



## Agenda

### Town of Leeds Town Council

### Wednesday, April 24, 2024

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, April 24, 2024, at 7:00 PM at the Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

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

#### **Regular Meeting 7:00pm**

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
  - a. Tonight's Agenda
  - b. Work Session Minutes of April 10, 2024
  - c. Meeting Minutes of April 10, 2024
6. Citizen Comments: No action may be taken on a matter raised under this agenda item. *(Three minutes per person.)*
7. Monthly External Reports: LDWA/HVFSSD/Sheriff's Office
8. Announcements:
9. Public Hearing:
  - a. Amended Cemetery Ordinance 2013-01. Proposed Cemetery Ordinance 2024-01  
The Amendment includes new definitions, administrative forms, and restructure of previous Ordinance.
  - b. Proposed Excavation Permit is an Amendment to Chapter 10 of Land Use Ordinance 2008-04  
The Amendment includes new definitions, a fee schedule, and a physical permit to be issued
10. Discussion and Possible Action Items:
  - a. Amended Cemetery Ordinance 2013-01. Proposed Cemetery Ordinance 2024-01
  - b. Proposed Excavation Permit is an Amendment to Chapter 10 of Land Use Ordinance 2008-04
  - c. 4<sup>th</sup> of July Planning / Committee
11. Citizen Comments: No action may be taken on a matter raised under this agenda item. *(Three minutes per person)*
12. Staff Report
13. Adjournment

The Town of Leeds will provide reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 435-879-2447 at least 24 hours prior to the meeting.  
The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting: The undersigned Clerk/Recorder does hereby certify that the above notice was posted on April 23, 2024, at these public places: **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** at <https://www.utah.gov/pmn/>, and the **Town of Leeds website** at <http://www.leedstown.org>.

Michelle Rutherford, Town Clerk/Recorder

# Town of Leeds

## Town Council Meeting for Wednesday, April 24, 2024

### Regular Meeting 7:00pm

1. Call to Order: 7:03pm

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

2. Invocation: Bill Stone

3. Pledge of Allegiance

4. Declaration of Abstentions or Conflicts: None

5. Consent Agenda:

a. Tonight's Agenda

Motion by Councilmember Cundick, 2nd by Councilmember Hansen. Motion carries.

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

b. Work Session Minutes of April 10, 2024

Motion by Councilmember Stirling, 2nd by Councilmember Furley. Motion carries.

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

c. Meeting Minutes of April 10, 2024

Motion by Councilmember Stirling, 2nd by Councilmember Hansen, Motion carries.

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

6. Citizen Comments: None

7. Monthly External Reports:

**LDWA:** Nothing

**HVFSSD:** Kohl Furley: Burn Permits, end May 15<sup>th</sup> (Spring Burn season is typically March 1st - May 30<sup>th</sup>) go to [www.washingtoncity.org/burn](http://www.washingtoncity.org/burn) (Washington City developed the permit, that's why it goes to the city's website) Click on Do you need a burn permit? If it does not let you enter your information, it is not a good day to burn. Or you can call 435-635-9562.

**Sheriff's Office** – Mayor Hoster spoke with the Sheriff. He reported that they are coming out here daily and they are giving tickets. He spoke to John, with Landmark Excavation, The long red light is designed for equipment to work between intervals, allowing traffic to pass on each side. However, it is a blind corner with a one-way traffic flow, posing a risk to workers and causing accidents.

8. Announcements: None

9. Public Hearing:

a. Amended Cemetery Ordinance 2013-01. Proposed Cemetery Ordinance 2024-01

The Amendment includes new definitions, administrative forms, and restructure of previous Ordinance.

Motion by Councilmember Cundick to enter into a Public Hearing, 2<sup>nd</sup> by Councilmember Stirling. Motion carries. 7:10pm

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

The Mayor read page one of Ordinance 2024-01 aloud.

Councilmember Hansen made comment about Town Council hours being incorrect.

Mayor Hoster made comment about how citizens that have buried their family members recently were upset about the conditions of the cemetery. We will be putting more efforts into cleaning up the cemetery. He spoke about the Non-Profit "JustServe" and the Town can set up their own Service Project for them.

Doris McNally, Sexton: Habitat for Humanity asked to do a project at the cemetery, involving 500 people. Due to road work and potential difficulties, we had to decline their offer. They lack a bus to transport the people. The project needs to be planned at a suitable time without conflict with the construction. Contacts have been shared with Danielle Stirling.

Councilmember Stirling: Just on record, I've read through this quite a few times and the detail work that Doris has done is absolutely incredible. I haven't found one thing in here that I would disagree on. I think it's a very firm foundation for a great amended ordinance.

Mayor Hoster: Do we have the Permit for the Headstones?

Doris McNally: That is a document still under development.

Councilmember Hansen asked for clarification about a "Resident"

Doris McNally explained that the "Resident" status is at the time of purchase only.

Motion by Councilmember Furley to close the Public Hearing, 2nd by Councilmember Hansen. Motion carries. 7:20pm

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

- b. Proposed Excavation Permit is an Amendment to Chapter 10 of Land Use Ordinance 2008-04

The Amendment includes new definitions, a fee schedule, and a physical permit to be issued

Motion by Councilmember Hansen to enter into a Public Hearing, 2nd by Councilmember Furley. Motion carries. 7:21pm

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

Mayor Hoster: The Council is grateful for Scott's assistance in preparing the proposed excavation project. We have discussed this and reviewed other towns' permits and have included additional information about fees that were not posted. Just this spring, six excavation projects have occurred, involving concerns about hillside ordinances, vegetation disturbance, dust disturbance, and a natural drainage area. As the town experiences growth, it is crucial to have a system in place to guide these projects and grading ventures. Fees are associated with these projects, as many of these circumstances are above the council's pay grade. The council typically works with contractors such as Sunrise Engineering to handle these tasks, and it is essential to recoup these costs.

Councilmember Furley: I have a question regarding section 10-18C-1L; Outline for notification of the Hurricane Valley Fire district, one hour in advance of each blast and the approximate time of each blast. So just like you spelled out in Section 1, the fire district requires the same. So unless this is encompassing that we're carrying the permit from the Town that is needed for the fire district. But, I believe the Fire District has its own permitting process for blasting. One hour in advance would not even be enough time for our guys to get out there.

Scott Messel: So you'd just like it to refer to Hurricane Valley Fire District's permit

Mayor Hoster: We need them to be on standby. So maybe make it subject to their availability.

Councilmember Stirling: I do have one additional. It's 10-18A-2 the review process and then under C for inspections. That we should add when required by Town of Leeds, the Permittee or contractor will employ a special inspector approved by

Town of Leeds and Chuck Bentley gave this basically because we have this in a previous part, but we don't have it in this review process and so adding that will give us the opportunity that at the discretion of the Town of Leeds, we can have a special inspector paid by the permittee.

Chuck Bentley: I commend you on identifying the problem and getting this ordinance ready for approval. It's very well written. It covered everything that it needs to cover. It's fair, developers and contractors are used to having these kind of permits and the cost will be borne by the developer and not by the Town, which is how development should be done. So Scott did a great job. It's a well written ordinance and I urge you to pass it.

Mayor Hoster: Thank you for all your help on this, Chuck. We really appreciate that.

So one of the things that I saw as I very first came on was an individual from the Planning Commission had instigated and ultimately implemented a Fugitive Dust Ordinance and so should we reference that on 10-18A-5 of dust. Well, it does seem that it follow what is really a nebulous means of calculation for what dust is. I mean if it changes color depending on where you're standing. But I just wonder if you want to incorporate any of that or reference it?

Additional copies were made and time was taken to allow the Public to Review the Ordinance.

Doris McNally: One of the issues we've been seeing with the current Landmark Project, is that they have been hitting the Internet lines. Anytime you do any excavating, you should contact Blue Stakes.

Mayor Hoster: I think it's a really good point. Just making sure that they have signed a waiver that they have contacted and executed line markings.

Councilmember Stirling: Section 10-18A-2-C6 does say that they must contact LDWA, WCWCD, Ash Creek, and any other private or public utility.

Mayor Hoster: We need to just reference the State Code.

Lynn Potter: You guys know my thing as the hillside ordinance, and I've been after you guys about making some allowances in the hillside ordinance. I wanted to ask if by any chance there any Definitions added to this to allow for bumps the size of this desk, because you know, given the current computer program that Sunrise uses a bump the size of that desk shows up as over 30%. I've been after you guys to throw in some definitions, I mean, if there's a hole that size, it shows up as over 30%. So, will you consider any kind of minimum threshold where the 30% kicks in, You know the size of a car.

Mayor Hoster: I think you make a good point. Scott, will you put in reference of the the town's current ordinance of the hillside and how the approvals must happen between 10 and 30 and then 30 is a no go? To Mr. Potter's point, if it's not clear, then that has to be a separate modification of that ordinance of what he's asking. I think we can only reference it here. We can't put anything that supersedes that Ordinance.

Michelle Peot: In 10.1, there's a lot of different hazards that are mentioned here that are then not addressed under requirements under 10.2.1 for example, potentially dangerous soil, so possibly spelling those out and just to address the situation with Silver Point, we've got a lot of environmental hazards. Where is that addressed?

Chuck Bentley: That's covered.

Michelle Peot: It is not mentioned in the requirements. It is mentioned in 10.1, but then it is glossed over, What about structural hazards like bentonite clay or health hazards?

Mayor Hoster: It does say "proposed construction". In my opinion, that means taking something and making something else. So whether that means adding a path or just planting a tree.

Scott Messel: We can add Development Activity in our Definitions (Land Use Ordinance Definitions).

Michelle Peot: My point is there's other considerations that may come out of soil that aren't really addressed in the requirements, like health considerations, for example, or things like that. Where would our ordinances be around you know, I want to build on a site or whatnot. I think that should be more clear. We specifically call any discernible flood or earthquake hazards, but we're not addressing the other types. That was my point. And the hazards are listed. The other one under 10-18A review process under 6. You may want to add Angell Springs there since they're right on the borders of town.



Scott Messel: We could add them, but it would just it'd be under any other special service district.

Michelle Peot: The other big thing with Angell Springs is their drinking water protection zone extends into Leeds.

Councilmember Stirling: I see in 10.2.2 it says whenever a professional expert indicates a parcel may be subject to a potential or actual hazard, the applicant shall meet the special conditions required by the Leeds Planning Commission and the Leeds Zoning Administrator, when authorized to review, to reduce or eliminate such hazards. What are the special conditions required? Because I've never seen anything at the Planning Commission for special conditions.

Mayor Hoster: To me, for the example that was surfaced here, and I'm going to be very careful about pointing out mitigation in pending litigation, but it does specify from like the DERR DEQ that were associated with reports that were required by the Planning Commission to review for their ability to enable any type of construction permits which were in a development agreement. So that the development agreements were crafted after these actions were taken by special considerations of evaluation of time, of finance and certainly of the conditions, but that would that, in my opinion. Are you looking for something else?

Councilmember Stirling: Well, I'm wondering if we could use Mr. Bentley's information, as well, here, but says when required by the Town of Leeds, the permittee or contractor will employ a special inspector approved by the town or something more than a special inspector. But something along those lines. I think we should phrase it more as whenever a professional expert indicates a parcel may be subject to a potential or actual hazard the applicant shall employ a special inspector approved by the Town of Leeds so that we have coverage making sure that they are the ones that are paying for it and not the town.

Doris McNally: So relevant to LDWA, excavation, or let's say there's a parcel that has a will-serve in place. We are not a public utility. We are not a town utility. So there also needs to be considerations that they meet the requirements of any utility, private utilities they have will-serves from.

Mayor Hoster: I'm trying to connect those two, because we don't regulate any other utilities requirements, but when a will-serve is provided that's saying that you have that other utility whether it's Ash Creek, Washington or LDWA, all special service districts that provide utilities, would say this qualifies as this and this will-serve says that's been done.

Doris McNally: And that's why I'm saying to you that you might want to consider wording that where it gives you a little bit of leniency because there are situations, for example, there are current situations that do have a checklist. So from reading what I saw and from hearing the discussion, it sounds like you're assuming that the minute you have a will-serve, everything is clean.

Councilmember Cundick: So we're saying a will-serve doesn't mean everything has been taken care of. It just means they're willing to proceed, and if they find problems as they proceed, then those have to be addressed.

Mayor Hoster: So this point came up about a year and a half ago with the Southwest Utah Public Health Department. There was a septic system that was put in, and they said, yeah, go ahead. But they didn't say where. They ended up putting it on a hillside, which was in violation, and there was concern about below, where the leach field was going to be. So how could we do that? Because we don't necessarily have someone inspecting those things.

Scott Messel: Well, yeah, and we're not following up with the Special Service district to make sure everything has been met. We are depending on their expertise.

Councilmember Cundick: It seems to me, if someone gives a will-serve letter, they're responsible to make sure whatever proceeds is in compliance with all of our ordinances. If it's messed up then I think they have to straighten it out.

Scott Messel: So, you know, one of the things that we could have as part of the process is: Before final sign-off is given on a building permit or accepting the improvements in a subdivision, that we find out from the applicable special service districts or service entities that they're good with everything and we could just have that on our checklist and have that kind of stuff on there.

Mayor Hoster: My concern is that we don't currently have a process for checking those off and so we would either need to implement that here or make that an additional duty somewhere.

Councilmember Cundick: We're expanding this into too many other areas we need to focus on this and then find a way to bring the other things in. But this ordinance isn't for all these things we're discussing. We'll never get there.

Doris McNally: Just making sure you give yourselves some wiggle room. This is a living document, getting it in place is the priority.

Further discussion was had about the exact wording in the Review Section.

Councilmember Cundick: The problem I have is every time we try to specify things we lose the general application which covers more things and so you end up finding out it doesn't be well specified. So they drive on, but if you got a general umbrella you're much safer from an administrative thing to cover because you can't think of everything. I see excavation as a broader beginning. Then as you bring in the sewer, the water, you get more specific.

Scott Messel: Well, the building permit is already going to they have to show where the septic's going to be on the building permit. On a subdivision or even a commercial development, all the as-builts and infrastructure are going to be put in. There's going to be construction plans review on a building, a home on a lot. You're going to have the building plans, but also the septic and all the utility stuff will be on that. So they're handled under those processes. We just hope in the future is if there's a subdivision that's coming in and there's an area that we don't want to be disturbed, we're not going to let that area be a part of a lot and that would be in our subdivision ordinance. But what we're trying to do right now is with existing stuff that's out there.

Doris McNally: I apologize if this comes across as direct. This is not just about the developers. I look at it from the perspective of the existing homeowners. I hear the conversation going more toward development, but I'd like to see more protections put in for your current residents.

Chuck Bentley: I think we're trying to get like 15 different ordinances into one. This is for grading and excavations. It's well read and it's well defined. There's exceptions for your garden, and for a driveway to your house. It clearly states you can't do anything that affects adjacent property in lots of different manners, erosion, dust control, retaining walls. That's all covered in this. If the hillside ordinance needs to be adjusted, this isn't changing the hillside ordinance. This is just stating it. If it needs adjustment, then that's the ordinance that needs to be adjusted. All the other stuff, the septic tanks are a special permit. That's by Southwest Health District. We don't get a vote on, but what will help eliminate something? And this is a big growing pain for Leeds because there's probably going to need to be. They're called agency reviews and that's where everyone meets, especially on a bigger project and they are in the same room at the same time. So all of their concerns can be mentioned then, and everyone's aware of them. It needs to be in a meeting. The same thing on final inspections. It's a joint inspection done by all the parties; sewer, water, power. Then you get a punch list. You hold 10% of the bond, and then when the punch list is done, everyone's happy. Then you usually hold 10% of that for the one year walk through. But those have to be done jointly because it can all be done by Leeds. If Leeds was in charge of the sewer, the water, the power? They're not. So it needs to be a joint meeting. This to get back to my point, is just for grading and excavation. It can't encompass everything else.

Scott Messel: If I can go along with that. We are definitely going through growing pains in this town and you know what you will see in some of our existing code. It talks about joint utility, or DRC or JUC or JUD meeting where it's exactly what Chuck talked about. So I think as we make changes with SB174 and update our subdivision and just development, I think we'll be working on policies and procedures, and we will be wanting to institute and have that joint utility development meeting or whatever we call it. I mean I have that at the county and we talk through all these projects and it's not a part of the Excavation Ordinance, it's just a part of the development..

Mayor Hoster: Two things I wanted to bring up, one is penalties. We really don't have anything. If someone violates this and I'm wondering if we should probably have some sort of if you don't do it, here's the penalty and it's stated. The other thing was with excavation, and we do run into it here in Southern Utah, but should they find something that they're supposed to stop burial ground, you know, artifacts.

Councilmember Stirling: That's in. Here. Historic prehistoric ruins.

Mayor Hoster: So what is that process? If they keep going or? Is there anything with penalties that are associated with that? I think we need to reference the State Statute.

Scott Messel: Then going back, one of the problems that we have with our current code in reading some of the things. Even Developers or staff that reads code all the time, if I'm reading through it with 20 years of experience reading code

and I don't understand what it means, then there's a problem with the code. I think SB 174 is trying to do is make it so that anyone can read the code and have an understanding and you don't have to have a PhD in engineering or anything like that to do it. But we do need to make sure that we are protecting ourselves. We can't have these huge ordinances for everything.

Councilmember Stirling: The historic and prehistoric ruins for 10-18B-9 and then 10-18A-11. It doesn't have that code spelled out in there, so if you want to put that state code in there, it would probably be advantageous for all of us to know what that code states.

Mayor Hoster: If there's no other comments, we can go ahead and accept a motion to close the public hearing.

Motion by Councilmember Stirling to close the Public Hearing, 2nd by Councilmember Cundick. Motion carries. 8:05pm

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

10. Discussion and Possible Action Items:
- a. Amended Cemetery Ordinance 2013-01. Proposed Cemetery Ordinance 2024-01
- Motion to Amend Cemetery Ordinance 2013-01 with Cemetery Ordinance 2024-01 as it stands, 2<sup>nd</sup> by Councilmember Hansen. Motion carries.

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

- b. Proposed Excavation Permit is an Amendment to Chapter 10 of Land Use Ordinance 2008-04
- Motion to Table the Proposed Excavation Permit for Action at the next Town Council Meeting, May 8, 2024. 2<sup>nd</sup> by Councilmember Hansen. Motion carries.
- c. 4<sup>th</sup> of July Planning / Committee

Mayor Hoster: We have increased the budget from last year for fireworks, but I will need a Councilmember who will oversee the Committee and coordinate with the Bloom Committee. Doris, how can we support the Bloom Committee? Can we have a work session where we can have dialogue?

Councilmember Cundick: Can I just make sure I understand this? The Bloom Committee will be helping out, but not necessarily taking over to have to do it all. It would be a component of the Committee for the 4th of July or are we thinking the Bloom Committee would just be the whole committee?

Doris McNally: I can only speak to the last year I was involved. The Bloom Committee coordinated the pancake breakfast with the church. We also coordinated the mini parade down Main Street. We also helped with some of the other activities. We have had a shift in personnel and of volunteers and we need more people to volunteer. The 4th of July could be a costly event, the Bloom Committee members contribute more money than the event raises themselves. The town needs to decide what needs to happen and maintain its activeness.



More discussion was had about previous events being run and paid for by the Bloom Committee members. It was decided that we will have a Work Session on Tuesday, May 7<sup>th</sup> at 5:00pm during the Bloom Committee Meeting. The public is invited to attend and we can all put our heads together to have a great event.

#### 11. Citizen Comments:

Lisa Hepworth: I am currently located at the end of Silver Meadows Rd. I had brought to the attention of the town council members that they were about to do the asphalt in front of my home because of the infrastructure that went in at 342 E River Meadows Rd. I currently have two 18 inch culverts that it doesn't take anything but a couple sticks and leaves to make them completely compacted and filled causing the water to drain over the top of the road. This has happened on 7 occasions in the two years that I've lived there and it's pretty bad. I've dug it out numerous times. It is a problem, there is an electrical box at the end, there's also a fire hydrant, and the neighbor's electrical panel. I didn't really think too much of it until my father came to visit and he said those electrical transformer boxes are only able to withhold being submerged in water so many times before they blow up. Then I started thinking about it and with the hillside dig and the fact that we don't have code enforcers to keep people from altering the ditches and the hillsides, I think that it would be a very smart idea to replace that culvert with a much larger one, and I know that you had said that you were having that looked into so just so that I know that we're moving forward in hopes of doing something, that is the last culvert before it jumps into Mrs. Stirling's property there and after that anything can just go down. But with it being blocked, it's going to constantly cause a problem, and it there is a flooding issue. I have multiple videos of the water that has come within 4 feet of my home. And that's not just my home, that's going to be everybody below me. So thank you.

Lynn Potter: Please take this in the spirit of what it's meant, so we were going to buy some property here next to our existing property and 12 acres. But we had a radon test done and it came out pretty hot. So we decided to drop out of that. Turns out Pine Mountain is a Granite Mountain and everything downhill of that is an alluvial plain filled with granite boulders that decompose and turn into radon gas. Radon gas is the leading cause of lung cancer. If your property has granite boulders in it, Silver Reef on down through Vista on down through that Creek. I would strongly recommend paying for the good test, not the cheap one, but the good one that's going to cost some money. You can mitigate these things even if it comes out hot, but get it tested. Don't die of lung cancer.

Chuck Bentley: This is a good suggestion on the STOP lights, we all get the 10 minute delay so they can get pipes in, but it's pretty standard at the end of the shift, they reset the lights, and in the morning before they start work, they reprogram them again. It takes them about 3 minutes and then for the other 16 hours of the day, we can travel through that. I mean it's pretty simple. On a personal note, Eldorado Hills Phase 3 has a duly elected. Architectural Control Committee. We want the city not enforce our CC&Rs, but to require that the plans have been through the Architectural Review Committee, which was part of the annexation agreement. It's right on the building permit and there is a committee. I urge the town to recognize it. Thank you.

Doris McNally: I just want to acknowledge a few people. First off, Michelle, I know you've only been in the hot seat for a few weeks. I want to thank you for the hard work. I know you've been taking it in from the faucet, and it's you've been doing very well. So I want to acknowledge you for that and let the Council know that she's been really communicating and reaching out on questions, and I really appreciate that. I think you heard from tonight. There is a lot of people in the town who have constructive input and I think many times what happens is when you have a townsperson who has a complaint, it's always looked at in a negative way, which you have to understand it is most of the time in. In many cases, the thing is that the people are just trying to understand, they have ideas on how to correct things, and working with the people in the town they can contribute good ideas. So Chuck, I want to thank you for the work that you've done in the excavation stuff and also Danielle. I continue to thank you for the help of the cemeteries because I think that if you looked at it, Michelle, even with these appointed seats, you have people in the town who are willing to contribute and not just complain, but to actually, roll up the sleeve and offer suggestions. So I want to thank you for at least listening to some people and bringing them in because I do think it makes the Town better.

Martha Ham: welcome Michelle, and on the heels of what Doris had to say. Yes, I agree that tonight has been a great example of constructive input. In the spirit with that, I want to suggest that our public notices come out earlier. We're meeting the letter of the law. I know we have to send those notices out 24 hours in advance. I also know there's a lot behind the scenes before you can send out the agenda that you're looking into things and so on. But I request that you try to get that notice out 48 hours in advance because there are many of us who do want to come and participate in discussions like this and have some constructive input along with of course, what maybe some of our concerns are so that would be helpful. The second request I have is, I should preface it with saying I really appreciate that we have two comment periods, often I come in at the end because I've heard things throughout the meeting and there's often a lot of

content in the staff reports and that would be so helpful if the staff reports came before the second comment period because often they're questions that are generated or some pickup points, I think all of both of those things would facilitate good citizen interaction. Thank you.

Susan Savage: I want you to know how much I appreciate. I want the Council to know how much I appreciate your discussion among yourselves and questions that are asked. Maybe sometimes you know the answers, but we don't. And so, so I appreciate people asking questions and then I wanted to mention that some of us attended the Congressional hearings on government property from the Northern corridor and I just thought because there wasn't a comment period that kept the meeting, so it wasn't a dog fight. But it felt like I learned some things we could all learn some things from both sides. But an interesting thing to me was Adam Snow was kind of the central figure that he was the poster child, because he talked about his ancestors having come here 150 years ago and so he feels special about this land, I guess. And so I just wanted to say my ancestors came that early as well. Over the years we have seen both sides of what can happen and in the book I was showing you that I was reading it says democracy is grinding work and so nobody goes into functioning democracy. Nobody should go into it thinking I'll get everything that I want. You have to work with both sides and make concessions and compromise. So, what we've seen over the years is we've seen incidents of federal overreach, but we've also seen from local people, a disregard for what we have and for myself personally, I'm grateful that people from the outside have come in and said, "You have something here that's important." In Adam's situation, it's interesting that the Snow family have been at the center of conservation issues. In fact, one of the people most instrumental in establishing the conservation areas is a Snow. One of his ancestors was a person who surveyed the boundaries of Zion National Park, which is a big conservation area which didn't have an open road, and so within a family, there can be different things happening. In my limited experiences working with government things, you have people who are really interested in and generous in their time in as public servants. Then you'll have people in there who know that they have power and who want to flex their muscles, and sometimes they do it in a way that makes things bad for everybody else; for the people who are really trying to do their job. So when people just say government is bad, when they make a global statement or something like that, that they're mad at the government, it's not really fair. I mean, we couldn't exist without one, so where does that leave us? I guess I'm just saying we each have our own responsibility to study the issues and to listen to both sides and be willing to say you have a point and maybe I have a point, and maybe we don't agree but we can work together. That's what our democracy is.

## 12. Staff Reports:

Kohl Furley: Councilmember Furley discussed the importance of resurfacing roads in the town, focusing on crack sealing and repairing shoulders. He has a list of roads and he scored them 1 through 10, based on surface and crack sealing. He plans to send the list to the Mayor Thursday morning. The town may need to purchase a crack sealing machine or borrow one from a local jurisdiction. We could rent a machine, however rental machines are expensive and are not as effective as commercial ones. He suggested that crack sealing is the most effective resurfacing method. His research showed that doing a chip seal using a microfilament would cost \$1.76 per square yard of surface area compared to \$48,000 spent on Valley Rd, which was \$4.00 per square yard. He suggested identifying these roads and starting to seal them a few per year. If cracks are not filled or repaired, the work is in vain. Some roads in Silver Reef and the middle of town have nice roads, but some are being damaged due to heavy truck use.

Also, the BLOOM Committee will be meeting Tuesday, May 7 at 5:00pm to discuss the Fourth of July. He already ordered the fireworks. He knows citizens have some great ideas. He'd like to see people show up to the Work Session/BLOOM meeting to give input.

Mayor Hoster: Every year, the Utah League of Cities and Towns has two different conferences, one in St. George and one up North. I attended this conference and wanted to share a Supreme Court case that was brought up about Social Media. This particular case was about the First Amendment and being able to delete comments or block people. Anyone running a social media account representing the Town cannot delete comments or block people. I set up a Facebook account for the Town and shut off all commenting so there would be no drama. It is strictly informational so therefore there is no violation. If anybody does from the Town Council or Planning Commission make a comment on their own social media page asking for comments with regard to a social policy or town policy, and they block someone from saying something or they delete it, that is a First Amendment violation and your qualified immunity does get compromised and so does the Town, so I wanted to bring that up.

The Mayor discussed the potential compromise of their legal counsel relationship with Craig Hall, who is nearing the end of his career. They suggest exploring other legal counsel options and have obtained business cards from firms in Salt

Lake, but none are local. Snow is the only one that works in the area, but they may have conflicts with other jurisdictions. Conversations are ongoing to determine the best course of action for the situation. The Mayor mentioned Just Serve, a program that could assist community projects like parks, cemeteries, and weed removal. Please direct any ideas for projects to the town clerk. The town council has been experiencing communication issues with citizens, with some individuals accusing council members or mayor of using their positions as threats. However, the council takes everything very balanced and allows legal counsel to decide on compromises. This has led to loose and wrongly used threats to other citizens. The council has been grateful for the efforts made to address these issues, but it is important to remember that if a concern doesn't go their way, it is okay. The council is working to ensure that people can enjoy their homes and neighbors, and that they don't feel slighted. The council has seven difficult issues currently, and the council aims to make sure that people can enjoy living in their neighborhoods and homes. The council's efforts have been appreciated, but it is important to address these issues and ensure that everyone can enjoy their community.

13. Adjournment: 8:44pm

Approved this 22nd Day of May, 2024.

  
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Bill Hoster, Mayor

ATTEST:

  
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Michelle Rutherford, Clerk/Recorder