

Town of Leeds

Electronic Town Council Meeting for Wednesday, December 9, 2020

Regular Meeting 7 PM

1, Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, December 9, 2020. This was an electronic meeting.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: ALAN ROBERTS	x	
COUNCILMEMBER: DANIELLE STIRLING	x	
COUNCILMEMBER: LORRIE HUNSAKER	x	
COUNCILMEMBER: STEPHEN WILSON	x	

2. Pledge of Allegiance: Mayor Peterson

3. Declaration of Abstentions or Conflicts: None

Mayor Peterson said just as I have always mentioned in the past, I have a wife who volunteers at the gift shop at the museum as the gift shop manager and I have a son who is on the board and serves as the Treasurer. Both of them serve in a completely voluntary capacity and have done so from the very beginning.

4. Approval of Consent Agenda

Mayor Peterson said there has been a request to a change to the agenda as one of the discussion items. LDWA has indicated that there is some newly developing information and also concern about the length of the meeting this evening. They have asked that they be put off as discussion until the new year. With that change with respect to the discussion items, is there a motion to approve tonight's consent agenda with the amended agenda and the minutes from November 18th?

Councilmember Hunsaker moved to approve tonight's amended agenda and meeting minutes of November 18, 2020. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: ALAN ROBERTS	x	
COUNCILMEMBER: DANIELLE STIRLING	x	
COUNCILMEMBER: LORRIE HUNSAKER	x	
COUNCILMEMBER: STEPHEN WILSON	x	

5. Citizen Comments:

Mayor Peterson said there was one letter that was sent that I will read into public record when we get to Town Council discussion.

Glen Zumwalt said my comment pertains to the cooperative agreement being considered with the County. I have lived in Leeds for 11 years and I have volunteered for many of the functions held at the Silver Reef Museum. Recently, I have been elected to the board of the Silver Reef Foundation. I have become increasingly disturbed by several of the residents' continued negative assertions about our operation. We have tried to be good neighbors during our operations and activities and have tried to avoid detrimental effects on the residential neighborhood. Positive results of our efforts have gone unrecognized. The baseless statements do not address any real action between us or on our behalf. Some of our closest neighbors are some of our biggest supporters. I would suggest to those who want to improve our operations, come and visit and observe how we operate. This historic district and museum are a gem to the Town of Leeds, Washington County and the State of Utah. Together we can make it even better. The Town will be well served to have a cooperative agreement with the County. I hope we can mutually move forward with this cooperative agreement.

Bob Verbic said I think I am speaking for many of the residents. If I were a Town Councilmember, I would not be locked in to taking any kind of punitive action against any of the residents, but the Town does have ordinances and the Town has to enforce them. There is one particular residence on Main Street whose appearance over time has gone backwards. We all know that if we have any kind of materials piled up outside and left unattended, it will be inhabited by rodents. I feel that Town Council is a little reluctant to address the nuisance because it would be classified as a misdemeanor violation. He discussed various sections of the ordinance and how they related to this property. For some reason, a blind eye has been turned to this ordinance. Maybe the ordinance needs to be changed.

Mayor Peterson said our attorney did drop off over the weekend some sample systems for enforcement from a couple other communities. I think this is something that we need to update. There are improvements that we can make.

Martha Hamm read from a written statement. Written statement is attached as part of these meeting minutes.

Ralph Rohr read from a written statement. Written statement is attached as part of these meeting minutes.

Jo Puntill said we have asked for the last 2 years to have the residents up here to have some say about what is going on with the Silver Reef Museum. We have asked a number of times to meet with Town Council. This is now going forward without meeting with everybody up here. We all think the museum is wonderful, but for the last number of years the Cosmopolitan has been run without following the laws and now the County is going to run something, and we have absolutely no say about it. We all got an email saying there are all these laws and half truths about what is happening with this. I do not understand how you can put a tourist trap in a beautiful neighborhood and not expect road damage, theft and all of that and not talk to the people who live here. There are a lot of us here who do not want the traffic you are bringing up here. I think the Town needs to follow their rules and I want the Town to be

able to follow this area and not give it to the County to do with whatever they want. We need to have some local jurisdiction.

Ralph Rohr continued to read from written statement. Written statement is attached as part of these meeting minutes.

Mayor Peterson said anyone who has written comments and have requested that they go on record, that will be done.

Robert McNally said I have a comment on the draft Interlocal Agreement. There is a comment about where the parties will receive many benefits from this arrangement and the parties are identified as Washington County and Town of Leeds. It does not mention anything about the residents of Leeds. It mentions that the benefits will include protection, preservation of historical buildings, ruins, replicas, trails and artifacts. Are these things under threat prior to this agreement? Does this agreement address some kind of threat to these historical buildings, ruins, replicas, trails and artifacts? Also, there is mention of maintaining and erecting intact historical buildings which seems to be proposing actually building other buildings on the property. And there is a height limitation of no greater than 35 feet. I believe the Rice Building and the Wells Fargo are about 20 feet high. Why would there be a contemplation of building a structure that is up to 35 feet high? I believe that would be higher than the buildings that are there now. And I do not see any limitation on Section 8. It should not be deemed as lawful. That is very open ended.

Jackie Walters said my concern is residents use these streets for walking. I am partially blind, and I have to stay on paved roads. I see this as bringing on more traffic. My concern would be there would be a trail like other communities have so we can walk safely down to the Post Office area from Silver Reef.

Doris McNally said in the agreement there should be benefits to both parties. I do not see any benefits for the Town of Leeds or for the residents up in this area. The other thing I would like to see is a general plan or a plan in general for the roads, access and egress for the area. I see this as a very dangerous situation. This is a serious topic. We do not have a really good entrance or exit out of this area.

Ron Cundick said I would like to address a few of these items. I am not aware of any laws that we are not following. I think this is a very positive step by the County. I think it is much better to have the County involved. It is a County museum. This is certainly a step forward. We can make amendments to this draft as necessary. Someone commented on erecting 35-foot buildings. That is not a plan that we have. This is not a museum proposal, it is a County proposal. For those of you saying the board is trying to do certain things, the board is not involved in this. We are trying to run the museum as the County would like. We have had local input. I recognize that the traffic is a concern. I think the highest visitor-ship we have had was during the Smithsonian. Whether this agreement is accepted or not, it is not causing the traffic up here. The 6-acre piece that Martha talked about is not required to be undeveloped. It is required to be open space and for public use. Public use is the key here. I am not aware of any plans to put anything on it. As far as a master plan goes, I think we need to solve the legal structure before we get into a plan. I think we do need to have a master plan, but we should not try to tie it to the agreement. Right now, we are just trying to set a legal basis here and deal with the issues that come up. That should be our first priority.

Alan Cohn said we all walk down the roads because there are no sidewalks. People tend to zoom up and down the narrow road. We do get a lot of traffic even when the museum is closed. We should address a trail or sidewalks. Maybe some signs saying this is a residential community.

Ralph Rohr continued to read from written statement. Written statement is attached to these meeting minutes.

6. Announcements

a. Final dumpster days for the year will be on December 11-13. Dumpsters located on Cherry Lane.

7. Public Hearing:

a. Ordinance 2020-04, Residential Waste and Recycling Collections and Administrative Fees

Mayor Peterson said you may recall we had a presentation from Washington County Solid Waste regarding a new 10-year agreement being brought to the service district which handles solid waste for Washington County. That agreement called for setting of rates by ordinance. We went through an opt out period from September 1st thru November 30th. At this point, we have had 100 homes opt out. The net affect in the County is to bill for the highest participation rate, so we now know what the actual rates will be with respect to the Solid Waste collection and the blu can collection. As a result, in front of us this evening is a public hearing on the ordinance that will be setting these rates for waste and recycling. These rates will be set for a period of 10 years. I am proposing for the Town of Leeds, that we have no change in the Leeds portion of the fee for the first year. Then it would increase by \$0.05 a month for each year. That would cover the cost for increased postage and supplies needed. I am looking for a motion to open the public hearing on Ordinance 2020-04.

Councilmember Hunsaker made a motion to open the public hearing on Ordinance 2020-04, Residential Waste and Recycling Collection and Administrative Fees. 2nd by Councilmember Roberts. Motion passed in a roll call vote.

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: ALAN ROBERTS	x			
COUNCILMEMBER: DANIELLE STIRLING	x			
COUNCILMEMBER: LORRIE HUNSAKER	x			
COUNCILMEMBER: STEPHEN WILSON	x			

Mayor Peterson said at this point the public hearing is open.

Alan Cohn said if everything is just being dumped in the landfill, if it is not being recycled like before, then what is our guarantee this will not happen again? If we are paying for this service, we expect things to be recycled and not dumped into the landfill.

Mayor Peterson said there are 2 things. One of them is that this agreement is with a different entity who will actually be moving the material to Nevada where it will be sorted for recycling. If there are any materials put in the blu cans that are not part of the program, it would then be put into a landfill in Nevada. They will not bring it back to Washington County.

Councilmember Roberts said the contract spells out distinctly that it will be recycled. It will go to the landfill and be processed there. Anything placed in the blu cans that is not recyclable, it will end up at the landfill. The contract includes a higher fee for recyclables. Is there a guaranty that these items will be recycled? No, there is not a guaranty. There is a guaranty that it will be collected and transferred to a different area outside of Washington County.

Alan Cohn said what is the new fee?

Mayor Peterson showed the new fee on the screen. It is \$4.91 plus \$0.75 making it \$5.66 where previously it was \$2.94. That is a monthly fee.

Councilmember Stirling said can you explain the 2.5% annual increase and \$0.25 increase if recycling goes away?

Mayor Peterson said what that means is if it were to reach a point where there was no viable market, and they were to actually stop the recycling then there would be an increase in the actual charge for the pick-up on trash. Trash would go up by \$0.25 per month for every resident if there was no recycling program being run side-by-side.

Angela Rohr said it is my understanding that the binnies will be available for anyone not having curbside pick-up.

Mayor Peterson said the binnies will still be available.

Councilmember Roberts made a motion to close the public hearing. 2nd by Councilmember Hunsaker. Motion passed in a roll call vote.

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: ALAN ROBERTS	x			
COUNCILMEMBER: DANIELLE STIRLING	x			
COUNCILMEMBER: LORRIE HUNSAKER	x			
COUNCILMEMBER: STEPHEN WILSON	x			

8. Action Items:

a. Discussion and possible action on Ordinance 2020-04, Residential Waste and Recycling Collection and Administrative Fees

Councilmember Wilson made a motion to approve Ordinance 2020-04. 2nd by Councilmember Hunsaker. Motion passed in a roll call vote.

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: ALAN ROBERTS	x			
COUNCILMEMBER: DANIELLE STIRLING	x			

COUNCILMEMBER: LORRIE HUNSAKER

x

COUNCILMEMBER: STEPHEN WILSON

x

b. Discussion and possible action regarding CARES Act Funding.

Mayor Peterson said at our last meeting we discussed as Council for grants to be provided to businesses who suffered losses under the effects of Covid-19. We agreed to put out an application notification to businesses who had a business license with the Town of Leeds as of the middle of March. That was done following our meeting. We received requests from 4 entities which were forwarded to Town Council. I asked for some follow-up information from a couple of the applicants. It is possible we will need to expend all funds by December 30th. We need to discuss this evening how we should go about evaluating these applications. Would we want to meet again as Council in order to make a final decision on this or would we want to empower 2 members of Council to report back to Council and if Council is comfortable with the recommendations then we could approve subject to that process, so that payments can be made by the regulatory deadline on this.

Councilmember Roberts said do we know if these individual businesses were protected by their financial institutes? Most businesses were and funds were administered through financial institutes.

Mayor Peterson said part of the application did inquire as to whether they received any kind of funding including EIDL Loans & Grants which was an economic interruption support program and also Paycheck Protection. If your loss or cost of payroll was covered by one of these then your loss would have to be greater than what was previously covered. After repeated attempts to get in touch with the Chamber of Commerce about serving as an administrator on this, they have not come back indicating any interest. It looks like it will fall on us to make any kind of determination.

Councilmember Roberts said initially I am not opposed to this. I was hoping the Chamber of Commerce would step up to the plate and be willing to be the follow through entity. My concern is that general taxpayer or citizen of the Town should not have any costs incurred to them for any of this process. If the fess cannot be handled through the process itself then I am not in favor of incurring costs to do this if they cannot be recuperated through the process itself.

Mayor Peterson said one of the potential costs here is for an audit. The money is being awarded to the State of Utah and the State will award it to the Town of Leeds and the Town awards it to individual businesses. It is subject to an audit all the way down through the process. We need to make sure we are comfortable with the information and it has been verified so there will not be any risk should there be an audit. Expenses would be recoverable should we be unable to work something out with the Chamber.

Councilmember Roberts said there will be costs for doing the leg work on verification. Someone will have to put some time into it.

Mayor Peterson said the cost of administering these grants can be recovered. The Town would be reimbursed for any expenses incurred. If someone is requesting a \$1,000 grant, we could make it a \$970 grant. The \$30 for expenses could be covered by the CARES Act to the Town of Leeds. We can structure it to cover expenses incurred by the Town.

Councilmember Wilson said how do we determine if there will be any costs involved?

Mayor Peterson said it depends if it involved time from Peggy and Aseneth in the office or if we needed to contact our outside accounting firm.

Councilmember Wilson said what if one of the businesses was found submitting false information or if they use the funds incorrectly, would the Town be liable?

Mayor Peterson said there is language in the application that was signed that indicates they are liable if, at any time, they were found to be ineligible for these funds or misrepresented. If I could suggest one possibility, Lorrie is our Treasurer, and I would be happy to work with her doing the reviews and then sharing the results with the other 3 Councilmembers for review before any kind of disbursements were done. That would allow us to continue moving forward. Or we can get together again and hold a special meeting in order to review them as Council.

Councilmember Stirling made a motion to have Lorrie and Wayne look over all of the applications if in the initial application a 2% administrative can be taken. 2nd by Councilmember Wilson. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: LORRIE HUNSAKER	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: STEPHEN WILSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

c. Discussion and possible action regarding Cooperative Agreement with UDOT for Leeds Main Street Drainage Improvements

Mayor Peterson said this is a standard type of document that we have executed with them in the past when we did the curb and gutter work. If at some point we reach agreement not to go all the way through with this, it does not obligate us to complete the project.

Councilmember Hunsaker said when they submitted the bid, they had more ADA compliance. Now they are saying they are going to do the ones facing north and not the ones facing south. If they took out all of the ones facing south, where did that money go? Would it go back to the Town or UDOT?

Mayor Peterson said it is a percentage agreement. If the funds are not spent, it is prorata so we each equally share in the expenses.

Councilmember Roberts made a motion to approve the Cooperative Agreement with UDOT for Leeds Main Street Drainage Improvements. 2nd by Councilmember Stirling. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

COUNCILMEMBER: LORRIE HUNSAKER

x

COUNCILMEMBER: STEPHEN WILSON

x

9. Discussion Items:

a. Discussion regarding coordination with the Leeds Domestic Water Users Association, Elliott Sheltman, LDWA

Mayor Peterson said as mentioned when we were approving the agenda a request was made from LDWA to move this discussion item to 2021 as this is our final meeting of the year.

b. Discussion regarding Interlocal Agreement

Mayor Peterson said I would like to read a letter into record that was requested. This letter is from an attorney representing some of the residents. The letter was read and is attached as part of these meeting minutes.

Mayor Peterson summarized a discussion between himself and a County Commissioner that took place at the end of 2019. They were concerned that there was such a disagreement and seemingly large misunderstanding between some of the residents and the museum. They asked what might be done to address it. I suggested the potential for developing a historical zone that met with some opposition with Council. When the County reviewed it, the County decided they were not comfortable with the historical zoning, but would rather see an Interlocal Agreement and that is the draft that we had. This is a draft from the County, and I believe they are genuinely interested in hearing proposed amendments to it.

Councilmember Hunsaker said I am not sure why this has become such a problem. We keep hearing from the same 4 or 5 residents speaking for the entire area and the entire Town. We need to take everyone into account, but if they do not attend the meetings then they do not get to participate. This is a draft. You have your suggestions so let us put them in here. Let us work that out. As far as the buildings being erected, I do not think buildings should be erected and I think other Councilmembers feel the same way. Let us make our suggested amendments to this draft. I do not know where the amusement park is coming from. We need to slow this down and give us your constructive input. And I do not know where the numbers for traffic are coming from. People are going up to the campground or just driving around. I do not understand why we all have to be so mean and so upset about this. We are trying to work it out and work together. One house that is not happy with this is over 8 football fields from the museum. I do not know how the lighting or sound travel that far. I have been to events at the museum and it has not been a wild crowd. I am having a really hard time with this when people start getting personal. People are saying you cannot be neutral in this because your family volunteers there. Why does this have to be so personal and so angry? We need to come together. I cannot stand it when people slam someone who is trying to do their best. We signed on to do our best.

Councilmember Stirling read the fourth whereas of the Interlocal Agreement. I wonder if there could be a possibility of giving Chapter 19 to the Planning Commission and allow them to at least take that fourth whereas out of the Interlocal Agreement. I do not want the first part of the agreement to say that the Town has no ordinance dealing with this historical park land. If you look at Chapter 19, it has been on the books for a tremendous amount of time. We should take this to the Planning Commission so we can at least get that taken care of. I do agree that there are quite a few agreements that have been put into this.

About a month ago, I forwarded the letter to the County that Ralph Rohr referred to. I asked the County for their understanding, but I never received anything back. Everything said in that letter is not what this Interlocal Agreement specifies. Mayor, have you heard anything back from that original letter?

Mayor Peterson said I have not, but as we have been talking, I think it is appropriate to go back to the County and show them how the agreement would be modified to be consistent with those plans. I agree that would be a good step to take. I think the right response would be to go back to the County and ask them how they would feel about some of these changes.

Councilmember Stirling said on the specific terms, I agree completely with Lorrie about basically maintaining the buildings, not erecting or replicating or reconstructing. I believe that needs to be taken out. She read excerpts from the letter. I think we should reduce the permitted activity for the Cosmopolitan. And have any of the Silver Reef residents been able to ask questions at any of the board meetings?

Councilmember Wilson said I agree with what has been said for the most part. The museum is a great thing, and we need to come together to get this worked out.

Councilmember Roberts said this is a potential Interlocal Agreement with the County even though the Silver Reef Foundation leases that property from the County. This Interlocal Agreement is between the County and the Town of Leeds. Do we want to handle the historic properties through an Interlocal Agreement or do you want to put together a historical district that would incorporate those particular parcels along with some others that exist? This is the first question we should ask ourselves. I already know this is going to require an apology, but there have been some accusations about individuals who receive funding, tokens, payments or whatever from the Silver Reel Foundation or the County. For those individuals who want to spout that kind of nonsense I suggest you put your head in your front door and slam it 3 times then come back and we will have a discussion. And, yes, there is going to be traffic for any business conducted there. They are public roads. You need to use some logic here. We talk about how dangerous it is to walk along side those. I can tell you that this taxpayer right here is not paying for sidewalks on Silver Reef. Those roadways are the way they are. That is the area you bought property in. These are public roads. If you want a gated community, do a disconnect and go back into the County. I do not know exactly what you people want. Either we do an Interlocal Agreement or throw this thing out the door and let us concentrate on the historical portion of the land use. I cannot blame the County for wanting to do an Interlocal Agreement.

Mayor Peterson showed a document on the screen. It says it is an unofficial copy in a watermark, but in the top right hand corner there is the official stamp from the County Recorder indicating this was recorded back in 1967 when the first plat was accepted for the Silver Reef area. In the top left corner it shows that it is part of Old Silver Reef Township County Park Site. That is attached to the bottom left of the map. He showed a second document on the screen. This one has been referred to earlier as the second parcel mentioned by Martha Hamm. He read an excerpt from the document. He showed a third document on the screen. This is an ordinance from the Town of Leeds. It is the annexation ordinance dated 2003. The first document is from 1967, the second is from 1995 and the third is from 2003. He read an excerpt from the ordinance. The County did not have at that point a historical zone for the County. I am very much in favor of developing that chapter for any historical properties in Town. I think we should focus on government owned historical properties. I think we could look to move this forward to the Planning Commission. I cannot find anything that would make this residential land, but I know it is on our zoning map that way. We have found out that there are other pieces of our zoning map that are not

accurate. I would like any time we have a zone change, even if it is for a single parcel, we pay the money to update the zoning map. Our zoning map is not perfect. We need to get that corrected. I want to reiterate that we will not be erecting new buildings. One thing that I would highlight is special events. I would suggest that there should be capacity constraints on those. The benefit of that being done is so we know that there will be sufficient parking. There might be a need to pave a small portion for handicap parking. I think there is a need to make sure lighting is well managed. I think it would be helpful for Town Council to look at the Chapter 19 draft that I put together before we move it forward to Planning Commission. We could decide if it is a reasonable starting point. I think there are a meaningful number of edits to the Interlocal Agreement, some suggested by the residents and some suggested by Town Council. I think it has many, many steps before we take action on it.

Councilmember Stirling said Alan, when you ask citizens of Leeds who elected you what do you people want, I believe they want respect, understanding and they want to be listened to. When you say go slam your head in the door 3 times, it is not helpful, and it is not proactive. It is not a way to solve problems. It creates more of a division. I agree 100% with Lorrie about coming together. I do believe you need to apologize for that comment.

Councilmember Roberts said Danielle, I will give an apology for making that statement. I have been personally abused by a number of residents in this Town. I think individuals should be held accountable for their actions and for the words that they say. If someone wants to suggest implications that are not true, and put it out there in a public meeting, I think they deserve to be called on in that same public meeting. I will give an apology for the statement I made. I wish they would use a little more common sense when they make statements about elected officials or about other citizens in the Town. Those type of comments will not be helpful in bringing unity. Everyone should speak the truth and show respect to everyone.

Councilmember Stirling said I think we should go ahead and send Chapter 19 to the Planning Commission. Let us see where they go with it.

Mayor Peterson said what about the Interlocal Agreement?

Councilmember Stirling said first, I think we need to look at Chapter 19 and then we will have framework for the Interlocal Agreement.

Councilmember Wilson said do we need both the Interlocal Agreement and Chapter 19?

Mayor Peterson said my understanding is the land use would be more generic. In the end, I think it is 2 different documents. The next complicating factor is if we would determine that it is a new zone. I am not sure, we would have to check with our attorney, about our ability to tell Washington County what their public lands are now zoned. I do not see it as we do one or the other.

Councilmember Hunsaker said starting with Chapter 19 is an outstanding idea.

Mayor Peterson said would you hold off on the Interlocal Agreement?

Councilmember Hunsaker said absolutely. I think the residents should be able to manage that. If we can just come together and stop the name calling. I see where Alan gets frustrated. I have been threatened

on these Zoom calls. It has gotten to the point where it is ridiculous. We are trying to do the best we can do. Sometimes it is personalities before principles. Let us start 2021 with a clean slate.

Councilmember Roberts said I think we need to move forward on the land use portion of it. It can be handled different ways. You cannot leave the County out of this. The County owns that property. If we look at the historical zoning portion of it, there has to be some way to allow the property owner to utilize the property similar to what it has been utilized as in the past. We talk about it being residential. It has been used for commercial purposes since long before any of us were born. Has it changed from the historical portion of it? Absolutely, it has. Do not think that when you come up with a historical zone, that document will dictate all of the uses for public properties. I am not saying you throw away the Interlocal Agreement, but you want to handle it through an Interlocal Agreement for that usage that the County owns there.

Mayor Peterson said I am certainly hearing agreement to start with Chapter 19. I am not sure about the Interlocal Agreement. Do we want to start editing it or wait and see what the progress is on Chapter 19? Do we wait until 2021 and then ask the Planning Commission to get started on Chapter 19?

Councilmember Stirling said I would agree to that.

Councilmember Hunsaker said if we work on Chapter 19 then we will have what we want to put in the Interlocal Agreement.

Councilmember Wilson said does the County have some kind of timetable for the Interlocal Agreement?

Mayor Peterson said I can speak with them, but I think they will be willing to allow us to follow a process that we choose here to work on our own zoning first.

Councilmember Wilson said I am in agreement.

Councilmember Wilson said I am supportive of that direction.

10. Citizen Comments

Alan Cohn said Alan, I find your little rant there offensive and unprofessional. I just had to say that. Danielle and Lorrie, thank you for being the voice of reason. I would like to find out what is going on with short-term rentals.

Mayor Peterson said that was sent to the Planning Commission. They had one discussion in the December meeting. The Town Planner will be updating to reflect some of the comments that were made, and some questions will be looked into. It is at the Planning Commission right now.

Manuel Goy said last Monday we saw someone towing from a motorhome a truck that caught fire underneath the freeway. It is important for us to have excellent roads so we can get out of there. We were afraid it would explode. It is very important to have an access road in case something happens like last Monday. Maybe even a dirt road. Is there any concern about this?

Mayor Peterson said technically there is a second road, but not all vehicles would survive it. It goes up through the National Forest. That is not a long-term solution. There is a second access that is part of a

proposed development that would go by the Catholic cemetery and work its way out to Cemetery Road. That is something that is part of the Master Road Plan. This is something we will be looking to do. I wish it would be sooner. In the interim, should you feel like you are getting trapped the solution is to drive up Oak Grove Road and then work your way towards St George.

Ralph Rohr said I want to address Lorrie's comments. Just because some people are said to have a conflict of interest, does not constitute a personal attack. The museum has the beginnings of being an event center. When you have gun fights every other Saturday with whores and outlaws and all kinds of people wandering on the streets and children running in the streets, I consider that the beginning of an amusement park. The roads there are small, and we accept them the way they are, we just do not want them totally used with national advertisement to draw large crowds. I am not sure what Alan is referring to about personal accusations. I ask for transparency on any public agreement. We want transparency. I do not want to insinuate that anyone is doing anything wrong. I want things to be open. At this point, there has not been any transparency. Citizens near there have never been invited to attend meetings with the Foundation board or to see what is going on. As far as personal attacks and accusations, I have always kept my remarks light and respectful. As far as my remarks about the County not being a suitable administrator, the County is implying different rules for the Silver Reef area than they have for areas elsewhere. The County has a specific application for special additional use permits. It requires a written application from the persons involved and responsible. He listed all of the requirements. My concern is the County has one set of rules for some properties and does require Silver Reef to follow any of these rules. I am asking for uniformity and consistency in the administration of the laws.

Mayor Peterson said there was a suggestion in chat for a second stop sign at Silver Reef Road and Main Street. We will look into that.

Elliott Sheltman said I live and work next to the Wells Fargo building. Wells Fargo did not exist until about 4 or 5 years ago. It was a gift shop for Jerry Anderson. There are a lot of people coming up there now. Comments have been made like why did you move there. Because there was no museum. If you are going to talk about this stuff at least keep the facts straight. I do not understand why the Town is not demanding control of the parking. Silver Reef Road is mentioned in the General Plan and so is Cemetery Road. These are the 2 most used roads. Main Street does not count because it is UDOT. Last year, it was the plan to repair Silver Reef Road, about \$130,000. It has not been yet for whatever reason. Why are we paying all of that? If you are telling me it is bringing something of worth to Silver Reef, where is the financial? The museum does not make enough money on what it is charging to pay for its one employee that is mandated by the County. They are not successful unless they are taking RAP money from the County. Without that they would not exist. Why are we paying for road repairs? You need to tell the County they need to pay for some of this damage. A lot people do not pay when they are there. They park and walk around.

Doris McNally said I want to go through some of the details. I know you continuously point to the 1967 document or map that was there. I also want you to look at property reports that were submitted to Washington County for buildings like the Rice Bank. That document specifically states residential area. That conveyance map, in any way, shape or form, conveys any formal legal agreement on the property. Some of the frustration you are hearing is because of double speak. I am not attacking anyone when saying transparency. I feel like I am being double spoken to. She talked about how she had to defend Jackie Collins while walking up and down the streets. We are not angry women, we are concerned. I want to be a part of this community, but I want it to be done in a smart way. Since August, I have been asking for meetings, and since August, I have been hearing it is going to come. I hope you hear this passionate

plea to invite us into the discussions. We would like to be a part of the solution. If not, it will continue to tear us apart.

Ralph Rohr said I agree with what Doris said. He talked about the ugly brown box that is a jail. It pollutes the environment and makes it look ugly. He talked about the historic district and museum. However, when it gets expanded as an event center, we see it being used as an amusement park. And when we see it being internationally advertised, we see an increase in traffic. If they want to have events such as Ghost Night, they need to do it according to the event conditional use permit of the County that had definite restrictions and it provides for safety for everyone there. It is not a safe event.

Elliott Sheltman said the number the museum uses for paying customers is consistently about 7,500 a year. I would say 10,000 would be quite easy to show.

Councilmember Hunsaker said Elliott, hold on one second. Someone just posted something using my name. This is ridiculous. I have been threatened and now they are doing stuff like this. This is what I am talking about and this needs to stop.

Elliott Sheltman said I do not think this has to do with the museum. I think it has to do with the way the Town is. I would like to get back to the museum. You are talking about a minimum of 4,000 cars per year. You are talking about 50 people who live around the museum. The County never did any testing on the roads. I have asked for it for years as a citizen and a Councilmember. The Town needs to tell the County you have to pay for your fun. They need to give us some concession for parking. Put a percentage on it. You tell the Sherriff Department about it and they will be more than happy to enforce it for us. I do not know why the Town is allowing the destruction on Silver Reef Road and why are the taxpayers having to pay for it. You could put at least 40% to 50% percent on it from the County.

Mayor Peterson said with regard to Silver Reef Road, I have been working with the County and they have indicated that they would look into providing funds to resurface the road. I was also asked to deal with the National Forest. I hope this will result in other parties contributing to the cost of that.

Elliott Sheltman said how would you figure out how much they should pay?

Mayor Peterson said as much as I can get them to. I think they will do a meaningful amount. I do not think the National Forest will contribute as much as the County.

Elliott Sheltman said that road looked pretty good about 4-1/2 years ago. You have lost a least a foot on either side. We need to say we will control the parking. You are in a bargaining position with the County right now. The County should cover the cost for that road, not us.

Martha Hamm said I would like to offer 2 points. I think it would be interesting to do a count at the Y. How many are going to the museum and how many are going up Oak Grove Road? I think this should be taken into consideration. The wear and tear on the roads may not only be traffic to the museum. She talked about how the Wells Fargo building was saved and on the National Historic Register. I disagree when you say it was a gift shop when you moved here. The Wells Fargo was definitely a museum. It was Jerry Anderson's gallery and a non-profit. The non-profit could not afford to pay, and they did not have enough volunteers. In 1993, it was a museum, and it did have a gift shop. When there is an allegation about international advertising of the museum, I do not think that board has the intention to do it. Once you put something online, and people discover it is interesting, probably the biggest promoter is Trip

Advisor. Talk to Springdale. They have been overwhelmed at times with the promotion that happened for that area without their knowledge. You do not have control of how the word spreads. I am thrilled to hear that you are looking at Chapter 19.

Don Fawson talked about some of the trails that people like to hike. When Zions becomes very crowded, they actually send people this way. They say this is an alternate site you might want to consider for hiking. I agree with Martha and I think it would be interesting to have a car count for people who actually turn off or head on up the road to the trails. Pandora's box has been opened. I think this will increase. And I think it would be good to get the County and Forest Service involved. They should participate in the maintenance of the road.

Mayor Peterson said I have gotten more detail on what Lorrie was referring to. Someone has figured out how to make it seem like Lorrie is making comments. At a previous meeting, there were similar types of comments. It is highly inappropriate and unacceptable. It is unfortunate we cannot meet at Town Hall because there you would be forced to show your face. If you are not willing to show your face do not bother with showing up at the meetings. This is Town business being conducted. Not childish language being hurled around like you should leave the State if you are not happy and other things like that. I find it distasteful. I wish you would drop off this call right now and stay off if you do not know how to conduct yourself appropriately. If we were at Town Hall, I doubt you would have the courage to pull the crap you are pulling right now. And, yes, I am mad about that, too. I apologize for interrupting public comments. I would like this to be on the record, Peggy.

Ralph Rohr said I do not understand what is happening with Lorrie and what you just said. What are you seeing?

Councilmember Hunsaker said in the chat room someone posted under my name. If you have a problem with me then tell me straight.

Ron Cundick said I do not have time to mention all of the things Ralph said that are incorrect. But I do want to mention that little jail is 144 years old. It is a very historical piece. It is not just an old box. That is the original jail. You do not have to think it is a jail.

Ralph Rohr said I do not know how people were put in jail and did not die from a heat stroke.

Judy Collins said I really like Lorrie's first announcement that we need to be courteous to one another. I want to thank the Foundation for all the effort and time they have put into the museum. I do think that the Interlocal Agreement needs to be fixed. I think Council is working towards doing that. I appreciate them letting the public comment. I do not want the museum to be a destination because I am close to it.

Doris McNally said I am concerned about the Silver Reef Foundation. It is really concerning that they talk about an agreement or contract with the Foundation. Has Washington County ever changed any of their agreements with people who rent their buildings? I would say just be concerned.

Manuel Goy said one of the solutions about the museum would be to have a separate road for the people who live in Silver Reef. Construction on Bonanza Lots 5 & 6 has stopped, and they left heavy equipment there. It does not look very good. It has been almost a year now. What is going on there?

Mayor Peterson said I have asked our building inspector to look at this. The building code states that they have up to a year to make additional progress. We will be checking on this.

11. Staff Reports

Councilmember Hunsaker said I would like to thank all of the people who have volunteered at the Post Office.

Mayor Peterson said Kohl Furley said he regrets not being able to join tonight's meeting. He did say we are now at a record number of calls for the year. There is a Habitat Conservational Plan that is taking place. I will be circulating information to Town Council members regarding this. It is something that has been in place for about 25 years and it is up for renewal. For people looking to build on a new lot would have to pay an impact fee of \$250 per acre plus .2% of the construction cost. If it was determined that there was habitat or tortoises on their property, it would be put into the land set a side for the reserve. He talked about the COVID-19 situation at the hospital and the COVID-19 vaccine.

13. Closed Meeting: None

14. Roll Call Vote to close electronic meeting

ROLL CALL:

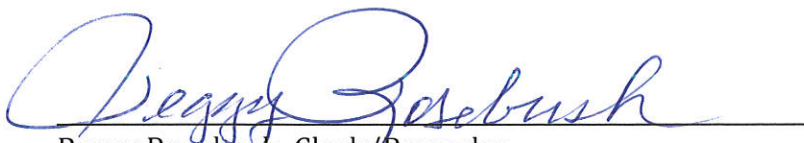
	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: ALAN ROBERTS	x	
COUNCILMEMBER: DANIELLE STIRLING	x	
COUNCILMEMBER: LORRIE HUNSAKER	x	
COUNCILMEMBER: STEPHEN WILSON	x	

Approved this 13th day of January, 2021.



Wayne Peterson, Mayor

ATTEST:


Peggy Rosebush, Clerk/Recorder

Comments and Suggestions after Reading Washinton County-Leeds Interlocal Agreement Regarding County Owned Property Around Silver Reef Museum

by L. Ralph Rohr, M.D.

PREAMBLE: This interlocal agreement brings to mind two statements by Silver Reef Foundation board members made to me just over a year ago.

The first was a personal statement in response to my query of the board president as to why they didn't follow town ordinances. He stated that they were owned by the County and did not have to abide by Town ordinances. This was disavowed by a County commissioner.

The second statement was made in a Town Hall public meeting by the Museum curator who said quite clearly that they could not abide by the laws and continue to operate. They would have to close operations if forced to abide by the laws.

Indeed, in the two years since these comments by the Foundation officers they have continued to violate Town ordinances

Over the past year in public meetings I have repeatedly exposed and opposed the Silver Reef Foundation's agenda to turn a small pleasant remnant of local history into an international attraction, western amusement park and event center that will generate income, but deprive local nearby residents of the quiet and scenic lifestyle they have had for nearly 60 years.

Now it is with cynical amusement and no small disappointment that I read the current proposed draft of an interlocal agreement that shows the Foundation lawbreakers are back in the guise of Town and County governmental authorities to override the rights of local citizens and homeowners in the Silver Reef area. I doubt this agreement will stand the scrutiny of an open unbiased court.

In fact, this interlocal agreement directly contradicts the Foundation's July 16, 2020 letter to Silver Reef residents (see attached letter) that the Foundation did not desire, and would not do, many of the actions permitted in this agreement. Explain that to the Judge!

SPECIFIC TERMS:

Section 1, Purpose. "To provide and protect publicly owned areas of historical significance within the Town of Leeds where the public may appreciate the historical role the Properties played and increase their knowledge."

How are the extensive and expanded provisions of sections 2 – 8 necessary to the Purpose, Section 1? That Purpose may be fulfilled without any of these additional sections' activities.

Section 2, Protected and Permitted Uses:

The only historic component of the County's conveyance of property to Leeds Town was the Museum structure and its contents.

There should be NO erection of additional buildings, whether new, historical replicas, or any other type of structure. No movement of other structures onto the "Museum site," whether deemed "historic," or not. The present eyesore referred to as the historic jail should be removed, as it strains credibility to think that people incarcerated in it would not die of heat stroke in the summer.

Section 3, Permitted Activities:

The Cosmopolitan Restaurant lay abandoned and unused for a long period of time and lost any previously endowed special historic significance by law (Leeds Land Use Ordinance 2008-04 5.10).

The only property here with designated “historical value” is the Wells Fargo Museum.

There should be NO use of meeting facilities for organizations or groups other than specific historic educational presentations specifically related to and operated by the Museum staff.

There should be NO use of the Cosmopolitan or any other part of the County property (indoor or outdoor) for any “non-historic” events or gatherings of any type.

Operation of the site.

Section 5, Operating Hours:

Operating hours should be 8am – 5pm. In summer it is dusk to dark at 6pm and that is a dangerous time for visibility in an area where pedestrians, motor vehicles, and wildlife are poorly directed and liable to accident and injury.

Section 6, Special Events, Outdoor Events and Night Events:

No night events, especially of the type which have people wandering the streets where they would be liable to injury from traffic.

Any events, if permitted, should obtain temporary conditional use permits, like other County owned properties. That County application specifies identification of applicant and event information along with site plan, trash, sanitary facilities, potable water and dust control, emergency services, security, road and traffic management, concessions, liability insurance, and fees). For instance, Worthen Park in St. George requires a complete application in advance submitted 30 days in advance of the event with a \$100 fee (See attached special event application from Washington County).

WHY SHOULD THE SILVER REEF COUNTY PROPERTY NOT FOLLOW THE ORDINANCES OF THE COUNTY, WHICH GOVERN THE USE OF OTHER COUNTY OWNED PROPERTIES?!

Despite many spurious claims to the contrary, this property is, and always has been since its annexation into the Town, zoned R1 residential. My research with assistance of employees in County Zoning offices showed no record of any special designation of the Museum and surrounding property owned by the County. The employees said they had never heard of a special “historic” zoning designation, even when directly queried about it. My request to the County attorney Eric Clarke for documentation of said County historic district produced only a banal response that what was happening at the Museum seemed like a good idea to the County. This means, I think, that there is no historic or legal basis for what has been happening. If there were, I am sure the County attorney would readily produce it.

Section 7a. Development Standards: **Any “development standards” should adhere to the current standards applied to the R1 zoning of the surrounding residential neighborhood.**

Why are there “building height standards” if there is no intent to place or erect structures presently on the grounds?

Section 7b. Signs. The specified sizes here are too large, and exceed what is already present. How many more signs are needed at this already well-signed site anyway?

Section 7c. Lighting. There are already two lights on high poles that disturb the night sky, as well as lights on the front of the Cosmopolitan. The high pole lights should be removed and no more erected, so that the beautiful night sky ambiance of the area may be preserved. There is no need for lighting to “protect patrons” if there are no night events, and local residents are quite comfortable with the area absent bright and glaring lights.

Section 8. Existing Uses:

Why is the "Museum property" accorded favoritism in breaking the laws, which the rest of the community in Silver Reef area must abide by, especially as this favoritism results in practices prejudicial against the welfare and enjoyment of their homes by local residents?

GENERAL TERMS:

Section 1. Purpose. "The purpose of this Agreement is to allow the Parties to comply with State law to accomplish the intentions and purposes referred to in the recitals above."

Clearly this statement indicates that the Parties operating the Museum property have not been complying with state, county or town law, so the purpose of this Agreement is to cover past sins and allow them to be continued under the legal cover this Agreement provides by way of special government permission declared by raw executive power of County and Town officials without legislative action that would represent citizens.

Something does not pass the smell test here, since a County commissioner has stated to me in written communication that the County has "firewalled itself from the day to day operation of the Museum," which it has delegated to the Silver Reef Foundation. Now the County and Town want to take it over?!

Section 7, Interlocal Cooperation Act Requirements.

(d) County Commission Chairman and Leeds Town Mayor are Administrators of this Agreement.

These are UNACCEPTABLE ADMINISTRATORS, because.

The County Commission, aided by their attorneys, have ignored the concerns expressed by local residents, and said in written communication that the County approves of the conduct and administration of their lessee, the Silver Reef Foundation, and that they have "firewalled" themselves from the day-to-day operation of the property.

The Leeds Town Mayor has a wife and son who participate as volunteers at the Museum, and the son has been on the Silver Reef Foundation board, and handles Museum finances. The Mayor refuses to recuse himself from Town Council voting on Museum issues.

Neither of these proposed Administrators is acceptable, because both have shown partiality toward the Museum Foundation and bias against local residents who object to the expansionist plans of the Museum board.

Better would be an external professional ADMINISTRATOR NOT SUSCEPTIBLE TO LOCAL PARTIAL POLITICS, and responsive to the general public. I recommend the Smithsonian or other similar reputable agency that would keep the historic purpose and reject the expansionist event center and western theme amusement park that the current biased administrators favor.

Best would be a limited Museum historic site without all the events and expansionist schemes.

Section 9. Governing Law. "This Agreement shall be governed by the laws of the State of Utah."

And presumably by the laws of Washington County and Leeds Town. If these entities are to now administer the management of the Museum site, I request that an impartial court review how they have administered the site in the past via their lessee, the Silver Reef Foundation, in particular the maintenance and construction activities on the extant buildings.

I request that a full impartial examination of the Silver Reef Foundation's meeting minutes and financial records be undertaken before any vote is taken on this "interlocal agreement" that completely bypasses

the rights of local citizen homeowners. This information would be important in determining whether the Foundation or Town are fit to administer this property in an impartial manner in the future.

I request that an impartial legal resource be employed to review the above recommendations and supportive documents from the full period of time that the Silver Reef Foundation has been operating the County owned property, and respond to and discuss publically the concerns of myself and other Silver Reef citizens prior to any decision taken by County and Town authorities. Failure to comply with request for transparency and impartiality could incur legal liability of the parties approving this Agreement. It seems to me that those operating in good conscience would want their actions to be open and transparent.

I request that all Silver Reef Foundation meetings be made public and advertised as such, since they are a tax supported organization. There should be general public oversight of their disbursement of our tax revenues and management of properties in our neighborhoods. I further request that all previous records of Foundation business be made public and examined prior to any "vote" by the Administrators. **There should be no objection to such a request by a tax supported Foundation operating in conformance with municipal, county and state laws.**

Finally, since the "interlocal agreement" addresses signage, I request a sign at entrance to Silver Reef Estates limiting traffic to local residents. The traffic that have been encouraged by the Foundation in our neighborhood to the west of the Museum is excessive and composed of curiosity seekers. The vehicular traffic endangers residents who walk with their pets along the narrow winding road with many blind spots that gawking tourists do not see.



Dear Leeds Residents,

We have become aware that several mistaken ideas are circulating about future plans for the Silver Reef Museum. Below you can read several explanations which we hope will be helpful.

As a Museum board, our general approach is that we are substantially happy with our pre-COVID number of visitors. (In 2019 we had about 7,500 visitors total for the year.) We are always aware that we must work within the constraints of a small exhibit space and a limited number of available volunteer hours for staffing.

Are we working for unlimited growth with visitors in the tens of thousands? No. As a County museum, we continue to market our historical relevance to Leeds, the County and southern Utah's visitors, but we do not anticipate a significant increase in visits. And we reject the thought of becoming a stop for tourist buses.

Do we have plans to bring in more old buildings? No. Though many structures from here were hauled to various locations in the area and we have identified some of them for the sake of history, we are not interested in bringing them to Silver Reef.

Do we have plans to build new buildings -- a saloon for example? No! Though the idea of having the Elk Horn Saloon back in town brings a smile to many faces, we are wiser and more responsible than that. As proof of our resistance to that idea, we have occasionally recounted the time when a donor suggested rebuilding the Elk Horn and we graciously declined. Maybe that is where the rumor started.

Do we have plans to bring businesses to the site? No. Our goal is to preserve and promote history. The operating funds we need to do that come mainly from entrance fees, gift shop revenues and grants. No money from the town of Leeds has been used.

What are our plans for the Cosmopolitan? Right now, due to the pandemic, the building is mostly unused. In 2021 we plan to resume our once-monthly educational and cultural programs and programmed school visits by Washington County 4th grade classes. Restrooms in this building were recently remodeled to meet ADA requirements.

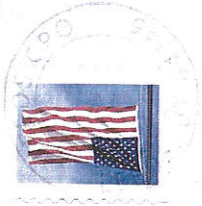
Don't we realize that we are located in a neighborhood? Absolutely! That is why we seldom hold night events, insist on off-street parking, have abandoned popular once-a-month shoot out reenactments, no longer rent out the Cosmopolitan for private parties, and carefully maintain the buildings and grounds. We greatly value our Leeds neighbors, many of whom have been generous with funds and volunteer labor.

When COVID forced us to close our doors in March, we had to postpone our invitation to our Leeds neighbors to come with comments and questions to our board meeting. Hopefully, in 2021 we can reissue that invitation. Meanwhile, if you have questions about any of our plans or activities, the president of our Museum Foundation, Ron Cundick, will be happy to talk with you – 801-674-3189. We also provide lots of information on our website: SilverReefUtah.org.

Your friends,

The Board Members of the Silver Reef Foundation

Ron Cundick, Pat Cundick, Kathy Powell, LoAnne Barnes, Glen Zumwalt, Andrew Peterson,
Susan Savage, Elaine Young, Alan Cohn, Bobbi Wan-Kier



Silver Reef Foundation
P.O. Box 461388
1903 Wells Fargo Road
Leeds, Utah 84746

Testimony to Leeds Town Council Dec 9, 2020 re: proposed Washington County/Town of Leeds
Interlocal Agreement
Martha Ham

My name is Martha Ham, my address is 2106 Oak Grove Rd which is located within Silver Reef Estates.

I appreciate the opportunity to express my support for the Interlocal Agreement establishing the Silver Reef Museum area as historical park lands.

Per my discussion with Mayor Peterson I understand that this interlocal agreement under review is a first draft and that the expectation is that revisions are likely.

Per my research I believe it is crucial that all parties recognize that there are distinct and core differences in the 2 parcels described in this agreement.

Parcel L-3192-C which is 6.39 acres located in front of Jerry Anderson's home and directly across the street of the Silver Reef Museum was deeded to the County in 2003 by the Silver Reef Special Services District with a deed restriction that the acreage remains as open space and undeveloped. I conferred with Kayla Koeber, Leeds resident, who served on the Special Service District board and spearheaded the stewardship of this property. She stated that the specifics of the deed restriction were constructed for moments like this when the use of the property could come into question. Kayla could not be here tonight but is available to answer questions and share pertinent documents in her extensive file.

I ask that the Council make a clear distinction in governance of these 2 parcels. One has historical buildings/sites and a replica of a historical building. The other parcel has a deed restriction to ensure open space and prohibits development. One option is to establish 2 separate interlocal agreements.

My second request is that the Interlocal Agreement include the creation of a Master Plan regarding the parcel on which the Museum is located. I propose that the effort be led by a Washington County planner and with stakeholder participation. I suggest that this be a 5-year plan with scheduled updates. Within the interlocal agreement it could be spelled out that it may take up to a year to accomplish completion of the first Master Plan.

I have several other suggestions which I will offer if I am given the opportunity to speak.



Polly McLean, Attorney at Law

December 9, 2020

Leeds Town Mayor and Town Council
Washington County Commissioners
Via email

Re: Comments and Issues with Interlocal Cooperation Agreement between Washington County and Leeds Town.

Dear Mayor, Leeds Town Council and Washington County Commissioners,

I have been retained by concerned citizens of Silver Reef and the Town of Leeds regarding the Interlocal Cooperation Agreement (ILA) concerning parcels L-4028-A-1-B and L-3192-C (Parcels). We wish to challenge the ILA in that it attempts to unlawfully circumvent existing zoning, allows commercial activity, and allows for violations of Town lighting ordinances (Dark Sky), parking requirements, noise ordinances and special events. We believe that this ILA fails because it violates existing code and the spirit of Leeds Town zoning ordinances.

The Parcels abut residential subdivisions with little distance from citizens' homes and the Parcels. According to the 2003 annexation ordinance and zoning maps, the parcels are zoned R-1-2 (L-4028-A-1-B) and R-1-20 (L-3192-C). The ILA seems to refer to the wrong zoning district in Section 7 (states it is HPP). The assigned zones do not permit commercial activity, nor do they permit special events. Furthermore, the ILA has no mention of the restrictions on L-3192-C which only grants the Property for "so long as the Property is used for public purpose, as open space, and remain undeveloped, and that the Property be used only as the Washington County Commission determination after recommendation from the Wells Fargo Silver Reef Monument." The Wells Fargo Silver Reef Monument no longer exists, which would indicate that ownership of the property should be the Division of State Lands and Forestry.

The ILA illegally attempts to circumvent existing code and in doing so turns a small pleasant remnant of local history into an international attraction, western amusement park and event center that will generate income and deprive local nearby residents of the quiet and scenic lifestyle they have had for nearly 60 years. Such exploitation was evidenced by the "shoot outs" which occurred last year. Furthermore, the nearby residential subdivision existed even before the area was annexed into Leeds. The usage of the historic area should not be intensified merely because it is now located in the Town.

The ILA lacks prohibitions against development and instead allows for the erection of intact historical buildings. However, even the Silver Reef Foundation President stated in a letter to all towns

people that they have no plans to build new buildings and no plans to bring in more old buildings. The ILA does not address that any activity on site needs to comply with the noise ordinance, livestock use and housing and maintaining roadways within the area. There needs to be adequate parking for visitors and the parking needs to comply with Leeds Code 6.7. There are no exemptions in the code around compliance of these ordinances.

In addition, the ILA is proposing to allow special events, outdoor events and night events which are not permitted in the Code. There is no limitation on the number of these events, only that Town Staff be notified of them at least 7 days before. Thus, there could be special events every night of the year with adequate notice. Allowing these events after 6pm could cause violations of Town lighting and noise ordinances. Lights will be required "to promote safety" and will likely be in parking areas and paths and will violate night sky requirements. There is no restriction prohibiting illuminated signs. The permitted activities are overly vague and allow "other activities consistent with the historical value of the Properties." In addition, events will create traffic through residential neighborhoods into the night. There also needs to be an emergency egress for emergency vehicles.

The ILA disregards existing parking regulations in Leeds Land Use Ordinance Chapter 6.7. There is no exemption. These parking regulations are needed to prevent possible fire from vehicles as well as dusty, sandy conditions.

The ILA attempts to adopt a land use standard by finding all existing structures and uses "as acceptable" and "lawful." The State Code and Leeds Code has a process for determining non-complying structures and non-conforming uses. See Chapter 5 in full of the Leeds Land Use Ordinance (Nonconforming Building and Uses) and Utah Code 10-9a-511.

In addition, we have concerns about several of the "whereas" statements. For example, it seems that the Town is trying to create "Historic Park Lands" regulations without going through the land use process. There is no definition of Historic Park Lands, nor the meaning or the source of the designation. Furthermore, there are relationships which give an appearance of impropriety, such as having immediate family members of election or appointed Town officials on the Foundation board and council members who may have profited by doing construction work for the Foundation. In addition if there are individuals working for both Town and County planning may be a conflict of interest.

Therefore, we request that the ILA not be approved.

In the alternative, if there is an ILA, it must include the following:

1. Prohibition on any new buildings or new "historic" buildings.
2. No special events after 5pm be permitted.
3. Restrictions on noise should be in place, and respectful of surrounding residents
4. Lighting should only be allowed during hours of operation between 8am-5pm.
5. Adequate parking be provided and be surfaced and screened according to existing code.

6. No statement of determining legal non-complying structures and non-conforming uses. Any such determination needs to go through the code process.

It is unfortunate that in the many months that it took to provide this draft of the ILA to the public, it is now being heard in the middle of the holiday season and in the middle of the COVID pandemic. We thank you for your attention to this important matter.

Sincerely,

PEAK LAW

A handwritten signature in cursive script, reading "Polly McLean". The signature is written in dark ink and is positioned above the printed name.

Polly McLean