April 10, 2019 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
1. Declaration of Abstentions or Conflicts
2. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting minutes of March 13, 2019
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Easter Egg Hunt, Saturday, April 20, Town Park
 - b. Sesquicentennial Celebration, Saturday, May 18
7. Public Hearings: None
8. Action Items:
 - a. Discussion and possible action on easement off Main Street and Majestic Mountain
 - b. Appointment of Mark Rosenthal as Planning Commission Alternate
9. Discussion Items:
 - a. Fines & Forfeitures
 - b. Short-Term Rentals
 - C. Leeds Monument Sign
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 April 4, 2019 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.leedstown.org.**



Peggy Rosebush, Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, April 10, 2019

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, April 10, 2019 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 Roberts moved to approve tonight’s agenda and meeting minutes of March 13, 2019. 2nd by Councilmember Sheltman. 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: None

6. Announcements:

a. Easter Egg Hunt, Saturday, April 20th, Town Park

Mayor Peterson said the Easter Egg Hunt will be on Saturday, April 20th, and will start at 9 AM. In addition to the Easter Egg Hunt, some games are being planned and volunteers have come forward to help. More volunteers are always appreciated. If other people are interested, please let him know.

. Sesquicentennial Celebration, Saturday, May 18th

The Sesquicentennial Celebration is scheduled for Saturday, May 18th. It is coming into form quite well. The

Town yard sale raised over \$2,000. There was a generous donation of the same amount and the sale of pavers is up towards 50. We are in pretty good shape from a funding standpoint. The Celebration will begin with a fun run before breakfast. There will be a breakfast, a parade in the morning, a variety of activities including games and photo opportunities with items of an historic era. There will be a food truck around lunch time and a dinner in the evening. There will be a live talent show and there will be 2 dances. One for the younger folks and one for those who are more interested in old style western dancing. The dances will not be limited by age. People can choose which one they would like to go to. The Celebration will conclude with a firework exhibit that will be set off by the Fire District. We appreciate the help of everyone who have helped plan the events. As we get closer, we will be posting the final schedule at the Post Office. There has been a lot of community involvement and I greatly appreciate it.

Mayor Peterson said he would like to re-institute a Veterans Day Celebration in Leeds. This is something I have been told about, but has never happened since I have lived here. I realize we have a very large contingent of veterans who live in Town and I think it would be good to have our own celebration of this particular event. I hope this will be the beginning of other things as well.

7. Public Hearings: None

8. Action Items:

a. Discussion and possible action on easement off Main Street and Majestic Mountain

Mayor Peterson said the background on this is the Town had agreed to sell an easement to a private land owner. What was brought forward by the private land owner subsequently was some documents that show a portion of that parcel was being dedicated to the Town for a roadway. I did speak with Craig Hall and he indicated that it is appropriate for the Town to return the purchase price of the easement and it would not be setting any kind of precedent, given that the road has been dedicated to the Town as a roadway previously. This is the updated information on this. He asked if there are any questions or comments from the Council before I ask for a motion.

Councilmember Sheltman asked what is the dollar amount on this.

Councilmember Stirling said \$1,460.75.

Mayor Peterson asked if there are any other questions.

Councilmember Roberts asked if the easement stays in tact as described on what the applicant purchased.

Mayor Peterson said yes, the easement would still be there specifying exactly where the road would be. The actual dedication did not specify exactly where on that parcel the road would go.

Lynn Potter said we did have limitations in our agreement where it was 20 feet wide. There are no limitations in the deed. If I wanted to put in a commercial business, they would probably want a 25 foot easement.

Mayor Peterson said this would be something that would begin with our Planning Commission in terms of reviewing how that property was developing. I do not believe because it was for a roadway that it necessarily was a particular width roadway.

Councilmember Roberts said this is why I asked the question, if it would still be described as what was greed upon in the easement that he purchased. He asked if it will be left open ended.

Mayor Peterson said no, it would be the existing description at this point, but anything in that arena is subject to future Planning Commission recommendation and then Town Council action. But as of this point, it would be the current roadway easement through the property.

Councilmember Roberts said the Quit Claim Deeds do not describe the actual location.

Mayor Peterson said the easement that was granted does.

Mayor Peterson asked if there is a motion regarding the purchase price that was paid for the easement off Main Street and Majestic Mountain.

Councilmember Stirling made a motion to return the payment paid for easement off Main Street and Majestic Mountain. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

b. Appointment of Mark Rosenthal as Planning Commissioner Alternate

Mayor Peterson said he spoke with Mark Rosenthal and he has agreed to have his name put forward as a Planning Commissioner Alternate. The Planning Commission meets the first Wednesday of the month. There are times when a quorum can be an issue. We are allowed to have alternates and I believe Mark would be an appropriate alternate. I am putting forward his name as an appointment to the Planning Commission as an alternate and this is subject to the advice and consent of Council and this is what I am seeking now as Item 8b.

Mayor Peterson asked if there are any questions or comments.

Councilmember Roberts made a motion to approve the Mayor to appoint Mark Rosenthal as Planning Commission Alternate. 2nd by Councilmember Stirling. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

Mayor Peterson said thank you, Mark, for your willingness to serve.

9. Discussion Items:

a. Fines & Forfeitures

Mayor Peterson said this is something that was discussed a few meetings back and there were different opinions among Council. We agreed at this time that we would give it some further thought and discuss it again. There is no action planned with respect to it. Copies of it were made available as requested on the website and on the bulletin board at the Post Office. I would like to have a brief discussion to see what our next step would be. He asked if anyone on Council would like to start the discussion.

Councilmember Stirling asked what are the amounts for fines mandated in other cities.

Mayor Peterson said it is actually mandated by a maximum that the State allows regarding these types of violations.

Councilmember Stirling asked if there are larger municipalities that have adopted this.

Mayor Peterson said what Craig Hall indicated is that it is very common for other municipalities to adopt this particular schedule. And just to share, because we have public probably wondering what they are, where ordinances call for a Class B Misdemeanor, the maximum penalty is a fine of \$1,000 or by imprisonment not to exceed 6 months, or both. For a Class C Misdemeanor, the fine is \$750 maximum and imprisonment not to exceed 60 days. For an infraction, it is a penalty not to exceed more than \$750. This would set in place the ability for the Town to determine what kind of violation penalties would exist for a variety of different things and it could be set below these as well, but would maximize what the penalty could be. It would be stated in the ordinance what the penalty risk would be for violating the ordinance.

Mayor Peterson asked if there are any other thoughts from Council.

Councilmember Stirling asked what the difference would be if we went with civil instead of criminal.

Mayor Peterson said I cannot explain it as well as our attorney would be able to, but with civil, the ability to actually collect on it is more challenging, as explained by Town Counsel. Civil is a different court you would go to. It would not be criminal court. It would be civil court. It was highlighted by our attorney that it is much more expensive if you prosecute on a civil basis. He said criminal is much easier to do from a cost standpoint. My expectation from my time being involved with infractions within Town is that very well over 90% of the people in Town want to have a law-abiding record. They do not want things being done with their property that is not permitted by the Town. I would also say that those few who choose to do what they want beyond what the ordinance permits are the ones who attract the attention of the community. People do not come in and say how wonderful and pretty someone's property is. People come in and talk about where there are problems, how bad they are and how long they have been there. While it does seem like a very big stick that is involved, I think, regrettably, for that very small percentage of the population, in the absent of a big stick, what has been exhibited is an unwillingness to comply. I think there is a basis for having this as it was described by our Town Attorney, Craig Hall. It would be in our tool box, if we were to approve this, and we could utilize it, when needed, in order to get people to respond to the need relative to certain ordinances.

Mayor Peterson asked if there were any further questions or comments.

Councilmember Sheltman said this is his understanding also. It is the extreme, but not something we would use often. Just so everyone knows, the water company has had fire hydrants tapped into without proper permission or monies being paid or the ability to measure and in these cases the Sherriff's Department is always called to generate a report. This is usually a builder or excavator and we are always asked if we want them arrested. It is an option pretty much in the law as it is written, but the water company has never done that. He said he does not think the Town would be in that position because we always say no. We just want to make sure it is documented in case we need to take further action later on, which is always financial. I am looking at this the same way. If I am wrong, it would be helpful if someone corrected me. It looks to me like just to have it out there, as an option, if it is necessary.

Mayor Peterson said it is not only his preference, but my practice to never start with a penalty. I have started with a request for people to come into compliance. I would certainly continue to do that. My desire is not to have to penalize people. My desire is when circumstances get to a point that it really is going beyond what is permissible that we get people to come into compliance. But I think absent this it would be difficult to try to use moral suasion in order to get people to do the right thing.

Councilmember Stirling said for the record, she does not support criminal punishment in any way for lack of following ordinances. We have a diverse group of people in our Town and I will not be responsible for a rogue council that could use this in the future to persuade people to do what they want to do instead of what individuals have the right to do with their own property. She said she is completely against criminal punishment. I do not think it is needed in this Town. If we do get a rogue council, how many people in this Town will end up with a record because they do not comply with exactly what they want. I am completely against it for criminal. I would say civil is fine, but not criminal.

Mayor Peterson asked if anyone else wants to offer an opinion for the record. This is not an action item. It is a question of whether we can put it on a future agenda as an action item in its current state or a modified state. I think it is always helpful that what goes on an agenda is something that is going to be reasonably close to a final form, but certainly open to modification as we go through the process. I ask that question with the desire to have a reasonable starting point for discussion where action might be taken.

Councilmember Roberts said, Danielle, I can understand your concern, but until you have been put in a position where you are trying to get someone to comply with an ordinance it makes you wonder why you even have the ordinance to begin with. You are not talking the majority of people. The majority of people want to comply. I am not sure how you really persuade, and I will use the word persuade, because sometimes it is persuading. And sometimes that persuasion comes with either you come into compliance or we have the ability to turn this into a criminal offense. I would hope Councils would be disciplined enough to use that as a last resort. But here again, we have no idea for the future on how individuals will react or respond to that. You will have a hard time enforcing civil matters with any kind of merit. People will challenge it all day long.

Mayor Peterson asked if there was anything further to add.

Councilmember Sheltman said I cannot argue about the rogue council. I am with Councilmember Roberts on this. We can continue status quo. It is always an option and not pursue ordinance enforcement any

more than we have in the past. I cannot believe that anyone on the Council, even if they are rogue, would go to that point, unless it was absolutely necessary, without a great push back from the public. We are a small Town and I do not think the people here would put up with Council using this in a way that is not proper. If we tell someone we are going to throw someone in jail because they leave their garbage cans out until Friday, I do not think we could pull this over on the people in Town. I think there are restraints in place based on the fact that the people in Town would see to it.

Councilmember Sheltman said we would not go in for the top punishment or penalty. We would try to talk to them because it would be cheaper and easier.

Councilmember Stirling said she understands, but by doing it criminally, you are actually paving the way that someone can. For example, Part C says any person convicted of an infraction of violation for an ordinance is punishable by a penalty of not more than \$750. A lot of the people who voted me in do not have the ability to come into compliance because they are older. Basically, what we are saying is we could charge you \$750. If they had \$750 they would come into compliance in the first place. She said she is talking about some of the ones that do not have the ability. I would go more for civil. I will not ever agree to criminal. I do not think it is right. Maybe if we were in a larger city where we did not know each other, but I know these people, and I will never agree to criminal. It is a small Town and my heart is in it. My heart will go more than the letter of the law. It is not that I do not want ordinances. There is a way to do it civilly. It is not that I do not want the ordinances to be followed, but there is a way to do it civilly, not criminally. That could ruin someone's life by having a criminal punishment for an infraction for some Class C Misdemeanor. Someone could lose their job over it and I do not think it is right.

Mayor Peterson said two other things that he would like to share is (1) I think it is very important that when this is an action item that we will have our Town Counsel available on the phone with us because these questions have to be answered with certainty with respect to what Councilmember Sheltman and I were discussing as to our understanding of what the Council had indicated and other experiences we have had and (2) the concept of a future Town Council approving this set of penalties themselves. It is not like this is the moment in time where the fines and forfeitures could be defined for the Town of Leeds, and once they are defined, they can never be changed. Change would be subject to any future Council as most things we do are. Some are not retroactive so someone could not in 8 or 10 years down the road determine penalties and apply them to things that took place today. This kind of thing could not happen. But for going forward, they are open to a future Council doing what they wish with it. Something else I would like to respond to, and it is a concern I realize that different people will be in different positions, but there was an individual who had a situation that needed to be dealt with. I spoke with them in advance. They had a financial hardship situation. I asked if they would give me permission to actually go on their property on Dumpster Day and remove the objects stored. They said yes, it is fine. I had someone else help me with that and we were able to do it. There are ways that people can show compassion and, in the end, end-up with compliance, especially when there are extreme situations that take place. I think there are a variety of ways that could be used moving forward. Clearly, we have differences of opinion, but we do not do things only if there is a unanimous vote here. He said, Danielle, I think you do not like this as an outcome, but is this a reasonable starting point for us to actually have a final discussion or two if it takes it and to also get public input in advance. I would suggest that this is the type of thing that I would like to have as a discussion and possible action item with the thought that we would not take action that night unless it was a decision to not move forward and stay status quo, but any kind of change that would make would be at a subsequent meeting. I always feel it is more valuable when there is an opportunity for public input on a potential action item at least 2 weeks between a meeting and the next for people to be able to think about it and look into it a little bit further, as opposed to feeling

obliged to take action right after hearing input from people. He asked if this is a reasonable way to approach it, using this as a starting point for having it as a discussion and possible action item, with the understanding we will not do any kind of adoption of something stricter than what we currently have. At the following meeting, if we decide that we want to move forward, we will then have it again as an action item for the Council to consider. I am not asking for a vote. If there is an objection to this, let me know.

Councilmember Roberts said he has no objection.

Councilmember Sheltman said he has no objection.

Mayor Peterson said he will look to do this, and we will work with our Town Counsel to make sure he will be available for a future meeting. Tentatively, it will be April 24, but subject to availability.

Councilmember Stirling asked if there was any way the attorney could draft something that would be similar for civil instead of criminal. At this point, Item B is a \$1,000 fine and not to exceed 6 months in jail. Item 2 is \$750 and not to exceed 90 days.

Mayor Peterson said he will ask Counsel if this is something he can do in a reasonable timeframe. If not, I would want him to explain it in the future. I think we are all in agreement that we do not want to draft final language at the expense of crossing all the t's and dotting all the i's. But if he can give us a draft of something without it being overly involved, I think that would be something reasonable.

Councilmember Stirling said she would like that just so we can see both sides.

Councilmember Roberts said I would caution, Danielle, and all of us, and the public needs to understand this, when you talk about having compassion, when some of these people are your close friends or you know them very well. When it come to the legal matter, you cannot use that as a basis. Everyone deserves the same treatment under the rules and regulations that exist, and it has to be across the board. At this point in time, the Mayor is the individual who has to deal with the problems. The Mayor will be replaced by someone else who probably will not have the same approach that Mayor Peterson has.

Councilmember Stirling said I agree.

Councilmember Roberts said I understand the compassion part of it, but you cannot let the relationship that you have with someone who has an infraction cause you to treat it differently than someone who you do not know who has the same infraction. They need to be treated equally.

Councilmember Stirling said I agree completely, but we need to treat them all civilly and not criminally.

Mayor Peterson asked if there was anything further.

Mayor Peterson said he will contact our Town Counsel and we will look to move forward with these suggestions.

b. Short-Term Rentals

Mayor Peterson said at a previous meeting it was generally viewed that the right way to go with regards to short-term rentals was not to just include it as a Bed & Breakfast under a home business occupation,

but to have it be a standalone ordinance. I was asked to try to find such language out there before we asked our attorney to draft it, just to have a starting point for us to discuss. It turns out that Virgin was considering this type of thing back in December 2016, and they were kind enough to leave a draft on their website. There are some obvious things that need to be addressed with this, but it does reflect what we would want specifically here in the Town of Leeds. I think it is a good representation of what would be needed in terms of the level of detail in order to be able to pull something out of what we would want if we want to go this route. I believe this also got emailed out many weeks ago. He asked if there are any comments from Council regarding the draft from Virgin back in 2016. From what I have been able to gather, and I did not see the Mayor, I am not sure this was never adopted, so it probably is indicative of the challenge of trying to get this on paper and get to an agreement.

Councilmember Roberts said there are a lot of good points in it that we would want to consider.

Councilmember Stirling said after reading through it, I found it quite complete with almost everything I had questions on. I do like the fact that under Compliance, it says "This ordinance does not supersede the CC&Rs established by private subdivisions. The Town also recognizes that it does not have the authority or should be encouraged to enforce CC&Rs of private subdivisions within the its jurisdiction." I do like the fact that if there are CC&Rs that do not allow short-term rentals then it specifically states that in here. She said she thinks we should start with this.

Mayor Peterson said at this point, obviously, we are not going to move forward with it this evening. He asked if Council if they think this is a good starting point.

Councilmember Roberts said it is a very good starting point.

Mayor Peterson said he would like to suggest that we collect any changes that members of Council suggest and then work that into a draft that we could then circulate and make available to the public so they will know what we are discussing at a future meeting. Then we could make it a discussion item. We are multiple steps away from it, but I think this is a significant step in the direction of really identifying how we are going to deal with short-term rentals, with a standalone ordinance, which is ultimately what we decided. It would need to go, I believe, to the Planning Commission.

Councilmember Sheltman said just looking at this in general, we have seen enough of them around the country, there is a lot of stuff in here that needs to be followed. There are a lot of rules. I am going to bring up the same question that I brought up before and that is who is going to enforce them and who is going to pay for it. If I am wrong, please correct me. My understanding, after talking to the attorney, is that we cannot recoup the cost for us to enforce all of these regulations. He asked if this is correct.

Mayor Peterson said we cannot charge in advance, but we certainly could apply our fines and forfeitures if we got to that point where someone in violation would be subject to a meaningful penalty.

Councilmember Sheltman said someone making sure this is all done correctly and that it is followed to the letter of the law from the amount of people allowed, the number of rooms rented to, collection of hotel tax, none of this is covered.

Mayor Peterson said we would be able to charge a registration fee which would have some applicability to cover it and it would need to be justified by it.

Councilmember Sheltman said another thing that I brought up before is what would this bring, as far as revenue, to the Town. As I have said, other towns have done it successfully. Key West is one and Palm Springs is one. For Key West, it was almost \$1.2 million that they brought in one year and the area generated money through retail and other tourist attractions. We do not have anything here that would bring in some revenue for the Town. We have one restaurant. There is nothing here that someone could point to that would bring in some revenue. It looks to me that all of the money goes out and nothing comes in. A person in Palm Springs could say it is bringing in revenue for the town because it is a tourist area. He asked what do we get out of it. The other problem I have is everything in the country is monetized. Everything has a dollar amount on it, including housing. This is a way to make a lot of money over a short period of time so if you want to use it occasionally, you can. I was just reading a story in San Francisco where there was a group doing this. They would ask people to rent their homes as office space. This is never ending. As we continue to go deeper in debt, Americans will have to try to find ways to keep their heads above water financially. This is just another example. I do not see this as a good thing to bring into our Town. Considering the fact that we do not have anything to bring in revenue and we do not have any police presence; we could make a good argument that we should not allow it to come in. The fact that people are doing it illegally does not mean they will not do it if we make it legal, but at least we have the ability and the simplicity as opposed to 5 to 10 pages of an ordinance. It would be a lot easier to stop people from doing it. Again, looking at benefits and costs, I do not see any benefits, but I see a lot of costs. There is a certain thread that holds a community together - neighbors. Even if you have long-term renters, they become a part of the fabric. This is about taking that fabric away. This is about making your neighbor's house a hotel for people to be invited to vacation. People you do not know and people whose history you do not know. This is something you never see in the ordinance, like who are these people. Do they have something in their history to make them people you would not like to have them next door? If you are going to have a problem with this, the homeowner should not have to deal with the neighbor or the VRBO, that should be us taking care of it. I appreciate all of this has been put together and we have discussed it for a long time, but maybe before we get much farther, maybe we should discuss if we even allow it. Is this something we want to bring into the Town? Before, we had something like 24 foreclosures in town in 2007. Most of those homes went back to the banks and some did not do it right away because the banks did not want them. But in this case, those 20 or 24 homes could have turned into something like this. It would have been legally allowed and maybe something they could have done to keep their heads above water for a little bit longer. People do a lot of stuff when they are in a financial turmoil. You could end-up with 50 of these things. If you allow for one, you allow for all. I do not think it is a good direction to go in. This is my personal opinion.

Councilmember Stirling said she likes the third Whereas that says, "short-term rentals can provide homeowners an opportunity to hold property in difficult economic circumstances." What it brings is the opportunity, for the individuals that elected us, revenue in case of the problems that happened in 2007. There were no neighbors because everyone was losing their home. If you think about it, we have over 100 short-term rentals in the RV parks even though they are actually a business. You can camp overnight, park your RV or use the motel. I do not see the police present and it does not cost the Town anything. If the homeowner has to be onsite, we would not have as many problems. The fifth Whereas says "the needs of long-term residence should be balanced with the allowance of short-term rentals." I think that with as much as we have heard about the economy going down, there are not very many jobs in this Town. Councilmember Sheltman is always saying what will this bring to Town? There is a tremendous amount of tourism and I think short-term rentals could provide the opportunity for people to actually use what they have to save their home. I do not think there is anything wrong with this. I do not think there is anything wrong with the fact that if you have something that will help to save your

home, why not. And if we do it with this draft, it looks like they have gone through all the steps or we can make changes. If we need to have a cap on how many homes can possibly do this, then that is what we do. And we make sure the amount they have to pay is allocated in case we do have costs and then it is covered. I really think that with the economy turning, we should provide people the opportunity to keep their home.

Councilmember Roberts said, Elliott, you are right. The revenue would be negligible that the Town would have. This is really allowing property owners to have some particular use for their property. The key to it is to maintain a residential atmosphere and not commercial like the RV parks or a motel. There would have to be something to tie this down and allow a maximum number of individuals at any time. And the presence of the owner in the Town. The Town or the neighbor does not want to be the enforcer. They do not want to be the one calling the Sheriff. People need to be responsible for their property and the activity on their property. There is no financial benefit to the Town. I do not know how many people would be interested in doing something like this, but to come right out and say no, you absolutely cannot do it, municipalities would be challenged. At some point, municipalities will be challenged on short-term rentals.

Councilmember Sheltman said it is actually going on right now. In cases that I have read about, the law is being upheld. If you are in bad enough shape that you have to rent your house out to strangers just to keep your head above water, chances are you are going to lose your house anyway. It's just a matter of time. When you lose your house, someone else who has the money comes in and buys it and the house is replaced with a new neighbor. That is tough economically. I know we are trying to stay away from as much pain as possible. One of the reasons people like these things is because it allows groups to come in and buy large numbers of homes and then rent them out as short-term rentals. You can open hotels all over the country and this is what they have been doing. They have been using this to basically generate short-term rentals all over the country. Those houses sit empty a lot of the time. They do not contribute much to the community. They are hotels. By the definition of what they are, they are hotels. When you move in next to a trailer park, do not complain about the trailer park. But if you move into a neighborhood with the idea that this is a neighborhood where you can get to know the neighbors and we will all live together and contribute to each other, they do this in my neighborhood, this completely takes this apart. You move into a residential neighborhood by zoning and this is not it. Why would you expect 10, 15 or 20 years later that someone would open up something that is not residential house with people living in it? It is a hotel. In a lot of places, they are shooting it down because they saying it artificially inflates home prices and it prevents people from being able to buy a home. It is not beneficial to the people who live in the area. In parts of San Diego, they are saying it artificially inflates prices and ordinary people cannot afford to buy a house. And rent will also go up.

Councilmember Stirling said she would suggest that in the ordinance it would state that the owner has to be the primary resident in the home in order to rent it out. There would not be 8 to 10 cars in front. It would be 1 or 2 bedrooms. You would not have an entire group there. In the specifications, we would have no more than 4 people or 2 rooms and the owner has to be onsite. I think there are ways to make this work. I remember in 2007 in Arizona, there were entire developments with empty homes. No one came to buy up these homes. If someone is close to losing their home, this may be a situation where if you rent out 1 room for \$100 a night it may help them. I am more for allowing citizens to use their home and for an ordinance that will be beneficial for all involved. There has to be a way to have a happy medium for someone who can add a little bit more money to their paycheck. If they want to have a few people in their home, they should be able to do it.

Mayor Peterson said he would like to highlight just to be clear, we did discuss previously a homeowner being present and a maximum of 4 guests if this was going to be allowed. I am not trying to make this a major activity within the Town of Leeds. I think the approach and what has prompted it is people have been doing it even when it is not permitted and it is being done in a way exactly how we say we do not want to see, which is without a homeowner present and a dozen or more people with many, many cars. The other thing that comes to mind is that we have allowed Bed & Breakfast, but no one has chosen to do it. This is probably reflective of the fact that not as many people are prepared to share their home with unknown guests as opposed to people willing to take in a revenue stream and not have to deal with the people by not being onsite and generally hiring a management company. The other thing that has been out there, and I know some people who have discounted it, is how the State legislature has moved in the past on things you would not have expected them to move on. They may very well put some sort of prohibition on future ordinances. This has been done in the past where they have said if there is an existing ordinance, we are not going to try to eliminate it, but we are going to prohibit people putting in place new ordinances addressing this if they do not already have them. The Town benefited greatly when one of the areas where the State legislature got involved in was billboards. We have a pre-existing billboard ordinance here that has been in place for well over 10 years and that served us well by having it. That was not because we did not welcome billboards in the Town, it just limits them to the point they are not permitted here in Town. As a result, it is something I think has benefitted the Town that we were willing to go through the trouble of establishing an ordinance, not because we were trying to attract something, but because we were trying to make sure we were managing something as it might develop. This is how I view this. It is more managing a force that is out there, not trying to expand it and welcome it in a way we somehow think we are making money off of it, but do things in a way with ordinances. If someone buys a residence here in Town, if they do not read through the ordinances, news flash, yes, they could have a Bed & Breakfast next to them if they got a conditional use permit. And if it was prohibited by the CC&Rs, it would be for that particular group of homeowners to do something to prohibit the Bed & Breakfast.

Councilmember Sheltman said it is his understanding that Craig said there is nothing in the pipeline with legislature and he did not feel there will be in the near future. The reason I bring up the benefits to the community is because places like Palm Springs, Key West and other places doing this, do not do it because it is a way to give people a way to keep their house. They are doing it because it is bringing in a ton of income. This is the reason for doing it. They like it because it brings in a lot of revenue. They make money just off of the permitting of it. It allows them to have entities set-up to oversee it. In Palm Springs, you have to be around to answer the phone or you get a big fine right off the bat. They come to the properties within 15 minutes of the complaint. The idea of a bunch of people partying in the backyard, we do not want to get there 30 minutes after they all go to sleep. The reason everyone is doing it in these communities, and the reason they like it, is because it brings in money. We cannot point at that. We say we are trying to stay ahead of it because someone might come in and fight us on it – let them. We do not have a cop. When you call the Sheriff's Department, they are helpful, and they get here when they can. If you call them with a complaint that someone is making noise, they are not coming in 20 minutes. They do not have the time. It is not that important. We have had the same thing happen with other issues around here. For a Bed & Breakfast, yes, it is a conditional use permit, but it was never flushed out. I know because I was on the Planning Commission when someone came in and asked about it. We discussed it for an hour. It really is not flushed out as far as what is required. As easy as it is to add something to a conditional use permit, you can take it away, but it has never been done. There is no precedent for it. This is one of those legal things when you look it, you think okay, we are going to allow it and only this many. You have the same legal problems if you do that. Someone could come in and say I do not think it is fair that you only allow so many, but we want this many more. We do not have an organized

attack on the community on this. Most places do. This is big bucks. These outfits have a lot of money and a lot of political power. And when they come into your town, they come in with a lot of weight. We do not have that so we can sit here and discuss it. We do not have a guy over there with a hundred million dollars and a team of lawyers looking at us like other Councils and saying you do not have a choice. The decisions we make now are going to be important to people living in this community in the future. I do not think on stuff like this that it is always wrong if we look at it and say why are we doing this, maybe we should not do it. I have said this in the last 2 meetings and I just see it moving along. I am not sure this is what the people in Town want. And, yes, people are doing it illegally and they are going to continue to do it and break rules even if you put them in place. You are going to have enforce it and the question goes back to who will pay for it.

Mayor Peterson said if I could just highlight it was in the 2017 State legislature session that they passed the very confusing decision that you may not prosecute someone purely for advertising a vacation rental in your community where it is not permitted. The original proposal of the new legislation was that it would prohibit municipalities from restricting the use of homes for short-term rentals.

Councilmember Sheltman said which they backed off.

Mayor Peterson said they did back off from it.

Councilmember Sheltman said he was just saying what Craig said because I know we asked him what he thought was coming. Craig said I do not see anything right now. It did not sound like in a year or two something will come up. You think about Solomon, that is about as far away as you can get. They can basically split it in half and say we are not going to say you cannot enforce it, but we cannot stop you from advertising it. Enforcement makes it a lot easier because without national advertisement on the internet you will not get any clients so they have to advertise it, which means they will be easy to catch if you do outlaw it.

Mayor Peterson said you are easy to be suspects if you do.

Councilmember Stirling said we need to move on with the draft. I agree with you completely about the carte blanche of an open house without a homeowner in it. I think there are ways and stipulations that we can put in the ordinance, like a maximum of 4 people and a homeowner on site at all times or we do not give them a short-term rental license. I really believe we need to move forward and to have something on the books. We need to do it our way instead of what other cities are dealing with. In past discussions, it was stipulated that there would not be an empty home and that the homeowner had to live there.

Councilmember Sheltman said we did not flush this out completely, but I know it was discussed

Mayor Peterson said if I could try to strike a game plan here. You indicated that it just keeps marching on. I think we have had this kind of different opinion among Council throughout so it may be marching on where you do not think it should be marching on, but I think there are other people who have indicated that they think things should be considered. It seems to me that there is enough interest on Council to consider, if we were to allow it in any form, how would we allow it. Making clear, I do not think there is anybody here who would say we are viewing this as a great way to market Leeds – come buy your home and rent it out to people, 4 at a time and live with them. As I mentioned earlier, I would suggest that people on Council send to me their ideas as far as changes. I can set it up so we can use the different

colors of editing in Word. We then could have a composite draft reflecting the different thoughts and ideas from Council as a starting point and then perhaps go through it and ultimately boil it down to proposed language. Then go through the process. Ultimately, I think this will need to go to the Planning Commission for recommendation to us, but I also think it is not unreasonable for Council to provide some thought as to what they think would be a reasonable starting point for them to consider. We would need to go through a Public Hearing and then through further action before anything took place. But I do think there is enough interest from Council in using this Virgin Town document as a starting point and if everyone who is interested please send edits to me I will look to get them compiled and back to everyone so that we have something in advance of the next meeting. Once we get to that point, I think it is reasonable to then share it with the public and get input from the people early in the process before we start with the actual Public Hearing.

c. Leeds Monument Sign

Mayor Peterson said this is about the Leeds monument sign at the south end of Town. I recently attended the Main Street kick-off meeting on the resurfacing project that will be taking place. It was mentioned there that the edge of the sign is precisely 30 feet off of the center line of the road because it needed to be modified to get to exactly 30 feet. When it was installed it was something that UDOT was involved with and they actually approved something that they then decided it needed to be somewhat modified. What has been suggested to me by a few different people is that the sign is very difficult to see at night. It was questioned whether we could put lighting in there or whether or not something could be done to make the sign reflective in order to be more easily seen. You may or may not have driven by at night and noticed that the "l" in welcome illuminates itself right now. This is because an individual asked if it would be okay to do that as a test of how well it would work. I actually got out of my car because I could not tell in daylight that anything was on the letter "L". To me, it looked just like the other letters. When you get up close to it, you can see it has a different surface on it. The result of this particular reflective surface being added to it is that it makes it equally visible right now as it is by day and it illuminates by headlights at night. The cost would be under \$500. It is being offered that the labor would be donated for actually putting the reflective surface on it. It would be something that would not require a lot of ongoing cost for maintenance. There may be a need at some point to replace the surface. When I looked into some solar type lighting, and I know we did have an estimate for permanently installed solar lighting, my concern is temporarily installed solar lighting could easily travel to other parts of Washington County and beyond. I do not think this is an easy solution there. Having power brought to the sign, another inquiry that I made, the power company would have to charge for bringing electricity to a new site. If we wanted to illuminate it with solar lighting, it would require putting in some permanently attached solar lighting. I am going to offer a bit of an opinion as I have had more time to think about this. The thing I like about the reflective surface is that it does nothing to pollute the night sky. There is no light pollution from it. It just makes it readable when a headlight is casted upon it. It does not send light up into the sky and it does not have light burning through 8 to 12 hours during the night. I wanted to find out from Council if they have strong feelings about it or whether or not they would be okay with my approving the reflective material be put on the sign in order to it to be seen 24 hours a day.

Councilmember Stirling asked if this is a concern for safety so someone will not run into it.

Mayor Peterson said there is a concern for safety. The reason they actually cut it back to 30 feet is that it was too close to the roadway and it was a bit of a UDOT compromise. They approved the installation of it where it is and they are okay with it right now, but if it was better illuminated it would certainly become a safer situation. I have looked at it and my headlights just briefly illuminated it as I

was making the turn. By the time you complete the turn without anything reflective it just disappeared if it is the dark of night.

Councilmember Sheltman asked how does making Welcome to Leeds reflective keep people from hitting the wall.

Mayor Peterson said they would see it as they were driving.

Councilmember Sheltman said when you hit it with your headlights, it is pretty bright. You do have dark lettering on a light surface so there is a contrast. You do see it when you drive by.

Mayor Peterson said it would cost \$300 or \$400. We have this in the budget for maintenance, but I do not want to do this type of thing without input because it is a meaningful amount of money.

Councilmember Sheltman asked what the life expectancy of the reflective tape.

Mayor Peterson said it stays reflective, but it is a question of how long the tape would hold up. It is sign quality tape, made for outdoor use.

Councilmember Stirling asked if there is a light pole there just as you get off I-15. We actually had this done to our gate and it lasted about 6 months. Stirling was illuminated with a reflective type thing. It peeled off and now it looks horrible. It did not last for very long. We did not want any one running into our gate. During the summer, it probably has a life span of the summer.

Mayor Peterson said this is very valuable input. I will get additional information and compare it to what your experience was.

10. Citizen Comments:

Ron Cundick said he had an experience with a neighbor who had a Bed and Breakfast and it was not pleasant. I have had a lot of experience with fines and civil actions. If a civil action is your only recourse, it will be expensive for the Town. You have to have someone represent you if you are the defendant. I am an attorney and I would not hire out myself for \$750. It would cost a lot more. You will have a hard time getting representation if you go that route. When I was in Las Vegas, we tried the civil route and it did not work.

Councilmember Stirling asked if it did or did not work.

Ron Cundick said it did not work. If you have some neighbors who can afford to comply, they will not do it. Not all of them cannot comply. There will be some who just will not comply, but can afford to. You need to keep this in mind. You cannot approach enforcement solely on compassion. You have to have a stick to use when you need it. You can use compassion when approaching people to try to persuade. But when it becomes obvious they are not trying to comply, then you need a big stick.

Daryl Lewis said he would like to address a couple of issues on the fines and forfeitures. It seems to me we are putting the cart before the horse and I am talking about the penalty. We are not talking about the process. There was no conversation tonight about who decides who is in violation. Is it a split-second view of someone or is it an ongoing violation that lasts for weeks or months? Who is responsible for the

enforcement? In this country, we are innocent until proven guilty and what may appear to be a violation may not, in fact, be a violation. Let's remember we are a Town of 850 people. We are not 85,000 people.

We are neighbors and we are supposed to care about each other. We are entitled to equal protection under the law in this country. And I remind the Council, without naming names, that 2 members of this Council that I know were aware of violation of ordinances and chose to do nothing about it. Nothing. This raises the issue of 6 months in jail. If the current City Council is capable of overlooking certain things with certain people, they are capable of putting people in jail for 6 months for nothing. For absolutely nothing. In addition, there are other ways to enforce compliance. What in the world would be wrong with appointing a committee of the community leaders of this Town that could go and talk to people to find ways of getting them to come into compliance? What about Boy Scouts cleaning up areas that owners do not want to clean-up? What about starting a CCC to care for and clean our community? And anyone who wanted to earn money could become a part of that. What rights does a homeowner have before they are sent to prison for 6 months? What rights do they have? There was no discussion about these things. You talked about only a jail term. Do the citizens of our community have a right to know how they can fight a non-compliance complaint? We should be discussing this. It should be a part of this. Again, I remind you we are 850 people. We are not a bunch of people who do not know each other and fight with each other. We have a few areas that people want to clean-up and there are lots of ways to get it done. I urge you to think about it before you pass something.

Dave Lindow said he lives in the last house on Silver Meadows. This is concerning Majestic Mountain and putting houses up there. You have to have 2 roads – 1 in and 1 out. The road off of Main Street is rough, but the road that extends from Silver Meadows is 25 feet wide where I live. I measured 3 places up there that are only 17 feet and 2 of those 3 have huge rocks maybe 18 feet high that need to be removed.

During the rainfall that I saw 5 or 6 years ago, I saw waterfalls off of the top of the hill. There is at least 100 feet or more that came close to washing out. If you put blacktop on it, it will not last. It is a bad idea to try to put a usable road there because of trucks going in and out. It is not a good idea to try to start expanding it.

Mayor Peterson said thank you for the input. This is something that was discussed at a work session. There are a variety of issues with that second road that they have been asked to bring back details about what it is they see as an alternative.

Bill McLaughlin said he lives at the end of Roundy Mountain Road. One of my questions is where is the Majestic Mountain property. I cannot find it on the map.

Mayor Peterson said there is a road that is known as Silver Eagle and it is the road that ends just after going up the hill as you get past the end of Town and Silver Reef Road on the right. The property extends from there over to Silver Meadows. The acreage on it is about 80 acres. Not all of it is buildable and there is a lot of hillside involved there. If you would like, you can come to town Hall and I can call-up on the County Assessor's site and show you precisely where the parcel is.

Bill McLaughlin said he thinks he knows where it is. I would also like to know, because we just had some activity next to our property, there is no clear description of how that property will be zoned. How will the property not part of the 80 acres be zoned? It is 11.22 acres just as you enter Eagle Road.

Mayor Peterson said there is a zoning map and I could go over with you if you could point to the property you have the question about.

Bill McLaughlin looked at the zoning map and said R-R-2.

Mayor Peterson said that is Rural Residential 2 Acre.

Bill McLaughlin said in 2016 a gentleman had questioned turning this into an RV storage facility. Nothing was ever finalized, and the committee left it open.

Mayor Peterson said if someone would ever want to put commercial in an R-R-2 they would need to submit an application for a zone change that would go before the Planning Commission to make a recommendation to Town Council. Town Council would take action on that application. But if it is zoned R-R-2, it could not be used for commercial purposes at this point. It would need rezoning approval. Adjacent property owners are notified when there is a rezoning application. Notification is mailed out by the Town to make sure that they are aware of the application and that it is under consideration. We ask that the applicant provide stamped addressed envelopes and we verify that they are the proper ones and we do the mailing.

Lynn Potter said thanks for the reimbursement on the easement.

Angela Rohr said she has never felt that the monument sign needed to be illuminated. If you were to go ahead with it, I do not think you need to do reflective on the welcome – just the Leeds would be sufficient. The monument sign is a nice thing to say this is where we are. I do not think there will be that many people who will need to see it after dark.

1. Staff Reports:

Councilmembers Roberts, Stirling and Sheltman said none.

Mayor Peterson said work on the Main Street project will begin on Monday, April 22. They will begin work that week. They expect to be doing the actual road work from April 22 to May 18. However, painting of the road will be 30 days later. They will put tabs out so we are able to know which side of the road we are supposed to stay on. They will be finishing the painting towards the end of June. There will be periods of time where they will be prohibiting parking on Main Street. They will be removing 1-1/2 inches of asphalt and then replacing it with new asphalt. They will be handing out flyers beginning on Monday to everyone along Main Street. I have also asked them to post the flyer at the Post Office.

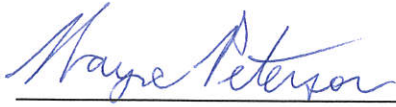
Mayor Peterson said for Town Council, but also members of the public, it is budget season. We need to have our final budget in place by our second meeting in June. If you have any specific thoughts or ideas on things that should be addressed, let me know. I will be working up a preliminary budget with our Treasurer and getting it distributed to the Council in the next several weeks.

Mayor Peterson said the Utah League of Cities & Towns has its mid-year conference in St George. I have attended several of them during my time on Council as Mayor and they are very informative. One of the things they do is updates on things that took place at the legislature session. There are a lot of changes with regard to some of the transportation taxes. If anyone on Council is interested in attending, please let me know.

12. Closed Meeting: None

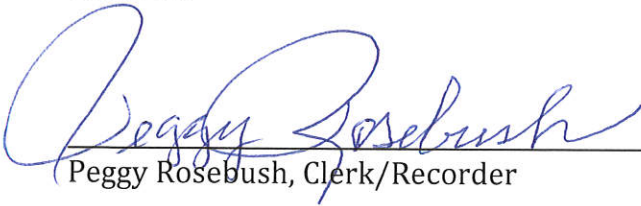
13. Mayor Peterson adjourned the meeting at 8:31 PM.

APPROVED ON THIS 24th DAY OF April, 2019



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder