

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, March 13, 2019

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, March 13, 2019 at 7:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

Regular Meeting 7:00pm.

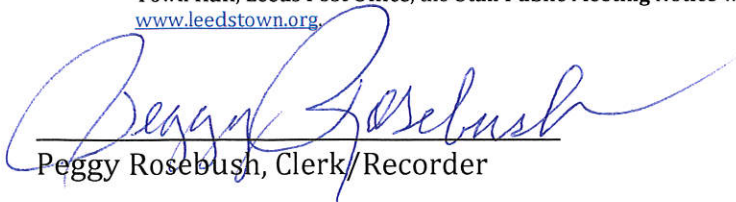
1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of February 27, 2019
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements
 - A. Community Yard Sale, Saturday, March 30th, Town Park, 8 AM – 2 PM
7. Public Hearings
8. Action Items:
 - a. Discussion and possible action on easement off Main Street and Majestic Mountain
9. Discussion Items:
 - a. Fines & Forfeitures
 - b. Short Term Rentals
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting: A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. Adjournment:

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted March 7, 2019 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leedstown.org.



Peggy Rosebush, Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, March 13, 2019

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:02 PM on Wednesday, March 13, 2019 at Leeds Town Hall, 218 N Main.

ROLL CALL:

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

2. Pledge of Allegiance by Councilmember Sheltman.

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Sheltman moved to approve tonight's agenda and meeting minutes of February 27, 2019. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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> </u>	<u> </u>	<u> </u>	<u>x</u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> </u>	<u> </u>	<u>x</u>

L5. Citizen Comments:

Lisa Beck with Harmony Public Involvement, a UDOT representative, did a power point presentation on the Main Street paving project. The presentation included Work Schedule, Project Benefits and Public Involvement Plan. Lisa said the work will begin around April 15, 2019, weather permitting. She gave a description of all work that will be done.

Gary Talbot with Sunroc described the various work stages.

Mayor Peterson reiterated that the Town will be having its 150th anniversary celebration on May 18, 2019.

Gary Talbot said May 18th should fall right around the time when the paving will be completed.

Lisa Beck asked if there are any questions or comments.

Angela Rohr asked about the drainage from the road.

Gary Talbot said the profile will remain the same.

Councilmember Roberts asked if the asphalt depth will remain the same.

Gary Talbot said yes. Where you get off of the off ramp going north, there is a small section where they will do a 2 inch overlay. We will replace 2 inches of asphalt through the rest of Town.

Mayor Peterson said we do have a section near the bridge at Exit 22 that ponds when we get a rain. It is on the east side of the bridge. On the bridge, but on the east end of it. This is one area where we do get some water accumulation.

Lisa Beck said she will make a note of this.

Gary Talbot said where Main Street is wide enough, they are to maintain an open lane in each direction during working hours. He said he has noticed that a lot of people park out on the street. It will be necessary to ask these people not to park on the street.

Councilmember Sheltman asked if this will be posted.

Lisa Beck said this will be part of the flyer that will be distributed to the people.

Councilmember Sheltman asked if there will be any physical signs saying no parking on the street.

Gary Talbot said that may have some no parking signs, but they are not very big.

Mayor Peterson asked if there are any further questions or comments from the Council.

Mayor Peterson said he will include some of the project details in the April newsletter.

6. Announcements:

a. Community Yard Sale, Saturday, March 30th, Town Park, 8 AM – 2 PM. Arrangements have been made with Deseret Industries where they will pick-up all of the items that do not sell. The proceeds of this yard sale will go towards the 150th anniversary celebration. Items will be accepted up until about a week before the event.

Mayor Peterson asked if there are any other announcements.

7. Public Hearings: None

8. Action Items:

a. Discussion and possible action on easement off Main Street and Majestic Mountain

Lynn Potter said that back in August, 2018, he purchased an easement from the Town for \$1,460.75 to provide access to his property located at 24 East Majestic Mountain Road, (L-3-1-7-110). This purchase was the result of the Council rejecting his request to utilize the easement that was deeded to the Town in April, 1997 (Quit Claim Deed 00563587, Paul & Afton Felt, Grantor; Town of Leeds, Grantee). Lynn Potter provided documentation indicating that this easement can be utilized as access to his property and, therefore, he is requesting a refund of \$1,460.75 that was paid for the easement that he purchased from the Town. Lynn Potter provided Council with documentation to back-up his request.

Councilmember Roberts asked Lynn Potter if he knows the exact location of the assumed easement within the Leeds property.

Lynn Potter said he does not know. Documentation just said road. He said when Alberta Pace did her development next door, there was no documentation of an easement or road through it. It just said road. It was just a road and it did not say to Alberta's property only and it did not say to my property only. It was just wide open.

Councilmember Roberts said it did not establish whether it was within the property that Leeds owns or the property that Alberta owns.

Lynn Potter said it is on the property that Leeds owns. It was on a deeded transfer to Leeds, Document No. 563587. This is the document that gives access to both Majestic Mountain Development and his property, but, at the time, I did not have the documentation that showed it was not just Alberta Pace's property, but his, too.

Councilmember Roberts said you are interpreting that this right-of-way easement was coming off from Majestic Road. I could suggest that it comes off from Main Street.

Lynn Potter said yes, exactly, it was supposed to come off of Main Street for both properties. At that time, there was no map for Majestic Mountain Road. It was supposed to be access for both properties to Main Street.

Councilmember Roberts said your property did not come up to Highway 91.

Lynn Potter said true neither did the split-off of Albert Pace's.

Councilmember Roberts said correct. But through the development that happened when she developed all of that, that is when the easement was created and that road was dedicated to the Town. This is how it became adjacent to your property or close to your property.

Councilmember Sheltman said he would like to get a legal opinion on this. He said he has not had a chance to do his due diligence on this.

Mayor Peterson said the thing that strikes him is the statement on the Quit Claim Deed when the property was transferred over to the Town of Leeds. It says "the purpose of this deed is to convey the above described property to the Town of Leeds for the purpose of a public roadway." He said I think this is why there is no described easement because it was not being viewed as an easement rather than just a

parcel on which a road would be located. Similarly, it was not defined whether it was this road or some other road. He said I think we will ask our attorney not to spend many hours on this, but rather give us some input with respect to how meaningful that type of statement would be towards the position the Town should be taking. It is my concern that any precedent that we are setting, we need to make sure we are doing it properly with respect to the use of a parcel of land that has been dedicated to the Town.

Councilmember Sheltman said the attorney will not have to take very much time since it is all laid out here in the documentation.

Mayor Peterson said he agrees. He said we will have this on the agenda in 2 weeks, but we will make sure by that time to have had it reviewed by our attorney.

9. Discussion Items:

a. Fines & Forfeitures

Mayor Peterson said, unfortunately, we have the same trio here tonight that we had at the last meeting. I was hoping we would have some additional representation here tonight. My question for Council is have we decided we have reached a reasonable starting point to put it out there to say are we going to consider this as an ordinance. If it is, I would suggest we have it as a discussion item one more time. It was made available on the Town website so that people could review it, but I think we could also do a notification to the public by having copies of it posted at the Post Office and on the bulletin board in front of Town Hall just to make sure they are aware of what is being considered. I do not view it as the final point. I think we need a starting point and we need to know if we are going to do it or not. He asked if this is a reasonable starting point.

Councilmember Sheltman said it is. We have discussed this in depth.

Councilmember Roberts said he agrees.

Mayor Peterson said he will get this posted at the Post Office so people will be able to get copies and understand what is being considered here. We will have it for discussion again at the next meeting and if things move well at that point, we will be looking at it as an action item at the first meeting in April.

b. Short-Term Rentals

Mayor Peterson said he does not have any new information on this. We have different opinions as to exactly what steps should be taken with respect to our existing ordinance versus new, but I think we are also at a point where we need to figure out where a starting point is and try to move that forward. The major differences that I see are existing ordinances, permits, and bed and breakfasts to operate when they are owner occupied. At this point, we do not have any in Town. It requires a conditional use permit. One thing that I put forward was clarifying that language to make sure people understand this type of short-term rental, and it was the starting point I was proposing. I know it has come up repeatedly that if we cannot really enforce it, we should not have it. But the experience of neighboring communities is such that all of their efforts on enforcement are not with where they have it, but with where they do not permit it and people do it anyway. This is something we are living through right now as well. My thought is that there is a starting point that was out there about 3 meetings ago. Is that a reasonable starting point and do we want to move it forward along with Fines and Forfeitures. I prefer to see us come out and decide

what is going to be acceptable and then look to move it forward. As I see it, we will need to go back to the Planning Commission because it is a modification to our Land Use Ordinance. They would then have a Public Hearing on it, but I think it is appropriate for Town Council to provide some input to the Planning Commission as to what our thoughts are on it and have them work out the additional details.

Councilmember Sheltman said he does not like these things. I hate seeing these things sprout up in neighborhoods because I do not think it is proper. But we did ask the attorney if we can recoup the cost that we would incur, not just enforcing ordinances, but just the process of registration and licensing these things and the answer was, the way I understood it, no, we cannot. As I have said in the past, a lot of communities like this because it brings in a lot of income. If you have places where people can eat, places where people can golf, retail and other places, they look at it as a profit. We do not have these things here. They will not bring in any income. We would have to do it out-of-pocket. I do not think it is something we can work with. If it does turn out to be something a majority of the Council agrees with, I do not think you can do it as a conditional use permit. I think it needs its own ordinance like we do for trailer parks and like we would do if we had a hotel here. I think you will need something where every detail is laid out and answered. A conditional use would be way too open which would be similar to what we have for bed and breakfast. There is nothing there to look at or grab hold of if you are trying to approve one or disapprove one.

Councilmember Roberts said we have bounced this around already. We need to decide yes or no. If it is yes, then the discussion that we have had needs to be very precise on what would be allowed and to what extent it would be allowed. If it is in a home that is owner occupied then it would be looked at as a home occupation. I think it needs to come out of the language where it currently resides and not a conditional use. But we have had discussion that if we are going to allow it, the owner needs to be onsite because it is in a residential area.

Mayor Peterson said we do not permit trailers outside of homes anyway, but onsite is in the building.

Councilmember Roberts said correct. If it is considered a home occupation then it is in the home, not outside. The first question you have to answer is if we say no then there is no sense in spending any more time on it. He said he is not opposed to allowing people to have that avenue if this is what they choose. If we say yes then there has to be a certain limit on the property itself as to how many individuals can be there at one given time. You have to keep in mind it is in a residential area.

Mayor Peterson said he knew it did not receive a lot of concern from our attorney, but I would also suggest that the concept of the advertising rule on Air B&B type of rentals did not receive a lot of thought that this was going to take place at the State level. I still have a very low percentage concern that something may occur on the State level that will say you cannot prohibit these. Just as we have many ordinances that started out with these are the permitted uses, these are the conditional uses and everything else is prohibited, we have now been modifying with language saying things that are in the same spirit would be permitted. And this is required. You are not allowed to prohibit uses of property based on court rulings in Utah. He said I see a benefit and I agree with your comments if it is going to be, it should be with a separate license and not a conditional use permit. There were some suggestions that it might vary with the size of the property. If it is in a residential area and if it is a larger property perhaps it could accommodate slightly more people. It is not the large numbers that have been spoken about in some of the rentals where the Fire District would have problems with it as well. The question becomes do we want to have a starting point and would that starting point be permitting bed & breakfast separate licenses and ask our attorney to work-up language on this to see how it could work. Or do we

want to work-up the language ourselves in order to try to make it more efficient from a dollar standpoint. I do not see it going away if we prohibit it. I do not think it makes it easier to enforce what is taking place. I think people are choosing to do what they do knowing it is not permitted and it is going to be a game of cat and mouse whether or not we can catch the mice in the act of actually renting it. Advertising it is not enough basis in order to file any kind of charges against the individual. But I would want to spell it out that we do not permit it unless it is a home occupation with on-site owner present. If it is going to be a separate license, I think we can make it that it has to be an owner occupied property and not a renter who is then turning around and using it for that type of home occupation. If it does not go away with just saying we do not permit it, I understand the cost of enforcement is something we do not want to get involved with. Even if we prohibit it, we will have to get involved with those costs. Would Council be interested in my trying to find some language with respect to this avenue of separate licenses that we could look at the next meeting to see if it could be a consideration that we want to pursue?

Councilmember Roberts said he is supportive of this.

Councilmember Sheltman said he does not have a problem with it. I'm still not sure if I am in support of this at all, but I am willing to have someone try to convince me otherwise.

10. Citizen Comments:

Kohl Furley with the Hurricane Valley Fire District said they are at 580 calls for service. They are in the process of getting the fire hydrants in Town mapped and on a plan so they can be tested regularly. Burn season is underway.

11. Staff Reports:

Mayor Peterson said there was a DTAC meeting and there is a study that is focusing on non-permanent residents of the County. A fair number of people have second homes and obviously there are a lot of tourists as well and they are trying to better understand the actual population of folks who are not the full time residents here. From the indications they are getting, these may be surprisingly large to some people. And they are not including visitors at the national parks.

Mayor Peterson said there has been some water damage on roads in the Leeds area. I encourage everyone to share any kind of conditions you might see out there. We are aware of certain roadway along Silver Reef Road by where it forks off to Oak Grove, where we are getting quite a deep gully. We will be bringing in bulk material to fill this in as it is becoming quite a cut and it could start to undercut the roadway.

Mayor Peterson said the 150th Sesquicentennial will have a committee meeting next Wednesday at 4 PM at Town Hall.

12. Closed Meeting:

There is no need for a Closed Meeting tonight. However, in 2 weeks we will be having a Work Session starting at 5 PM discussing Silver Eagle / Millenia Wastewater Proposal.

13. Adjournment:

Mayor Peterson adjourned the meeting at 7:46 PM.

APPROVED ON THIS 10th DAY OF April, 2019



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder