



## Agenda

Town of Leeds Town Council  
Wednesday, October 23, 2024

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, October 23, 2024, at 7:00 PM at the Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 435-879-2447 or email the [clerk@leedstown.org](mailto:clerk@leedstown.org) for Zoom details.

### Regular Meeting 7:00pm

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting Minutes of September 25, 2024
6. Citizen Comments: No action may be taken on a matter raised under this agenda item. *(Three minutes per person.)*
7. Monthly External Reports: LDWA/HVFSSD/Sheriff's Office
8. Announcements:
  - a. Post Office Update
  - b. Dog Ordinance Reminder
  - c. Easement Responsibilities
9. Public Hearing: None
10. Discussion and Possible Action Items:
  - a. Conditional Use Permit Application – 520 Silver Crest Ct, Bed & Breakfast
  - b. Solid Waste Collection Fee Increase – per ORD 2022-01
11. Staff Reports
12. Citizen Comments: No action may be taken on a matter raised under this agenda item. *(Three minutes per person)*
13. Adjournment

The Town of Leeds will provide reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 435-879-2447 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 on October 21, 2024, at these public places: **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** at <https://www.utah.gov/pmnl/>, and the **Town of Leeds website** at <http://www.leedstown.org>.

Michelle Rutherford, Town Clerk/Recorder

# Town of Leeds

## Town Council Meeting for Wednesday, October 23, 2024

### 1. Call To Order/Roll Call: 7:00 pm

ROLL CALL:	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER		X
COUNCILMEMBER: DANIELLE STIRLING	X	
COUNCILMEMBER: RON CUNDICK		X
COUNCILMEMBER: BRIAN HANSEN	X	
MAYOR PRO-TEM: KOHL FURLEY	X	
TOWN PLANNER: SCOTT MESSEL	X	

### 2. Invocation: Councilmember Hansen

### 3. Pledge of Allegiance

### 4. Declaration of Abstentions or Conflicts: None

### 5. Agenda:

#### a. Tonight's Agenda of October 23, 2024

Motion to approve made by Councilmember Stirling, 2<sup>nd</sup> by Councilmember Hansen.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
MAYOR: BILL HOSTER				X
COUNCILMEMBER: DANIELLE STIRLING	X			
COUNCILMEMBER: RON CUNDICK				X
COUNCILMEMBER: BRIAN HANSEN	X			
MAYOR PRO-TEM: KOHL FURLEY	X			

#### b. Meeting Minutes of September 25, 2024

Motion to approve made by Councilmember Stirling, 2<sup>nd</sup> by Councilmember Hansen.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
MAYOR: BILL HOSTER				X
COUNCILMEMBER: DANIELLE STIRLING	X			
COUNCILMEMBER: RON CUNDICK				X
COUNCILMEMBER: BRIAN HANSEN	X			
MAYOR PRO-TEM: KOHL FURLEY	X			

### 6. Citizen Comments:

Kayla Koeber: I'd like to thank you for beginning to enforce our town's home occupation ordinances. It is extraordinarily appreciated. I bet it's not easy because what I believe is that mud gets flung around a little when folks who think the rules don't matter are forced into compliance. In my experience, it's often those that are squawking the loudest about their property rights that don't have a lot of problem trampling on mine. That's my personal opinion.

I have an info sheet here regarding the conditional use permit application for approval tonight, which I'd like to distribute in a moment if I may. I have backup documentation for the data on this sheet and there are two things that I ask you to please note.

The first is that the condition imposed by the Planning Commission on October 2nd at the Planning Commission meeting required letters of approval by a majority of lot owners in my subdivision El Dorado Hills 2. This was to comply with Chapter 24.2.4 and requires that the conditional use permit not be in violation of the CC&R's. A technicality is that in El Dorado Hills 2, we have 10 lots, but we have only 8 lot owners, so 5 Letters of approval because it is by lot owner, not by lot per our CC&R's are required, just like LDWA you have 4 properties, still only get one vote.

The second is I ask for your special vigilance, which I was unable to have my information presented at the Planning Commission meeting with regard to this application, given the owner's past and current violations of town ordinances, subdivisions, CC&R's and BLM statutes, I am aware you don't enforce CC&R's. Finally, since I have been reporting or seeking help from you for two years now regarding these violations, that's why I'm so excited about the acts that you're taking now and appreciate it. I've had a healthy amount of mud slung my way for reporting my neighbor's transgressions to authorities. So, I'd like to make my position clear, and I'm speaking on behalf of myself, my husband and a growing number of concerned neighbors, if we have no interest in policing our neighbors, I have zero interest in reporting violations. But sometimes what happens is folks move in with so little regard for the rules that you have to push back in order to maintain what you believe are your rights to enjoy your home. So my husband put it a while back. Honey, we've got to do something about this particular neighbor or we're going to have a hot dog stand and a bumper car arcade in Grapevine Wash, that was a bit tongue in cheek. So, there is a solution here and that is what I really appreciate you're doing and what I hope our neighbors will do. It's so easy. You just follow the rules. And so I ask that as these neighbors come forward to come into compliance and it's appreciated that you be vigilant, please about other transgressions because they continue to go on. OK. So thank you very much.

Michelle Peot: I just wanted to support what Kayla said, and it doesn't just apply to conditional use permits for Airbnbs, but we've also seen this happen with violations of hillside ordinance, and it's unfair for folks that are complying with ordinances, when we have people that are violating them and at most they just get a slap on the wrist because then what's the incentive to actually follow the town ordinance.

Gary Rosenfield: I just would also like to support in that I went through a similar situation about a year ago with the so-called Pickleball Palace and numerous violations of code which were glossed over in a letter from an attorney to, I guess the mayor. And nobody seemed to challenge it. I just would like to say that as Kayla said, pay particular attention to the details. The details matter, and please don't gloss over. Thanks.

Wayne Peterson: I did want to share some information regarding 520 W Silver Crest Court. There have been a couple of ads for the property on Airbnb and I'll be the 1st to tell you, having sat on that side of the table that an ad for a short term rental cannot be used to prosecute a short term rental, but my concern is that a conditional use permit should only be granted to somebody who is in compliance with all Leeds town ordinances.

And in these ads, it says this is a farm stay, meaning there are numerous animals on the property, including but not limited to dogs, cats, horses, ponies, chickens, goats, llama, etc. While most of the animals are in secured pens, some are free range. The actual owner profile on Airbnb says.

"I'm a mom of four and have more animals than I can count."

Chapter 13 of the Leeds Town Ordinance is for rural residential districts. This property is located in an RR5 zone. It has the minimum acreage it is entitled to three animal units. If you go to chapter one of our Land Use Ordinances, it tells you that an animal unit is one large animal or two small animals.

Being entitled to three units in an R5, that gives you three large animals and not and but or six small, or a combination of the 2.

One large, four small, that works, you know. But in this case you have substantially more from the definitions in their ads and their profile. More recently, 8 days ago, I was in my backyard at dusk, and I was joined by a young Mountain Lion, and it was not a bobcat. For those who say you must have seen a bobcat. We have a resident bobcat in our yard, but that Mountain Lion was present. Checking websites, Arizona and Colorado mentioned that having farm animals in the area will attract them. It becomes basically a buffet. I've heard rumors that somebody had their goats eaten recently or killed. I think we do have an issue. The purpose of the Ordinance is to try to be fair to everybody, to strike a balance. We are a rural community. We do allow animals under certain circumstances.

And I support people's rights to have them as they are entitled by our ordinance, but I don't support their right to go beyond it and bring the rest of our residents at risk by offering up a basic buffet to a Mountain Lion, which is a lot more dangerous than a bobcat in terms of its ability to cause harm to humans. It doesn't happen often, but when your sample size is one and it happened to you. You're going to be very, very unconvinced that the idea that it's a rare event is acceptable, so I appreciate you considering that as you consider this Conditional Use Permit.

Michelle Peot: Sorry, one comment because I have actually had several close encounters, personally alone on trails with mountain lions and you know very, very, very infrequently, do they actually attack people. But the person who has been discussed here had miniature goats that she refused to put inside an enclosure at night. And then they were eaten by the Mountain Lion and then she is the first person to then call the DVR and demand that the mountain lion's killed. As a person that lives in this area because they enjoy wildlife, I just don't feel like that's a responsible animal owner or responsible person for our environment here.

## 7. **Monthly External Reports:**

**LDWA:** None

**HVFSSD:** Chief Matt Butterfield gave an update for HVFSSD

We responded to 15 calls for service last month in the Town of Leeds, most of those were medically related. Two of them were fire related.

Right now, burn season is in effect until November 15th, and if you are wanting to do that go to the county website and apply for your permit.

We do have some classes going on down at the Coral Canyon station. You're going to see some burning going on behind there. The investigator class in swing right now. So they'll be lighting fires in the trailer trying to figure out the cause and origin. The first part of next month, they're going to have a flash over trailer there. So you're going to see a lot of black smoke periodically throughout the day they're burning, that'll be going on for about 3 days there.

We just finished up an education training. It was three days long and we want to thank Dixie Auto Salvage for their willingness to support us and give us cars.

Michelle Rutherford asked how we find out if someone has a burn permit?

Mayor ProTem Furley explained that you can call dispatch and ask if there is an active permit. They will send a truck to check on the situation. Additional information was given about burn permits. Full comment can be heard on audio 20241023\_001 (0:16:14)

He also answered a question about the Truth in Taxation Hearing. Full comment can be heard on audio 20241023\_001 (0:18:20)

**Sheriff's Office:** None

**8. Announcements:**

**a. Post Office Update**

On October 15<sup>th</sup>, the Postal Service delivered a notice to all PO Boxes in Leeds. The notice informed the residents of the Postal regulations for addressing mail. This is not a new rule. Just as a reminder, all packages should be addressed with both your physical address and your PO Box number on the 2<sup>nd</sup> line. Even if you think a package will be delivered through UPS or FedEx, those companies do sometimes transfer it to the Postal Service. The ladies at the Post Office have been holding packages and delivering mail without PO Boxes as a courtesy and they have gotten reprimanded by the Hurricane Postmaster. Please be courteous and patient with them. If you have issues, please talk to them directly.

**b. Dog Ordinance Reminder**

Leeds has Animal Ordinances. They are being enforced to the best of our ability. For serious infractions, the Washington County Sheriff's Department will be called. All dogs residing in Leeds require a license. Licenses need to be obtained before January 31 every year. In 2025, a photo of the dog is also required. We will have a photographer available during the vaccination clinic but if you do not use the clinic or choose to bring your own photo, that is fine. The cost of the license is only \$10/dog. If you miss the deadline, a \$5.00 late fee is added. You cannot allow your dogs to roam free. Animal Control will be called if the owner cannot be located or if the dog is aggressive. We do live in a rural area, but that does not mean that animals can run at large. All dogs must be leashed in Leeds Park. If you have any questions, you can contact the Town Clerk. She runs the vaccination clinic and handles Animal Licenses.

**c. Easement Responsibilities**

As a reminder, the Town does spray weeds along the road, but it is the homeowner's responsibility to remove weeds and maintain the easement between the sidewalk and the street. If you do not have sidewalk, the land between the road and your property line is your responsibility. Your trashcans need to be brought in from the street on Thursday night. Please do not leave trashcans on the street throughout the week. It is also recommended that you write or paint your address on your cans so when the wind takes them, they can be returned to the proper place.

**9. Public Hearing: None**

**10. Discussions and Possible Action Items:**

**a. Conditional Use Permit – 520 Silver Crest Ct, Bed & Breakfast**

Applicant was not present and Councilmembers had questions for her.

Motion was made by Councilmember Stirling and 2<sup>nd</sup> by Councilmember Hansen to Table the discussion until November 13, 2024 Town Council Meeting.

**b. Solid Waste Collection Fee Increase – per ORD 2022-01**

Town Clerk made the announcement: Washington County Solid Waste approved a 2.5% increase effective 1/1/2025. Pursuant to ORD 2022-01, the Town of Leeds will be raising the Trash Collection rates by 2.5% to all Leeds residents. New rates effective 1/1/2025 are: Trash Only \$47.37/QTR, Trash & Recycling \$66.15/QTR.

**11. Staff Reports:**

Councilmember Stirling (Cemetery): She spoke with Matt Rhodes (UDOT) and we are waiting on one last signature from UDOT for Cemetery Road. John Z has been working on his fence and is making

great progress. His wall will provide a wall for the cemetery free of charge. Mark Osmer has been doing a tremendous amount of work on the rock wall.

Councilmember Hansen (Parks): None

Councilmember Furley (Roads): We are still getting bids on the Chip Seal Project for the Town. Some of the areas identified as a priority are Main Street, from Silver Reef North to the County Road line (North and Southbound) This process is taking some time because this is the off season for those companies and the logistics of storing the material. We are also talking to Washington City about purchasing their used Chip Seal Machine for a very reasonable price, which would reduce the cost of these projects and eliminate the need for subcontractors and/or the County to get the work done. He feels that the Chip Seal Machine would be a great asset for the Town.

Rhonda McLaughlin (BLOOM): She gave an update for the upcoming Trunk or Treat Event as well as the Chili Cookoff on October 31<sup>st</sup> in the Town Park. Trunk or Treat Trunkers need to be on Babylon Mills Rd by 5:00pm so that the road can be blocked off for the children. The event will start at 5:30 and end at 6:30. The Chili Cookoff will start at 6:30 in the Pavillion. Chili should be there in crock pots by 5:00. We will have a raffle for a Cooler donated by Chris Studdert. It is recommended to register for the Chili Cookoff by emailing [clerk@leedstown.org](mailto:clerk@leedstown.org) or call Town Hall to register. All cups and spoons will be provided. Johnny Utah Fish Tacos will be in the park parking lot starting at 4:00pm, and Ava Harris will be doing face painting for anyone that wants help with their costume. Awards will be given for the best Trunk and the Best Chili.

## 12. Citizen Comments:

Kayla Koeber: I was told that when I came here regarding the conditional use permit, it was misinformation that I wasn't allowed to make a comment during citizens comments on an agenda item. That's why I wrote this out instead of just saying it. Is that correct or am I allowed to when this gets tabled and it comes back, when do I get to make a comment as an impacted neighbor, if ever?

Scott Messel chose to address that question. Conditional uses are regulated by state code and they are administrative by state code and so there's not a public hearing. Comments can be given in writing, but the conditional uses if they meet the code, they shall be approved.

Kayla Koeber: Another question. I submitted comments to the Planning Commission. I listened to the entire work session and the meeting and none of the information I put together was addressed. So what is the best way to ensure because not everybody checks emails you're busy, you've got a big fat packet. There's so much stuff.

Town Clerk: Everyone that sits up here checks their emails because that's the only way they're going to get anything about the Meeting. So, they did all get your comments. Because it's an administrative function, they weren't read out loud because it has no bearing on it. It has bearing on their opinion and what they asked the person, but it has no bearing on whether she gets it or not.

Kayla Koeber: But when misinformation is provided by the applicant in the meeting that was easily refuted by the documentation provided. What happens there, because I get that it's administrative and I

Kayla Koeber: But when misinformation is provided by the applicant in the meeting that was easily refuted by the documentation provided. What happens there, because I get that it's administrative and I can't, but how does accurate information go? The applicant gets to make statements, but do I just have to I submit and then trust and appreciate that everybody will read the data?

Scott Messel: If things come out that are contrary to what was approved, then the Town can bring the Conditional Use back and talk through it with the applicant.


Kayla Koeber: Scott, can you be in violation of other Leeds Town Ordinances and still get you Conditional Use Permit?

Scott Messel: That's a very good question. My opinion is that the property should be in compliance in order to get a Conditional Use Permit.

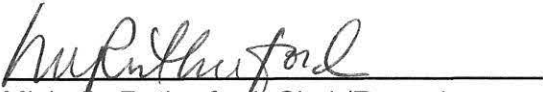
Wayne Peterson: It is my understanding and I would request that you just double check with the town attorney on this. Most communities, municipalities in Washington County only accept public comment during public hearings. Imagine the time that we've heard a half a dozen members of the public speak here tonight, multiplied by the ratio of Saint George residents to Leeds residents. And you'd go from one meeting to the next with public comment never ending. Here in the town of Leeds, since I've lived here, there's been a tradition to allow public comment. When you allow public comment, you have to allow all public comment and there was one particular memorable public comment that I will remain silent on. But people can ask me afterwards where I was told by council. They've told you they're coming and if you're going to allow public comment, you've got to let them comment too. I don't believe there is really a total restriction. If you're allowing public comment to not allow public comment on an item that is going to be considered later in the meeting. So I would check with the attorney on that. Most attorneys are going to tell you don't let public comment at all. I found from that side of the table it was actually easier to allow public comment. And I think from this side of the table, it's appreciated that you allow the public comment. So, I would just ask you to check into that Leeds is a little bit unique there. Not totally unique. There are probably a couple of other communities that allow it, but we're one of the few here in Washington County. So, if you could check on that, I think it would be worthwhile and would appreciate it.

13. Adjournment: 7:44pm

Approved this 13<sup>th</sup> Day of November, 2024.

  
Bill Hoster, Mayor

ATTEST:

  
Michelle Rutherford, Clerk/Recorder