

# Town of Leeds

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## Town Council Meeting for Wednesday, July 26, 2023

### Regular Meeting 7 PM

1.Call to Order/Roll Call: 7:00

**ROLL CALL:**

	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER	<u>X</u>	<u>      </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>X(Zoom)</u>	<u>      </u>
COUNCILMEMBER: RON CUNDICK	<u>X</u>	<u>      </u>
COUNCILMEMBER: STEPHEN WILSON	<u>X</u>	<u>      </u>
COUNCILMEMBER: KOHL FURLEY	<u>X</u>	<u>      </u>

Town Planner, Scott Messel present

Invocation: Councilmember Cundick

Pledge of Allegiance:

Declaration of Abstentions or Conflicts: None

Agenda for July 26,2023

Councilmember Cundick motioned to approve the agenda for July 26, 2023.

Councilmember Wilson seconded. Motion passed in a Roll Call Vote:

**ROLL CALL VOTE:**

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

Town Council Meeting Minutes of June 28, 2023

Councilmember Furley moved to approve meeting minutes of June 28, 2023. Seconded by Councilmember Cundick. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: BILL HOSTER	X	_____	_____	_____
COUNCILMEMBER: DANIELE STIRLING	X	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	X	_____	_____	_____
COUNCILMEMBER: KOHL FURLEY	X	_____	_____	_____

6. Citizen Comments: None

7. Announcements: 3:55

a. 4:02 Public Hearing date for Planning Commission August 2, 2023, & Town Council August 9, 2023, for Ordinance 2023-03, Amending Chapter 21, Section 14 7:00pm

b. 4:30 Code Enforcement Officer Morgan Able Oath of Office  
 During the meeting, the Clerk/Recorder administered the oath of office to Morgan Able, officially appointing her as the Leeds Code Enforcer.

c. 6:45 July 4, 2023 activities recap and budget review by Councilmember Furley  
 Councilmember Farley said, In general, the consensus regarding the Fourth of July events, including the pancake breakfast and Patriot pancake breakfast, was quite positive. As members of the blue committee, we are relatively new and still in the process of learning and improving our organization of these events. We have been analyzing the budget, considering expenses for breakfast, raffle awards, and parade. Despite not receiving any income from the awards in the parade, we managed to net \$388.59, which will carry over to enhance next year's events. I had a conversation with the mayor about the fireworks, and we plan to increase the budget to offer a more extensive and diverse display. Overall, things went really well, and we're enthusiastic to see everyone participate in our future events, all while sticking to the budget.

8. Public Hearings: None

9. Action Items:

a. 8:22 Appointment of Rochelle Gardner Planning Commission Alternate #3 term ending June 30, 2024

Mayor Hoster announced the Rochelle Gardner will be a planning commission alternate with her term ending June 30, 2024. She will be sworn in by the planning commission at their next Planning Commission meeting. He said thanked her for volunteering and pointed out that it's a very important position.

b. 8:49 Discussion possible action for Leeds Park, Farmers Market

Next on the agenda is the discussion and potential action regarding the schedule for the Leeds Park Farmer's Market. The idea was proposed by someone within the town of Leeds to have a farmers' market activity at the park. One suggestion was to have no fee associated with it, with the expectation that participants would clean up after themselves. However, it is acknowledged that there will need to be a fee to cover maintenance costs and ensure proper care of the facilities.

The council is open to discussing the various aspects of the market and encourages input from those in attendance. Ideas from social media have already been received, including the possibility of workshops, the sale of secondhand goods, and other activities besides the sale of agricultural products.

It is suggested that starting with only agriculture products might be more manageable initially. The proposed schedule has not been determined yet, and it is mentioned that neighboring towns often hold farmers markets once a month.

Concerns are raised about legal aspects, insurance coverage, and ensuring proper licensing for those selling produce. There is also a suggestion to set standards and limitations on the types of goods allowed to avoid any issues with community standards.

Michelle Peot believes that adding arts and crafts could enhance the community gathering aspect of the market.

Jared Westoff shares positive experiences with farmers markets in other towns and encourages getting advice on a successful mix of categories to attract participants. The idea of having agriculture products weekly and expanding to other goods and activities once a month is proposed to accommodate different produce availability.

The council recognizes that the frequency and scope of the farmers' market need further consideration, and they will seek advice from legal experts and other towns' experiences before making a decision. Input from attendees and the community is encouraged and welcomed during this discussion. The matter is left open for further consideration by the town council.

10. Discussion Items:

a. 19:47 Discussion Regarding Silver Pointe Estates Development letter

Next on the agenda is a discussion item regarding the Silver Pointe Estates development. Mayor Hoster offered some background. The development is located on the west side of I-15, near the Catholic and Protestant cemetery area. The development firm has been working on creating a habitable residential area in this location for over 12 years, facing challenges with different administrations and regulatory agencies, including the EPA (Environmental Protection Agency) and the Utah states DMR (Discharge Monitoring Report) and DDR (Data Requirements Rule).

During the development process, an agreement was reached between the town and Silver Pointe Estates. However, it has been discovered that this agreement expired a couple of years ago, in 2018 and there are no records of any extensions. This situation has resulted in a legal conundrum, complicating matters with environmental agencies and town ordinances.

To address this issue, it is proposed to send a letter to Silver Pointe Estates, discussing the situation and seeking resolution. The town's legal counsel has been closely involved in this matter to ensure all legal aspects are thoroughly addressed. The mayor will read the enclosed letter to the town council for discussion and agreement on proceeding with its delivery to Silver Pointe Estates.

**Town of Leeds  
218 N Main St.  
Leeds, UT. 84746**

**Re: Silver Pointe Estates Development**

**July 13, 2023**

*To whom it may concern:*

*Having started my position as Mayor in January of 2022, I have spent a great deal of time looking into the issues surrounding the Silver Pointe Estates development. Because it has been over a decade since the developer submitted the original application, researching past interactions, documentation, and consultation was essential to ensure a proper understanding.*

*The site for Silver Pointe Estates has undeniably been quite controversial within the Town for many years—and for good reasons. The site is considered to have unnatural hazardous and toxic contamination, as well as natural contamination. The prior administration agreed to work with the developer in qualifying the site as safe for residential development by utilizing a process developed by the State of Utah, known as a voluntary cleanup program, which requires a Certificate of Completion to satisfy the entire site as safe – nothing else qualifies. Though a subdivision plat was recorded in 2016, the Town has still not received a Certificate of Completion from the developer, DEQ or DERR.*

*Furthermore, the Town of Leeds has reviewed the expired agreement between the Town and Silver Pointe Estates, concluded an extension does not exist, and wishes to now direct Silver Pointe Estates to appropriately start the process of development over through the Town's established and proper channels: Town Planning Commission and then, if approved, the Town Council. This process is required for all developers within the Town of Leeds, and after careful consideration of the facts, the Town of Leeds concludes that beginning the process again is appropriate under these circumstances.*

*Because the developer failed to meet its contractual obligations for developing the property, the Town of Leeds plans to begin the process of vacating the recorded subdivision plat. As noted in Town Council minutes, the approval for recording was*

*conditional upon the Town receiving the certificate of completion, as well as meeting all requirements of the agreement, to enable Silver Pointe Estates a pathway for financing or funding of their project. Because these conditions have not been met, despite the fact that it has been several years since the subdivision plat was recorded, the Town of Leeds plans to move forward with vacating the plat.*

*Kind Regards,  
Bill Hoster, Mayor  
Leeds, UT*

Mayor Hoster addressed Town Council members, it is crucial that each of you has a copy of this letter and fully comprehends its content before we proceed. The letter is intended for Silver Point Estates' opposing counsel, and it has been recommended by both myself and Leeds legal counsel that it be sent without delay. I am now opening the floor for any discussions, opinions, or questions regarding the letter. Please feel free to share your thoughts on this matter.

Councilmember Cundick said He supported sending the letter.

Councilmember Wilson raises an important question about whether there are any other expired documents or agreements related to developments that need to be examined. The Mayor confirms that if there are any other developments with expired agreements, they would fall under the same laws and considerations.

Councilmember Wilson seeks clarification on whether any other developments have approached the town regarding construction and building permits with expired agreements. The Mayor states that no other developments have approached the town with such requests.

It appears that the focus is currently on the Silver Point Estates development, and there is no immediate information about other similar cases. However, Councilmember Wilson's concern highlights the importance of being proactive in monitoring and addressing any potential issues with other developments in the future.

Councilmember Furley voiced support in sending the letter.

Wilson then inquires if the town has records of other agreements that have expired. Mayor Hoster clarifies that supporting documentation, including a copy of the expired contract, will be provided to the development.

Finally, Wilson asks if the town is obligated to notify developers when their agreements are about to expire. Mayor Hoster states that there is no such requirement, and Town Planner Scott Messel emphasizes that it is not the town's duty to act as project managers for developments.

Mayor Hoster expresses gratitude for being able to address all the questions and concerns raised during the discussion. He emphasizes the importance of respecting the property rights of all parties involved and ensuring that there is no bias on the part of the

Town Council in handling the situation. If an agreement has expired, the town must insist on starting over to remain in accordance with the law.

Councilmember Cundick adds that the town's authority to engage with developments is based on contracts, and if the contract has expired, the town no longer has any authority.

Mayor Hoster confirms that this is a discussion item, and if anyone has opposition to sending the letter, they need to express it during the meeting since the plan is to send the letter the following day.

Councilmember Stirling voices support for sending the letter and indicates that she has no opposition to sending the letter.

Councilmember Cundick suggests having a formal vote on sending the letter and recording each member's position on sending the letter for the town's records. The idea is to have the council on record in case there are any challenges to the town's actions in the future.

However, Mayor Hoster mentioned that adding it as an actionable item would require a motion and it's not necessary. Instead, informal approval from each council member during the discussion is considered sufficient to show the council's position for the meeting minutes.

Councilmember Cundick voices he does not want to hold up the letter's delivery and the councilmembers agree that the informal dialogue and vocalized support from council members for the letter should be enough for the record, as the contract expiration itself legally justifies the town's actions, and there is no specific action required by the council.

Given this explanation, a formal vote is not pursued, and the discussion item is concluded. With no further opposition or comments, the discussion item is closed, and the meeting proceeds to citizen comments.

#### 11. Citizen Comments: 31:06

Tina Dyroff expresses her gratitude to the council for prioritizing this matter and standing up for what is right, without fear of potential lawsuits or consequences. She appreciates the council's commitment to fighting for the town's interests.

Michelle Peot says she would like to echo Tina's sentiments by expressing her appreciation for the council's thoughtful consideration of the Silver Pointe Estates issue. She also encourages the council to thoroughly review the town ordinances as they move forward, as there may be additional relevant ordinances that need to be considered. Mayor Hoster voices gratitude to Michelle Peot for her contribution to the topic.

#### 12. Staff Reports:33:05

Councilmember Furley announces that the Public Works officer Antonio Fernandez will be leaving for another position due to the lack of benefits offered by the town. He emphasizes that the town is financially constrained and cannot offer competitive benefits.

Mayor Hoster mentions that he is investigating further to explore any available options but notes that the town has not raised taxes in a long time and is very frugal with its budget. Antonio's departure is acknowledged as a result of pursuing a better opportunity, and Councilmember Furley and Mayor Hoster urges others to thank Antonio for his efforts before he leaves August first. Antonio has offered to assist in a part-time capacity during the transition period.

Mayor Hoster is already in the process of identifying potential replacements for Antonio's position. He concludes by expressing his gratitude for Antonio's dedication to the town and appreciates the effort he has put forth for their community.

Councilmember Furley provides an update on the resurfacing project for Valley and Vista roads. The paperwork has been submitted and the contract has been granted for the resurfacing, scheduled to begin in the fall, around mid-September to early October. The resurfacing company intends to close down the roads completely during the project. However, Councilmember Furley acknowledges that this may be challenging, especially on Valley Road's south end, where there is a high amount of traffic.

He plans to discuss with the resurfacing company to find a way to alleviate the inconvenience. One option they suggested is having everyone park their cars at the end of the road on the dirt road leading towards Solivan's property, and then walk to their vehicles as needed.

Councilmember Furley hopes to reach a compromise, such as closing down just one direction or lane at a time, resurfacing it, letting it dry for 24 hours, and then moving on to the next section. However, he notes that the company prefers not to do this, so further discussions will be necessary to find a feasible solution.

Considering the density of the two communities along the affected roads, he recognizes the potential for problems and hopes to address them appropriately.

Councilmember Wilson provides a quick report on the post office situation. He mentions that the post office needed to put it out again for someone to contract with them. He's not entirely sure about the current status, but he believes they are in the process of contacting people and resolving the issue.

Councilmember Wilson expresses his gratitude to all those who were involved in handling the situation with the post office.

Mayor Hoster provides updates on two important matters. Firstly, the town is taking action to alleviate floodwater issues on Vista Road. Drainage ditches will be constructed along the road from north to south, aimed at mitigating water damage. The construction is expected to begin soon and hopefully be completed quickly with minimal disruption.

Secondly, Mayor Hoster discusses House Bill 392, House Bill 392, passed by the legislation in their last session, allows service districts to charge a 1% sales tax to residents within the area. However, there has been confusion and misconceptions regarding this bill. Mayor Hoster clarifies that the Hurricane Valley Fire District is planning to use this opportunity to reduce property taxes and rely on the sales tax instead, resulting in a tax reduction in some areas outside of the fire district.

He points out that the sales tax will apply to all of Washington County, not just the Hurricane Valley Fire District. It will also include fire departments in Ivan's, Santa Clara, Hildale, Apple Valley, and Enterprise. The sales tax proposal will be on the ballot for November, only in areas where resolutions have been submitted to the county commissioners.

The Mayor strongly encourages residents to vote in favor of the sales tax as it will allow the fire district to service approximately 125,000 people in the area, including the large number of tourists who visit the parks and St. George each year. This approach aims to reduce taxes for residents while increasing revenue from tourists, providing sufficient funds for state-of-the-art fire and EMS services.

Mayor Hoster expresses his belief that this is a crucial step in fulfilling the government's primary obligation of ensuring the health, welfare, and safety of the community. By implementing the sales tax, they can maintain well-equipped fire departments and personnel to meet the needs of the growing population and tourism influx.

13. Closed Meeting-None

14. 43:02 Adjournment:

Meeting closed at 7:43

Approved this Ninth Day of August 2023.

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Bill Hoster, Mayor

ATTEST:

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Aseneth Steed, Clerk/Recorder