

Town of Leeds

Town Council Work Session for Thursday, September 26, 2019

1. Call to Order:

Mayor Peterson called to order the work session of the Leeds Town Council at 7 PM on Thursday, September 26, 2019, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: ALAN ROBERTS	x	
COUNCILMEMBER: DANIELLE STIRLING	x	
COUNCILMEMBER: ELLIOTT SHELTMAN	x	
COUNCILMEMBER: NATE BLAKE	x	

Mayor Peterson said as a Work Session, there will be no action taken this evening. This work session was scheduled as a result of an August meeting where a variety of information came up. Some of it was conflicting by the end of that evening and also the desire to capture other information as well so this is very much an information gathering session.

2. Pledge of Allegiance: Councilmember Sterling

3. Declaration of Abstentions or Conflicts

Councilmembers Stirling, Roberts and Sheltman said none.

Mayor Peterson said my wife is a member of the board and in charge of the gift shop at the museum and my son is a member of the board and the treasurer of the museum.

4. Work Session

Mayor Peterson said before we get to the actual work session, I would like to take this opportunity with so many people here to mention 2 upcoming events. Meet the Candidates Night, we have 3 candidates running for 2 positions on Town Council, that will take place on October 16th at 7 PM here at Town Hall. Leading up to that, on Saturday, October 12th, at 8 PM, we will be showing the Leeds documentary film in the Town Park. We have been able to borrow, at no cost, the equipment from Hurricane and we will have a large screen and sound system that will allow us to enjoy that movie here in Leeds.

Mayor Peterson said our work session presenters, I have asked them to have a presentation up to about 15 minutes. Issues came up with regard to the National Forest and the volume of activity up there as well as the County and its ownership of the buildings by the Silver Reef Museum. Our first speaker tonight is the District Ranger for the Pine Valley District of the Dixie National Forest. Nick Glidden is the individual who is here. I have asked him to speak about the issues related to volume and also a few other issues with the National Forest being so close to us here and some of the issues do come up from time to time.

Nick Glidden said I am the District Ranger for the Pine Valley District on the Dixie National Forest. I am here to speak to you all about the traffic coming through Leeds and also some other forest issues. I will briefly tell you that the Dixie National Forest is about 2 Million acres. It goes from Nevada over to Boulder and Torrey. We have 4 Ranger Districts that break that up and I am the District Ranger for the Pine Valley Ranger District. I help manage 481,000 acres of public land that are west of I-15 between here and the Nevada border. With the Forest Service of Multiple Use Agency, we graze, we have wilderness areas, we sell timber, we have roads and non-motorized trails. We pretty much do it all. The first issue is traffic coming through. I have the pleasure of helping manage 481,000 acres of public land. The pleasure comes from how beautiful it is up there. We all live here because it is beautiful. With that, I also have the pleasure of serving every American in this country with those public lands. What happens when we get a beautiful place is everybody wants to see it and we are responsible for managing that. What we are seeing going on, specifically off of the I-15 corridor ... you have heard about Zion overflowing with people. They have gone to a shuttle system, shuttles are full. They are sending people elsewhere. Well, one of those beautiful places is right up here. We are getting a lot more overflow from Zion. We are seeing an increase in the flow of traffic through the Town of Leeds, through Silver Reef and onto the forest. We are also seeing a lot of folks come up out of St George on, everyone has their own name for the road, the Turkey Farm, the Danish Ranch Road, insert your own personal name there. That road is getting a lot busier. We are having a lot more search and rescues out there and we are having a lot more illegal activity out there whether it be marijuana grows or people squatting on the National Forest. We are seeing a lot of that illegal activity up there. The road coming out of your community going up to the forest has been there for a long time. It came with the settlement of this Town. The campground at the end of the main road, Oak Grove, has been there for a long time and there are a lot of people who enjoy it. I guess what I would tell you all is that I do not anticipate any decrease in traffic. I anticipate an increase in traffic. From here, I think the volume of traffic is going to continue to increase and that is due to (1) Zion is full and people are looking for Zion-like places, we have that, and (2) St George and this whole area in Washington County is exploding, it is one of the fastest metropolitan growing areas in this country right now. Why are people coming here? They are coming here to be outside and to have a good community. So, we manage the outside. I do not anticipate any decline in visitation to occur. As a matter of fact, I see it going up. Right now, to address the additional use that we have seen there, we have increased not only our road maintenance and some trail maintenance up there, but we are also in a planning process to install some new trail heads and to try to address some of the social trails. In other words, we have trails that people have created themselves to beautiful locations that were not laid out properly. We are in the process of trying to designate those as system routes and put them in a sustainable manner. The other thing that you guys have seen if you have lived here long enough is we have designated and numbered all of the campsites going up Oak Grove Road. Those are designated, disbursed campsites so they are free. However, you have to camp at the post or at the site that is delineated. We did that, first and foremost, to protect your water source. In an effort to reduce the erosion and the things that can come from camping, we installed all of those campsites up through there to try to pull sites off of the creek. We have hit capacity. If you go up there on any Friday or Saturday, every single site is full. We are also now looking at trying to add some more sites where we can, but also trying to get more sites identified going down to Yant Flat and across the Danish Ranch Road. Again, we are seeing more use, and with that more use, we are having to develop more stuff, trail heads, etc. As you know, as you go down Yant Flat Road, Danish Ranch Road, or whatever you want to call it, it is a pretty rough road. We have a great partnership with Washington County so we blade the road in the Spring and

try to get up there in the Fall and Washington County has been out there when we cannot be there. However, in the wet season, you know that it is not a good road. We are hoping, in the future, we will be able to improve access on that road, so we do not keep doing detriment to what is up there. We are looking to improve that road. What does this mean? Visitation will not go down. It means access is going to be maintained and that people are going to continue to use that area. As far as the speed of those roads, I will tell you this. The Forest Service does issue violations on dangerous driving or reckless driving, but we do not post speed limits on most of our roads because typically they are dirt roads that are windy and rough. There is an implied 25 mph speed limit, but it is based on a safe driving condition. The bridges ... the bridges are from the 50's and they are in need of being replaced. However, they are not dangerous. They have just lived their life cycle for what we consider a bridge is good for. We are pursuing funding for replacing the bridges. I mentioned earlier people camping and living on public land. You can camp 16 days in 1 place up there and then you have to move. What we say or recommend is 10 air miles as the crow flies. Basically, what that means is anybody can use that site, no one gets to say that is their place on National Forest land, there is no exclusive use. After 16 days, people have to move. Our law enforcement is up here more than anywhere else in my District. Let me back up here ... we had 1 guy for 2 Million acres, and we are excited we added another officer. She has 1 Million and he has 1 Million. We do have law enforcement out there. They are working a lot, especially at Oak Grove. What he is really concerned with is all of the parties and he has had an impact on that. We also have the Sherriff up there a lot. We have had help from the County. I cannot emphasize how much Washington County, the Dixie National Forest's partner, has helped to provide a good experience up there. One more thing I want to mention to you is that we are doing some planning to try to treat the water shed here. You all are one of the water sheds, but the Pine Valley Mountain Wilderness provides water to most of the communities around here. Even the water that flows into New Harmony ends up coming all the way down and is utilized by these communities. We are in the process of planning for treating the water shed. What does this mean? These are fire adapted eco systems. They need fire. We have kept fire out of them, so we have a problem. We have a lot of fuels. The Oak Grove fire was in 1986 and that was the last time it burned. It is ready to go again and that is why we have the gate. We close the gate because if you are at the end of the canyon and a fire starts there is no way for you to get out of there. We did not close the gate this year. We actually watched the fuel moistures, the weather conditions and the terrain topography and other things. We have people monitoring the fuels every week throughout the summer. This summer, we never met our threshold to close that gate. It stayed open. We do use science and we are out measuring things. We do want to treat some of the vegetation up there to try to not have a huge, devastating fire. We have to go through a process to get that done, but I will also say given the opportunity to manage fire up above and in the right conditions, we would take that opportunity. When the moistures are high or when we have a snowstorm coming in, we need to put some fire back into our landscape that we have kept out now for 150 years.

Mayor Peterson said from Washington County, we have with us the County Administrator, Nicholle Felshaw, and one of the attorneys with the County, Brian Graf.

Brian Graf said the Washington County Commissioners unfortunately were not able to be here. They have a letter that they asked me to read tonight for the record. They have addressed it to Mayor Peterson. He read the following letter:



VICTOR IVERSON, COMMISSIONER | DEAN COX, COMMISSION, CHAIR GIL ALMQUIST,
COMMISSIONER

September 24, 2019

Dear Mayor Peterson:

We understand that some residents of Leeds are concerned with the county's use of two parcels for the operation of the Silver Reef Museum. The museum property includes the Wells Fargo Express Stop Building and surrounding buildings, artifacts, and trails. It has been a publicly accessible historical site for decades—long before the property was annexed into the town of Leeds. The current use of the property preserves the historical artifacts on the site and educates the public of the unique Silver Reef history.

The county has investigated whether the current use of the property is appropriate under applicable laws and has determined the use is in line with what was done both before and after the town annexed the property approximately fifteen years ago. The current group operating the museum provides a valuable public service and strikes an appropriate balance between encouraging public education of the site and respecting the area residents. We commend them. Their use maintains the property in good repair, is protected under state law, and will continue.

It makes no difference whether the town has properly zoned the property as "residential" because the historic use is well established. The county obtained the property with the condition that it be used for a public purpose. The county has since maintained the area as a historic site and ensured the area is open to the public. Furthermore, when the county allowed the property to be annexed into the town over fifteen years ago, it was done with the understanding that the use of the parcel as a historic site would continue.

Thank you for the invitation to look into this issue and participate in a public meeting. We appreciate the Silver Reef residents and ask for their continued support in maintaining public access to the museum property so the public can be educated on the distinctive history of the community.

Sincerely,

WASHINGTON COUNTY COMMISSION

Victor Iverson
Commissioner

Dean Cox
Chairman

Gil Almquist
Commissioner

Signatures are on file at Town Hall

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Mayor Peterson said from the museum, Ron Cundick.

Ron Cundick said I will share my 15 minutes with the Curator.

Pat Cundick said I am the Curator at the Silver Reef Museum. The Foundation President of the museum asked me to take a few minutes to talk about the history of the Wells Fargo Building. When people come up to the museum, one of the things we almost always tell them is that our most important artifact is the building they are standing in, the Wells Fargo Building. Good curation practice always says that you worry about provenance of an artifact meaning that you worry about where it came from, when it started and what the story is behind it and how it has been used all these years. That story is probably more important to the value of the artifact than the actual numerical value that might be in dollars and cents. Let's talk for just a minute about the provenance of the Wells Fargo Building. You all have a copy of the following timetable printout:

Timeline for the Wells Fargo Building

- | | |
|------|---|
| 1878 | Construction was completed. Dry goods merchants Liddle Bros. & Co. occupied the south side. Wells, Fargo & Co. Express operated from the north side as a bank, express office and telegraph office. |
| 1881 | Sold to a group of 4 merchants: Gillespie, Woolley, Lund and Judd. |
| 1897 | Sold to businessman James Andrus for \$5,000. |
| 1902 | James Andrus sold the building and several Silver Reef lots to the Brundage Mining and Reduction Co. |
| 1916 | Alexander Colbath purchased the Silver Reef mines and real property, including the Wells Fargo building. During several years of his ownership, Mr. Colbath lived in the building in order to protect his interests from theft and vandalism. |
| 1950 | Colbath sold his Silver Reef holdings to Western Gold & Uranium Corp. which, not very successfully, worked the claims. They used the Wells Fargo building for a mining and assay office. This company |

eventually restructured under the name Tech-Sym.

- 1971 The Wells Fargo building was placed on the Register of National Historic Places.
- 1977 5M, Inc. purchased Tech-Sym's holdings. In an agreement which they hoped would facilitate their real estate development plans, they deeded the Silver Reef business district, including the Wells Fargo building, to Washington County.
- 1985 Washington County leased the building to Wells Fargo Silver Reef Monument, Inc., a non-profit foundation through which Silver Reef residents raised thousands of dollars to restore the crumbling building and establish a museum. Prominent in the restoration was local artist Jerry Anderson whose gallery shared the building for many years with the museum.
- 2013 Washington County leased the Wells Fargo Building to the non-profit Silver Reef Foundation for operation of the museum.

Silver Reef Museum Information

The Museum is owned by Washington County and managed by the nonprofit Silver Reef Foundation, Inc. (SRF). It is on a 17-acre historical site which includes the Wells Fargo Express, Cosmopolitan, Jail and Rice Bank buildings. (The County leases the Bank building to LDWA to help pay for upkeep of the historical site.)

Background. In 1985, the Wells Fargo and Silver Reef Monument Foundation (WFSRMF) was incorporated and the County leased the historical site to it to help protect, restore and preserve the buildings and historical setting. This nonprofit helped restore the Wells Fargo building, rebuild the Cosmopolitan and Rice Bank, and managed the Museum until July, 2013, when the SRF became its successor.

Management. SRF has a volunteer board of directors comprised of Leeds residents, and a manager, who resides in Homespun. 32 local volunteers staff the Museum, help maintain the grounds, buildings and displays, and provide additional support for events.

Hours & Days of Operation. The Museum is open 4 days a week: Mon., Thurs., Fri. & Sat. 10am-5pm. Admission is \$3/person, \$10/family.

Programs: The Museum holds special events of historical, geological or cultural interest one time a month on the 4th Saturday (except in Dec. & Jan.), and annual ghost nights on Halloween weekend.

Other events, such as 4th grade school visits and the traveling Smithsonian exhibit, are scheduled, as appropriate. On-street parking is not permitted. (Note: permits for programs are only required by Town ordinance if 10 or more vehicles are to be parked on the street. As the Museum does not allow on-street parking, no event permits are required).

Annual Museum Visitors:

2014-5,668 2015-5,731 2016-6,030 2017-7,007 2018-6,320 2019-5,740 (thru August).

Americans with Disabilities Act. The 1878 Wells Fargo building is on the Utah State and National Historic Building Registers and the County has determined that ADA modifications cannot be reasonably be made without damaging it. However, as the Cosmopolitan was rebuilt after a fire destroyed the original building, the County is taking corrective measures there.

Steps taken to be a good neighbor.

We recognize that the Museum is surrounded by a residential area. Being a good neighbor is a value to us and in the past we have taken steps to be good neighbors and contemplate more. To mention a few:

- We limit our number of days and hours of operation and only occasionally have events at night
- An open house was held to inform neighbors prior to the Smithsonian traveling exhibit to address any concerns they might have had.
- The Museum does not allow tourist buses.
- The Museum turned down a donor offer to rebuild the Elk Horn Saloon.
- The Museum has stopped advertising the Cosmopolitan as an event center for rent by the public
- Enactor "shoot outs" have currently been suspended.
- SRF plans to invite neighbors to future Board meetings to share any concerns.
- Special programs will require reservations
- Programs will be planned so as to minimize traffic congestion.
- A parking attendant will be available for high-attendance programs.

In 1878 the Wells Fargo Building was completed at the beginning of the boomtown of Silver Reef. It became one of the important buildings in town. It was constructed to be the Wells Fargo Express Office in one half and a mercantile in the other half. As the town boomed and subsided, the building changed hands many times. As the boom subsided and people left to go find their fortune somewhere else, Silver Reef as a town pretty much ceased to exist. People were still interested in mining so many companies tried to do that. Probably the longest owner of properties around Silver Reef and of the Wells Fargo Building was a gentleman by the name of Alex Colbath. He bought all of the Silver Reef mining claim properties and that included all of the buildings that were left and the most important one was the Wells Fargo Building. He tried to make a go of mining and working the silver mines. As it turned out, he and his wife had to live in the building because they had a lot of trouble from vandalism and people stealing things, equipment and whatever out of the mines. He was there to protect his interest. He sold in 1950 his Silver Reef holdings to Western Gold & Uranium who worked the claims for a while without a lot of success. The building, by that time, was not used very much. Some of the time it was abandoned and not kept up. But despite that, in 1971 people recognized the historic significance and the building was placed on the National Register of Historic Places. In 1977, a company by the name of 5M, Inc., who bought the properties in Silver Reef, decided they could not make it in mining, but they could probably sell

residential lots. So, they tried to make money in real estate. They made a deal with Washington County in 1977 that if Washington County would put the roads in up there that they needed in order to sell lots, they would deed to Washington County the acres that surrounded the Wells Fargo Building and the central part of the old Silver Reef Main Street which included the Wells Fargo Building. So, 42 years ago, the Wells Fargo Building became the property of Washington County. That was an important step. The building was crumbling, and the roof was bad. In the 1980's, a group of Silver Reef citizens became very concerned that the building was being lost and the story was not being told and the history was not being preserved. They went to Washington County and said we would like to form a nonprofit organization that would restore the building and solicit and raise money so that we can rebuild some of the old town. They had big plans. They also wanted to rebuild some of the other buildings. This group, the Wells Fargo Silver Reef Monument Foundation, raised a lot of money. They restored the old building and they rebuilt a couple other buildings. This was the time when Jerry Anderson got involved, when he built the diorama of the old town that many of you have seen in the Powder House next to the museum. Once they had the building restored, they asked citizens around the area if they had any old artifacts that you would like to have preserved and they created a museum with things people donated and loaned to them. They, again, used the Wells Fargo Building for a dual purpose ... one side was the museum that they created, and one side was Jerry Anderson's Art Studio. Most of you know that rural museums have their ups and downs. By 2013, the fortunes were waning. The building and the artifacts were not being very well cared for. Jerry Anderson had moved on to another location. The museum, itself, was open sporadically. People could not see the artifacts and they were not being taken care of. A group of us in 2013 were concerned and we had a couple of meetings. We went to Washington County and said what if we formed a new nonprofit and took over the management of the museum. We were pleased that the County looked at our proposal and said we could do that in 2013. The result was that we were able to reopen the museum and establish more regular hours and expand the holdings of the museum and make it a place people enjoyed visiting once again. As I look at this history, there are a couple of things that come to mind. One is when the Wells Fargo Building has been used for a distinct purpose it has been an asset to the community around it. When it was active and people using it, it was an asset. When it has sat there empty, it has been an eye sore. It attracted vandals and vagrants, nothing a community would want to have. Some of us fortunate enough to live up in Silver Reef have been there 10 or 15 years and we're finally beginning to feel like we are beginning to get established. And then there are others who live up there who have lived there even 20 or 30 years and they actually feel like they belong up there. But we are all latecomers. So it does seem to me the right way to approach the museum is not to say there is a museum in my neighborhood and decide how we feel about it, but perhaps to say we have moved into a neighborhood where there is a museum that has been there for 34 years. In 2013, when some bit off this chunk to chew, we did not have any idea what we were getting into. One of the things we have learned is that Leeds' residents are incredibly supportive with thousands of hours of donated time and thousands of dollars. It has been a pleasure to be working with such a generous group of people. It has been truly a community effort and the Town should feel very proud of the Wells Fargo Museum.

Ron Cundick said I am the President of the museum. I am pleased to be here tonight. I appreciate the support from the County. It has been a real pleasure to work with the County and to be involved in the preservation and restoration of much of this area. I will try to address some of the issues that were raised earlier by some of the residents. The handout that we gave you shows the number of visitors who have been here since 2014. Last year during the Smithsonian, we topped 7,000. We thought we would bring in a lot of people for the Smithsonian. We thought we would have maybe double that. We were disappointed. Before we opened that exhibit, we had a meeting with the neighbors and said here is what we expect. We had a good meeting. We have not had a meeting since then because we have not had an event that we felt would be that magnitude. Some concerns were expressed. One was about noise and safety. We do have programs once a month on the 4th Saturday. Those programs are held in the Cosmopolitan and they are usually between 40 and 60 people who attend. Along with that, the museum has actors out there to entertain the kids and adults with shoot outs. This has caused some concern by

people who think they are too loud and that maybe there is a safety factor. In the interim, we are going to suspend the shoot outs and we are going to re-evaluate our programming to make sure we do not overstep our bounds and make our neighbors unhappy. This we do with the desire to be good neighbors. Leeds Ordinances require a permit for programs that will have 10 cars or more on the street. There have been many people saying why don't you get permits for your monthly programs. We do not have 10 cars or more parked on the street. We have parking lots and parking attendants, so we are not required to have permits. We try to regulate how parking is done up there. For bigger events, we have attendants out there to help with the parking. We do not allow on-street parking. There are times when perhaps there are a number of cars to park, but we try to regulate it and I think we have done a pretty good job doing that so far. There are times when there is a little more traffic than others, but I invite you to come up there during the week and see how many cars there are. You may see some cars on the 4th Saturday. There was some concern expressed about the American Disability Act. We asked the County to come out and look at the buildings to see if there are some problems. They looked at the museum and said we really cannot do much to the museum, it is historic, and if we tried to make any alterations, it would be detrimental. They looked at the Cosmopolitan and said we can make some changes. It is a rebuild and not historic. They agreed to make sure that the bathrooms are conformed for that as well as a pad outside for vans. The County is on top of that and it will be taken care of. We have tried to be good neighbors. We limit the number of days we are open. We limit the hours of operation. We do not allow tourist busses. We turned down a donor who wanted to rebuild the Elk Horn Saloon and some other buildings. We stopped advertising the Cosmopolitan as an event center. The shoot outs have been suspended. And we are planning programs to minimize traffic congestion. I will say in closing that we have tried to be good neighbors and we are not aware of violating any ordinance of the Town that applies to this residential area. It is a beautiful area. This is probably one of the finest small museums in the State of Utah.

Ralph Rohr read the following:

I speak on behalf of my home and neighborhood's peace and tranquility, which I think any of you would do in a similar situation.

I make no personal accusations but will only present facts as best I have been able to discern them by personal email communication with County Commissioner Dean Cox and County attorney Eric Clarke. I have also visited the County recorder, assessor, and community development offices online and in person. My comments tonight are based on those communications.

Town laws govern Silver Reef citizens and the museum foundation; town laws are similar to county laws that, if anything, are more restrictive than town ordinances (at least, the County fees are higher than the Town's).

By way of preamble, I would note that the founding of the American republic, the United States, was of enormous historic significance, as it contrasted with the monarchies of Europe and eliminated the privileged classes that abused the common people because of their station in society. The truly revolutionary notion that all men are created equal gave birth to our nation and was accompanied by the cultural cement that bound us together—the Constitutional principle of the rule of law. That principle protects us today. If I want to take advantage of you or your property, the law prevents me and protects you. This Constitutional principle has given us countless blessings in this nation, that far exceed those God has conferred on any other nation in history.

It is to the founding principle of equality of all citizens under the principle of law that I wish to appeal this evening. This I must do with concrete examples.

But first, let me separate the historic Wells Fargo "museum" from the Silver Reef Event Center being run out of the old Cosmopolitan Restaurant. There was never a problem with the historic Wells Fargo building until the Silver Reef foundation expanded operations to the rebuilt restaurant building that lay unused for six years after master chef Imi Kuhn left, due to failure of the county's agent to properly maintain the building's sewage system (no grease trap) and leaky roof.

The Museum was brought in as pre-existing nonconforming use at the time of annexation according to my communication with Dean Cox and Eric Clarke. However, both of these gentlemen make it clear that they are referring to the "museum" parcel, not to other surrounding properties that the County owns. This brings me to

ordinance 5.10 – Nonconforming Use of Land:

"The nonconforming use of land . . . may be continued, provided that **no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property,**" and provided that no such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, without clear intent of the owners to continue the nonconforming use."

Leeds Town ordinance 9.5 further amplifies nonconforming uses when it states that, "Under no circumstances shall the time period in which to comply or cease said nonconforming use be greater than five (5) years."

But in its use the Museum has been expanded and extended on properties around the museum (jail house, Cosmopolitan Restaurant) contrary to ordinance.

The Cosmopolitan is not an improved ruin like the Wells Fargo building. And it lay fallow and abandoned for six years without any clear intended use and thus it lost any nonconforming use (i.e. commercial as a restaurant) and lapsed into standard R1-20 zoning. Until, that is, the Silver Reef Foundation assumed they could take it over to expand the historic museum into an event center venue for whatever functions they desired.

For instance, beginning today and continuing for three days "The Artist Gathering" with art, music and inspiration. This unpermitted event includes "potluck dinner, art demonstrations, classes in plein air painting, linocut card workshop and art sales." According to the Facebook page, 333 people are interested or going on Saturday. Those are the potential numbers our neighborhood is facing.

The Cosmopolitan has been used for a wedding reception, and, according to my conversation with the Foundation president, could be so used again for members and friends of the Museum.

Like the noisy traffic-producing gunfights, none of this has anything to do with the historic monument. The old Cosmo building is simply being used as a party house by the Foundation to raise money.

Lack of compliance with Town and County ordinances:

No permitting of special events. Permitting to include: solid waste disposal, sanitary facilities, potable water, emergency services, fire protection, security, traffic management. The County requires a \$100 filing fee, 30 days before event, \$25 late fee.

Unpermitted buildings and constructions:

According to grama request submitted by my neighbor, attorney Rick Carson, there are no recorded permits for:

A large elevated outdoor deck addition to Cosmopolitan; no record of licensed contractor, fees paid to the town or inspections of the project. Why?

There is a simulated mine construction underneath the floor of the Wells Fargo building—again no permit or documentation. Why?

A wooden box called a jail was placed on a separate parcel provided by Forest Service—no permit or documentation. Wouldn't this violate ordinance 5.10 on nonconforming use of land, which prohibits extension and expansion onto adjoining property?

By personal conversation with Foundation board president, offers have been made to construct the Elkhorn Saloon and other buildings, but turned down by him, which I appreciate. But what is to prevent a different future Foundation board approving and proceeding with such projects. What constraints are in place to stop our area developing into an amusement and entertainment theme park? None that I can see.

Parking at events:

LAND USE ORDINANCE 2008-04 CHAPTER 6 PARKING REQUIREMENTS 6.7. MAINTENANCE OF PARKING AREAS.

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

6.7.1. Surfacing.

Each off-street **parking lot shall be surfaced with an asphalt type substance or Portland cement** or other binder pavement to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water. If such

water is to be carried to adjacent streets it shall be piped under sidewalks.

LAND USE ORD 2005-02 Chptr 6, Parking Requirements as amended 2008.02.13.doc

6.8.3. In areas where there are no curb, vehicles parking on the street must be parked in a manner that allows for the safety and welfare of the public. Parked

vehicles shall not have more than two (2) feet of the vehicle covering the hard asphalt surface. If on-street parking is interfering with the normal flow of traffic all vehicles may be cited for obstruction of traffic. In the case of an event that is scheduled in Leeds that will result in **more than ten (10) cars parked on the street**, the event sponsor **must obtain a permit** from the Leeds Town Clerk and confirm that parking will be controlled in such a manner that no disruption in the normal flow of traffic will be affected.

LAND USE ORD 2005-02 Chptr6, Parking Requirements as amended 2008.02.13.doc

Conditional use of this residential property—non-compliance with Ordinance 13.3, which clearly lists specific conditional uses, and states clearly that all uses other than those specifically listed in the ordinance are **unlawful**. Conditional use as an event

center or convention center is not listed.

Nuisance ordinance – noisy gunfights, in midst of our quiet neighborhood with obstructing and dangerous traffic—pedestrians and slow moving or stopped vehicles in the narrow roads without sidewalks and with sight obstructing hills of our neighborhood engender the fear that I might inadvertently harm a pedestrian with my car. Given the prevalence of road rage in our culture, I am reluctant to honk my horn, however politely or briefly to pass a stopped car.

Particularly is this my concern with the upcoming "Ghost Nights" on two separate nights around October 25th. Admission is \$7.00 for that, and these are the admonitions contained in the event flyer, "Both nights will be dark skies (no moon). The program continues rain or clear skies, though it only rained once in past Ghost Night events. If it's in the forecast, though, be sure to bring appropriate rain attire. We ask that each person who goes on a hike (Family Ghost & Dark Side) have their own flashlight and be aware that there is rocky and steep terrain out there, in the dark." This event will be spread across the intersection of Silver Reef Drive and Wells Fargo Drive, producing a significant traffic and pedestrian hazard, especially for folks who are unfamiliar with the area think they are in a protected park-like event. How easy will it be for me to exit my neighborhood in an emergency through such a crowd. Furthermore, is it possible that burglars or other ne'er-do-wells might mix with the crowd and take advantage of darkness and crowds and unfamiliar vehicles to invade local homes for loot? This event seems fraught with real hazards, some of which are admitted in the event flyer from the Silver Reef Foundation. It seems to me ironic that a community which protects its children from the hazards of Halloween trick or treating by holding a controlled trunk or treat at the city park, invites strangers to stumble around in streets and rocky terrain in the dark, come rain or shine.

What about **ADA? Way out of compliance?** There is no way that handicapped people can access most of the activities and events safely. As far as I know there are no sanitary facilities for handicapped persons, and there are not adequate bathrooms for a large crowd. I am told that the county had to deal with ADA issues in mid-1990's. Does the County really want to deal with such issues again on this County owned residential property?

Liability issues. Who bears responsibility for any untoward incident or accident on the County property utilized by the Silver Reef Foundation? Will taxpayers get the bill that their RAP taxes are presumably helping to fund? What assurance or insurance is there if some unfortunate circumstance arises?

I have only scratched at the surface of the problem as best I can perceive it. Perhaps some might say I have picked the scab off a sore. But one thing has become abundantly clear to me in my research, and that is this: **If the laws governing land use (County and Town) were being complied with, and if these laws were being enforced, we would not be here this evening,** and our community would be at peace. We would be as we were before the Silver Reef Foundation expanded their nonconforming use privilege at the Wells Fargo building historic monument into a large

revenue producing events and convention center. I cannot help but wonder that the County is "comfortable with this current use of the county's museum parcel," which has now morphed into a much larger operation that transgresses Commissioner Cox's clearly expressed desire to me that the County be "a good residential partner." I believe that such a worthy partnership can only be achieved by compliance with the rule of law and just enforcement, as is done in other County owned venues.

5. Discussion Items

6. Citizen Comments

Mayor Peterson said if I could just ask of Council, the following item would be Discussion and then Citizen Comments. I think that we have a very separate kind of issue. Some are related to the Dixie National Forest. Would Council be okay if citizens have questions or if Council has questions regarding the National Forest, to ask them up front and then we can move on to the other interrelated questions that will be there?

Mayor Peterson said is there anyone who has a question regarding the National Forest?

Darryl Lewis said the Forest Service is spending a fair amount of time upgrading the attractions of Oak Grove in terms of campsites, in terms of trails, etc., etc., etc. You gave quite a list of things that you are improving. Secondly, you said most of the traffic, or a lot of the traffic, is coming from an overflow out of Zion. I can only assume that Zion is somehow being controlled to protect the park and to protect the surrounding community. And when the traffic gets too high then Zion has implemented other techniques. I am wondering what Forest Service is doing to protect our local community from the increases and what is Forest Service doing to limit all of the illegal activity that is going on up there.

Nick Glidden said I can address that pretty easily. The attractions, and I would not reference them as attractions, they are management tools. The National Forest is open to camping. You can camp anywhere you want as long as it is not designated campsites. We only designate campsites when we hit a threshold of impact and we need to manage that. These attractions, to use your words...

Daryl Lewis said no, I'm sorry. Those are your words.

Nick Glidden said I guess I would strike that word then. People are coming to see the outdoors, not coming to see that campsite. They are going there to experience the outdoors. These campsites are management tools to help protect the resources out there. We try to put people on trails, so we do not end up with 100 trails. We try to put people in certain campsites so that we do not end up with 100 campsites. These are the actions we are taking up there to protect the resources. As far as other uses, we do eventually get to a point with the Forest Service where we analyze the impacts of our visitors. One example is the canyoneering that is going on up here. We are starting to hit a threshold in our canyoneering where we are seeing impacts to the natural environment due to the canyoneering use. Through this planning effort that I mentioned earlier, we are starting to evaluate the amount of commercial outfits that we will permit to be in those canyons, very much the same thing that Zion did. Zion's primary mission is preservation. Our primary mission is conservation. There is a big difference there. However, we are still responsible for that resource. Those are the things that we are doing, and we are looking at restricting, possibly, if our analysis points to it, some of the canyoneering and commercial canyoneering use of particular canyons up there. They are all over the websites now. Zion is actually telling people to come here. We had the Mighty 5 in Utah and now we have 5 more because the Mighty 5 are overflowing. And we are the 5 more. Tourism is a commodity that the Forest Service provides to

communities. We provide grazing and we provide timber. There are commodities that we provide, one of which is recreation. Managing that is a challenge to balance it with the natural resources. As a multiple use agency, our job is to balance multiple uses at the same time. I hope I addressed your question.

Dale Barnes said shouldn't there be a sign at Yant Flat since people come from all over the country to see it. But you are kind of guessing that is the way to it.

Nick Glidden said the simple answer is yes. I want to say there used to be one. No? I'm getting a no. I can tell you that one way in managing natural resources is to not make something explode with use. To keep it a secret for as long as you can. We surpassed that and this is why we have started looking at these management plans and putting in these trails. We have hit the threshold where we now need to say okay, yes, this is what you are looking for. That is a very valid point and we will take it into consideration.

Pat Cundick said is there a way to if the Oak Grove gate is going to be closed before you drive all the way up there? Maybe there could be some kind of reader board or something on your website. We have loaded everybody into 2 cars and drove up there only to find the gate closed. If we knew ahead of time, it would be helpful.

Nick Glidden said I also surprised myself with that. I was up in Cedar City before moving down here. I have had the very same surprise. The other thing that we are talking about putting onto our gate closure is also for when we close it in the winter time to protect the roads, you cannot turn around on the road so once you get going up it, you have to keep going so in the winter time we close it to protect the road and in the summer time it is fire. We are talking about putting up informational signs up as to why it is closed. This will help explain to the public why it is closed.

Mark Rosenthal asked about scope, scale and projected timeline for prescribed fire operation.

Nick Glidden said nothing is known right now. We have not done any environmental planning. What I will tell you is that the Forest Service signed an agreement with the Governor of Utah, and it is called Shared Stewardship. We are working together with the State of Utah on areas of high value and protecting them from wildfire. We provide water to St George. Outside of the Salt Lake front, this is the next big population and fire is more predominant here than in other places. I am just reading the writing on the wall that I will be told from above that we will deal with this issue, and we want to, do not get me wrong. We are trying to get ahead of it. There is nothing planned right now. We are in the pre-planning stages and we are out collecting data on what is it. We are sizing up the problem and then we can compare that to what it is we want and that will give us our proposed action. We have not gotten there. We are still sizing up the problem. I would guess that at a minimum we are 2 to 3 years out before we would see any action. However, that does not preclude us from managing naturally ignited fires. If we do get a naturally ignited fire from lightning, and it is in the right time of year, for example, if we were to get a naturally ignited fire now or in a month or so, when we know we have snow coming in, this year we are dry this Fall, but if the conditions were right then we would try to take advantage of that naturally ignited fire. And we would manage that. Not just let it burn, we would manage it. So, the answer is I do not know. I would guess it is a couple of years away.

Doris McNally I am seeing a number of geocaches. Can we cut them and get rid of them?

Nick Glidden said geocaching is a really touchy subject. We have laws that prohibit littering and leaving material on the national forest. However, we also have initiatives to get youth outside to enjoy the outdoors. Here we have someone placing something leaving a GPS coordinate so someone else can go explore it – i.e., children and everyone else, and yet they are leaving it there. So generally speaking, what I would say what we look at first is what resource is it impacting and is it creating a condition that needs

to be mitigated such as social trailing or erosion. On the geocaching website, it tells you how you can put pectoral surfaces in a place where it will not cause any resource damage. We can contact that website directly and say these are not appropriate locations. They have been good about removing them. The Forest Service has not said remove them all. They are all trash. They are still saying this is an appropriate use when managed and when they meet the criteria.

LoAnne Barnes asked if you have given any thought to putting in any restrooms along Oak Grove Road. I know there is one at the Oak Grove campground.

Nick Glidden said the question is have we given any thought to other restrooms on Oak Grove Road. The answer is yes. It is part of the master recreation plan that we are looking at. The trail heads that we are planning would incorporate restrooms with them. It does get a little tricky as you get along the creek. You need to place them in the right place because they are pit toilets. We do pump them, but there is always a chance they could leak. We would have to take great care in where we place them.

Robert McNally said you mentioned something about Yant Flat parking. Yant Flat parking is marked on google maps. Do you have any control over this?

Nick Glidden said negative. Yant Flat is gaining popularity and it is on google maps. We do not have any control. I wish we had control of what went on the internet. No, we have no control. We do publish our data and it is out there. People can take it and use it, and they can take it and manipulate it and put it back out there. It is just like any other data on the internet. We do, occasionally, if we see a glaring one like a motorized trail going into wilderness, we will ask that company to not to show it, but we are very limited.

Manuel Goy said how many times do you patrol.

Nick Glidden said we have 480,000 acres just on this district. I have about 8 people who work for me. During the summertime, I have about 15 fire fighters and I get about 6 additional people who work within wildlife recreation range. We all try to get out as much as possible and we have 1 law enforcement officer who patrols our district and Cedar Mountain. Our law enforcement officer is up and down Oak Grove weekly. Most of the time it is a couple times a week. There is enough activity to keep him busy up there all of the time. This does not include the County. We have an agreement with Washington County Sherriff. The Sherriff is up there as well. They patrol Oak Grove Road, and if we need their assistance, they will respond up there as well.

Manuel Goy said who is responsible for picking up trash and what about the graffiti on rocks?

Nick Glidden said the individual who left it there is responsible for cleaning it up. It is a pack-in, pack-out system. We have very limited people and very limited funds. We cannot do it without you. We do not have a clean-up crew. We do what we can, and we really reach out to the community and hope they will give us a hand.

Mayor Peterson said we will take 2 more questions on the National Forest.

Don Fawson said you talked about maybe establishing some trails. By adding additional trails, how do you expect that to be managed?

Nick Glidden said the trails that we are putting in will be only sustainable trails. The trails that are on this mountain were built basically to move cattle and sheep up and down the mountain. They were not built sustainably. The trails we are looking to build will be sustainable so water will shed off and erosion will

be minimized. The only trails that we are looking to build right now are trails where we have existing partnership groups. Currently the mountain bike group is very active, and the canyoneering group is very active. The bike group is active in doing the maintenance. Before we build anything, we work with those groups. He talked about various trails in oak brush. Our priority this year was to deal with the burn trails from the fire last summer.

Ralph Rohr asked if there is a map available of mountain bike trails.

Nick Glidden said there are no trails that have been built for mountain biking. This is another reason why we are looking at mountain biking trails. All of the trails we have up there are very steep and were built for horses and sheep. There is a map on our website under free maps.

Chris Bevan asked if they have an adopt a trail program.

Nick Glidden said yes. Usually it is people coming to us saying I would like to adopt this trail. We are very open to this. We do not have the staff to go seek the people. We are reliant on them coming to us.

Chris Bevan asked if there are any plans for putting in any off-road trails like 4-wheel drive and ATV.

Nick Glidden said yes, but not up here.

Mayor Peterson thanked Nick.

Mayor Peterson said if I could suggest for Council, the one thing in reading what the County has provided from the County Commissioners who are not here tonight, I suspect that the representatives from the County who are here tonight will be happy to take back comments from the public or the Council. But they cannot speak on behalf of the Commissioners. With Council discussion right now, if I could suggest us focusing on the presentations that were made, any kind of questions or if the is data we do not understand or questions about the accuracy of certain things I think that would be a good focus. This is a work session focused on the idea of information and not on decision making so I would suggest we would do well not to start trying to state what our opinion or conclusion was, but rather try to focus on information. Is there anyone who would like to start with questions with respect to the presentations?

Mayor Peterson said in trying to keep the public involved, we will be following the 3-minute rule. It does not mean you cannot get back and talk more at the end. We want to give everyone a chance to speak and then we will circle back.

Jerry Anderson said I really cannot figure out what you really want. Do you want to close down the Wells Fargo and the Cosmopolitan?

Ralph Rohr said no.

Jerry Anderson said what do you want to do with it.

Ralph Rohr said abide by the existing laws.

Jerry Anderson said that is closing it down. If we go by your laws, it will close. What about my art gallery? Do you want to close it down? If we do what you want to do, we will have to close them down. Either we close it, or we don't.

Ralph Rohr said all I want to do is follow the rule of law. I would want you to follow the rule of law if you were building a structure next to my house. If you are telling me that the Foundation cannot operate that property without breaking the law then, yes, I want you to close it. I do not think we need to do that. I think it can operate quite rightly, but it does not have to be a massive event center and party house which is the way it is being used now. You have a 3-day event going on up there that has nothing to do with the history of the museum or anything else in this area. The ordinances are there to protect you, me and all of us. If we do not follow the ordinances, then we will be just like Washington DC. We will fall apart. And I do not want to see that happen.

Don Fawson said I am not sure exactly what can be done within the law to be able to allow some of the important things to continue on, one of which has been the field trips that the School District has allowed for the kids to come up and experience some of the history. In order to do that, we have broken it up into little activities where we have them working on different projects as they relate to the history of Utah and the museum. We break the kids up into groups of maybe 8 or 10 and we have to have a venue for them to work in. We have used the museum and the mine, but we have also used the Cosmopolitan because we can get 4 or 5 different groups in there. About every 10 minutes, we move them and that keeps their interest going. I am all for following the rule of law, but I am wondering if within that if there is not the ability to look at the law, and within the law, come to some kind of ability to continue doing some of these activities that can bless future generations, not just those who are here right now. My experience has been that we have had 2 or 3 buses at a time come in up there and they are usually the only ones there and they are parked off by the Rice Bank Building. It has not been a real problem. I am hoping that being good neighbors and community members that we can figure this out instead of being all or nothing sort of thing.

Ralph Rohr said I am of similar mind as you. I think we need to educate our children. I think we can certainly work with that. I do not think having a school bus up there is disturbing.

Pat Henck said I walk along Silver Reef Drive and I want to make it very clear that the so-called representative up here representing Silver Reef Drive and the people in that subdivision is not our representative. To be quite truthful, one of the major reasons we moved into the neighborhood was because of the historical area. Not just the museum, but the whole historical area. That is the whole 10 acres of the County property. I agree, whole heartedly agree, with the County representative that is has always been a historical area. I think the thing that needs to be improved is the zoning and not blindly following the zoning law. I think an exception or an overlay, or something, needs to be done with that property and I think we need to do it now. It has always been historical, and it should stay that way.

Councilmember Sheltman said may I add something here. Dr. Rohr did not put himself down as a representative. He spoke 2 meetings ago. Per the Mayor, someone was asked to speak. Dr. Rohr has done it in the past and he was willing to do it now. I have seen a lot of anger towards people who have a different point of view. That does not seem neighborly to me. And maybe that is the reason you are not seeing people up here from other areas, including Silver Reef. It might be something to think about. If we cannot discuss issues like this in a calm, adult manner then there is no point in us being here. As for the Council and the law, the law that is written needs to be followed. You cannot pick and choose like a Chinese menu. I wish these attacks would not happen. Dr. Rohr should not be attacked for coming up here and speaking. He was asked to do so. Other people were asked to do so, and Dr. Rohr said he would do it. I would appreciate it if we treat him in a fair manner.

Mayor Peterson said I certainly do request everybody treat each other with respect. Just to set the record straight, when the agenda was posted, I was contacted by Dr. Rohr with great concern that there would not be a representative and I immediately came back and said that I would welcome a representative as long as it was a singular one and they could decide among them and if there were multiple that we would

be able to listen to one as a presenter. I appreciate you had that concern and I hope the response to it was acceptable and it certainly is not the intent for this to turn into neighbor against neighbor. I am actually quite pleased up to this point with the year 2019 with our Sesquicentennial and our documentary that was made. I think there are people who are a little prouder of Leeds than they used to be. I would like for us to be able to leave here this evening with that same increased pride in our collective community.

Ron Cundick said someday, somehow, we missed a major turn in the road. The County read a letter to you tonight. What that letter said was that property was historical before it was annexed, and it is historical afterwards. That is the entire site, not just the museum building or the Cosmopolitan or the bank building. They are talking about the entire site as a historical site. The use of that property as a historical site has not changed. It was that before it was annexed in and it is also that now. There has been some confusion by some people here tonight talking about those buildings whether it is a museum or a restaurant. That is not the issue. The issue is the historical site is still a historical site. And it is. Do not get bogged down by misunderstanding how Conditional Use applies to this. The issue is not the legality here, the issue is we are following the laws that pertain to the current zoning. And the current zoning has not changed. It is not residential. It is a historical site. Please keep that in mind because you are being led down the wrong road.

Mayor Peterson said if I could share one piece of information, there was a GRAMA Request for related documents. In 2003, there was an Ordinance that was the annexation of the Silver Reef area into the Town of Leeds. In it, it stated that the undeveloped property would come in as residential and that the developed property, which is the County property, would come in as zoned by Washington County at that point and time. A search has been done through records and there is no indication of a zone change application or a zone change notification going through since 2003 when that Ordinance was adopted annexing in the Silver Reef area.

Alan Cohn said I moved here a year and a half ago, so I am still new to a lot of things. One of the attractions of the area was the museum. That said, I also see the other side of that. My backyard and pool back up to Wells Fargo. A lot of people do tend to go around exploring. I can see both sides and I am friends with everyone on both sides. I am hoping was have some kind of balance, so we do not have neighbor against neighbor. I think that the little, tiny yellow signs are not directive enough. I think something larger, maybe red, that say stop, please turn around, private residences beyond this point. The little signs are being ignored. Maybe on the highway, put an arrow to the museum on the sign.

Ralph Rohr said I am going to read to you the emails from Commissioner Cox. When Dean Cox wrote back to me, he said "we want to be good residential properties and at the same time allow the museum to operate." Eric Clarke, the attorney, said, "we allow the museum to operate as in years past." Not the event center, not all of these other entertainment programs and certainly not unpermitted building projects and other things on the other parcels. The museum is not to extend onto other properties beyond the museum. They are talking about museum. I went down to the County and said what is historical zoning. Nobody at the County knows what historical zoning is. If you have that stated in some documentation, I think you should show it to us.

I thought that is a County attorney here who could probably answer some of these legal questions. Isn't there a County attorney here?

Brian Graf said I am the Deputy County Attorney. I am not prepared to discuss these things with you today. I cannot discuss legal matters here with you today. We were asked to come read that letter and understand the concerns and take that back to the office.

Jo Puntill said I have a couple of questions. Dr. Rohr said something about the fact that the Cosmopolitan was a restaurant, it was abandoned and now it is something completely different. You cannot tell us that you bring this in annexed as residential and now all of a sudden, I am hearing historical. This was brought up 2 ½ years ago, on the record, asking the same questions. It was said that it was brought in as R1 zoning, residential, and now we are being told that it is historical. I understand that is a difference for the Wells Fargo, but the Cosmopolitan was abandoned and now it is being transformed into something different. So, do we follow the Town laws which Commissioner Cox specifically stated to Dr. Rohr or do we just allow willy nilly everything happening. I think that is why we want the County to clarify that. And what are the Ordinances that they are following or not following and what do we do about that? We are not asking to shut everything down. We are asking that we follow the law. Period. That is what people are asking for. And I would appreciate not having snide comments because we are adults and I am hearing snide comments. This is ridiculous. Ralph is standing up here because there are a number of people who will not stand up here because people are mean in this Town. I have seen it time and time again. The Wells Fargo Bank has been there well over 100 years and I understand that. We had a restaurant. It was vacant for a long time and now, we had 3 events today, Friday and Saturday, is that legal? If it is not legal, why are we allowing it to happen? And why is it continuing? It has nothing to do with the historical aspect of the Wells Fargo Bank and museum.

Don Fawson said we have lived here since 1971. We have seen a little bit of change. I do not remember the Cosmopolitan being built as a restaurant. It seems in my mind that it was built because they were trying to restore some of that community up there. And later, the gentleman that ran the restaurant came in and ran it as a restaurant. It was primarily historical and then it took on the use of a restaurant. That is what I remember.

Ralph Rohr said just to respond, I did not leave historical zoning to sit. That is why I asked if you could provide me with documentation because in my interchange of emails with the County Attorney, I said what is the basis of historical zoning conferred. What is the documentation of historical zoning? And how is it defined? Or is it simply a word of mouth practice without official authorization? I got back a response. This is not exactly a legal response. "Thanks for following up. The more we have looked into it, the more comfortable the County is with the current use of the County's museum parcel." No documentation; no indication of historical zoning. When I went down to the County Community Development office, they said what. They did not know what historical zoning was. This is a term being used, and forgive me if I am wrong, but I cannot find any evidence for in legality or documentation. All I got back was "we feel" and I do not think that is basis for changing things. If I am wrong, please show me why.

Councilmember Sheltman said Dr. Rohr, was that an attorney's response?

Ralph Rohr said yes. That was an attorney's response. On 2 separate occasions I asked for documentation on historical zoning and all I got was "we feel this is okay."

Glade Dalton said I was here in the 40's and I have been in every mine in Silver Reef. I was close to Glen Morgan who has passed away. He is the one who built the Cosmopolitan. He did not build it to make it into a museum. He built it because he wanted to see the building that used to stand there. It was not a place to eat or anything else. I know what Glen Morgan built that building for. Wells Fargo is a bright light in the desert. We cannot shut Wells Fargo down. It is a blessing. I worked there for 4 years guiding people, telling stories – stories that made the place come alive. People from all over the world came here to see this place. This is a gift. So, what is the big deal hearing some cars on the road? It may take you 30 seconds longer to get to your house on Silver Reef Drive. Traffic is not a problem. However, in my mind, there could be changes made and there should be. There must be changes made. And it will work. This kind of thing is pure. It will work. I am so proud to have Wells Fargo there. This place is magic.

People from all over the world see cowboy movies and they come here and there is an opportunity to see a cowboy movie and hear the stories. Why in the world would you want to take that away? You cannot take that away. That is part of our history.

Ralph Rohr said I want to stress that I do not want to shut down what Glade is talking about. I have been here during that time and I, too, have enjoyed it. I agree with you. What I am stressing here is the expanded event center, party house atmosphere where they are renting out space and doing things that have nothing to do with the historic city or the museum. That is what I would like to see stopped and that is what will cut down on the unnecessary dangerous traffic. Do we really want a few hundred people running around in the dark out there for 2 nights around Halloween with no lights? What will happen there? That is what I am talking about. Not the ordinary operation that you talked about Glade, that you talked about Jerry. I am all for that. And I am willing to make accommodations. Someone mentioned the school buses. Sure, the kids need to come up there and get educated. I have no problem with that. They do not create the problem. What creates the problem is large numbers of people coming to learn how to do this or that or sell their artwork and have convention type meetings. That is what I am opposing and that is what is not meeting the laws. And things being built to attract that kind of business do not conform to the ordinances.

Jerry Anderson said there are 7 acres out there from the Wells Fargo Building up past our place that was going to be a housing project by the builder who built the house on that side. A girl by the name of Joy Henderlighter had that turned into a historical site. I had to come up with quite a bit of money, but it was turned into a historical site about 15 years ago. I think the reason you are not understanding that is, in my observation, the County who owns that place really do not keep up with it. They never have. I think that information for you was lost someplace.

Josephine Goy said Manuel and I are so blessed to be a part of Leeds, Silver Reef. Coming from 38 years in California, every day we count our blessings for the beautiful surroundings we live in. The Silver Reef Museum attracted us to find our lot in 1993. We love the history and culture. We learn from the museum. People are so nice and friendly here. The Silver Reef Museum is #1 on our list to show our visitors. We are so proud to be Leeds residents. This beautiful place will be our final chapter in our life. Thank you for the blessings of this beautiful place that we call home.

Pat Cundick said I just want to clarify that our use of the Cosmopolitan is pretty essential to running the museum successfully. The museum is a building about as big as this building. It has artifacts in it, and it has reached its capacity. If we have 12 people to come visit us, we have to move them to one area so we can get 4 more through the door. We do not want a whole lot of visitors because we cannot handle them. But if we should happen to want to host something that is more than 20 people, we would not be able to do it without the Cosmopolitan. We would not have been able to host the Smithsonian that was a wonderful thing for our Town and for all of Southern Utah if we had not had that space. We have lectures of all sorts ... I am hard pressed to think how often we have done something that could be called a party, Ralph. I would not call 40 senior citizens sitting there to listen to a lecture about geology as a party. We sponsor things like that that are fairly serious inquiries about Southern Utah, and it is a means of a little bit of money. As many of you know, door fees can never support a museum and we have to think of things to do. This is why ghost nights got started. Not because it was going to be a silly type of come to a ghost house, but we make sure people learn history when they come. Everyone who comes learns some more history. We have made it a classy event and not just a spook alley. When you say we cannot do anything in the Cosmopolitan that pretty much hurts the museum because we do not have the space. It provides space and money that are pretty essential.

Jo Puntill said is there some way you can direct some of this stuff right here where they have the parking. This is a big place and you can have lectures here. Why up there? Why not here in Town Hall?

Pat Cundick said because people are coming up to see Silver Reef.

Jo Punttil said that can drive up to see Wells Fargo and then come down here. You have parking here.

Pat Cundick said we probably could, but I do not think we would want to. We want to have the events there. The events are tame events. They are lectures. And it is part of what we do up there. We invite people to come and participate in that beautiful area.

Darryl Lewis said I feel like we are going round and round and round in circles. I think framework to try to come together might be summed up in 2 philosophies. One is I have heard Mr. Cundick reference it as a historical site and there is constant reference to the Wells Fargo building as a museum. And I have heard Dr Rohr talk eloquently about his desire for our young people to learn the history of the community and take pride in the community that we all moved into and invested money in. If we could set as a framework that only historical events take place at the museum and/or the Cosmopolitan, but they have to be historical. They cannot be the Lt Governor of the State of Utah holding a political rally. It cannot be artists up there painting and selling things. It is not historical. It does not have anything to do with history. If we focused on historical activity and if we focused on that activity within the stated ordinances and laws of the Town of Leeds, I am not sure anyone in this room would have a problem with it.

Susan Savage spoke about her mother and living in the Rice House. When I was in college, my geology professor told us that Southern Utah, particularly Silver Reef, was the geological laboratory of the world and that people come here from all over the world to see it and study it. I have not been to any of the lectures or events at the Cosmopolitan that were not related to the history of the area. The artists are painting the scenery around here. I love being at the museum to meet the people who come from all over the world. We get to talk to the people about public lands and about how to treat public lands.

Fawn Anderson said my husband and I found this place in 1978. My husband said someday I would like to make that into a museum and art gallery. My husband said this is going to be a place where people will gather, and it is going to be enjoyable. And it was. People would come from all over the world. I do not feel too bad about the artists making money. They work hard at it and long hours to produce the beautiful art that you see. It was started with love and the neighbors helped us so much.

Mayor Peterson said at this point, if Council would like to, for 15 minutes and we can go beyond this, but the guests that were here to present, the National Forest and the County, we had asked them to be available for 2 hours and we have reached that. Would you mind staying for another 10-15 minutes? I just want to make sure Council has a chance to ask any questions.

Nick Glidden said can I make one additional comment. There was a comment made that the Forest Service gave a building or a piece of property to the museum. That did not happen. I just wanted to go on record to say that. That did not occur.

Councilmember Sheltman said Brian, so your job is to read the letter.

Brian Graf said for tonight.

Councilmember Sheltman said if we have questions can we ask them.

Brian Graf said yes, and then I will gather the information and take it back.

Councilmember Sheltman said okay. I read the letter. It says applicable laws. Which laws? Are you talking about Leeds laws? It says 15 years ago, you were annexed in. Just so everyone knows, it was annexed in for the same reason Silver Estates was and, a year earlier, for the same reason Eldorado was. Without that, they would not have any culinary water. They were concerned about their water systems and the only option they had was to go with LDWA. The By-Laws of the LDWA states that you have to be in Leeds to do that. If the County had not gone in, you would not have had any drinking water, at least for a while. It says 15 years ago when it was annexed in, it was done with the understanding that the use of the parcels of the historical site would continue. Is it in writing? Do you have a document? Dr Rohr and I have looked for one, but we have not been able to find anything in writing. I looked at the zoning for the County for years ago, and there were about 15 different zones available. I did not see anything that said historic. Do you have a historic zone in place that you deal with on other properties? Those are the questions that I have because there are laws in place that would prevent some of what is being done on that property right now. If the Town is in control of that, those Ordinances are in place and need to be enforced. We take an oath of office, as you know, and whether you agree with it or not, they need to be enforced. And I will not know that unless I get that information. I think it would also be a good idea for us to meet with our attorney and go over this. Maybe he can get some documentation for us since I cannot find it. And see who is in control of this property. I have heard a lot of different stories. I do not want to say stories like they are not true, but a lot of different versions, I guess I should say, over who controls this property. About 2 ½ years ago, May, 2017, I basically brought this issue up on an agenda. There was a large group of people and I asked the same questions I am asking tonight. I still have not heard an answer. I told people in attendance that the laws have to be enforced otherwise we have anarchy. If you do not like the laws, change the laws. About 20 people yelled out we are going to. That was 2 ½ years ago.

Jerry Anderson said Jerry Lewis was the County Commissioner at that time. If that could be helpful.

Commissioner Sheltman said I would like to meet with the attorney to get a clear understanding on where we are on this thing. It was 2 ½ years, right before a structure was added to the property. Again, there was no permitting on it. Is there a legal reason for that? Is that property somehow separated from the laws of Leeds? I think it is a fair question to ask. I also asked the County Commissioners, did not get an answer. It has been 2 ½ years. It would be helpful to have that. I have a strong feeling, my personal feeling, that what you are seeing going on up in the Silver Reef Estates area is what happens, it is not about communication, neighbor against neighbor, it is what happens when laws are not enforced. All of the laws were put in place for a good reason. They were discussed in public meetings. People were able to contribute to it. There had to be reasons why those laws were written up. If the laws are not going to be followed, then there really is no reason for us to exist. We can do whatever we want. They have a name for that ... it is called anarchy. That was one of the reasons I ran for Council. I feel strongly about the rule of law. I agree with Dr Rohr on that. I am very much empathetic about the stories people have, but when it comes to the law, those stories are secondary to what is written in this book. Again, I would make the same comment, which is if you do not like the laws then change them. Once you decide to do that, you will be dealing with another group of people who may have stories just as you do. Are those questions we can expect answer to at some point?

Brian Graf said he will go back and talk to the Commissioners.

Councilmember Sheltman said okay.

Councilmember Stirling said I understand this is a highly emotional subject on both sides because I lived this maybe 10 years ago. It was one of those situations where I wish I could go back and see that there could have been a little bit different way of handling things. When you are on one side and you think your side is right and there is possibly a road going through the middle of your farm you get a little

emotional. So, I understand both sides. Would I go back and do things differently? Absolutely. I have lived here for 17 years and there are still people that I hold dearly in my heart, but because of what went on the

Grapevine Walsh dilemma, there is like a division where if there would have been a way to be able to conscientiously see that we are all in this Town together and we do not have to divide it, we just have to open up the lines of communication and quit being so decisive over your idea. I promise you, there is always going to be a way to make it work if you keep your eyes open to the fact that ... when I got on the Town Council, I had to take an oath that I would abide by the laws. That includes every Ordinance in this book. I did not write these Ordinances, but I took the oath, and people apparently elected me to do that. Pat said are we going to blindly follow the zoning laws. That was the oath. I have to blindly follow the Ordinances. I believe that the museum is a huge asset to this community. I do not think anyone is saying anything against the museum. I think everyone is saying the museum is a great asset for children. I think it is a great asset for people who are coming from different communities. What I am hearing is the concern is based more on the health, safety and welfare of the citizens. Look what Washington County does for their permits. These are a few of the things that I think conscientiously they went through and looked at how are we going to maintain the health, safety and welfare of anyone who comes into any situation that has to do with Washington County. This is just one aspect of it. It says here ... just the event information, the site plan, trash, sanitary facilities, plan for supply water for dust control, emergency services, plan for fire protection. That is what Washington County is doing. I am looking at the Ordinances that we have as a Town, that Dr Rohr brought up, and I wrote down his concerns. I do not think he is doing this out of anything but for the love of the health, safety and welfare of his community. I believe as we look at this, maybe we all need to step back and say are we doing this responsibly as a Town Council and as citizens of this Town. Is everyone doing everything they can possibly do to make sure that the health, safety and welfare of the community is first and foremost. Second is the education. Let's put it bluntly. If something happened up there and we did not have a permit and the Town of Leeds said I am sorry, we were thinking about doing that, where would that rest? I do not want that resting on me. I think the health, safety and welfare of every child that goes up there in a bus ... I think that is our responsibility as a Town Council and as a citizen of Leeds to make sure that what we are doing is (1) health, safety and welfare and (2) providing that wonderful asset to this community which I commend everyone for volunteering. I commend everyone for their ideas, and I commend LoAnne Barnes. LoAnne Barnes has done more for this community since I have been here in preserving and conserving and doing everything possible that she can to make sure we have a history. I really, really love this community. There are so many good people here who care. And the problem with caring is sometimes you can jump on the other side where you are no longer caring, you are actually turning into somebody you never meant to turn into. I would like to advise everyone here as you leave that door remember a year from now, 10 years from now, when you are walking down the road, is the health, safety and welfare important? Yes. I really believe there is a way we can come together on this. First and foremost, though, we have to as a Town Council abide by the rules and blindly follow the rules because otherwise, I took that oath for nothing. I do not take oaths for any reason except to follow them. I honestly want to make a better place for this Town. I think together we need to look at the laws and conscientiously find a new way to come together, follow the laws and protect everyone who is going up there.

Councilmember Roberts said I am not an educator, but we are going to have school and you better take notes. Danielle gets emotional. I get emotional, too, when people do not want to put out the facts. It is easy for people to through out there ... follow the rule of law. There have been a number of accusations that this Council is not following the rule of law. Let's start with the traffic because that truly is what was presented to the Council that precipitated some dialogue in activities that were going on at the Silver Reef Museum. Every one of the roads up there is a public road. You can travel those all day and all night, I can drive up and down that road in front of everyone's house all day and all night. You would not like it. It is a public road. As people come up here to observe whatever they are coming to see ... do amenities bring people in? Yes, they do whether it is Forest Service land, private properties, a number of different

reasons. The property that is owned by the County has not changed its use and it does not fall under a non-conforming use and then if something is not established there for a year then it loses whatever that is. It was annexed in under the same use it was beforehand. The document clearly states that on the annexation. As we look at a property that allows that use, and we are talking about the entire property that is owned by the County. We are not talking about a single building there that has been restored, and we are not talking about a single building there that is mostly crumbled to the ground. As was stated, particularly the Cosmopolitan, we have not talked too much about the Rice Bank, it still falls under that same category. It is utilized by an entity that is a commercial office. Have people lived inside of it? Absolutely. And they lived inside of the Wells Fargo building. Yes, they have through the years. They did not change the use of the property. The Cosmopolitan, itself, was built to replicate the historical building that burned down there. There have been statements made that we do not have an issue with the museum being a museum, but what about the other building that is utilized for it. I am not here to defend the Silver Reef Museum; I am here to tell you that the rule of law is being followed. When we talk about, and this has been stated by Ralph Rohr and Elliott Sheltman, that there was a structure added onto the Cosmopolitan without any type of permit for that. You better read your email because the email was sent to Rick Carson, and with a copy to everyone on this board, with a copy of the permit that was pulled on that.

Councilmember Sheltman said an email of what.

Councilmember Roberts said an email of that document.

Mayor Peterson said the GRAMA Request response.

Councilmember Roberts said the document of a building permit for the deck that was added on.

Councilmember Sheltman said I was talking about the jailhouse.

Councilmember Roberts said that is not what you said. You said an attachment to the Cosmopolitan. That is what was said.

Councilmember Sheltman said I do not know if that is what I said.

Councilmember Roberts said the rule of law is being followed on what is going on up there. Let's talk about portions of some of the activities that they do up there. We will use the gun fight as an example. Could I find rule of law in the Town that says you are not allowed to discharge a firearm in Town? I could. On that particular note, for that reason, and for that particular type of event, that entity should probably be approaching the Town if they want to continue that event and say this is something we want to incorporate and let that go through the process. The complaint was made about the amount of noise from the gun fight. I am not here to defend the gun fight. I am here to help educate and put some clarity out here for some people because, without the true facts, you do usually run off of emotion and then you do not make clear decisions. When it comes to firing firearms around here, and most of you who live up on Silver Reef can attest to this, my family does a tremendous amount of shooting on private property owned by Jerry Glazier that most people here think is public land and it is not. The mining property is private property that resides within the County of Washington. We do a tremendous amount of shooting on that land and there is not a doubt in my mind that you have not sat up there said what in the world is going on down there ... some kind of battle. So, when it comes to noise that noise is likely to continue by uses on adjacent properties. We have no control of that within the Town of Leeds. If you want to look for an infraction, from my viewpoint, you talk about the rule of law and following Ordinances, that is the only one that comes to light. The Silver Reef Museum pulls a business permit. They have a permit to conduct business up there. I am just not sure how you get to this point where individuals make

accusations, and I take it personally when someone makes an accusation that as an elected official is not following the rules of law. I also take it when someone makes an accusation towards an entity or a corporation that I have vested interest in that makes a claim that they are not following the rule of law. As a work meeting here, we need to get to the realization of the facts. What is that piece of property? And I will argue all day long that property use has not changed from what it initially was. It has changed ownerships, we know that. It is not regulated under a non-conforming use and never has been.

Councilmember Sheltman said can I ask a question. Do you have documentation that shows that?

Councilmember Roberts said it is in the annexation. In the annexation it says that all properties would remain what they were before.

Councilmember Sheltman said we do not know what it was before.

Mayor Peterson said this is something I want to weigh-in on. During my 6 years, almost to this point, as Mayor, there have been several occasions on a wide variety of topics when I have looked to the historical record and said what were they thinking. When I read about the idea the undeveloped land would come in as residential and the developed land, the County property, would come in with the same use as it had when it was in the County. At first, I thought okay, it is unchanged, but what we are finding is there is no real record as to what it is unchanged from, but we starting to hear that developed is the concept of a historical site. I was not previously aware of ... I knew there was a Wells Fargo Silver Reef Monument, but I was not aware of the fact that it was viewed as a historic district type of thing.

Jerry Anderson said you may want to check with Salt Lake. Joy Henderlighter went up there when I tried making that a historical site. I could not do it. I even called the Governor. Joy got on the band wagon and they said it is a historical 7 acres.

Councilmember Sheltman said Jerry, are you talking about the Forestry land? Or State? It is something different now.

Mayor Peterson said that is what I was headed towards. I think perhaps the reason they chose the language is because there was not a well-defined way to describe it. It did not fit anything that was in the Town of Leeds. This is only my conjecture. Regrettably, at times, you are left with trying to figure out what were they thinking. I do not think it is accurate to try to apply it was a residential zone. If you were to look at the County Assessor's website, which everybody is welcome to do, you can find your own property on it. You can find out what your property taxes are. If you are curious about what your neighbors are paying, you find that, too. It is all out there. With this particular site, it lists under this parcel, the 4 structures, and it just says underneath the use, it says property type commercial. I do not think people are arguing that it is commercial if you look to the County Assessor's website. I did not search every parcel out there, but I do not think they have the term historical. They have residential and they have commercial. I do not believe with that, that would indicate that somehow it was viewed as residential when it came into the Town of Leeds. I do think we need to figure out if we cannot find the documents, if we cannot find what is there, I think the only practical thing we can do going forward is to say we have to define this. To define it as residential, I think is inconsistent with what has been stated by the County and what has been shown in County records since it was annexed into the Town as developed property. I do think we need to address this, and we need have it so 10 years down the road when there is an entirely different crew of people up here, they are not saying about us what were they thinking. We need to spell it out and I think that is what we need to work towards as a Council. We need to stop trying to argue I think it is residential so, therefore, it is this; I say it is commercial; I do not want it to be commercial; that would be very damaging if we had some less desirable commercial uses move in there.

Councilmember Sheltman said the Assessor doesn't talk zoning. The Assessor just talks about building, correct?

Mayor Peterson said it is property type. It is residential or it is commercial.

Ralph Rohr said I, too, would like for things to be clarified. As far as existing non-conforming use, those are the words Dean Cox, County Commissioner, referred to. For the points that I have made, I did investigate that to the best of my ability, and I probably failed in some ways, but I do not know what they are. What I would like to ask of the County Attorney is would you please take a copy of what I have written here, what I presented tonight, and review it with the attorneys in the Commission Office and find out what were they thinking. What was historical zoning? Can historical zoning be used to do whatever it is you want to do or don't want to do? Or is it superseded by the laws of local government? These are the questions that are coming up that I would like clarified. I am going to give you this to take back and you will have something to work on.

Mayor Peterson said we will take up to 3 more comments.

Don Fawson said I appreciate everything that has been said here tonight. I appreciate the way it has been done. I appreciate Danielle talking about we need to be a community and we need unity in our community. One of the things that is interesting about the rule of law is that it is not set in stone and is fluid to some extent. If it were all fixed and done, we would have no attorneys and we would have no courts. Zoning ordinances are dynamic as well and, obviously, they are set, and you cannot go messing with them. But, nonetheless, they are dynamic. I have been on the Town Council and I have gone through the process of coming up with laws and by-laws. It was like we are doing the best we can at that particular moment in time. It seems to me that the best outcome of this is not the final judge in this whole thing, but how can we continue to have this amazing site and be able to share this with people with the least amount of impact on the residents in Silver Reef. How can we do that? As I see here, it is not that one side wins and the other side loses. There are things we could do to help mitigate that and to be able to come out of this feeling good about it.

Councilmember Stirling said I was wondering on the Cosmopolitan, is there a certificate of occupancy? Is there an actual certificate on how many people can be in there?

Ron Cundick said I have not seen one.

Councilmember Stirling said does the fire department go in and do an inspection.

Ron Cundick said they have been in there.

Councilmember Stirling said my biggest concern is ... I believe Dr Rohr has brought up a considerable amount of information especially pertaining to what he has done his research on and what he has documented in our Ordinances. I would like some time to go and review all of my notes as well and then have it on Town Council to be able to ...

Mayor Peterson said to further discuss.

Councilmember Stirling said right.

Chris Bevan said I live across the street from the museum. I have an objection with your dynamic thing. I think that is a way to get around the rule of law. You said it is fluid and you can change it. To follow the rule of law, we should all recognize this is a great museum and a great place. We should also

recognize this country is exploding, the population is exploding. You have to consider where everything is going. There will be a point when maybe there are too many people. It is hard to fit them all in the museum. Someway, we need to figure out how big we want that place to be and how far are we willing to go with that place. I think part of its charm is the size. It is small and personal and all of the people who have worked on it have done a great job bring that personal flavor to it. I think we all need to consider all of these things. I think parking is a fair issue, but it is nothing that cannot be resolved. The streets do need to be somewhat clear. It is a dead end. I think we can all come to some kind of agreement here and help the Council to try to figure out what the definition is. Historic does carry a lot of weight with it. I have had no big problems living across from there. This should be able to be done and done under the rule of law. But at the same time, we do not want to do anything to get rid of that beautiful museum. And we should all appreciate all of the hard work of the volunteers.

5. Announcements

Mayor Peterson said there will be an opportunity to greet the 3 new candidates up here at this table on October 16th at 7 PM. And let's hope for good weather for our October 12th at 8 PM movie.

6. Adjournment

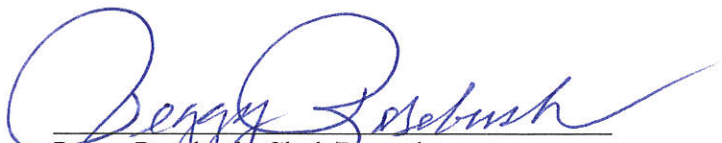
Meeting was adjourned at 9:39 PM.

APPROVED ON THIS 23 DAY OF October, 2019



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder