



Agenda

Town of Leeds Town Council
Wednesday, November 13, 2024

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, November 13, 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 for Zoom details.

Regular Meeting 7:00pm

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of October 23, 2024
6. Citizen Comments: No action may be taken on a matter raised under this agenda item. *(Three minutes per person.)*
7. Monthly External Reports: LDWA/HVFSSD/Sheriff's Office
8. Announcements:
 - a. Christmas Tree Lighting at Town Hall
9. Public Hearing: None
10. Discussion and Possible Action Items:
 - a. Conditional Use Permit Application – 520 Silver Crest Ct, Bed & Breakfast
 - b. Update from Silver Cliffs
 - c. 1QTR 2025 Budget Review
 - d. Vacant Town Council Seat
11. Staff Reports
12. Citizen Comments: No action may be taken on a matter raised under this agenda item. *(Three minutes per person)*
13. Adjournment

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

Certificate of Posting: The undersigned Clerk/Recorder does hereby certify that the above notice was posted on November 12, 2024, at these public places: **Leeds Town Hall**, **Leeds Post Office**, the **Utah Public Meeting Notice website** at <https://www.utah.gov/pmnl/>, and the **Town of Leeds website** at <http://www.leedstown.org>.

Michelle Rutherford, Town Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, November 13, 2024

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

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: Councilmember Hansen

3. Pledge of Allegiance

4. Declaration of Abstentions or Conflicts: None

5. Agenda:

a. Tonight's Agenda of November 13, 2024

Motion to approve made by Councilmember Cundick, 2nd by Councilmember Furley.

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. Meeting Minutes of October 23, 2024

Motion to approve made by Councilmember Furley, 2nd by Councilmember Hansen.

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

6. Citizen Comments:

Rhonda McLaughlin asked that if there are cycling events in town, the public be given notice ahead of time so that arrangements can be made to avoid Main Street. She mentioned that the large number of bicycles causes issues for the residents.

Lynn Potter asked for clarification on the residency requirements for Town Council and Mayor positions. He thought he remembered that it was two years. He also asked about the requirements for being on Planning Commission. Is there a requirement for the candidate to live within the Town limits.

Doris McNally asked about the process of voting in a new Councilmember. She questioned whether a councilmember who was not present for the interviews was allowed to vote for the candidates. She also

thanked the Councilmembers for the questions asked of the candidates and she appreciates the opportunity the public was given to also ask questions.

Mayor Hoster answered that it would be up to the individual if he or she felt confident in voting. They have the right to abstain. He clarified his statement made in the Work Session about there being a quorum in order to conduct the Work Session.

Angela Rohr thanked Brian for his service to the Town. She has concerns that there isn't a vacancy yet.

Mayor Hoster explained that the procedure in state statutes is that the vacancy has to be posted within 14 days of its vacancy, we're able to vote on that. But the actual replacement of that doesn't occur until the vacancy. And the individual who won the vote is then sworn into that position. Brian will not be voting for his replacement.

Angela Rohr also spoke in support for Michelle Peot.

Susan Savage attended the DTAC meeting with Martha Ham. They were not discussing Leeds' issues this time, but they have in the past. The deadline for the RFP is Dec 19th. At that time they will decide who will get the \$100,000 contract to do the traffic study. She is aware that Angela has had some health issues lately and she doesn't mind attending, but she is not a Town official. She feels that things are happening very quickly and we must have someone there representing the Town. The county and DTAC are promising that Leeds will be a part of the decision.

Martha Ham said it was really informative going to DTAC with Susan. She asked Chris Hall how the Leeds Interchange became a phase 1 priority? He responded that it is not a Phase 1. The study is going to be conducted in fairness to the developers to see if their development will in deed cause the need for the Interchange. He stated that unless the developers are willing to fund the Interchange, it will be about 30 years before it reaches the top of UDOT's priority list.

Wayne Peterson: Few things, unless something has changed dramatically and I don't believe it has in order to be eligible for office, it is a registered voter. Is somebody who has a one year or more of residency for both positions, mayor and town council. For the purposes of replacement, I do agree with what Angie said. The vacancy, as it's defined in section 20A1-510. The vacancy only occurs at the time of the effective resignation. Somebody can resign in advance and say as of December 1, December 31, I will be resigning but you are not in the position of having a vacancy at that point. So I do think you want to check very carefully on that because my understanding is that municipal vacancies are only filled after there is a vacancy and they clearly define when a vacancy occurs. The other thing with regard to the DTAC, DTEC. I attended both meetings when I was mayor and I will say I think it's urgent. Did mention this a couple months ago that we have an elected official present that these DTAC meetings. I didn't say then. Is that I'm not able to recall any instance where DTAC made a recommendation and DTEC did not just approve that recommendation. So, the decisions being made on what I think is not a generational but of more than one generation decision about what's going to be traffic in the town of Leeds needs to be represented by an elected official of this body here that I'm standing before. Because when it comes to the ability to change something later on is not going to be an opportunity to change something later on. And the impacts on this, I think need to be focused on where the purpose of these interchanges and roads is not to primarily benefit a particular developer. It's not to primarily benefit other communities in Washington County. It is to primarily benefit the town of Leeds and to defend its citizens rights to their property. If there is an alternative that would not require the use of private lands. The other thing I would like to make a comment on is the impact of people who are not following the animal Control ordinance. I know for a fact in the case of my wife and other people that I've heard from that with this Mountain Lion situation, they are reluctant to go out just before dusk until just after dawn, because that is the time it's most likely that amount line's going. Be active. It is a low probability event, but that low probability goes up when we have animals that are being kept in excess of what has been determined to be reasonable number of animals. Three large, six small in the largest allocation that's available to people in the residential 5 acre zone. So, I would appreciate if the Council would consider making sure we get representation at DTAC and take very seriously their deliberations because of the impact it will have as it flows through the DTEC. Also that we are enforcing

animal control and making sure that we're not encouraging people to do more with their property when they are not in compliance with a ordinance that is of great importance for other people to enjoy their property rights. Thank you very much.

Angela Rohr: So, what's been said about the interchange? 2040 is the beginning time. It's been on the books for a number of years for Leeds to maybe have an interchange and it is between \$30 and \$40 million to do that and. To just throw out \$100,000, that's just hardly anything these days that would be put forward just to maybe do some investigation as to what is going on. And early on. It was said that UDOT is not going to pay. It's going to have to be initiated by the builders that require that Interchange. Mayor Hoster asked Angela: A couple of years ago you approached me and were pretty adamant about participating with DTAC and representing the Town. Have you not been able to do that? Angela responded that she had Susan go with her because she was unable to attend September for health reasons, out of town in October, and had surgery this morning. Mayor Hoster asked that if she is unable to attend moving forward, please let him know so that we can have representation at those meeting. Angela agreed to have a conversation after tonight's meeting.

Mayor Hoster answered some of the questions raised by the citizens. An interchange is not at the top of UDOT's priorities, but the developers have approached the county to fund the UDOT interchange. The study, which cost about \$100,000, involved using available funds. The developer did not provide the funding, but they would have to provide their share of the development or interchange. The dialogue is ongoing on multiple levels to determine the impact on Leeds. Without the UDOT interchange, 744 homes with three or four people living in them would be driving down Main Street. This impact has been recognized by the MPO and UDOT. The traffic study aims to determine the impact of Grapevine, Solera and other areas before development could occur. The last study on this topic was conducted many years ago for Grapevine. With regard to Code 20A-1-510, this has been discussed with our legal counsel and the Mayor read the code aloud. He feels that we are well within the legal definition of the code. The candidate chosen tonight will not be sworn in until after the effective date of Councilmember Hansen's resignation. The code does state that he cannot resind his resignation and the process does allow for this vote since the Public Notice was posted 14 days prior to this meeting. Prior Mayor Peterson disagreed with his interpretation and they agreed to have a conversation with legal counsel at a later date. Mr Peterson and the Mayor had a lengthy discussion about whether or not the process is being followed properly. The full conversation can be heard on Audio 20241113_002 (26:00)

7. Monthly External Reports:

LDWA – Doris McNally: The Forestry Service has started their project up in the Oak Grove area. They are going to be making the bridge larger. This also impacts some water lines that the LDWA has underneath the bridge. This is their project, not the LDWAs. It will impact traffic.

HVFSSD – Kohl Furley: We are moving forward. The Truth in Taxation Hearing was held on and we are now on the County Commission Agenda for November 19th. We received a lot of good information about the TRT, as well as the sales tax that is currently going to be addressed up in the state. So we're hoping that we will make some headway that way. Through these discussions, we've lost a few Members, some people that get nervous, which is counterproductive for our cause. So we're looking to fill those positions, but anytime we talk about instability, people get nervous and and want to go to other departments. We're trying to combat that right now and fill in those positions.

Sheriff's Office – Mayor Hoster spoke to Sheriff Brooksby. They are making great progress with the new Drtug Task Force. The Sherriif's Dept has stepped up patrol on Valley Rd with complaints of speeding.

8. Announcements:

- a. Christmas Tree Lighting at Town Hall

Mayor Hoster read the invitation to the Annual Christmas Tree Lighting at Town Hall, Tuesday December 3rd at 6:00pm. All are welcome to attend. There will be Hot Chocolate, Cookies, and Carolling. The Christmas Tree will be lit through the New Year.

9. Public Hearing: None

10. Discussion and Possible Action Items:

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

The applicant, Natalie Law, was present and the Councilmembers were given a copy of the application. Councilmember Stirling had questions for the applicant in regards to the CC&Rs and Town Ordinances. Scott Messel made a statement in the last Town Council meeting on October 23, 2024 that his opinion is that the Homeowner must be in compliance with all Town Ordinances in order to be approved for a Conditional Use Permit. The full conversation can be heard on Audio 20241113_002 (0:42:25 – 1:12:23)

A motion was made by Councilmember Stirling to approve the Conditional Use Permit Application for 520 Silver Crest Ct with the conditions as follows:

1. Advertising should not be for any additional businesses outside of the Bed & Breakfast 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. Update from Silver Cliffs

Mayor Hoster: We're going to move to update on Silver Cliffs very quickly. Silver Cliffs is the old Grapevine Wash, is moving forward with trying to facilitate infrastructure implementation, which does involve excavation that excavation requires mitigation of dust. To do so requires water. For them to get that water, they've contacted the Washington Water Conservancy District to tap into a line out there. If you see that going on. I want people to understand that's what's happening. So there isn't anything else to discuss about it. That's just how they're going to get water instead of driving to another hydrant and filling up those trucks.

c. 1QTR 2025 Budget Review

The Council was given a Budget Review to review. Councilmember Stirling asked about the cemetery expenses available. The mayor clarified that we will probably need to have a budget opening to allocate additional funds to the cemetery. She also asked about the \$36500. Allocated to Park Equipment. The mayor explained that the quotes that came in for the pickleball court were much higher than anticipated. There were questions about the Highway & Streets Repair & Maintenance. After review of that account, it was determined that it was Flood mitigation on Valley Rd.

d. Vacant Town Council Seat

A motion was made by Councilmember Stirling to vote on filling the vacancy which will occur on December 1, 2024. 2nd by Councilmember Cundick. There were comments made by Councilmember Stirling, Councilmember Cundick and the Mayor thanking the applicants.

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			

Votes:

Danielle Stirling voted for Michelle Peot

Ron Cundick voted for Michelle Peot

Bill Hoster voted for Michelle Peot

Kohl Furley abstained from the vote

Brian Hansen abstained from the vote

Michelle Peot was unanimously voted to Town Council effective December 1, 2024 and will be sworn in on December 11, 2024.

11. Staff Reports

Councilmember Furley (roads): He is still working on getting the used Chip Seal Machine from Washington City. Virgin is currently getting ready to Chip Seal about 30 miles of roads in their City. We are trying piggyback on that project. Since the crews would already be out here and the materials could be purchased in bulk, we are hoping to take advantage of that opportunity. He has identified roads that are in the greatest need including Main Street from Silver Reef north to the County Line. We will have about 4 miles total to Chip Seal and he will have a more detailed report in the next Council Meeting.

Councilmember Cundick (Sanitation): None

Councilmember Hansen (Parks): None

Councilmember Stirling (Cemeteries): She is so excited for what's coming up with the cemeteries. She thanked Doris McNally, Mark Osmer, Bill Stone, and Michelle Rutherford for all the hard work getting to this point. She and Doris met with Amy Barrett yesterday and they toured the cemeteries. She gave some instruction on what can be done in the cemeteries to provide more space while maintaining the respect for our ancestors buries there. She advised that we could build a columbarium garden atop the Unknowns with a plaque to honor those beneath it. Councilmember Stirling asked Doris to give an update.

Doris McNally (Sexton): Amy advised us of what we can do with the Protestant Cemetery. Currently, we have 724 graves, with only 38 of those knowns. Mark has done a lot of work at both cemeteries, but we are in need of rock to finish the parking area at Leeds Cemetery and to stabilize the area between the Protestant Cemetery and the Catholic Cemetery. He has already done a lot to mitigate flooding up there, but it continues to wash out in the rain. He has procured 4 quotes for the rocks and we are asking the Council for permission to purchase the rocks to move forward. Also, John Z, who owns the property behind Leeds Cemetery has begun building his wall between the properties. He has informed us that we will be getting the pretty side of the wall. He has also offered on his dime, to encapsulate the arches on the entry of the cemetery with stone similar to the Protestant cemetery. This will add approximately 2 rows of plots and an area to display Military Flags and a sunken seating area.

Mayor Hoster: It was a tough Taxation Hearing. As Furley mentioned, it is on the Commission's Agenda now and it really is in their hands. We feel 99% confident that it will move forward. Again, the sales tax seems very positive. From the Senate and from the House. But the efforts that Furley brought up about the TRT tax. Again, that state law we're trying to deal with that right now and trying to bring in some of those funds into public safety as a whole. There are some additional laws that are being facilitated with that, especially in rural areas. I could go on with some other components with regard to

some lawsuits that are happening on the northern corridor. Facilitating the DTEC right now I'm not going to go into that depth.

12. Citizen Comments:

Martha Ham: The bus turn around on Oak Grove looks amazing and I want to thank you for getting that cleaned up. I also would like to read from the the Washington County Water Conservancy district minutes on September 9, 2024, and Zach Lindstrom said "The district had a preliminary meeting with the mayor (Leeds), The town of Leeds is looking at 5000 additional units. The district is going to do some analysis." I just about choked when I read that.

Mayor Hoster replied "So they did forward to me. Is this possible? And under our master plan with the huge circle. That we have into our master plan. How many homes could possibly fit in here? And we have to be conservative, meaning going over. And so they initially were like 11,000 and we were saying, well, these are only going to be slotted for one acre lots. And all of this. And so with everything that we have that could fall into the boundaries of Leeds in the future, that's what that that number came from their engineers."

Martha Ham: They quoted you as saying that.

Mayor Hoster: I had to confirm it, so that's probably why. But yeah, that's where that number comes from.

Kayla Koeber: Just for full disclosure, I am the trespasser that was referred to this evening was an easement within our subdivision that I've walked for 28 years. But I do want to make you aware of my position and bias. Where I'm coming from. Thank you so much all of you, especially Danielle and Ron for your diligence and assessing of difficult conditional use permit. It is so appreciated and Michelle for what you're doing to help bring these things or these violations. Into enforce or into compliance. It is so very appreciated because as citizens, as residents, I've said this before, I'm going to say it again, we don't want to police our neighbors, we don't want to write letters of complaints. We'd rather write letters of compliments. So if we follow the rules and don't think we're above them, CC&Rs, town ordinances, federal law, it'll be a lot better for all of us, and especially you guys. But thanks for your diligence. I was very impressed.

Michelle Peot: I have a comment about the TRT tax statute. Long story short, I had I had to get towed for Mexican Hat to Paige and my tow truck driver does search and rescue and also has been involved in politics in San Juan County and there is appetite there for having those rural counties like them and probably Grand Lobby for having a modification to your statute. So that might be something that we consider.

Mayor Hoster: I've had a conversation with the speaker of the house and he's assured me that there is action being taken he hasn't seen what the deal is yet either, nothing has been numbered. But there is thought that they're going to increase the TRT, and that gap goes to public safety. But that 47% for marketing that we all think is incredibly ridiculous. Is probably not changing.

Wayne Peterson: I just want to make sure that the town has the opportunity to become aware, should they choose to read the minutes that on November 5th of this year David Harbour, who served on town council from 2004 to 2009, passed away and I just think it's as a resident, he's still a resident of town until that day and he certainly maintained an interest in the town for as long as he could. And just want to note his passing because I think it's unfortunate for our town.

Mayor Hoster: I really appreciate you bringing that up. We kind of had that at the work session when Alan was here speaking about the services were earlier and we didn't belay that on this Council meeting, but yeah. Mr. Harbour was incredibly crucial and out of service created all of our ordinances and just spent so much time on it. And I talked with his daughter at length about it too. Thank you for reminding us of that.

Chuck Bentley: I'm just gonna follow up on Dave Harbour. We should all take an example from him because he was a gentleman. It didn't matter how adverse the position was or the point he was always a gentleman. He never talked down to anyone. He never belittled them. He he was a true, true gentleman. So we'll miss him.

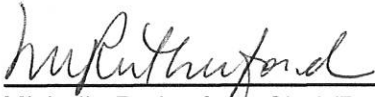
13. Adjournment: 8:59pm

Approved this 11th Day of December, 2024

A handwritten signature in black ink, appearing to read "W. Hoster", written over a horizontal line.

Bill Hoster, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Michelle Rutherford", written over a horizontal line.

Michelle Rutherford, Clerk/Recorder