

Town of Leeds

Agenda

Town of Leeds Town Council and Planning Commission Joint Session Wednesday, October 26, 2022

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council and Planning Commission will hold a **PUBLIC MEETING** on Wednesday, October 26, 2022, at 5:00 pm. The Town Council and Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Work Meeting 5:30pm

1. Call to Order/Roll Call
2. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of August 30, 2022, Work Session
3. Training Session: Open and Public Meetings Act Training with
4. Action Items:
 - a. Code Enforcement protocol
5. Discussion Items:
 - b. Annexation process update with Matt Loo
6. Adjournment

Interested persons may attend the public work meeting to be held in the Leeds Town Hall at 218 North Main Street Public comments will not be received or discussed during this session.

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting. The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting: The undersigned Clerk/Recorder does hereby certify that the above notice was posted October 24, 2022 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leadstown.org.


Aseneth Steed, Clerk/Recorder

Town of Leeds

Town Council and Planning Commission Work Session for Wednesday, October 26, 2022

Joint Work Meeting 5:30 PM

In attendance was Craig Hall, Town attorney, Scott Messel, Town Planner.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER	X	
COUNCILMEMBER: DANIELLE STIRLING		X
COUNCILMEMBER: RON CUNDICK		X
COUNCILMEMBER: STEPHEN WILSON		X
COUNCILMEMBER:		

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	
COMMISSIONER: ALAN ROBERTS	X	
COMMISSIONER: BILL MCLAUGHLIN	X	
COMMISSIONER: TOM DARTON	X	
COMMISSIONER: JENNIFFER LUFT	X	
COMMISSIONER: MIRANDA NESSEN	X	

Commissioner Darton made a motion to approve the Joint Work Session Agenda of October 26, 2022. Seconded by Commissioner Roberts.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: Bill HOSTER	X			
COUNCILMEMBER: DANIELLE STIRLING				X
COUNCILMEMBER: RON CUNDICK				X
COUNCILMEMBER: STEPHEN WILSON				X
COUNCILMEMBER:				

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X			
COMMISSIONER: ALAN ROBERTS	X			

COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: BILL MCLAUGHLIN	X	_____	_____	_____
COMMISSIONER:		_____	_____	_____
		_____	_____	_____

Commissioner Roberts made a motion to approve the Work Meeting Minutes of August 30, 2022. Seconded by Commissioner Darton

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	X	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	_____	_____	_____	X
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	X
COUNCILMEMBER: STEPHEN WILSON	_____	_____	_____	X
COUNCILMEMBER:	_____	_____	_____	_____

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____
COMMISSIONER: TOM DARTON	_____	_____	X	_____
COMMISSIONER: BILL MCLAUGHLIN	_____	_____	X	_____
COMMISSIONER: MARK ROSENTHAL	_____	_____	_____	_____

1. Training Session: Open and Public Meetings Act Training with Craig Hall, Town Attorney.

Councilmember Danielle Stirling, Planning Commissioners Jennifer Luft, Gary Rosenfield, and Alternate Planning Commissioners Miranda Nessen attended the training.

Craig Hall, Town Attorney, said The Open and Public Meetings Act or Sunshine Act is simply do the business of the public in public. Mr. Hall discussed the obligations of Town Council and Town Planning Commission and how to plan ahead. He pointed out the requirements and importance regarding posting an agenda and following it as posted, not changing, adding, or detracting from the agenda Willie Neily. Also covered scenarios when Council Members and Planning Commissioners can and cannot discuss Town business. He discussed the importance of ethical and respectful communications and behavior towards constituents regardless to differing opinions and he recommend turning off cellular phones during public meetings. He covered the preparation and requirements of adequate meeting minutes. Mr. Hall taught the five criteria that justifies a Closed Meeting for the legislative body and emphasized Planning Commission does not fall within the criteria. He ended with detailing ramifications of Non-compliance. Training ended: 6:07pm

2. Action Items:

a. Code Enforcement protocol with Craig Hall

Mayor Hoster: Several work meetings have occurred prior to this meeting, which involves review of the town's code and ordinances. It was identified that of these codes there are some antiquated, and there are some that should have consequences that don't associated with them. And therefore, our town counselor was asked to provide us direction and how we could facilitate moving forward with putting some teeth in our ordinance and codes. The only purpose for this, as was discussed in the prior work meetings was for the health, welfare, and safety of this community. In a circumstance where we have any individuals who are compromising the health, welfare or safety of themselves or any neighbors. That's the purpose of Code Enforcement is to make these circumstances go away and resolve the matter. Other circumstances could also involve nuisances, which are a pretty common occurrence. And again, these are typically done in a fashion that will be discussed by Craig. Where we don't handle those in the same way that another urgent circumstance might be existing. This brings us to the point of reviewing what document that Craig gets sent to us. It's this document I'm not sure if everyone, you know, got to read this before it was it was sent out, but I want to make sure y'all got it. In my review, there were a couple of questions, but we're going to go through and we, you know, we're kind of 10 minutes into our own time on this. So, we'll proceed with the PowerPoint from Craig and then start to review this document with him in dialogue.

Craig Hall: Okay, my attempt tonight, we cannot go through line by line. I think you should have had it for the last couple of weeks, to be honest. That was our intent. I divided it in the PowerPoint into kind of chapters. We can do it from a 10,000-foot level, but we can drill down if we have to on that level. What we're going to talk about is process first. Okay, how do we do this? So, the way it's drafted, now, we can go a criminal track, or a civil track, or we can do both depending on the subject matter. But it's generally intended to go on a civil track. Okay, generally speaking, if we have something really horrible in the nuisance area, that sort of thing, we could talk about nuisance, we could talk about criminal track, but criminal prosecution for nuisances and that sort of thing. It's much more difficult. I've seen judges say, Well, Paul, I'm putting them in jail for three days, and they're paying \$1,000. Fine, we're done. Well, wait a minute. Judge, we want it cleaned up. Well, no, no. Six months and \$1,000, we're just going to fine him and put him in jail. That's not the solution. The solution has resolved the nuisance or resolve the problem. That's why the civil side, generally speaking, is the way to go. It's designed for easy service. If we're doing a civil track, let's forget criminal for tonight's purposes, for civil track we have done some work for the city of Midvale. I scarfed their notices yesterday, I plagiarized them and copied. It gives notice of how we can go through the process of giving notice. The first notice is a door hanger. On that door hanger, and you'll see it when Aseneth makes copy it, on that door hanger there's a number of potential violations. And there's boxes. The code enforcement officer just checks the box, puts it on the door and says, please contact us because we've got concerns about this issue. Okay, we've got weeds that are 10 feet high, and got a full

acre full and you're not farming it and that sort of thing is just fire hazard. We in a very non-threatening manner, put it on the door. And so, I'd have to create the door hangers, the door hanger has a front and back to it. It's important that an individual gets notice of what the problem is. The first thing is a voluntary notice we just put on the door. If no response, then we send a follow up letter that's a little more terse, a little more formal, and say, hey, look, we've given you notice, we're now giving you notice then unless this problem, whatever it is, is resolved within blank, generally 10 days or 30 days depending on the situation, civil fines are going to start accruing. If they don't follow that, then we give them a notice of violation. The civil fines start accruing on a daily basis. The ones we've done recently are \$50 a day with a maximum of five hundred bucks. So, there's just a cap so it doesn't just keep going on and on and on and on. But everyone requires service of the notice to the individual. We don't either we send a personal mail, we deliver it certified mail, some they always get notice. We don't want to do anything just in an arbitrary fashion. So, any question about that? We've given notice to the individuals. They know what's going on. Now what happens? That's the original. Okay. Thank you. So, drive one more slide. Okay, this is just what I talked about. So now, Jennifer, we're picking on you tonight. You got too much garbage and trash and debris, you got 14 cars in your backyard, none of operable, and they're ugly. Okay. So, we send you notice violation, you say, Craig, that's my model card collection, my antique car collection. They're not junk. And so, you say, I just disagree with the notice of violation, you have a right to an industry administrative hearing with a hearing officer. You come in and tell your story. He tells his story; the administrative hearing officer makes a decision. Jennifer, you're right. Your cars are okay. City. It's not a violation or the opposite. It is a violation. So, the fines and civil fines are now a crime. And you're at 500 bucks, and you say Screw you. I still do not agree with you. You have a right to appeal the district court to appeal the decision of the hearing officer, but it's only on the record. What is district court here? It would be the Fifth Judicial District down here. So, you appeal, the record is presented, because the hearing is recorded, and a written order has to be prepared by the hearing officer or the administrative law judge. The district court reviews it. They say now, Jennifer, there's still junk cars still trash.

Mayor Hoster: What is this timeline? She has 30 days to do that, right?

Craig Hall: Yes, 30 days to appeal it, then the court gets around to it. We're not in charge of time at that point.

Mayor Hoster: Okay. But once it's gone to the hearing, and then the district court can appeal, or the appeal to the district court has to be within 30 days of that right? Yes. Okay.

Commissioner Luft: It could be way? Right?

Craig Hall: Generally speaking, I'd recommend unless it's the decision just totally off the wall just totally wrong the city would back off and leave it alone. That is as far as you need to go.

Craig Hall: Generally speaking, I'd recommend unless it's the decision just totally off the wall just totally wrong the city would back off and leave it alone. That is as far as you need to go,

Councilmember Stirling: Do the fines stop when it is appealed?

Craig Hall: Yes, there's a cap. That's a separate document, we're going to have to adopt the fee schedule. So okay, So Jennifer says, I'm not moving on. Forget it. I'm not moving. The hearing officer was wrong. The district court judge was absolutely wrong. I'm moving on. So, the city has the right to record a notice of violation against your property. At that point, they filed with the county recorder's office. So, if you go to sell your property, the title works going to show will Jennifer's got junk on her property? And you're going to have to deal with it with during the sales issue.

Commissioner Luft: Does that include the fine as well, like a lien?

Craig Hall: Well, that's actually a different a different process. We're going to get to that here in just a sec. Then Jennifer says, Okay, I give up, I'm going to move my 14 cars, the city then has to say, Okay, we're all finished with that, then we record a notice of compliance. So, we fix the problem that was on your title to property by saying, she's compliant. So, there is a process by which we get rid of the judgments so to speak. This is the collection of fees. So, we send notice to the offending a party, usually the property owner. We say you've got a fine of 500 bucks, or whatever it is. Now you can assess costs. We don't want to get into the definition costs. But also, if we went to Jennifer's property and actually towed all the junk cars off, we could assess these costs for the tow truck, cost for the landfill, where we took them and that sort of thing. We send notice of the costs. And if they're not paid, we can actually file imposition of a tax link with the Washington County Recorder, and it'll sit there on the taxes. If they're not paid within the five years, we can buy your property, which is horrible. You never want to go there.

Okay, so that's the kind of the process from a 10,000-foot level. And that's what's basically the first 10 pages of this 10 or 11 page proposal. So, let's go on the next. Okay. There are a couple extra things we have to do we have to identify what is violations in your city code? You know, you want to allow weeds that are large, higher than six inches, do you want to allow cars that are in operable and unlicensed, to remain on the property? What about just general debris and junk and that sort of thing? You need to know where to go and where stuff, you're going to have to make those decisions? You know, what's the violations? And that's going to have to be a separate document that we put in our code of ordinances. Okay. And the next one is, what the fee structure the fine structure is on a civil basis. We have to amend our fee ordinance regarding that. So, we really have three documents, we have to consider what we talked about tonight, and then the fee and for our violations. So okay. I've talked, talk to me about the questions you have during your review.

Councilmember Stirling: This is land use authority, so it first goes to Planning Commission.

Craig Hall: No, city council. City Council because it is not Land Use Ordinance.

Mayor Hoster: Some of my questions if I could start. Okay. So that means the employment of a hearing officer, this could be someone who is they can't be a town employee, they have to be a nonpartisan individual. And so, does it have to be a citizen or not citizen? Does that matter?

Mayor Hoster: Some of my questions if I could start. Okay. So that means the employment of a hearing officer, this could be someone who is they can't be a town employee, they have to be a nonpartisan individual. And so, does it have to be a citizen or not citizen? Does that matter? Or no,

Craig Hall: No, it does. Let me give you an example. I sit as the administrative law judge for Riverton, South Jordan, Salt Lake County, and Salt Lake County Health Department and a couple other towns. I actually did town of Hideout the other day, which is on the east side of Jordan now. I drove by their entrance to their townhome ten times before I figured out how to find it. We would do like an RFP for a hearing officer. And generally, and I would suggest is that we just engage an attorney that has some governmental experience, generally speaking, and on and you employ them, It's not an employee, you retain them for the purpose of the hearing and pay him an hourly basis, no benefits, etc., etc. And I've got some engagement agreements that we could use if we get down that far.

Mayor Hoster: One question is on reasonable compensation for that individual. The next is on administrative enforcement order. Hyrum had a question on this. He documented that in the pros section, and I'll just read it .

The responsible person, and the town may enter into a stipulated agreement which shall be signed by both parties at any time. Such agreement shall be entered as an administrative enforcement order.

Is this some sort of a settlement between the parties?

Craig Hall: Basically, it's an understanding of how we're going to take care of the problem.

Mayor Hoster: There was discussion regard to an individual pays their fine and doesn't remedy the situation. And how do we address that? So, they say, well, it's fine, I'll just pay the twenty bucks and, or 50 bucks, and, but I want to leave on my car sitting out in front of my house and blocking all my neighbors, whatever the complaint might be. And it's cheaper for them to do that, then go back by a storage unit?

Craig Hall: The answer's no, that's not acceptable. The fine and the remedy of the problem go together.

Mayor Hoster: And if we don't have a remedy of the problem, then does it change from a civil to a criminal?

Craig Hall: It could but I don't like criminal. They just submit twenty bucks. So, here's your twenty bucks go away. We say thank you, for the twenty bucks for this is not over until you remedy the problem. And so, you continue down the process we just outlined.

Mayor Hoster: And then on an enforcement officer, so this is someone who will be paid, it's not a volunteer. And this is someone that has some degree of training or is there any liability to the city as a result of this individuals because we do have an area in here where we can walk on onto somebody's property. And anytime you are denied, you know, we can require a search warrant, but that they do have the right and ability to walk on someone's property.

Craig Hall: Generally speaking, but my advice to that code enforcement officer that I would stay off a person's property, unless it's absolutely necessary to go into property to get the full details what the problem is.

Craig Hall: Absolutely. I want to mention if you adopt is you got to be all in.

Mayor Hoster: Yes, it can't be inconsistent.

Craig Hall: You got to be all in because you got to be consistent across the town, you got to be consistent, and how we apply everything. And if you can't be all in, then don't do it. I mean, realistically, because it's not solving the problem. You can adopt it, and then you say, we don't like the crap we're getting from our citizens. Because they object, we're enforcing the laws. The city council has the right to establish the standard for the city and what you expect. I mean, okay, this is a little different subject matter, but look what's happened in St. George, the last couple of days, with their city manager. Look what's become public. Well, in June, they had an event pursuant to a permit to have a drag queen over three nights. Okay. And evidently, this is I'm getting from the newspaper. I don't know anything else. Evidently, the city manager made the decision to grant that permit because they check the boxes. And it was a First Amendment right. You may not like the content, etc., etc. And that's it. I don't want to talk about the content of what happened. But he made the decision. Well, evidently, city council has decided that that was not the greatest decision in the world for the community standards of St. George. So, they entered into a severance agreement, and he's left. According to the newspaper, the Spectrum, He followed the process. And he really didn't have any choice based on what the city council had adopted as to the process. Because these folks probably would have sued, saying you have to follow the process. But the same thing applies to this. You got to be in. You got to be willing to stand by the ordinance and the process and the violations that you're going to establish, or it doesn't make sense It's just a waste of your money paying us to help you do this.

Mayor Hoster: For further dialogue on this, unfortunately, I don't see that we're going to be able to make any progress on this. But I do want to spend the rest of the time making sure that we ask Craig questions while he's here, to identify how we want to implement this. I can tell you that to hire a hearing officer is going to be minimal. To hire a code

enforcement person, we've talked with our neighboring towns and contracting with them is a very feasible option. The cost to the town in dollars is not really all that out outstanding. What we do have is arbitrary and capricious following of this, where we follow it sometimes, and we don't other times. Then we've got citizens who are upset about that, rightfully so. As it has been in the past, we don't go out and look for problems. We wait for problems to come to us. And then we can, we contact the people and say, Hey, we've got this situation. Sometimes a letter resolves it and sometimes it doesn't. When it doesn't, now we've got the complainant upset. If it's an issue of health, safety, and welfare, we do have other processes we can take to the county and through the sheriff's office but on all the other stuff, we don't have any teeth.

Craig told examples of a previously successfully resolution to non-conforming residence in Leeds and other scenarios.

Councilmember Stirling: I have a question about the powers of the Hearing Officer. It says a hearing officer shall not make determinations as to the existence of non-conforming rights. What does that mean?

Craig Hall: Okay, you may have something that predates a zoning ordinance like: let's say you have a piece of property that was only 6,000 feet, in total acreage, and the house was built in the 1920s. The setback is less than what is allowed now. You have a nonconforming house, and somebody walks in and they said they build a garage without a building permit and that sort of thing. So, the house is okay, but the building permit is not. So, we go after the builder with a stop working orders until the file is up to date. So you can have conforming versus non-conforming. It generally doesn't deal with nuisances or health, safety and welfare issues. If we got people in the town with animal in residential zones, and what if they're not taking care of the animal waste? It becomes horrible. I mean, it crosses the line, whatever that line is. Well, you have got to go fix it. The resident argues, I had the horses before you guys passed this ordinance. Does not matter, its about town safety.

Councilmember Stirling: Well, it says on here that he [Hearing Officer] shall not make a determination to the existence of non-conforming rights and that the land use authorities' decision shall be binding. So, it basically sets Leeds town as land use authority for the termination of the existence of the non-conforming, right?

Craig Hall: Well, let's assume that they're conducting an activity in the houses of business. I'm just winging it, and they're conducting a business. If it's non-conforming structure, generally, some cities actually will prepare a notice that says, A Notice of Non-Conforming Use, which allows the use to be there. But if they started something else. Another type of business or something and we asked him to stop, and they don't. The house is nonconforming, businesses is not. So, the Planning Commission can make the decision on nonconformance to the city's zoning ordinances but they can't make a decision regarding noncompliance. I have a couple examples in my mind, but they're too fresh in the city.

Councilmember Stirling: No, you're fine. It would never actually go to a Hearing Officer anyway because we would determine that before. Right?

Craig Hall: Right. Yes. On the land use.

Mayor Hoster: This is a great chance to pose out any questions to Craig while he's here.. It appears to me that we do have some ordinances, of which we are not real fond. The question is, if we implement this in December can we still go back and pull some of those ordinances and cancel them?

Craig Hall: Absolutely.

Commissioner Roberts: I think it's in the town's best interest to revisit those, whether you decide you want to get take action on this. But, you will see some pushback from Leeds citizens on some of the ordinances that exist.

Craig Hall: Remember what I talked about. We have to adopt three things. We have to adopt the program. You have to adopt and review your ordinances where you want what's acceptable, what is not acceptable, then we have got to adopt amendments to the fee structure. So, there's really three separate things. And I think alloy you just mentioned review, I think that's important. Maybe there's things that are okay, that are in there, that should not be in there. And that sets the time of the town policy.

Mayor Hoster: So, by enacting this, we still have the opportunity to go back and forth.

Craig Hall: Absolutely. And you have to do that on a regular basis. You ought to review regularly. Times change, you know, situations change. Let's say this is the land use. Short term rentals, accessory dwelling units. Look at the change, and I think there's going to be more changes coming from the legislature this year. Right now, accessory dwelling units has to be within the footprint of the main dwelling. The legislature is seriously going to consider accessory dwelling units outside of the house this year.

Scott Messel: I agree. I think it's going to end up being a detached accessory dwelling is a permitted use in all residential zones.

Mayor Hoster: So, we should adapt.

Scott Messel: One of the things is to think about with our ordinances is living documents, rather than static documents. We always need to make changes,. Just like the short-term rentals, that caught everyone by how quick that industry exploded. It caught everyone by surprise. So, everyone was reactive rather than proactive.

Commissioner Roberts: That was a good example. The billboards over the last 15 years has really been an issue too. The state legislature is taking action on that. When you get enough pressure by enough people or certain people with enough influence, and then municipalities need to understand they are a subdivision of the state that they belong to.

Now, that doesn't mean that you don't have the ability to have your town or city what you want it to be, but you are a political subdivision and so you have to live by state statutes.

Craig Hall: Absolutely. Well said. I mean, They love to beat on us, but they don't like the federal government to tell them what to do.

Mayor Hoster: The documents that have been provided to us by counsel, I highly recommend that both the Planning Commission and Town Council and in all effective review these, would this be something that you recommend we put out for public review it?

Craig Hall: Sure. Okay. And what I would suggest is, mark it up and give your questions to the mayor. So he can assemble them, send it to us, and we can attempt to answer them. I don't think it's real efficient for Jennifer to send them to me than Danielle to send it to me or Gary or Alan. I think we should funnel them through you. Then I can just assemble an answer.

I would float this out there. It goes back to being transparent again. Civic people are going to want this.

3. Discussion Items:

b. Annexation process update with Matt Loo

Mayor Hoster: Now. That's, that's good counsel. I don't see anything further to really discuss on this. Are there any other questions for Craig at this time on the on the ACE program? Okay. Moving forward on the work meeting. We do have about 15 minutes less left, excuse me. And as a discussion item, we have invited Mr. Matt Liu and Scott Messel to discuss the annexation process as it is at this point for also, other discovery of components associated with plans. And so, I'll just turn the time over to you if that's okay.

Mayor Hoster invited Matt Loo to the table.

Scott Messel: Okay. So, the you know, the, the annexation process is a very convoluted and complicated process. I've been reading through annexation code for 20 years, and I still have to read through it hourly to try to figure it out before I call Matt and tell him what his next steps are. The letters were sent out by the county. Matt Loo who is one of the petitioners on the petition for annexation into the town of Leeds proximately six hundred acres. I'll call it northwest corner of town. The petition or notice of intent to file a petition was sent out and then the applicants have submitted the petition to annex and everyone with property within that annexation boundary has signed in favor of it. That's one of the criteria is a percentage of those property owners within In that boundary need to be in favor of it. Following that, what we need to do now is the town clerk will work with Craig and make sure that it meets all the codes send a certification to the town council town council will then decide to accept or deny the petition or the continual review of allowing it to move forward through the process. Hold the public hearing. One

of the things, there's been some concern brought up, when you look at the map and I brought a bunch of copies. You can see the parcels that we're talking about are highlighted in red. And so there's other so everything that's white on the map is, and within the dark gray line is within the town of Leeds, the stuff that is in color is an unincorporated part of the county. So the area highlighted in red would be contiguous to other parts of the county. However, it does leave some areas creating an island of unincorporated area within the boundaries, their state code allows for islands to continue or be created if the county in the city are in support of the annexation. So, if you have an island in an annexation whittles way at some of the island, yes, it creates a new island but one of the other criteria is that everything that is within the unincorporated Island is within the town's annexation boundary plan, which it is.

Craig Hall: Why would you leave an island?

Scott Messel: We don't have to, but it's if there's property owners within the unincorporated that may not want to be a part of this annexation. The area in red is what is proposed to be annexed in. And then you have the other green areas and the other color areas on both sides of I-15.

Mayor Hoster: Where we've got an area here if, is it improper to speak about the concern there with that.

Scott Messel: I can do that. The concern has been raised by adjacent property owners to this annexation concern that because of its existing as an island, the county would force annexation of those other parcels into the Town of Leeds, and that is not the case. The county won't pursue that or push that.

Commissioner Roberts: Help people understand that could have depending on dollar values of property that is annexing there has to be a percentage of dollar value.

Scott Messel: Correct.

Mayor Hoster: the concern was that this area has a special zoning that's associated with it, that if it came into Leeds, it was not clear if that could be grandfathered in. And we want to make sure that that property owners rights are not compromised. Yeah, some of the property in that area is in the AG protection zone, and they don't want to lose the Ag protection that they have. But being annexed into the city would not. I find no reason, in review of codes, to see that it would force or remove the Ag protection.

Mayor Hoster: Do you concur with that Craig?

Craig Hall: I do.

Scott Messel: I've contacted Matt and you know, also talked with legal and the powers to be at the county and they feel come proposal with it moving forward. From the county perspective, they would love to see all the areas that are within an annexation boundary plan eventually annexed into the town. Because in most instances, the town or municipality can provide the services that the unincorporated area can't. But the county is even if it has to piecemeal, or little pieces at a time. It's the county generally is in favor of that.

Mayor Hoster: Thank you. Let's turn the time over to Matt.

Matt Loo: there was some good concerns. But there are examples of this in other parts of the county one is over in St. George city, that has been up and operations for a lot of years. Right there, you've got a family, the Gubler family, on Dixie Drive, that refused to go into go through the city. And there they sit, Love them to death, but. So there is examples of what you ever been proposed, that are within the county.

Scott Messel: And then in also, another example that is going through the process right now as well. Out near the Sky Ranch, Grassy Meadows, Copper Rock area, near Hurricane, it is almost an island out there. It's got a very thin sliver that keeps it a peninsula, technically, but it's surrounded by the town of Hurricane city. Originally they were trying to get the whole thing to go into the city. But some of the property owners stand-alone now it's coming in in pieces.

Matt Loo: I think as far as representing the group here, looking at your Annexation Policy Plan, I think we fit in some of those boxes pretty well, as far as the reasons why you could consider this as an annexation. I think, once you go through the criteria of what potentially this property could bring to Leeds, whether it's sales tax, property tax, additional funding for services, resources, employees, I think that also checks that box as well. Obviously, at the end of the day, as part of your plan to there's I guess there's like a section five, it talks about a potential recommendation from the planning commission on zoning of this property. So that's something that maybe we want to talk about at a later date before the annexation is completed. So again, that's a discussion that we can have at any time. And we're open to that discussion, as far as when that can happen. And just kind of work with the planning commissioners, to see what they think along with your general plan. And what you know, we feel comfortable, what really feels comfortable as far as uses in this area.

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Councilmember Stirling: Are you wanting to come in with a developer's agreement with the zoning at the same time for separate developers agreement?

Matt Loo: Developers agreement will probably come towards the end. It's about the same thing.

Craig Hall: It is. You can have a recommendation from the planning commission, but you can't Zone before you annex. Matt, What is your timing.

Matt Loo: Like everything else, as soon as we can.

Craig Hall: Scott, you want to talk about the benefit of doing something just prior to January 1? I can if you want.

Scott Messel: Go ahead, you are more eloquent.

Craig Hall: The annexation can be affected two times a year. One January 1, one on July 1. There is a benefit to get getting it done on January 1, because you get the full tax for the year.

Mayor Hoster: I don't know how we would be on timeline with being able to execute something like that. Instead of doing it right now. We want to do it right. But what does that look like Scott?

Scott Messel: We would be close just looking at the timeframes for notice for the public hearing and the full-blown approval and the mylar and all that must be submitted. It does need to go up to the state and governor's office.

Matt Loo: I think we've got some help there as well at the Capital. I know she's given it 60 days or 30 days to respond once it hits your desk?

Scott Messel: I think it's thirty.

Matt Loo: I think we can work with that timeframe. If need be then we do with what we need for July 1st.

Scott Messel: I think timeframe wise, it's a we're pretty close to January.

Councilmember Cundick: You should shoot for January, because the longer this sits out there, the more problems you have to deal with.

Craig Hall: Mayor, May I make a suggestion. Scott. I apologize for not calling me back. I knew you were going to be here today anyway. So, I didn't make the effort. Why don't you and I and the mayor and get together. Let's outline a timeframe for this process over the next blank, following Ron's suggestion, January 1, see if that works. If it doesn't, then we can do a timeline for later. It won't be effective after the first of the year until July 1. Anyway. Yeah, that didn't get caught up, we can establish a timeline to make the decision and finish it. Even if you don't make the January 1.

Scott Messel: Well, if there's a desire to be talking about potential zones coming in, I mean, that would take more time too.

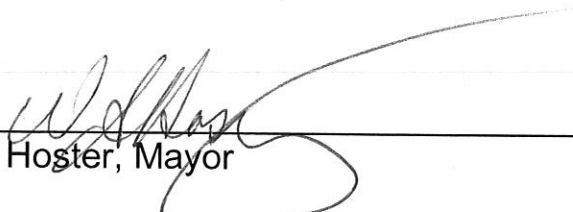
Councilmember Roberts: let me throw one thing out. Mayor. This is a good spot to do an educational for citizens and individuals on Town Council and Planning Commission's on annexations because part of our earlier discussion was on code enforcement. Keep in mind when you bring a property into a municipality, you bring it in as is unless there's some agreement or unless you have made a condition that says you will remedy this that whatever it may be, when you bring it in, you cannot force them immediately to make a change for let's say a nuisance.

Craig Hall: I somewhat disagree with you. If it's a health safety issue,

Councilmember Roberts: Agreed. If you can prove that it's health safety, well, if it's just a nuisance, because I don't like the color of whatever, right? So, it's important that people understand that. When you bring properties in, then you go, Oh, now we can hammer them because, you know, the county didn't do anything about that. You know, we can do this. Be cautious about that mindset of thinking, well, we enforce property owners to do certain things now that they're within the municipality.

Mayor Hoster: It's a good point. I'll take any other comments or questions at this time. Okay. If that'd be the case, I request a motion to adjourn.

Meeting adjourned: 7:04



Bill Hoster, Mayor

Alan Roberts, Commissioner

ATTEST:



Aseneth Steed, Town Clerk/Recorder