

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, September 11, 2019

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, September 11, 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.

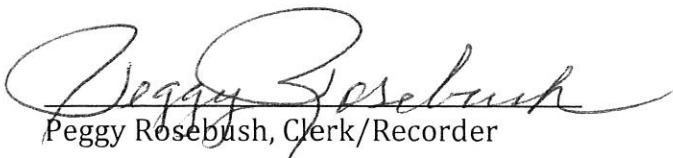
1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of August 28, 2019
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Constitution Week, September 17-23, 2019
7. Public Hearing: None
8. Action Items:
 - a. Discussion and possible action on Amended Plat Application, Parcel 3, 2.45 Acres, Troy Stoker
 - b. Discussion and possible action on Zone Change Request, Parcel 3, 2.45 acres, from Residential (R-R-2) to Commercial (C), Troy Stoker
9. Discussion Items:
 - a. Speed Limits
 - b. Short-Term Rentals
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 September 5, 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, September 11, 2019

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, September 11, 2019, at Leeds Town Hall, 218 N Main.

ROLL CALL:

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

Councilmember Roberts was present via telephone.

Mayor Peterson said please join me in a moment of silence in memory of the 9/11 victims and heroes of the day.

2. Pledge of Allegiance: Mayor Peterson

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Elliott Sheltman moved to approve tonight's agenda and meeting minutes of August 28, 2019. 2nd by Councilmember Alan 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	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u> </u>	<u> </u>	<u>x</u>	<u> </u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> </u>	<u> </u>	<u>x</u>

5. Citizen Comments:

Mitzi Butler said a couple of weeks ago we had a storm come through Leeds. My husband and I were in St. George and there was no rain in St. George. When we got home after the storm had passed, we saw the flooding. It was minor. Our yard was flooded. I want to thank the Mayor for checking our property. The amount of standing water, leaves and debris did actually come over the curb. But it wasn't high enough to go over our retaining wall. We have lived here for 7 years. You cannot predict when storms are going to come. You cannot tell exactly what you are going to get until you get it. Rain can be heavy in one area and a few blocks away, nothing. The last meeting she was involved in was in May 2017. Is there an update with our flooding problem?

Mayor Peterson said we have put ourselves on a list which is the necessary first step to happen with the Community Investment Board for a grant that would allow us to try to address storm sewers along Main Street. There is also a need to coordinate that with a grant from UDOT because they do require matching monies and we would not be able to budget the amount that would be needed from the Town. So, we are at that stage, but the process moving forward is one that is not a very precise timetable. We are working through our engineer to try to advance that process.

Mitzi Butler said so you do not have a time frame?

Mayor Peterson said we do not. One thing that I had investigated previously, and there was a bit of reluctance, but I would like to re-introduce it is the idea of fillable curbing that is heavy gauge vinyl that allows you to put water in it and build a curb that can be angled to try to reroute the water. UDOT said as long as we do not reroute water across Main Street, from one side to the other, it would be acceptable for us to deflect it out towards the center of the street during a storm.

Mitzi Butler said I hope this is not a priority on the list of things to solve. She asked about water wells that Antonio could distribute.

Mayor Peterson said in advance of an expected storm they could be deployed, but we would require water from the residents' homes in order to fill them.

Mitzi Butler said the storms last 2 to 5 minutes. I cannot see the logistics of loading them in a truck and distributing them to neighbors who may not be home. The actual filling is about 6 minutes per gallon. How many gallons do they hold?

Mayor Peterson said it depends on how long they are. I would not envision us doing this during the middle of a storm. I would envision us filling them far more frequently than they are ever needed. This is the benefit of them being reusable and portable. It would not be something we would try to do during a storm. It would have to be in advance. Some storms provide no warning. But many of the worst rainfalls that I have noticed have been with predictions of meaningful rainfall.

Mitzi Butler said okay. That is one answer.

Councilmember Sheltman said Karl from ProValue Engineering has done a great job, basically for free. The idea being that he would be the engineer when we do it. There have been meetings and there is a document in place that we went over. UDOT was shocked at the amount of steepness on that particular road. We met with UDOT late last year and they admitted verbally off the cuff without much encouragement that 75% of the damage was their responsibility because it is their road. They would cover at least 75% of the price. I think it was like \$800,000. We would have to cover maybe \$30,000 to \$40,000. The project has been enlarged. It was going to be up to Center Street, but because of the curb and gutter they put on North Main, it will now start at the grocery store. It would be 24 inches there and then 36 to the end of Main Street. It would be more funding now. I want to put Karl on the record. He really did a great job pursuing this and bringing UDOT into it. There is a plan. It is just a matter of time and when we get the money for it.

Mitzi Butler said how do we pursue this. A permanent fix is a lot better for our lives.

Councilmember Sheltman said I do not know what the timeline would be on it.

Mitzi Butler said are we on a list for this?

Mayor Peterson said it is a list. It is put together annually, and we are on it. We are one of the top 3 priority projects. The top priority project was for a community where their drinking water was not suitable for human consumption. We are high up on the list relative to the CIB. The UDOT funding is a more challenging one. UDOT has mentioned that we may need to do it in multiple stages because they are not necessarily able to provide all of the funding that they would need to in one year. Karl is kind of the interface on that and I will continue to follow-up with him. They tend to like to speak with engineers and make sure that plans are in place.

Mitzi Butler said is there a chance Leeds will fall off the list.

Mayor Peterson said I participate in every one of the list re-prioritizations and I make absolutely sure that I am involved in that. For the most part, those people who are present do not see slippage on the list.

Mitzi Butler said is there anything we can do?

Mayor Peterson said I do not think there is anything as far as the funding.

Mark Rosenthal said during the last storm, I drove through Town. I would suggest that part of the issue, not in its entirety, of flooding on Main Street is how we go about doing our daily business. It was on a Thursday, and some folks had their trash cans in front of the culverts that went underneath their driveways. This makes it very difficult for the water to go under and into the culvert and then continue down the culvert all the way down to the drain entry. Every time it does rain hard here, we get debris that washes down and floods the intakes. Pulling your trash cans out of the way might help for the water to go where it needs to go. This does not address every single issue, but I did notice there were several blockages because of trash cans in front of the culverts.

Jim Vasquez said I also live on Main Street for the last 14 years. After redoing the ditch that irrigates the fields, we were told it was engineered correctly and everything is good. And we were told also that the curbing would handle a 100-year storm, maybe not. In the last 8 years, we have had four 100-year storms. Like Mitzi said, we are tired of not being at home when a storm hits and worrying about our house flooding. I know there is something that could be done. I would like to know that we are not going to be forgotten and that we stay on the list and hopefully get something done shortly.

Mayor Peterson said one thing I would like to mention, and Elliott was at the meeting with me, previously UDOT had stated that everything is great for a 100-year storm. Now, I think they are starting to agree that the flows are more than they are designed for. We are not stagnant, we are moving, but we are not there yet.

Ralph Rohr read the following:

I would like to revisit and continue my remarks from the last Town Council regarding the Silver Reef Foundation's operation of the Museum and Events Center in my neighborhood. I request that my remarks be included in the official meeting minutes for this evening.

Let me say first of all that I do not question or impugn the good intentions of the Foundation board members. They are enthusiastically engaged in what, for them, is a creative and enjoyable enterprise. I understand that but, in their enthusiasm, they have failed in due diligence and not have foreseen the negative impact on the quiet residential neighborhood in which the Museum sits. Such due diligence would surely have included communication and cooperation with local residents in planning, but I am not aware that such has ever occurred, and I believe my neighbors agree with me.

The issue for me is not personal but principle—that principle being the rule of law that assures everyone's ability to enjoy the Leeds lifestyle. Under current management the Silver Reef historic monument has morphed into an internationally promoted event center that is harming the quality of life in the Silver Reef residential neighborhood. A popular (and convenient) misconception of Foundation board members is that since the Museum is on County owned land, they need not conform to Leeds Town ordinances. County commissioner Dean Cox was cited as source of this misconception, but Mr. Cox has flatly denied ever conveying such "permission," and County attorneys maintain that any such operation on County owned land must obey laws of the local municipality.

In operating the Museum Events Center the Silver Reef Foundation has repeatedly violated Town laws. They are not obtaining required permits for construction projects and new buildings or for events that draw crowds of people and their vehicles to our small and fragile streets and impair access to our homes. They are hosting noisy Hollywood style entertainment events that raise money by soliciting donations from attendees but do not enhance the historic character of the monument. This failure to follow the law is creating hazardous conditions and a public nuisance for residents:

Therefore, I formally request that this Town council and mayor immediately instruct the Silver Reef Foundation to cease all events operations until they conform to all Town laws and operate in a manner respectful of local property owners. Further, I request that any further operations be constrained in extent and numbers that do not damage the local environment and peaceful ambience of the neighborhood. Should this request be ignored, and the Silver Reef Foundation continue to operate lawlessly, any accident or untoward occurrence will make the Foundation liable for damages, which undoubtedly will redound to the liability of the Town, and the County, should this Council and mayor fail to enforce the law.

Another misconception is perpetrated by Silver Reef Foundation board members. They will tell you, as one of them has defensively and emphatically told me, that they are operating under "historical precedent," that the museum was prior to the residential neighborhood and that it was incorrectly annexed under R1 zoning and should have been zoned commercial or historical, which they think exempts them from following the law. Even if this assertion were true, which it is not, they would still have to obey the law. Furthermore, this verbal, undocumented rumor is disproved by simple historical review.

In a booklet titled "A Town Called Leeds" (pp. 24-25) written by childhood and current resident of Leeds Mrs. Patricia Hadley and illustrated by our famous artist in residence Jerry Anderson, you will see that the so-called "museum" building was utilized as a private family residence until the last families moved out of it sometime before 1985 and left it in an abandoned and unused state for a number of years, until the historic preservationists incorporated in 1985. But in 1965 Silver Reef Estates subdivision was platted (according to County records) and lots began selling about 1968. Hence it is clear that since the mining days, Silver Reef has primarily been a residential area. The historic monument followed decades later and was established in the midst of a residential community. This informative and attractive booklet apparently has official Town sanction, since it was distributed to all Leeds residents earlier this year by the Town in its quarterly trash bills and mayor's letter.

Again, I respectfully request that this mayor and Town council take the dutiful action of their elected offices to enforce the law for the benefit of all.

Jerry Anderson said my wife and I restored the Wells Fargo Building. These are just some statements. I want to get along with everybody. First of all, the Well Fargo Building was here long before any of us. Being a ghost town, that Silver Reef is, it alone will attract thousands of people to the Wells Fargo Building. If it is closed down, the media would cause more people to come than ever before. And that has happened a lot of times. Why don't we close down the CCC Camp and all of the other historical places in Leeds? And even this building. Some people around the CCC Camp do not like it. And some people around this building do not like it. Why do we have to start with Silver Reef Museum? To get rid of the people from all over the world, you would have to close all of Silver Reef because all of its historical sights and on all of the maps. They will come no matter what we do up there. Maybe a solution would be, and I am not being wise, if you want to stay away from the people, and have them stay away from you, why don't we make a gated community on the west side of the building and one on the north side? You would have a key to get in, all those people who live there.

Mayor Peterson said at the last meeting, there were comments made about this topic and it was suggested by someone from the public that a meeting take place between the museum, residents, the Town, and it was suggested that we include the County and National Forest. That meeting has been scheduled for Thursday, September 26th, at 7 PM. We have confirmation from both the County and National Forest that they will have people in attendance at that meeting so we can gather the facts. There have been different numbers bandied about and different statements that are not consistent with each other. The thought was that we would do well to sort things out before we try to address the solution to at least agree on what the facts were.

Angie Rohr said I hope before we start on the action items that Parcel 3 could be identified on the map. And, hopefully, the gentleman sitting next to Peggy will be introduced at some point, too.

Mayor Peterson said this is exactly why we have the projector running at the present time.

Ralph Rohr said Jerry, I am not proposing that the museum be shut down. What I am proposing is that the illegal activities that contradict Town law which are not being permitted, not following Town law, be stopped. That is all. The gun fights and the many other crowd activities that are being provided there. That is all. I am not suggesting that we shut down the operation the way it was.

Councilmember Stirling said may I ask a question. Ralph, you said there are 3 things you were asking.

Ralph Rohr said there are laws on the books now that have to do with the nuisance ordinance. We have been revising that for some time. I have here signed petitions from 22 Silver Reef residents which were gathered in the last 48 hours even though a lot of people there are out of town or on vacation. And I would like to give these to the Town Council. So, in 48 hours we got 22 petitions from Silver Reef residents asking that the laws against public nuisance be enforced. Public nuisance, first and foremost, starts with the noisy the gun fights which go on for an extended period of time and have nothing to do with the history. If you read the history, the gun fights that happened were terrible human events in which people were vindictive and hateful against each other. What we see there now are children things like we see on TV. I do not think that is necessary to curate or take care of the museum as a historic monument. I will give you these for Town Council's record and I want to emphasize that it is a point of law. The law is that the foundation of the museum must permit all construction projects, all events and

that is done to control safety and to ensure traffic control. They have not been doing that. They have acted in contradiction to Town law and the County Attorneys and County Commissioner all state that they must conform to Town ordinances. My point is simple. We have laws and they need to be enforced. This assures all of us. When I took this up with a museum board member, I was dissed and dismissed because I was interfering with the way he interprets the law. He said it is going to stay this way whether we like it or not.

Councilmember Stirling said Ralph, you said you have a problem with the noise, the gun fights, permits for construction and the parking. Parking in general or parking when they have special events? Can you re-iterate on that?

Ralph Rohr said parking is mostly with the events. There really was never much of a problem. It was quiet and peaceful, even when we had the Cosmopolitan Restaurant there it was not bad. There are international advertisements going out for people to come here. Jerry, we did not have that kind of numbers until people started promoting this on a website internationally. They are drawing in a large crowd. Frequently, when I drive to my home, tourists are pulled up and they stop right in the middle of the road. And then they drive on at 5 mph and sometimes they stop right in front of my driveway. Plus, at the events, there are children running around the road. I am worried that someone will get hurt.

Councilmember Stirling said are you asking for permits for construction and permits for the events?

Ralph Rohr said yes. All of these events should be permitted. My problem is not with the appearance. My problem is with the traffic, the people and the noise which creates, I think, an unsafe and hazardous situation. There are laws in place that could be enforced. If they are going to have an event, then they need to get a permit. They need to state how many people they will allow to come which they could do through a reservation process. And control it, somehow. It is cars parked everywhere and kids running around. The gun fights are the worst. There are people all over the street and they are out collecting money with a cap. And the gun fights go on for quite a while. They are really loud and noisy. It is just kind of cheesy, I think. That is my personal opinion.

Councilmember Sheltman said Ralph, you said at the last meeting that you have correspondence with Dean Cox and the lead County attorney. Is this correct?

Ralph Rohr said yes. I wrote to Dean Cox. He read his letter to Dean Cox in which he asked if the museum has to comply with Leeds Town Ordinances governing this R1 residential zoned property. Dean Cox replied that to his knowledge he never communicated to the board that this property does not have comply with Leeds Town Ordinances although the County's ownership of the property may predate the Town ordinances. He said he does not know. He said he would copy the Deputy County Attorney, Eric Clarke, and maybe the two of us could visit about your concerns. The attorney replied it appears Mr. Cox is correct.

Mayor Peterson said when you talk about event permitting, I have not found this ordinance that says we need event permits. The only ordinance that I have been able to find is one on residential parking indicating that if more than 10 cars will be parked with 2 tires on the pavement that would require a permit. Is that the permit you are referring to? Or is there some other permit?

Ralph Rohr said I am referring to the Conditional Use Permit. If I use my property for a purpose that is not part of the neighborhood then that is a Conditional Use. You bring in out buildings or if you want to

have a political rally at your house, anything that brings in a lot of people, I believe, requires a Conditional Use Permit. You may interpret this differently than I do, but I think it makes sense if people who are going to do these things in the midst of our small residential community really ought to show us the respect of doing things in a way that prevents a hazardous situation.

Susan Roberts said I may not be politically correct, but I just want to let you know that you are sounding very juvenile. You are sounding like the museum is on a big highway and everyone is out of control. I do not think this is what is going on. I think the museum is doing very good things and I do not agree with anything you have been saying.

Dale Barnes said I have been in Leeds for 27 years. It is a great place to live. As far as the events that go on up there, almost always I am the one who parks the cars. I back them in, so they do not have any problem going out. They are off the road and we have not had any problems. And we have not had any problems that I am aware of.

Councilmember Stirling said which events do you park for. Whenever they have a gun fight or an event like a wedding? What kind of events are you talking about?

Dale Barnes said for events that are usually in the Cosmopolitan.

Councilmember Stirling said does anyone park for the Gun Fights?

Dale Barnes said there is not that many people who come to the Gun Fights. I do not park for those because there aren't that many.

Councilmember Stirling said she has never seen any of the events that go on up there due to work conflicts.

Dale Barnes said the Gun Fights draw a few people, but not very many. And they last for only a couple of minutes. They do not last long.

Councilmember Sheltman said Danielle, I have been working for the water company in the Rice Bank Building for 10 years, next to Wells Fargo. I know what it was, and I know what it has become. This is a recording someone made for me. There are 2 gunfights a month. I think in May they had 6. You get about 120 people there. I have a video that shows 89. He played the video on his phone. That in the Silver Reef area is quite noticeable. There are people who have complained to me about why we are not enforcing the ordinances. That is shouting; that is yelling; that is gun shots. It lasts for 30 minutes. The shooting last for usually a minute. And people are standing on the road when they are watching it. The fact is, it is not what it was. Ordinances being followed and permits being required is what other people have to do. If LDWA digs a hole in a street, we have to pay \$125 to the Town. We have to fill-out a form and tell them what we are going to do and when we will do it and why we are going to do it. And then we have to bring in an asphalt guy to clean-up the hole at our expense. If we are going to bring hundreds of people up in this area, then the Town has a responsibility to the taxpayers to make sure it does not get out of control. And the traffic is part of that issue. People drive around at night in Silver Reef. Silver Reef is the quietest community in Town. I am sure most of the people in Town do not hear the Gun Fights, but where we live, you do. They are very loud. People have problems with their dogs. I am sitting here trying to defend the Town, but I'm getting to the point where I can't anymore. Permitting is fine. File a request with the head of the Museum Foundation, Wells Fargo Foundation and with the Town for proper

permitting ... there isn't any. There is one permit for an add-on to the Cosmopolitan and that is it. Everything else that has been done, including putting a structure over it, was not permitted. There were no drawings and there were no public meetings, there was nothing. That is not childish or immature; that is asking for the law to be enforced. And this is what we need to do. You see what happens when the law is not enforced. It appears what Dr. Rohr found is that they are indeed admitting they are part of the Town, under the laws of the Town. If they are not under the laws of the Town, why did they do a permit for a patio? That does not make any sense. I am not sure having a meeting will do much about it. I am looking at this and it appears you understand the law and it appears per this that we have a responsibility to look into it quickly and have something written up for the group that is running the Wells Fargo. I would suggest that we do that fairly quickly. It looks like it is legitimate.

Mayor Peterson said that meeting as I mentioned is scheduled for September 26, 15 days from this evening.

Ron Cundick said, we have that meeting scheduled and I do not want to go through everything now. I do not agree with everything that has been said. I will be more careful when I take my casual walks in the morning and get misquoted. I will say this, we will provide facts instead of this when we meet on the 26th. I will say this, we do not have 2 gun fights a month. We did have two in May because of the celebration of the 150th anniversary. Other than that gun fights are once a month. We have a monthly program ten months of the year on the fourth weekend. We'll share information and set the facts straight on that at the meeting on the 26th.

Councilmember Sheltman said may I ask a question, Ron. In 5 years, have you ever asked anyone in Silver Reef what they think about what you are doing there? Have you ever asked for any input from anybody in Silver Reef?

Ron Cundick, we have had one meeting where we got people's thoughts. Early on when we reopened the museum.

Councilmember Sheltman said do you feel like pretty much anything that you want to do, as far as events, or building structures, do you feel you can do that?

Ron Cundick, I don't see we have violated any laws. I do not see things the way that Ralph does. I am a lawyer and I can read laws also. We'll straighten some of that out on the 26th.

Councilmember Sheltman said one more question I asked you this on Friday when we met, your Articles of Incorporation have By Laws attached to them which by law you have to follow. Your public records are supposed to be at your corporate office which is Wells Fargo and there are not any there. When I asked you for meeting minutes which are supposed to be on a website that I can get to for free, you said you did not have those either and that they are at peoples' houses. And that I would have to pay to see them. Is that not correct?

Ron Cundick said it is close.

Councilmember Sheltman said I want to make sure I am not misquoted.

Ron Cundick said when we formed the corporation, we thought we would have enough money for a corporate office. We don't have the money for that. Much like the water company we have records in the homes of individuals who are working on those problems. As you well know that is something you have to do when you do not have a corporate office. And yes, we would like to have one, but the records are at people's homes who are working on them. And I told you we would be happy to get those records for you, but because it involves going to peoples' homes and having them copied and I asked if you would pay for that, which you originally volunteered to do, but you reneged on that.

Councilmember Sheltman said I actually said it is mandated by the State that you have them available for the public.

Ron Cundick said that is not what you originally said, but let's not get into that.

Councilmember Sheltman said how much public money is your operation run on? Taxpayer money. Just a percentage.

Ron Cundick said RAP taxes usually run about \$7,500 a year.

Councilmember Sheltman said what percentage?

Ron Cundick said our budget is usually about \$60,000. Don't quote me ... it varies. We will probably have maybe 6,000 visitors this year.

Councilmember Sheltman said I am asking about public money.

Several people started asking each other questions at the same time.

Mayor Peterson said excuse me. You can make comments, but this is not a matter of everybody just talking and asking each other questions. If you want to address Council that is what this time is for.

Ron Cundick said there has been time set aside on the 26th to discuss this.

Councilmember Roberts said I would like to call a point of order on the agenda. We had citizen comments and what we are engaged in right now is discussion. I call a point of order to get back to the agenda and anyone who wants to have open discussion do so on the appointed date that the Mayor has already informed the public that will transpire on September 26th.

Mayor Peterson said I will allow one last comment of less than 3 minutes from Ralph Rohr if it is not a question. If it is a question, that is the purpose of 15 days from now.

Ralph Rohr said some of facts that I mentioned are in this booklet. If I am not stating facts, then I guess this booklet is not correct.

Jo Puntil said I have lived in Silver Reef for the past 15 years. I have a question for Town Council. I own my home just as much as the County owns Wells Fargo Bank and Cosmopolitan. I lecture a lot and I am very internationally known. Can I have events at my house and charge people money so they can come hear me lecture? Do that and have a lot of cars in my driveway. Would that be okay, or would I have to permit that?

Mayor Peterson said you can obtain a home business license. The museum does have a business license in the Town of Leeds. Not a home business license, but a business license. And I would add just one added fact about the residential zoning of the museum. The County has not, in my questioning of them, agreed that it is zoned residential. They have no knowledge of them being informed of a change of that from where it was when it was annexed in and that is just the information provided at this point.

Jo Puntill said so the concern is that it is County. Is it residential that is County?

Mayor Peterson said the Resolution that brought Silver Reef into the Town of Leeds in 2003 stated that the non-developed land would be coming in as residential and the developed land would be coming in as it was zoned in the unincorporated County at that time.

Jo Puntill said I am just asking. So, I would have to pull a permit?

Mayor Peterson said you would need to have a Home Business License and the home business does say in a home business setting that parking cannot create an unusual amount of parking for a residential neighborhood.

Councilmember Stirling said I have listened to everyone. The only thing I am for 100% at this point is the fact that we have received 22 signatures and it appears that in reading my little book, Chapter 9. The noisy gun fights are definitely a nuisance and I would recommend at this point that these can no longer go on. I understand that the September 26 meeting, you will be speaking about permits and parking at events, permitted events and, apparently, zoning. It appears on our zoning that it is residential. And I guess from what you are saying, they believe they are commercial which is a whole other book in here. In my opinion, I would very highly recommend because the noise ordinance specifically has been She read excerpt on noise nuisance. I would recommend to the Mayor that I would like the noisy gun fights to be written in some form to the Silver Reef Foundation that those are no longer to be allowed from here on out until you guys talk on Thursday, September 26.

Mayor Peterson said if I could ask just one question. I think you said it is just once a month. Are there any scheduled between now and September 26?

Ron Cundick said the County is coming out tomorrow to hear a gun fight so they can evaluate it.

Councilmember Stirling said because we are the Town Council and we are 100% allowable to enforce the Handbook for Planning Commissions and Land Use Authorities and all ordinances, as well as this nuisance ordinance, that cannot happen. That is completely against everything that 24 people signed. They all live there and must have a problem with it. I do not believe that should take place at all. It is against the rules that we signed when we became Town Councilmembers. It is not against no one; it is just what this book says. That is my recommendation.

Mayor Peterson said what time is the County going to be out for this event.

Ron Cundick said around 3 PM.

Mayor Peterson said my concern is that we have the County, as a party to some of this, disagreeing with the facts that have been offered up by others, it would be beneficial in the long-term to have the County

have an opportunity to hear it firsthand. I think a one-time event like that would afford them that opportunity and I think it would be important for them to have that as part of their input on the 26th of September.

Councilmember Stirling said I thoroughly respect that opinion, but I am 100% against that because we have people who live in this Town that have a problem ... that live next to this gun fight happening which we have heard. I would not want it at my front door. I do not believe that we should take 24 people and say well, we are going to let someone else decide if they like it because it is not in their neighborhood. These people have a problem and it is strictly a nuisance ordinance. It is completely spelled out for us that that type of noise should be

Ron Cundick said we will cancel it.

Mayor Peterson said just for the record, Ron Cundick has indicated that they will temporarily cancel the gun fights. That meeting will take place on Thursday, September 26. The County will be present, as well as the National Forest. Residents who indicated that they are interested of being informed of it have been and, Elliott, I would ask, it is not an official Town Council meeting, I plan on attending, would you be interested in attending as well?

Councilmember Stirling said she is going to Alaska and will not be here for a week.

Mayor Peterson said Alan, are you okay with Elliott and I being the representatives from the Town with it not becoming an official Town meeting?

Councilmember Roberts said you can be representatives, but any citizens may attend.

Mayor Peterson said correct.

Councilmember Roberts said exactly. I will be there as a citizen.

Mayor Peterson said okay.

Councilmember Stirling said is there a letter that we can write that specifically states that as the Town Council we are listening to the constituents that signed this, and we are not allowing gun fights in any part of the Town? Is that agreeable?

Mayor Peterson said I would just highlight that when it comes to an action item, I do not view this as an action item, I view it as implementation, and I have heard from the President of the Foundation that they will not have any. And if there were any, I would go back to him, but I take him at his word that there will not be any.

Mayor Peterson said if I could request, a point of order was raised by one of our Members, and if the comment could wait until the second period. One of the reasons, this is something that was added when I first became involved with Town Council and as Mayor. One of the things is we do have action items that need to be taken care of. It used to be the only opportunity to speak was at the end of a meeting. And as a result, you had to wait until wait anywhere from 30 minutes to 3 hours in order to decide whether or not you have the opportunity to speak. We are trying to be very accommodating, but we do have some action

items and there are people here with respect to that. I think it is only fair to them that we move ahead with our agenda and then return back to citizen comments later in the meeting as scheduled.

6. Announcements:

a. Constitution Week, September 17-23, 2019

Mayor Peterson said it is that time again this year when it is Constitution Week. The US Government declares it as September 17-23 and asks all to focus on the document that was very integral in the founding of our country and its operation for over 2 centuries. This is also Constitution Week in the Town of Leeds as well as all of the other communities here in the County.

7. Public Hearing - None

8. Action Items:

a. Discussion and possible action on Amended Plat Application, Parcel 3, 2.45 Acres, Troy Stoker

b. Discussion and possible action on Zone Change Request, Parcel 3, 2.45 acres, from Residential (R-R-2) to Commercial (C), Troy Stoker

Mayor Peterson said I ask our Contract Town Planner, Scott Messel, to introduce the action items, 8a and 8b. I think they are somehow linked. If you want to introduce them together that would be fine.

Scott Messel said I will go through them together and then there will be 2 separate motions. He pointed out on the map the parcel of land purchased by the applicant. He pointed out the existing storage units, I-15 and Bulldog Estates. The applicant, Mr. Stoker, has purchased 1 of the lots and is requesting to amend the subdivision plat to remove a portion from the Bulldog Subdivision and adding it to this parcel. He showed the amended plat on overhead screen. When the subdivision was created, there are buildable areas and non-buildable areas. He showed the topography on the screen. The buildable areas are up towards the street. They are also requesting to rezone, along with the amended plat, the 2.45 acres to commercial so that they could potentially add more storage units to the site. He showed the existing storage units on the screen. Due to the topography, they can only add 1 unit of individual storage units with parking around it. It is currently zoned rural residential. The Planning Commission reviewed both the amended plat and the zone change and they recommend approval of the amended plat and also the zone change. You were given a Staff Report that gives the findings and conditions that were included in the Planning Commission's recommendation. It is my recommendation that with this piece being removed, and within a period of time and prior to any development, needs to be amended so that it is 1 parcel.

Councilmember Stirling said I read something that says this lot will only be accessed off of Cemetery Road.

Scott Messel said the Bulldog lots are accessed from Shinarump. This area below would only be accessed from Cemetery Road.

Councilmember Stirling said is there any ordinance that we have now, or anything that you know of, that a certain amount of acreage needs egress/ingress or is this small enough that you have only one.

Scott Messel said you are only required to have 1 access to this parcel. Before approving this, you could put in a stipulation that before any development and moving forward, there would be another amended plat or

lot line adjustment happen. Or you could have an easement going to that lot. The concern would be having a lot sitting out there 5 years down the road and the only access is through that commercial property.

Councilmember Stirling said I totally agree with your idea of combining them. Is there any ordinance that states you have to have a certain amount of acreage for egress/ingress?

Scott Messel said no.

Councilmember Stirling said in St George either. What is the standard for egress/egress?

Scott Messel gave an example of commercial property on Bluff Street in St George.

Councilmember Sheltman said it is a zone change. But you are saying we could put it in that these 2 properties would be combined. Would it be 1 tax ID number?

Scott Messel said you could combine the 2 into 1 parcel. I have talked to the applicant and he is willing to combine them.

Councilmember Roberts said I am in favor of the intent of what the applicant is trying to do here. Just so you have an understanding, the existing storage units already fall on 2 separate property IDs. What the applicant is asking for on this particular disconnect from the Bulldog Subdivision for this portion, without combining that, then we are agreeing to a land-lock piece of land. What needs to happen here is there are 3 lots that need to be combined because that storage unit already bridges across 2 separate lots. And the reason I say that is because if I want to sell a lot in 5 years that is separate from the others then I am affecting a portion of the commercial entity that was okayed by the municipality. In order for this to happen, and the applicant owns both of those lots that the storage units currently bridge across, the applicant has to take all 3 lots and combine them. They need to be combined in order for this to happen.

Scott Messel said if Town Council is in favor of this, you could have the approval subject to the condition that they need to be combined.

Councilmember Roberts said I agree with that. It can be in a motion that is subject to that condition.

Mayor Peterson said I believe we have a representative of the applicant here. Is combining those lots into 1 parcel acceptable to you?

Greg Meyers with Bush and Gudgell pointed out the lots on the overhead screen that are owned by the applicant. We are taking into account with this pending approval that we are going to do a lot line adjustment, and include the 2.45 acres, so all of the storage units are on 1 parcel.

Mayor Peterson said and that connects to access on Cemetery Road. That parcel is not land-locked?

Greg Meyers said correct.

Scott Messel said there was a voice mail message, and I believe Peggy included it, that was received by staff. Peggy transcribed the voice mail and gave you a copy of it. It was read at the Planning Commission meeting that they are opposed to the development.

Lori Stoker said she owns the storage units and Lot 3 in Bulldog Subdivision. The complaint from the voice mail should be null and void because he has already sold Lot 2. He was worried that it was going to depreciate his lot value. We actually rented a storage unit to the people who bought Lot 2 and Mrs. Nowak said they do not have a problem with us doing this. I think the complaint from the subdivision developer should be disregarded.

Mayor Peterson said I think it is appropriate to read it into record. He read transcription of voice mail message (see attached).

Councilmember Stirling and Scott Messel discussed wording of stipulated condition.

Councilmember Roberts said I want to make it very clear that I want the parcel numbers included. I want the language to be very clear on the parcels that we are talking about. These are the parcel numbers: L-94-A-1, L-4-1-12-241 and Bulldog Lot 3.

Councilmember Stirling moved to approve Amended Plat Application, Parcel 3, 2.45 Acres, Troy Stoker, subject to the condition that all commercial parcels included with the Leeds Storage have a lot line adjustment to include 1 parcel ID including L-94-A-1, L-4-1-12-241 and L-BULL-3 as well as the recommendations from our Staff Report and Planning Commission. 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

Councilmember Stirling moved to approve the Zone Change Request, Parcel 3, 2.45 acres, L-BULL-3, from Residential (R-R-2) to Commercial (C), Troy Stoker, subject to the condition that all commercial parcels included with the Leeds Storage have a lot line adjustment to include 1 parcel ID including L-94-A-1, L-4-1-12-241 and L-BULL-3 as well as the recommendations from our Staff Report and Planning Commission. 2nd by Councilmember Shelton. 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

9. Discussion Items

a. Speed Limits

Mayor Peterson said it was brought up at our last meeting that the speed limit on Oak Grove Road was at 35 mph. We were invited as a Council to go for a walk to see that and I took them up on that. I walked the area with some residents on Oak Grove Road and did notice the situation with respect to the narrowness of the road, the condition of the road's surface, the visibility, and in going further to see what the next steps would be, I discovered that our last update on speed limits in Town was in 1997. Since 1997, we have had significant amount of annexation into the Town, and what I prepared for Town Council's discussion this evening with the thought that we wait until our next meeting before taking action was a list of everything that is currently set by ordinance which involves a total of 7 roads. The default in the Town of Leeds on a residential road is 25 mph. Main Street and other areas controlled by the State are set at 35 mph. That would be Main Street as well as Cemetery Road crossing through to the on-ramp to I-15 heading south bound. Otherwise, the default in residential areas which the rest of Leeds, I do believe, qualifies as, is 25 mph. I then drove around with some assistance and got all of the posted speed limits in Town. The speed limit signs that I was able to find totaled about 20, and with that, I have highlighted where the set amount might be different than the posted or the posted was varying from the default of 25 mph. The differences that exist, and I do not mean to delay getting to Oak Grove, but I thought it made sense for us to discuss these all the way through. I do want to mention a quick call to the attorney. He did indicate that if you post below 25 mph, it can be challenged. It is permissible in areas for schools, definitely, for parks, perhaps and there may be some other situations that would successfully survive a challenge.

The Mayor and Town Council reviewed the list of roads and posted speed limits vs. default speed limit.

Mayor Peterson said I ask Council tonight, and the public can certainly comment during the second comment period, we can obviously change other roads as well, but to try to go through them one at a time with regard to Babylon Road which still goes by Town Park. I do not want to put something in place that cannot be enforced. But I also think what would happen, it would not eliminate the speeding violation if they were still above the actual amount that got argued was the minimum that you could have set for that area. So if we set it at 15 mph and somebody gets a ticket, it will be against 15. If they choose to challenge that it really should be 25 and they succeed in that challenge that does not help them if they were doing 40. It helps them in that they only at that point going to be 15 mph above the limit instead of 25. But it does not get them out of it. It is not that by doing it at a lower level, we eliminate the possibility of somebody who is very egregious still being affected by it. What is the general thought here? And, Alan, I do not know if you were able to get a copy of this. It would be easier for you if you do have a copy of it.

Councilmember Roberts said I have a copy.

Mayor Peterson said what is the general feel of Council with regard to Babylon Mill Road up to the park area.

Councilmember Roberts said I would maintain that at 15 mph and I think we could stand on that all day because of the conditions that are there.

Mayor Peterson said the next one is Center which is listed at 10 mph, but it is not posted. It is a pretty short road. Should we post it as set and hope for the best? It is a very short road. I would not want to challenge somebody, but I think there is a limited speed that you could get up to.

Councilmember Roberts said posting that road is kind of a moot point because of the short distance. I would leave that at a default of 25 mph. You won't get going that fast.

Councilmember Stirling said I would agree with that.

Mayor Peterson let's go back to West Mulberry where it was agreed that it was set at 10 but posted at 10.

Councilmember Roberts said if that got challenged, you would probably have a hard time defending that.

Councilmember Stirling said I almost think that because of the fact that it is in a sense a tourist ... there is a historical area there. I would almost think we should keep it at 10 because there are children on that road. And because there is a historical area at the end, I would say keep it posted at 10.

Councilmember Roberts said I am fine with that.

Mayor Peterson said Cherry is one where we are currently posting 20 and the default would be 25. But we could set it.

Councilmember Stirling said I like it at 20.

Mayor Peterson said I am guessing purely that it may have been related to it leads to where the RV parks are located. And with the type of vehicles that are moving in and out of there that it is just a safer speed. Are you okay keeping Cherry at 20 and set it at 20 so it becomes something that we can have as a starting point with enforcement?

Mayor Peterson said we have Valley - the same thing. Any objection setting that at 20 which is what it is currently posted?

Councilmembers Stirling and Sheltman both said no.

Mayor Peterson said that jumps us down to Silver Reef Road which is currently set at 30, but posted at 35 at the lower end closer to Main Street. There is cautionary on it and you cannot be doing over 25 very much safely. Coming down, you can coast at 35.

Councilmember Sheltman said you ride your brakes if you do not want to coast at 35.

Mayor Peterson said where there are curves, it is posted cautionary. Do we want to set it at 35 in order to make it consistent with the posting?

Mayor Peterson said now we get to Silver Reef Road after the Rice Bank Building. It drops to 20. That is an area that has a lot of hills to it. It is a roller coaster. I think we should set it at 20 as well.

Mayor Peterson said that gets us to Oak Grove. It leads to the National Forest. There is a lot of traffic that comes out of there. It seems comparable, to me, to Silver Reef Road to the section where you get further

up into Silver Reef itself and that there are houses on both sides of the road. It currently is 20 mph cautionary, posted at 35 and defaults to 25.

Councilmember Sheltman said it has speed bumps doesn't it.

Mayor Peterson said yes it does.

Councilmember Sheltman said do people drive 35 over the speed bumps?

Councilmember Stirling said speaking of speed bumps, is that actually legal?

Mayor Peterson said speed bumps are subject to challenge.

Mayor Peterson said it sounds agreeable to lowering it to 20 or 25. Right now, it has a 20-mph cautionary on it. We certainly could set it at 20. I did speak to the Ranger for the Pine Valley area of the National Forest. They have no problem and would be cooperative with posting their approved format signs as people are coming towards the end of the forest notifying them what the situation is as they cross over into the Town of Leeds.

Councilmember Stirling said right now it is posted at 35.

Mayor Peterson said just from the narrowness of it, I think it is more comparable to the deeper section of Silver Reef Road where it gets to 20 mph. It does not have the ups and downs, but it has very narrow roadway and very sharp curves and a very steep drop off as you go to the edge of that road.

Councilmember Stirling said I agree with 20.

Mayor Peterson said we will go with 20 on that. Alan, are you okay with all of these?

Councilmember Roberts said I am okay with that. I would like to interject at this point because that particular portion of Oak Grove Road ... what precipitated this was the speed of traffic and the lack of area for individuals who would be on foot along side of the road. One of the things that citizens of the Town need to realize, and that is a very good area to use as an example, a lot of individual properties have encroached upon that public right-of-way. That does have an effect on the sight that you have as you travel up and down some of those roads. I just wanted to through this out at this point that there are some encroachments that bring some of the potential issues to not having enough view and or not having enough area for pedestrians to walk off of the side of the paved road. I am fine with the speed limits so far.

Mayor Peterson said the final one where there is a definite difference to be addressed is on Main Street, Old Hwy. 91, as you get north of 540 North Main to about 1000 North Main, it is set at 35, but currently goes up to 45 at the older Town line which is well before 900 North. And the Town owns another portion of Old 91 to the north where it remains 45. I would suggest leaving it where it is posted at 45 and setting it at that point. This seems reasonable. Resetting speed limits does not require a Public Hearing. This could be an action item at our meeting on September 25th. Are there any other roads that are not currently in conflict, but people think need to be addressed?

Mayor Peterson said the other thing that I will mention that it is 20 mph for ATVs and that is labelled for Silver Reef Road and Oak Grove Road.

Councilmember Roberts said any ATV that is legal for driving on a road, keep in mind we have legislation in the Town of Leeds that does allow for ATVs, I am talking about ATVs that can legally be on any road, that ATV can go whatever the posted speed limit is. You will have a variation there. If someone has an ATV legally licensed to be on the road, they will challenge this every time and they will win every time.

Mayor Peterson said is there a benefit to having a lower ATV speed limit? Alan, are you aware of any?

Councilmember Roberts said it got instituted when we did pass the legislation to allow the ATVs to be legal on certain roads in the Town, but its intent was to access those public lands up there on Oak Grove Road and in those areas. That is when the speed limits were placed at 20 mph. The dynamics have changed since then because now they do allow certain ATVs if they meet the criteria to be registered, to be on road motor vehicles.

Mayor Peterson said do we want to leave it at 20 ATV with the understanding that is for non-road licensed ATVs and that other drivers of them will know as well as enforcement and we can let them know that?

Councilmember Stirling said yes.

Councilmember Roberts said I am good with that.

Mayor Peterson said I will update the settings in the ordinance of 1997 and there will be a couple of sign changes that will be needed if we were to implement this.

b. Short-Term Rentals

Mayor Peterson said I heard back earlier this week from our prosecutor and in conjunction with our Town Attorney. They are in agreement that the hurdles that have been placed on any kind of criminal prosecution for a violation of short-term rentals are so high that your chances of succeeding are very minimal. That you would not be able to do it based on advertising, and again this is criminal, not civil. We can proceed with civil penalties. You would have to get a current lessee to agree that they are renting on a short-term basis and you would have to pay for them to return to the area in order to testify at the time of prosecution and as a result it is something that communities throughout the State are not looking to pursue criminal. It is very much focused on civil penalties. Civil penalties are still able to be set by the Town, but you still have a burden of proof. On civil, you are not allowed to rely solely on an advertisement. What seems to be the common approach is similar to what we are doing and that is that you focus on an annual licensing procedure. That seems to be the way to really maintain the maximum control that seems available in the current legal environment. And I would ask Scott, having dealt with it perhaps elsewhere, to share that view.

Scott Messel said you cannot go online. You can find out about them via complaints. I highly recommend them getting a business license whether it is a rented dwelling license or a business license. That requires them to register with the State so you can get your transient room tax from them. That is just one more step to get them to comply.

Mayor Peterson said we would then have 2 things that they would be in violation of if they did not come in and get a license. It would be operating a business without a license and it would be also doing a short-term rental in the way of a residential hosting without proper permission to do so.

Councilmember Sheltman said what will the fines be for that.

Mayor Peterson said that is something we could set because of the fact that it is civil related, and it would not be required to follow any kind of schedule.

Councilmember Stirling said I have a question. Someone went to the Planning Commission for a Conditional Use Permit for a Bed & Breakfast. Whatever happened with that?

Scott Messel said it was tabled until more information could be provided. There were some concerns about the view from the access there. There were concerns brought up about the number of people who would be staying there.

Councilmember Stirling said does a Conditional Use for a bed & breakfast basically say that we allow them as long as the conditions are met?

Scott Messel said the State Code says that any use you want to have in a zone either needs to be permitted or have a Conditional Use. The way things have changed over the years, a Conditional Use could be more like a zone change. I hate to use the word arbitrary, but zone changes give a lot more discretion and it gives the Land Use Authority more say in what happens. Conditional Use State Code says basically thou shalt approve it if all conditions can be mitigated.

Councilmember Stirling said did the applicant come back or get an opportunity....

Scott Messel said it is looking right now that they will come back at the October Planning Commission meeting.

Councilmember Sheltman said you are talking about the applicant, right?

Councilmember Stirling said we are talking about it as a hold. Are we redoing the bed & breakfast application?

Councilmember Sheltman said this is going to be a standalone, right?

Mayor Peterson said standalone annual licensing.

Councilmember Stirling said because the applicant came in as a conditional use way before this was even on the books, my question for you is what is the next step for any individual that comes in with a bed & breakfast Conditional Use before this actually gets ...

Scott Messel said unless a Code does allow Land Use Authorities and Town Councils put moratoriums on items if legislation is in place or while you are researching it. You could put moratorium in place, but if you do not have moratorium in place, any applicant that would come in think it could be argued very easily that the application was in so the Code that is on the book has to be taken into account at that time.

Councilmember Sheltman said the moratorium ... what is the period of time you can do that.

Scott Messel said I think you can do 6 months or a year.

Councilmember Stirling said I think we have had short-term rentals on our ...

Scott Messel said you have been working on it for a while. You could put together a moratorium while you work on it.

Councilmember Stirling said I would highly recommend from my point of view that whatever applicant comes in before Chapter 30 is completed and not drug on. It is not fair to any applicant. The next thing on the short-term rental, I was approached by someone who asked about sharing of houses. Where there is no money exchanged. You switch houses or house swapping. Is that a short-term rental?

Scott Messel said to me it still fits under a short-term rental.

Mayor Peterson said if it is less than 30 days that you are swapping houses.

Councilmember Stirling said if you are not exchanging any money ... you take mine and I will take yours. How is this a rental?

Scott Messel said if the language used in the State Code refers to it as strictly as a rental, or if it is tied to the length of stay by non-permanent residents, then the house share could fall under short-term rental.

Councilmember Stirling said so you are saying that I cannot have someone come and stay at my house while I go on vacation.

Scott Messel said anyone related to you can come and stay with you long-term because it is family. And guests are allowed, and I do not think the intent of any of the Air B&B ordinances can keep guests from coming and staying. I have heard of the share and house swapping, but I would want to look at that Code a little more.

Councilmember Stirling said please look int this. I would appreciate it.

Mayor Peterson said what I suggest at this point is that we ask our attorney to draw-up language showing it with civil penalties as the structure so that we can move ahead with it.

Councilmember Stirling said she would like to wait until after the September 26th meeting to see where that goes. That could change a lot.

Councilmember Sheltman said in what way.

Councilmember Stirling said in the fact that if we decide we are going to allow in a residential zone, if we are going to decide that we are going to allow whatever events to go on, I do not see that big of a difference between a bed and breakfast and an event in a residential neighborhood.

Councilmember Sheltman said that is true.

Mayor Peterson said should I instruct our attorney to work towards getting it ready for our first meeting in October which would be on the 9th.

Councilmember Stirling said yes.

Councilmember Sheltman said sure.

Councilmember Stirling said can you wait until the 26th to allow him to start on it. If we are going to go down the path ... do you understand what I am saying? If we are going to have any residential neighborhoods, we cannot say yes you can have this in a residential neighborhood, but you cannot have this. It is exactly the same thing.

Mayor Peterson said I will hold off asking our attorney until after that point.

10. Citizen Comments:

Angie Rohr said if my memory serves, the Town of Leeds allows 14-year olds to drive ATVs. I believe that was one of the reasons for putting the signs up for 20 mph.

Councilmember Stirling said don't they have to have an ATV license.

Mayor Peterson said he will look into it.

Jo Puntil said I have a couple of questions about the September 26th meeting. Where will it be held and what are we going to talk about?

Mayor Peterson said it will be at Town Hall. There will be representatives from the National Forest, the County, the museum and the residents who are interested. Elliott and I will be there from the Town. Other Council members may attend as citizens. My thought is to allow the National Forest, the County and the museum to present 10-15 minutes each and then from a format standpoint to start identifying topics and then discussing them asking people to prepare 3-minute intervals of presentation. I hope people realize this is not to limit people from speaking, but from my earlier days in Town, when you just say come on up to the microphone, people thought I have waited at this point, almost 2 hours into a meeting, I am going to get my 25 minutes worth. Sticking to the 3-minute format, but letting people be heard out as time goes by.

Jo Puntil said my other question is, as a point of clarification, the citizens who signed the nuisance ordinance all live up in the Silver reef area. They do not live anywhere else. They all live up there. I wanted this to be part of the record. I would like to ask every Councilmember what is their personal vested interest in the Wells Fargo Bank and Silver Reef Museum. Have they done any work there? Do they have family members who work there or on the board? As a body politic or group of people, we would like to know what each Councilmember has in relations to the museum.

Mayor Peterson said I will happily start off by saying every time it has been an action item on the Town Council, I have disclosed that I have a wife who is on the board and I have a son who is on the board. My son serves as Treasurer. He is a CPA and now lives in Dallas, Texas. My wife who lives here in Leeds is on the board and manages the gift shop.

Jo Puntill said good. I just think everyone should state ...

Mayor Peterson said I absolutely have every time it has been appropriate to do so.

Jo Puntill said oh, I know.

Councilmember Stirling said the only thing I ever had a vested interest in was when I was on the LDWA board. When we had our meetings, they were usually at the Rice Bank Building. I have not been on that board for a year.

Councilmember Roberts said I have no affiliations with the Silver Reef museum.

Susan Savage said I would like to offer a bit of perspective on the collection of signatures. In the past years, I have heard people say let's gather signatures to see how they support something. In a lot of cases, people reversed their opinion. It is easier to get signatures than to talk people into coming to a meeting. Some people also are intimidated.

Councilmember Sheltman said I would like to make a comment. He read the ordinances stated on the petition that are in violation 002-1, 00-2-2 and 00-2-8. People agree that these should be enforced. The petition has the actual laws and what laws are being violated.

Councilmember Stirling said on that note, I think everyone knows when they sign something, if they are going to put their name on any piece of paper, it is very important for them to know what they are doing. If they decide not to agree with that then it was not a responsible thing to do putting their signature on something that they do not understand. If someone comes and says I did not understand that, they can come to Town Council.

Mark Rosenthal said I have a suggestion on the speed limits for ATVs. The suggestion is to talk to the Town Attorney to see if it also applies to UTVs. Industry does have 2 standards and there is a distinct difference between the 2 vehicles.

Mayor Peterson said that was ATV and UTV.

Mark Rosenthal said correct.

11. Staff Reports:

Councilmember Roberts said I have one. It pertains to our Land Use Authority, the Planning Commission. The reason I bring it up, I attended the Planning Commission meeting last week and there was a comment made by the board about they really are not that important - that the decisions are made by the Town Council. I need it to be understood by every citizen in the Town of Leeds and every appointed or elected official that the Planning Commission is a crucial part of the land use entity that goes through that process dealing with land use. It is very important that we understand the Planning Commission is an extremely vital part. I have asked the Planning Commission Chair to make sure he projects that at his next meeting to make sure the people understand that. Yes, they are a recommending body, but if that body is doing their homework, and they truly understand land use laws within the Town of Leeds, then the Town Council makes that specific decision on that land use based on some very good information and findings.

Mayor Peterson said if I could add to that, Alan, I had a conversation with the new Chair of the Planning Commission and asked him if he would be open to a meeting with Scott Messel and myself just to try to convey exactly what you were saying. I listen to the Planning Commission meetings' audio files and I am concerned about that as well. Their recommendations do matter and if they go through the process correctly, I think it makes it that Town Council has a much smoother process and most often allows the Town Council to follow through on their recommendations. I think it is important that the Planning Commission knows the importance of their work.

Councilmember Sheltman said just one thing I noticed the other day. At Pecan and Main Street, there is quite a bit of erosion on the south side of Pecan. It is starting to have an effect on some of the utilities, including the waterline. The Mayor said he would speak with Public Works about it.

Councilmember Stirling said she was noticing the beautiful flags today. It brought a tear to my eye because this day is etched in all of our memories. I was wondering if we could instigate another Eagle Scout project. Now that we have a new sidewalk all the way up to the Post Office, is there any way we can get more flags?

Mayor Peterson said he was asked the other day to look into this and find out what the cost would be. We may have some people willing to make donations in order to expand it. I will happily follow-up on this. Councilmember Stirling mentioned speaking with two mothers of scouts about the Eagle Scout project idea.

Mayor Peterson said I have 2 things just beyond reminding everyone that Thursday, September 26th, BLM is addressing the road, there was some heavy equipment that was noted out by Silver Reef after you pass between the Wells Fargo Bank Building and the Rice Bank Building. And then off to the left, some heavy equipment was moving earth around there. I was encouraged by Mark Rosenthal to follow-up with the BLM. The St. George Field Representative let me know that they view it as a trespass, and they will prosecute it as such and that they have not granted any kind of easement there. Their view is that easements are not more favorably viewed when you are begging forgiveness. I will be staying in touch with the Field Representative. The County also weighed in on it and the County was told something similar to what I was told by the BLM. It is very helpful when residents see something, I have always said, I would rather hear it multiple times than not at all. Ron Cundick was the first person to make aware of this and I immediately got in touch with the County. And Mark made me aware of someone at the BLM.

Mayor Peterson said we are installing at the request of the State Historic Preservation Office some battery operated cameras on the CCC Camp property as we bring in the new windows to try to monitor the vandalism that takes place because no one is there pretty much all of the week and the weekends. A neighbor has offered to utilize their home, which has power, which the CCC Camp does not. They are willing to host a security system. I just want to make sure that Council would be okay. It is something that is covered by the grant that we have from the CLG and was purchased before the end of the grant period so we would be allowed utilize it. I would like to set-up an agreement with them where it is still the Town's property because if at a future time if we are able to get power at the CCC Camp we might choose to relocate it, but to take them up on that offer and be able to have electric powered cameras. I do not think it makes sense to try to back away from the other stuff that has been ordered, arrived and is being installed in terms of the battery-powered ones. If the house housing the wired system gets sold, that situation could change.

12. Closed Meeting:

13. Adjournment:

Meeting was adjourned at 9:10 PM.

APPROVED ON THIS 25th DAY OF September, 2019



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder