

Town of Leeds

Town Council Meeting for Wednesday, October 22, 2025

1. Call To Order/Roll Call: 7:20pm

ROLL CALL:	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER	<u>X</u>	<u></u>
COUNCILMEMBER: DANIELLE STIRLING	<u></u>	<u>X</u>
COUNCILMEMBER: RON CUNDICK	<u>X</u>	<u></u>
COUNCILMEMBER: MICHELLE PEOT	<u>X</u>	<u></u>
COUNCILMEMBER: KOHL FURLEY	<u>X</u>	<u></u>
TOWN PLANNER: SCOTT MESSEL	<u>X</u>	<u></u>
LEGAL COUNSEL: HYRUM BOSSERMAN (online)	<u>X</u>	<u></u>

2. Invocation: Councilmember Cundick

3. Pledge of Allegiance

4. Declaration of Abstentions or Conflicts: NONE

5. Agenda:

a. Tonight's Agenda of October 22, 2025

Motion to approve with 9b being struck made by Councilmember Peot, 2nd by Councilmember Cundick.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
MAYOR: Bill HOSTER	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: DANIELLE STIRLING	<u></u>	<u></u>	<u></u>	<u>X</u>
COUNCILMEMBER: RON CUNDICK	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: MICHELLE PEOT	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: KOHL FURLEY	<u>X</u>	<u></u>	<u></u>	<u></u>

b. Meeting Minutes of October 8, 2025

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

ROLL CALL VOTE:	Yes	No	Abstain	Absent
MAYOR: Bill HOSTER	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: DANIELLE STIRLING	<u></u>	<u></u>	<u></u>	<u>X</u>
COUNCILMEMBER: RON CUNDICK	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: MICHELLE PEOT	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: KOHL FURLEY	<u>X</u>	<u></u>	<u></u>	<u></u>

c. Meeting Minutes of October 8, 2025, Work Session

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

ROLL CALL VOTE:	Yes	No	Abstain	Absent
MAYOR: Bill HOSTER	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: DANIELLE STIRLING	<u></u>	<u></u>	<u></u>	<u>X</u>
COUNCILMEMBER: RON CUNDICK	<u>X</u>	<u></u>	<u></u>	<u></u>
COUNCILMEMBER: MICHELLE PEOT	<u>X</u>	<u></u>	<u></u>	<u></u>

6. Staff Reports:

Councilmember Furley: We're currently doing some training in Toquerville at a house that was given to us for training purposes. Also, with that, we are doing some training and we'll continue to do training at the old Bucks Ace Hardware in downtown Hurricane. We've entered in an agreement with an architectural firm for a new administrative office building. We're currently working through architectural design, brainstorming, if you will, and moving forward with that.

Mayor Hoster: I'd like to acknowledge the recent passing of resident Darrell Lewis, and that was on Saturday morning that Darrell passed away. Darrell was a resident that participated in many things in the town, including the LDWA and many actions in the council that he participated in and other volunteer events. Our deepest condolences to a family, his family, and we haven't been advised of any service dates yet. We recently had a big rainfall that occurred this past week, resulting in the cemetery wall falling over, a big portion of that wall. So council needs to be advised that this wall is now a liability. I met out there with the property owner that's adjacent to the property, identified at least for sure the south end of that wall is on town property. I don't know precisely about the north end and where the fall is on property lines. Their surveyor is providing that information to the town. We've since talked with our legal counsel about how to make sure that there are no liabilities to the town or safety hazards to anybody who's near there and taken those steps to try and address it, but nonetheless, we're trying to work through this cemetery wall that was built on town property. It was apparently a gift, and there's a lot of moving parts that are associated with it. We're not really getting all the participation that we need back on this information yet, so it's still being investigated, but we're trying to mitigate any safety issues immediately. Next is the town's website. The town's website was adopted by the state as a .gov site. As such, it did move some DNS certificates that were associated with that. It does affect some documents showing up. We were just advised of it. Fortunately, I do own a tech company, and I'm able to get some of my employees to try and look into some of these things for us because it was built on WordPress. And they do provide us some free services trying to fix those things. They were pretty swamped today, unable to get to it just yet, but I've asked one of our lead developers to give us some insight to try and rectify it right away. If not, then we'll have to hire it out.

Councilmember Peot: May I ask how that is not a conflict of interest? Its your private business that's providing services to the town.

Mayor Hoster: We don't get paid. Again, its for free. It's a generosity to the town. Next, we had a car show this last week. It was wonderfully attended. We had so many people, some of the people here brought their vehicles. We had people from all over the county come to visit, even so far as Iron County came to visit this event to unify, which I thought was a wonderful idea and a lot of participation. Jeremy Stratman, resident of our town, just poured his heart into this and did such a wonderful job. And Nathan, you were wonderful in helping to maintain all the order for us, so thank you for all you're out there, and thank you to everyone who participated. Recently, we had some issues with the post office. The postmaster was advised through some complaints. Our town's legal, provided some feedback to those complaints. And the postmaster does dictate what happens on postal property and has decided to take the action of not allowing any posting of the town or anybody's political or what have it be. It was abused and so now no posting can occur there. So to accommodate, we're still going for our requirements. We do have to post in three different places. So we have the state's website, we'll have our website, and we also have the bulletin board that's out here. As soon as if we identify any additional, we'll try to implement those to make sure transparency still ensues.

Councilmember Peot: Why was everything taken down from, I understand why you may not want political postings inside, but it was used as a public notice side also for LDWA. And now that whole, there's now no place to have postings. I wonder why that measure was taken.

Mayor Hoster: The postmaster actually has jurisdiction over that and elected to have no positing's outside of the post office. The election box that's in the town hall is available for dropping off your ballots. You're able to bring those ballots here or you can go to the county and drop those off and it's advised that our mail goes to Las Vegas and then back here. So there was an issue in a general election just recently wherein many ballots did not get counted because they weren't received by the clerk in time. November the 4th at 8 P.m. is the deadline. If you have your ballots in at the county by that time, I think it's 5 o'clock here, and then that ballot box gets taken down there. So it's advisable to not mail them. If possible, try to drop them in a drop box.

7. Citizen Comments:

Wayne Peterson: I appreciate the information regarding some of the technological issues that have been going on. There are a lot of pages that you get, unexpected server response when you try to go to them, but you've explained that that's going to be an issue. A few meetings back, I had mentioned the Transparent Utah site, where the town is supposed to upload within 30 days of 1/4 end its revenues and expenses. The revenues seem reasonable for fiscal year 2025, but the expenses still appear to be missing over 80% of our expenses for the fiscal year. It comes in at a total of \$63,494.22. I was just wanting to hope that we can get that information available on the Transparent Utah site within a couple of weeks. I understand there may be other higher priorities, but I think it really is a priority from a transparency standpoint that those numbers are available.

Councilmember Peot: Are you aware of the compliance deadline for positing those?

Wayne Peterson: It's 30 days after, but in experience with the state, They don't have to be accurate numbers, it seems, from the state's perspective. Any number will do, which is unfortunate. But I think it is important for the town to get the accurate numbers there.

Nathan Sheakspear: I just looked at the Google Maps, which does provide satellite. It is updated to this year. At the Leeds Cemetery, it is-- most of the wall is on our side. From what I saw when I looked at it, parts of it may be or maybe not be on our side. It's just kind of one of those things where most of it, yes, well, maybe it might have fallen on the town side. It is pretty much in the town of Leeds, but it's also another thing that we got realized the wall wasn't built, right? And there was two people that was involved, pretty much. The guy that owns that pond, from what I've found, he blocked that up because he wanted a pond, which then caused a flood onto Cemetery Road. And then, since the wall wasn't built, right, then it collapsed the wall. So in a way, this wasn't really an our problem because of the flooding. It was because the guy clogged it up, and so on. So if you want to stand that point, then we shouldn't really take the liability because it wasn't caused by us. We've done all the maintenance that we could do. And also, the thing that was supposed to drain it, is not in the town of Leeds that's owned by the county of Angel Springs. So now for the county should have dealt with it if they knew, which I doubt they did. But for more things, we should have the county look into that and so on, let them start their investigations on it. But that being said, though, LDWA is a driving entity, and I've been told that they weren't allowed to reuse this building. re-entry, which I don't know if that was just a rent free, but if it is being reused as rent free and it's a driving entity, they should at least be challenged because I don't want to be that guy, but two times now they've rubbed mics and I can't confirm it was shown LDWA because both of those times it was being reused from LDWA. That's when it's happened and stuff like that. And I just want to keep this town peaceful. It's kind of hard with some people. With that being said, though, I don't want any fights, especially like on the car show. Thankfully, everybody was peaceful, and I'm glad for that.

8. Announcements: Dumpster Days is on December 12-13.

9. Discussions and Possible Action Items:

a. National Federation of the Blind White Cane Awareness Day Proclamation

Mayor Hoster reads off the proclamation of the White Cane Awareness Day Proclamation. Mayor states that we are happy for Jackie Walter, who provided this to the town, and bringing it to our awareness and making this a proclamation for the town of Leeds and recognizing all of these very important components of the white cane awareness.

~~b. Babylon Lands, LLC Mixed-Use Development Agreement~~

c. Public Hearing of Disconnect of Parcel L-2-D

Motion to go into public hearing for disconnect of parcel L-2-D made by Councilmember Cundick, 2nd by Councilmember Furley.

Tyler King: I'm here on behalf of Battle One Lands LLC. On August 8th, 2025, we submitted a request for disconnection. The reason for the request, I'll dive into, give some background, and as well as the reasons that we believe the request should be granted. So as far as background goes, prior to acquiring the land, petitioner lands through Paul Morris, Brecken Anderson, Michael Wagstaff, and others, discussed their development plans for this parcel, which is roughly 35.33 acres, and they discussed their development plans with multiple town officials. Those development discussions included among the following features, not making the project too dense, No stacked apartments, commercial uses, specifically a request was made for the grocery store because there's not any nearby. Owner-occupied townhomes, single-family homes for the missing middle, which affordable housing for persons such as firefighters, school teachers, police, et cetera. The project sought to satisfy the legislature's laws regarding affordable housing and also sought to abide by Washington County Water Conservancy District's ultra water conservation standards. So again, prior to acquiring the land, the discussions were well received. Town officials indicated support for the project, but also acknowledged that they did not have a zone that could accommodate the project at that time. However, town officials indicated that new zoning ordinances were being considered that would accommodate the project. This is again in 2024. In reliance on those discussions, Babylon Lands acquired the 35.33 acres for parcel L2D, I believe, yeah, L2D, with the purpose of developing the project pursuant to discussions that they had. Petitioner then advised the town that it could disconnect the 35.32 acres because the county already had a zoning ordinance that could accommodate this project. Petitioner then advised the town that time is of the essence if they wanted the development in the town. Ultimately, in December 2024, the town's planning commission unanimously recommended the adoption of a mixed-use ordinance that allowed for density of up to 9 units an acre and satisfied the legislature's affordable housing efforts. It should be noted that Babylon Lands' proposal was going to have a total density of 4 units per acre. Six months later, in June 2025, the town adopted A mixed-use ordinance accepting only 2.75 units per acre. and remove references to affordable housing. The ordinance as adopted made the development unworkable and did not promote the legislature's affordable housing efforts. Now, a petitioner seeks to disconnect the 35.33 acres from the town and proceed with development as under county land use regulations. The Supreme Court of Utah has found this connection is just, equitable, and appropriate under the following circumstances. when the land to be disconnected is undeveloped, this property is undeveloped. The Supreme Court has also found that disconnection is just, equitable, and appropriate when the municipality zoning and planning processes and changing standards cause unreasonable delay and arbitrarily changing standards. The town's zoning and planning processes have been protracted and onerous and have resulted in some delays to the project. Before even buying the property, petitioner had lots of discussions about his plans with town officials. After buying the property, petitioner waited for a recommendation from the planning commission. That commission, or as I stated previously, that planning

commission recommendation was to approve 90 per acre density for mixed-use zone, which again was double the density of what petitioner was actually even planning. Six months later, the mixed-use zone that was ultimately adopted that only allow for 2.75 units per acre. The foregoing represents the arbitrarily changing standards and has resulted in the lengthy delay of this project. And finally, the Supreme Court of Utah stated that this disconnection is just, equitable, and appropriate when municipalities and political environment precludes an orderly development process. Petitioner's extensive efforts to obtain development entitlements and typical services and utilities have been buffed. Likewise, petitioner's extensive efforts to work through the town's public arenas have been unpredicted. And apparently a large part of the delay in the changes between the planning commission's recommended zoning ordinance and actual language that was passed is because of comments from the public, including some who are running for municipal office, opposing any mixed-use, any affordable housing, and demanding that development be restricted to large lots. In conclusion, disconnection of the property is just, equitable, and appropriate because the land is undeveloped. The planning and zoning processes have changed and caused numerous delays, and ultimately the political environment is right for disconnection.

Susan Savage: I support development. I have been said by others that it's been said to others in town that I do not. If I hadn't supported development, none of you would be here. We worked hard on making Leeds a place that would work for you through the years. I support affordable housing. I think it's been too long in coming. It's a need. But I do, and I support the developers' petition to disconnect. I'll explain why I say that. I think it's to the benefit of both the developers and the town for this piece to be in the county, mainly because of the Grapevine Wash. This picture doesn't show it too much, but when we went to the County Planning Commission meeting, can you hear me okay? When we went to the County Planning Commission meeting and could see the 40 acres on the right side, the Grapevine Wash is a wide, a huge drainage. It's huge and it's wide because of how it was created by water, by water and boulders being thrown back and forth, and the sides of the drainage caving off. The plan for that 40 acres, according to what was presented in the County Planning Commission meeting, is that there would be 100, no, I'm sorry, 200 homes and restaurants straddling the Grapevine Wash. A question was asked by one of the commissioners about the second access, and their attorney said, there are two accesses on paper. They're not functional because of the Grapevine Wash, but if you deny this because of the Grapevine Wash, when it's already on paper, you'll be sued. They approved it. The town, then, the only way for them to get an access that's safe and accommodates the public is for them to be able to come through the town section. Okay, because of the Grapevine Wash, it is my position that neither the town nor the county jurisdictions can handle the liability that's going to be created by the Grapevine Wash. The Grapevine Wash is one of three drainages that come off the world's largest laccolith, which has produced all the boulders in our area. That's why Leeds is full of boulders. The Leeds Creek is lined all the way down the canyon, which is Water Canyon, by little springs that has vegetation. When there's a flash flood down there, it's big and brings debris, but it doesn't bring what the Grapevine Wash does. The cottonwood wash that comes in from the south, when Quail Creek was first built and there were culverts put in there, the cottonwood wash, a flash flood came down there and tore out the whole thing. They had it installed. They had the road paved and everything. It tore out the whole thing. It tore out the marina that was there. The marina was rebuilt and then it was torn out again. There have been at least two deaths on the Leeds Creek from the water coming down. And those incidents have haunted people who actually couldn't have done anything to prevent them. They still haunt me because of what happened. The Grapevine Wash is different because there's no healing along the banks. It comes from a completely raw drainage. It comes from the point where it crosses under I-15 and enters this property. It comes from 7 miles up the canyon. That's where the drainage basin is, which is a big scoop of land with canyons and so on, that are raw land. They don't have forest, they don't have grass, they don't have anything. And it's a 3,000 foot drop in elevation from that drainage basin down to the beginning of this property. When there's a storm and the flood comes down, the water just guts out the sides of those mountains and takes out the boulders and brings down the sides of the hills and the boulders and everything with it. People talk about a 50-year flood. We've had three of those 50-year floods in the last two years, and one of them was a week ago last, I don't know the date. On this Friday, it would be two weeks before this coming Friday. And that flood, like the two last summer, measured 4 feet deep and 80 feet wide where we drive across the wash, up the wash. Chuck Bentley reported that below his house where the ravine is about 30 feet wide, the water was 7 feet deep. And just down the canyon from there, it was 8 feet deep because there are two other

drainages that feed into that. By the time it reaches I-15 at the top of this property, There are three drainages that have fed into that. The drainage, the flood that came a couple of weeks ago, came in the night. Our family drove out when they could hear the boulders crashing. They could hear them before they got there. And that water was running. I said to my family, oh my gosh, I went out midnight. It had to be running 80 miles an hour. And they said, oh, at least. It probably was running 100 miles an hour. It's something to see. The reason you have not heard of deaths and property damage across the Grapevine Wash because of the Grapevine Wash is because nobody's been out there. haven't been any homes and people. And so we're talking about bringing them into this area and the developers are going to put a footbridge across there. They're going to put restaurants at the edge of it and affordable housing against it. Affordable housing says to me, children riding bikes, hiking, playing, and so on. When a flash flood comes down that creek and you don't know it's coming, it's just too much of A gamble with safety. It's too much liability. I don't think the county can handle the liability, and I know leads can't handle the liability. To me, although we have odd town boundaries that are annexed into our area. This is an area that really concerns me. I'm glad for it to be developed. It was, I support property rights. I support the developer's ability to develop it. From the town standpoint, you know, we always say, if you don't annex property, if you don't have it in your city boundaries, you can't control it. But when the town council voted to adopt mixed-use, that's the last vote you'll ever have on controlling of that property. That control is gone. And by the time you have all those people in there too, that control is also gone. I don't think it benefits the town. I think that it should be in the county. The county should handle the liability and the cost and should be able to modify that, work with the developers so that the affordable housing can be moved away from the wash. They can control those kinds of things and get people away from a very dangerous situation.

Lynn Potter (online): I think this development should be allowed to be annexed because of everything that Susan Savage has said is correct, and also because the hillside ordinance is too big for an honest development in the town. That's all.

Martha Hamm: I've followed this development since its beginning, back to the Envision Dixie days. I've never spoken against the development in the last 10 years. I support the developers in their proposal to disconnect. If that's what you choose to do, that's what we want you to do. I don't think it's appropriate to try and convince them otherwise. Otherwise, this smacks of an effort to put pressure on us, manipulate us. It also creates the atmosphere, perhaps with other developers, when maybe we haven't made some changes. that they are interested in seeing happen in order to come into the town, that if they threaten to de-annex or disconnect, that somehow we're going to address and run to those needs. I'm sorry that we haven't been able to work with you. Again, I was not opposed to your development per se, but I fully support you in disconnecting.

Alan Roberts: I do not support the request for a disconnect. That property came in the original annexation, not annexation, when the town incorporated. that particular property was part of the original incorporation and a lot of boundaries that we have. There's been some annexation since. As I look at a community, as you start disconnecting properties, where does it end? I'm totally supportive of property rights. I'm also supportive of a body of politic that is responsible in their actions of how they do applications and things like that. I would suggest that the property owners that have given a concept of what they've wanted to do here, but there hasn't been an actual application made to the land use authority of leads. And I can speak for that because we have never received an application for this portion of a project on the planning commission. There has been discussion of conceptual. I've never seen an actual application applied for. I will repeat a statement that I made at the county planning commission level on a public hearing for a zone change. That's what these same landowners were looking for, was a zone change on that portion that is in the county. I expressed at that time, this development needs to be under one jurisdiction. I prefer that it's under the jurisdiction of Leeds because it has 100% impact on the town of Leeds. 100%, especially on traffic in the roads. 100% impact on the town of Leeds. Now, the county found in favor of the zone change application, which is all right. The town has accepted a zone change application and gone through that process on this. So a zone change is different than the actual project itself. And that's where I would remind the landowners, I understand their frustrations with a municipality that can be difficult. I'm not sure that I can comprehend individuals' mindsets when they find in favor of disconnecting properties because it has a potential of having a far much bigger expense on the municipality. With that said, it's the legislative body's decision whether to accept that request. And if not, then

you're going to get into a legal battle, which likely would not find in favor of the town because of precedence's that have been set. But I wanted it made known publicly that I am not in favor of disconnecting properties from the municipality.

Wayne Peterson: Over the past 14 days, we've had amendments to the mixed-use zone itself, application for the mixed-use zone to apply to the land that is being discussed right now. Prior to that, there was a disconnect notice on it. As was just mentioned, a zone change at the county level. I think it's very important for the town to coordinate with neighboring entities, municipalities, and the county. And I also think it's important for the town to establish the sequence that these types of questions should be answered. I think that you could get to a set of answers. That don't make a lot of sense if you rule one way on one, another on the other, and therefore I think you really need to figure out the right logical sequence to be taking these up, as opposed to everything being done. emergency has to be immediately. We just saw the development agreement distributed to the council members while we were seated here as members of the public. And it was correct, I believe, to remove that from the agenda because of the fact there was no chance to review it. So I think there's a process issue that needs to be addressed and figured out and that it is very fair for the developer to know what that process is going to be and to look to follow it. You can't guarantee that the sequence will have in a certain time period, but I think you ought to be establishing the sequence as to how the question should be answered.

Troi Hoster: I am not in favor of the disconnect, especially for the reasons of the Grapevine Wash flood that might happen. I think there's a lot of engineering that can be done to prevent this in these buildings. And this is going to impact leads no matter what. It's going to be there no matter what. And we need to, we would like to have the benefit of it.

Susan Savage: There are lots of issues to be discussed about benefits and impacts. The amount of traffic from here is not going to be any different if the county has the property than if Leeds has it. And I have learned by attending all of the transportation meetings for more than a year now that UDOT has a specific method for going about how they decide to do things. The MPO has pulled away from connecting to Wonder Lane from that concept because of the Grapevine Wash. I said in a meeting where a public type of meeting that I was telling about, and you've heard Chuck Bentley talk about this, that there was a time when the freeway was going to be, was being built when the Grapevine Wash flood nearly took out the freeway itself. When I said that, Alan said, but it didn't, did it, Susan? And I said, no, it didn't. But I want to say why it didn't. It didn't take it out. It wasn't because of engineering. It wasn't because of the quality of the concrete. It wasn't because of steel reinforcing. It wasn't because of poor compaction of the fill dirt in that area, it was because a little teeny piece of debris started to wiggle because the whole tunnel was blocked with debris and the water was backing up. It was going to take everything out. They were getting ready to drop dynamite into it. The fact that little piece of debris started to wiggle and then somebody else started to wiggle with an act of God. And if you want to play games with the man upstairs, that is who you're playing with. People can talk about, well, I just don't think there's an issue with the Grapevine Wash. If you'd been out there looking at it a couple of weeks ago, you would have known that we are very small in comparison to that. And when whoever has that jurisdiction, when something happens, whatever it is along the Grapevine Wash, and as I said before, You haven't heard of it happening yet because nobody's been living there. Nobody's been out there when the flood comes through. But you can look at the contour of the wash and you can see where the land has slid off and you can see where the boulders have gutted it out. And when something does happen, it's only a matter of time and the big storms are coming so the times are closer together, then it's going to be taxpayers paying for whoever those taxpayers are, it's going to be taxpayers paying for to cover the liability for those areas. I think it's pretty cavalier to say, well, the Grapevine Washington isn't a big deal, or to say, well, it didn't, did it, Susan? That's pretty cavalier with people's lives.

Motion to move out of public hearing made by Councilmember Cundick, 2nd by Councilmember Furley.

Councilmember Peot: I have a question for you in relation to the Grapevine Wash, which is a FEMA flood zone. What is the proposal for having affordable housing in proximity to that? Because those are the people that can lease afford flood insurance.

Tyler King: Makes note of question to pass along to client.

Councilmember Peot: Would like to have a closed session about pending litigation.

Hyrum Bosserman: I think it'd be best, typically we like to at least indicate somewhere on the agenda that we are holding a closed session, indicate the purpose of that closed session. I think that's going to be best practice. If we want to at the next town council meeting, indicate the agenda that we're going to have a closed session to go in to discuss. imminent or pending litigation under 52-4-205, I think that would be the best approach.

Motion to adjourn the meeting made by Councilmember Cundick 2nd by Councilmember Furley.

10. Adjournment: 8:15pm

Approved this 12th Day of November, 2025.

Bill Hoster, Mayor

ATTEST:

Cari Bishop, Clerk