

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, August 28, 2019

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, August 28, 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.

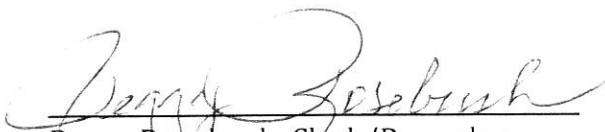
Regular Meeting 7:00pm.

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 July 10, 2019
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Leeds film at DSU, 7 PM, September 2, 2019
 - b. Paver installation arranged for later this month
7. Public Hearing
8. Action Items:
 - a. Discussion and possible action on Resolution 2019-08, Town of Leeds Public Property Acceptable Use Policy By Public Servants Affiliated With The Town Of Leeds
9. Discussion Items:
 - a. Short-Term Rentals
 - b. Capital Improvement Plan
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 August 22, 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, August 28, 2019

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, August 28, 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

2. Pledge of Allegiance by Councilmember Roberts.

3. Declaration of Abstentions or Conflicts: None

4. Consent Agenda:

Councilmember Roberts moved to approve tonight’s agenda and meeting minutes of July 10, 2019. 2nd by Councilmember Sheltman. 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: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

5. Citizen Comments:

Ralph Rohr read the following:

I have lately become concerned about the amount of traffic and pedestrian congestion along the road to my home in Silver Reef due to increasing tourists at the Museum. A Museum board member dismissed my concerns as “making mountains out of molehills” and stated that the present operation of the Museum would continue despite my misgivings. I pointed out to him that the present operation of the Museum was not in accordance with Leeds Town Ordinances governing this residentially zoned property. I was then informed that this R1 residential zoned property was owned by the County and need not operate according to Town law according to his communication with a County Commissioner, Mr. Dean Cox. Further, this museum board member stated that the museum was there for public enjoyment and it was going to stay that way whether area residents liked it or not.

This response clarified the situation at Silver Reef for me and I would like to share that clarity with you. Heretofore, our neighborhood has never been disturbed or disrupted by the museum historic site. It is a historical curiosity that has attracted small number of visitors. The quiet and remote location and natural beauty of the area is what drew many of us to buy homes there. But things have changed for the worse due to the disruptive impact of the museum board of directors that made our residential neighborhood into an event center and aggressively promoted it as such. Yesterday's political campaign rally by Lt. Governor Cox was a particularly egregious example though I'm sure the candidate was disappointed by the poor attendance.

Silver Reef has been quiet R1 residential from before and since it was annexed into Leeds, and there was no reason until now, for those of us who purchased homes there, to expect otherwise. Now, however, larger numbers of visitors are creating very real pedestrian and vehicular traffic hazards. Motorists drive into and through our neighborhood and slow to a crawl or stop in the middle of the road, so that I am delayed getting into or out of my home. Adults, children and pets walk or stand in the road oblivious to traffic, parking for events creates dangerous intersections of autos and people and is about to overwhelm space available. Increased traffic and off-road parking are damaging the roadway that homeowners must use. There is every reason to expect that this misuse and abuse of our residential neighborhood will increase due to aggressive promotional and international advertising by the Museum board. Indeed, it is their admitted objective to increase numbers of events and tourists at the site. The Museum board is utilizing the events it promotes as income producers. I don't know where this income goes-perhaps to produce more income? It is not coming back to our community as far as I know.

The unfortunate upshot of the recently contrived Museum event center is that it is being done with complete disregard for established town ordinance that require conditional use permits for events not in accordance with Residential zoning. Every variant event requires a special use permit, for every, but I don't think that any have been applied for but the Museum. The Museum special events center is operation in total disregard for Town law and the desires of local residents for safe, quiet and peaceful access to their homes. This is dangerous in many ways. For instance, if there were an auto-pedestrian accident during an event, aside from any harm inflicted, that could be the liability of Museum and Town, which are not following ordinances designed to ensure safety at such events? Does the Museum special events center carry liability insurance?

Based on their above, I have personally communicated this week with County Commissioner Dean Cox who does not recall ever telling a Museum board member that this County owned property does not have to comply with Leeds Town law. I have also personally communicated with Washington County Attorney Brock Belknap who tells me that such entities as the Museum must comply with ordinances of the municipality in which they are located. He gave as example the detailed St. George special use permit required for use of Worthen Park, a public property.

What would I like to see happen here?

1. First, that this issue is entered on the next Town council agenda as an action item.
2. Second, that the Town and Museum board enforce and comply with all applicable law, and that the current process of unpermitted events stop immediately.
3. Third that the museum board be considerate, communicative and cooperative with local residents in scheduling events and place a strict numerical limit on numbers of people and vehicles at all events schedules for this extremely limited and fragile residential property. This might be done through a process of reservation in advance through their website.

The above three items are some bare bones recommendations that will protect what long time Silver Reef residents should be able to expect—a safe and quiet neighborhood free of an accelerating amusement park atmosphere externally and illegally imposed on them. Furthermore, continuing dialogue between Museum, Town and Silver Reef residents could go a long way to facilitate our community and make everyone happy.

Stephanie Carson said I live on Oak Grove Road and I have been here 19 years. I sent a couple of letters to the Mayor about the traffic on Oak Grove. She read one of the letters regarding an increase in traffic in their area. The letter requested the speed limit be reduced to 25 miles per hour and the speed bumps need to be redone because they are almost flat.

Mayor Peterson said I will look into these issues.

Councilmember Sheltman said I have one question. Who did you send the letters to?

Stephanie Carson said I sent them to the Mayor.

Richard Carson said how many times.

Stephanie Carson said twice. What were the dates?

Stephanie Carson said July 8 and July 24.

Richard Carson said did you receive any response.

Mayor Peterson said excuse me. This meeting is not an interactive dialogue with you sir. Please wait for your moment and you can speak and have your 3 minutes or 6 minutes that we are operating with tonight. Thank you.

Councilmember Sheltman said I was just asking because I have not seen the letters. Is it okay if I have those copies?

Stephanie Carson said sure.

Richard Carson said I have been in this area for 19 years, longer than anyone on this board. My wife is entitled to some respect, Mr. Mayor. If you received either communication on July 8 or July 24, I will remind you that now it has been 50 days since the first communication and 34 days since the second one without a reply. If you are too busy, delegate the responsibility to another member of the board. We are entitled to your services; we are entitled to your input and your respect. It is not that we are bastard children living up here in Silver Reef. People down in Leeds believe people in Silver Reef are not members of the Town of Leeds. Okay? My wife brought this to your attention for a couple of reasons. We walk every day. We walk between 5 and 6 miles in the morning. We walk out the door on Oak Grove going down to Leeds Creek and then basically walking through the entirety of Silver Reef and sometimes Silver Reef Highlands, a distance between 5 and 6 miles. In front of our house, the width of the road is approximately 18 Feet. That is the entire width. There is a double yellow line down the center. Vehicles coming out of the mountains or vehicles going into the mountains have approximately 8.5 feet. Beyond the paved road is dirt, bushes and cactus. Vehicles coming out of the mountains typically see the sign as

you go across Leeds Creek bridge that says 35 miles per hour. They do not follow that recommendation. They come up at the top of the road in the vicinity of the Hams residence, they are at 35 to 40 miles per hour. This can be trucks or cars or motorhomes. They have driven us off the road. They do not pass at 15 or 20 miles per hour. They are not respectful. As a comparison, as my wife mentioned, the speed limit right here is 35 miles per hour. Right before we attended the meeting today, I measured the roadway. We are at 18 feet and right here the road is 68 feet with sidewalks on both sides. So, there is a zone of safety for people walking on Main Street that we are not afforded. We do not want to see the death or injury to any child or any animal or to one of us. This could be a liability situation. We ask and we plead with you to look into this and take some action that will afford us some safety when we walk. The speed berms were installed during the tenure of Frank Lojko. Frank Lojko on this board must go back at least 8 or 10 years. Those berms are virtually flat. They have been run over a million times by cars trans versing from the east and west going up and down the mountains. The yellow stripes are virtually non-existent. The speed berms do not stop the vehicles. There really is the need to investigate the situation and make a determination as to whether or not we are out of our mind or if there is some efficacy in our response. I invite the entire Town Council to come up there Labor Day weekend to walk with us to see what happens when the cars coming out of the mountains or going into the mountains. It is not pleasant. We are dodging the cars. I think this proliferation in traffic has been caused, as Dr. Rohr pointed out, by what is happening at the museum and this continuum of publication of social media that suggests that somehow Silver Reef and the Ghost Town of Silver Reef are real attractions. It is my understanding that there has been an increase in vehicular or other traffic from something approximating 2,000 or 2,500, or maybe as much as 35,000 last year, and maybe with a projection towards 65,000 or 70,000 in the coming years because we are suggesting they will have additional attractions and we are going to be putting in additional buildings. I point out for your consideration that it is actually fortunate that the Lt. Governor, and I have an extra 3 minutes from a couple of people...

Mayor Peterson said you may do that after others have had a chance to speak.

Richard Carson said it is fortunate that the Lt. Governor did not attend a function at what is the old Cosmopolitan Restaurant for several reasons. We are not ADA compliant. The American Disability Act requires designated parking. It requires ramps. It requires restroom facilities. I was there during one of the Shoot-Outs and there was a person who could not ambulate to where the Shoot-Out was going because that person had to walk through gravel. There was another person who said where is the restroom. How many public restrooms are outside the Cosmopolitan or Wells Fargo Bank or Rice Bank? There are none. We are not in compliance with ADA. That can get you in trouble. I am telling you this because I personally handled ADA defense cases a number of years ago. There are attorney fees where if somebody complains, the attorney on behalf of that individual is automatically entitled to an attorney's fee. I believe it started out at \$5,000 per complaint and it can go up from there. Today I filed, with Peggy, a GRAMA Request form in hopes of shedding light on, upon our various Town Ordinances, our rules, our regulations and our permits that have address those concerns that were so eloquently brought to your attention by Dr. Rohr and I promise to work with you. Although the GRAMA Request delineates specific periods of time, I am not going to the Attorney General's office and I am not going to County Council. I prefer to work with friends and that is why I am here. As Ralph Rohr knows and as Councilmember Sheltman knows, we have been in this area for 19 years because we love the area. We love the solitude and we love our neighbors. We love getting along and we love the peace and tranquility. But I am telling you, Wayne, come up with me and look at the derelict cars, people sleeping in their cars in the park, people sleeping in derelict vans and trailers that have been virtually abandoned just on the other side of Leeds Creek. It will turn your eyes to what is happening. And there is a proliferation as everyone has called to your attention. And there is a proliferation in traffic that must be caused by something.

Mayor Peterson said if I could just respond. I do not have receipt of those emails. I will be checking into it. I do respond to people when they contact me. I think there are a few nodding heads out there supporting that statement. There was no disrespect intended. I see the picture there. I did not see that picture previously. I will try to find out what it was, and if need be, have you resend them to make sure I have them.

Susan Savage said people need to come to more Town meetings so they can see what is really being worked on here instead of coming just once in a while and interrupting or something. In order to really understand what is happening and what is being done, people need to come more often. I have lived here all my life, and if we were to keep it quiet and calm as it once was, then you would not be here. There is increased traffic from the museum, but it stops at the museum turnoff it does not go up over Leeds Creek, it is not the museum. A lot of the traffic is because the newspaper advertises it. My nephews were working at our ranch and on one afternoon they counted 45 vehicles that passed. One day, I was stopped at the gate and counted 7 vehicles that passed. A couple of different things are drawing people and the internet is drawing people.

Richard Carson said Susan, you have been here forever, and we have been here 19 years. I disagree because I have seen a handout that is given at the museum that directs traffic up Oak Grove Road and into the park. And it directs it up to a place called the Children's Kiln and that is a delineated spot which requires you to go off of Silver Reef or off of Wells Fargo and come over and intersect with Oak Grove and cross over the bridge and go up. My wife and I have been stopped, and I know this because they had a handout in their hands, and they have said where is the Children's Kiln. They had a handout. There is nothing magical about the handout. The handout was given to them by someone. They either find it or they do not find it, but they do go up that road and it is being created by something that has as its basis ... it is attendant with the museum and they go up there. I have to believe, as espoused by several speakers tonight, this increase in traffic has happened because of, and I have even read it, gentlemen, something that appears on a website or social media or is a handout or somehow communicated to people not only in the US, but as I understand it, Europeans, that is causing them to come to Silver Reef. If you think about 35,000, or if you think about the potential for 65,000, according to what I read before I came here tonight, the census in Leeds is 652 people.

Mayor Peterson said 852.

Richard Carson said so figure 40,000, what are we getting? 400 visitors per resident. Maybe going upwards of 500 or 600 visitors per resident with maybe the bulk of those going west of the freeway towards Silver Reef because this appears to be the attraction. It is easy to see for those of us who have lived in Silver Reef for many years, we were going to enjoy a certain amount of peace and tranquility and quietness, and people not defecating in Leeds Creek across the bridge or urinating on our property or almost running us over. Why we are concerned, and it is a legitimate Town concern, and I will tell you, if this was happening anywhere in the Town of Leeds, I would be supportive of that person because I believe in the sanctity of Leeds as a community. We should all be treated with equal respect and dignity and I would support you, too. And people on this board that know me when I addressed the board in the past, know that I support the entire community.

Lynn Potter said I have been in Washington County for over 50 years, on and off. It grows and there is nothing you can do about it. That is the way life is. I know you guys bought your places in Silver Reed, and I am going to play the devil's advocate here, but you cannot stop other people from using public

properties. You can make it more difficult. You could do something that I suggested a while back that was really crazy and that is put up a toll road. What else are you going to do? You cannot stop people from coming. The Town can make it a 4-lane road with sidewalks up through there. Do you want to put in for a bond on the houses up there because I do not know how the Town can pay for that? I can see your problems and I hear what you are saying, but most of the problems are outside of.... The museum is not in Leeds anymore. There is not much we can do about it.

Mayor Peterson said the museum is in the Town of Leeds. It is owned by Washington County.

Lynn Potter said I am sorry. I thought it was outside the Town of Leeds. Good luck on your fights on this. You can mitigate, but you cannot stop....

Ralph Rohr said we are asking that you be conductive in accordance with Town Ordinances as required by the County Attorney and it is what is required by our Town Ordinances. Right now, it is really easy to send out a brochure saying come on down and that creates a large amount of traffic. If it is not according to Ordinances, if it is restricted and if it is within numbers that fit in here then we will be glad to live with that. My point is not to lambast anybody, or be personally critical of anyone, but I think it needs to be done in accordance with the law and then it will work for all of us.

Susan Savage said I would like to respond to the comment about the map of the Children's Kiln, the Children's walk. I work at the museum and I serve on the board. My perspective on it is you are going to have people coming in. You can have order, or you can have chaos. If there was not anything there that was organized, you would still have people. You can work together on addressing the problems of people driving through resident neighborhoods and certainly should. The last mining company that was there, Western Gold and Uranium, when the freeway went through and they saw that this area was going to develop they transformed themselves into a development company and they developed that area on both sides of Oak Grove Road. Our farm was on Old Highway 91 and when the freeway came through, they took our farm, took our home. Things happen and we deal with it, but you are in a situation where that development was set on both sides of the road, so that access to the public lands goes right through there. We can work on that. When people come in, we do not say wouldn't you like to drive up to the Forest and see the Kiln. But if people know about it and they ask how to get there then we try to have something that they can have in-hand so that they are not going all over and driving onto people's property and walking where they shouldn't.

Councilmember Sheltman said Susan, can I ask a question? As a board member, the number that has been said tonight, 65,000 people for a 5-week event, is that the number you were expecting, your Board? And my second question is....

Susan Savage said what event are you talking about?

Councilmember Sheltman said the Smithsonian Institution and National Archives event that lasted for 5 ½ weeks. I was told by a board member that 65,000 people was the expectation. It has been said here tonight and just wanted to know if that was the expectation.

Susan Savage said I do not remember hearing that number.

Councilmember Sheltman said do you know how many people actually showed up? 35,000 is the number that I was told by a board member. Is that correct? You guys keep receipts on that?

Susan Savage said I would be very surprised if that was the number.

Councilmember Sheltman said do you have any idea what the number is?

Susan Savage said I do not know, but when I served out there, it was pretty quiet.

Mayor Peterson said what I can share is that I know there were some very large projections, but as I recall, the actual attendance less than doubled during the event and the annual attendance at that point was about 6,000 people a year. I think it is a very different number, but I think what would be useful is to provide an opportunity ... I think Ron could add something if you are accepting of that.

Ron Cundick said I think there was been some confusion on the numbers. We count the number of hits on the internet. The number of hits on the internet could easily run 50,000 to 65,000 . We keep very good records of attendance. When people come up there, they sign in and tell us where they are from. We keep those records. We were running at about 6,000 a year before we had the Smithsonian. The year after that we hit about 7,000. After that, this year we may hit about 7,500. We have a pretty good handle on the number of people that come up there.

Councilmember Sheltman said does the 6,000 include the event?

Ron Cundick said yes. During these events, we have between 40 and 50 people that come to these. I do not know where all of these numbers are coming from. We ask them to pay a fee to come in, so we know how many are coming.

Councilmember Sheltman said but you know of paying customers only, right? People come up and do not pay.

Ron Cundick said people come up and sign-in.

Councilmember Sheltman said if they come to see the gun fight, and they do not go in, you are not aware of it.

Ron Cundick said that is a possibility, but most people come in to see the museum. I am not saying everybody does, but the bulk of them do. We have turned down bus companies. We do not want bus companies coming in. We could probably handle about 30 people on a tour through the museum. It is small. And we could probably have seating for about 80 people in the Cosmopolitan. We are about maxed out on what we can handle as a crowd. We do not have the space for more. But we do get a lot of hits on the internet. Most of the traffic you are talking about has occurred mostly on a Saturday during a 3 or 4 hour period, from about 10am until 1pm. We are open 4 days a week and most of the time we may have 30 or 40 people in a day. This is what we are dealing with. I am sorry there are people out there who have been inconvenienced. There are some problems to work out. I recognize that the museum is a magnet for some people, but I also recognize that the people there with their 4-wheelers are not there for the museum. They do not care about the museum. They roll in left and right. Sometimes they park at the Rice Building and that is a problem. I really have not seen that many people during the week. Saturday is usually the day they come up there. It is hard to control all of the vehicular traffic. We have signs up. And they roll in. And I am not talking about just museum people. The museum has its fair share, but the bulk of the traffic is not from the museum. We will explore some things to try to help this out and I will

go back to the County and talk to them again. I talked to the County Commissioner before we ever developed this thing up there and they said the museum was basically commercial when it was established out there. But when it was annexed in, it was supposed to be annexed in as part of the Town under the same conditions as pre-annexation. It was not residential pre-annexation. Apparently, when it was annexed in there was a mistake made and it was brought in as residential. But it was never residential. And for the events, I believe we have an Ordinance that talks about special events. It addresses parking and the size of the crowd. That Ordinance is not aimed at routine events at an institution that has adequate parking and has a way to deal with the people who are there. If you want to hold a rock concert at the church building, you would need a permit because that is not what they normally do. The museum is not required to get permits for their routine events. And, by the way, these events are held monthly. They are not weekly events. They are once a month. We try to keep our hours basically between 10 AM and 5 PM. We do not have night events. At one time we were asked to start having weddings and receptions, but we declined. We do not do that. I discussed this with the County, and they said you can have an occasional event at night for a special member, but we do not want to do it routinely. We are conscious of the problems with the neighbors and we are trying to cutback on things that are not needed as part of the museum.

Councilmember Sheltman said if I may comment on this, I think we need to put this on the agenda for a meeting. I think it needs to be discussed. My question for the museum is at what point do you stop. Where do you put the line in the sand and say this is creating turmoil for the community of 70 people. We need to back off. I do not see that. I put this on an agenda for a meeting 2 years ago, where I expressed concerns about exactly what is occurring now, which includes traffic mitigation. The County has its own laws. Even if this was County land, their laws are more stringent than ours. I think we need to talk about this, and I think a direction needs to be pointed out. I think we need to talk about the annexation policy and how it was brought over here. I disagree with some of the comments that are being made. I was here 16 years ago when it was annexed in. I live in a house that was annexed in. It was annexed in for the same reason that my house was annexed in for. Because they needed drinking water. The Silver Reef Water Company was dissolved, and the water company that is currently serving you, the LDWA which I am President of, would not serve water through our by-laws unless you were part of the Town. Everyone had to go to the Town. That is why we are paying the extra taxes because we wanted to get water. I was here with Norma Geier in the structure when she was talking about the concerns of Jerry Anderson's gift store, they called it Wells Fargo, they did not call it museum, and they also had the restaurant and they had concerns about that. The vote was those people could keep those uses and they were grandfathered in. The grandfather laws that we adopted are from the County. They are exactly the same. One year of non-usage, it ends. The Cosmopolitan has not been a restaurant for 8 years. These are issues that I could be wrong on, but we should discuss it at a meeting as a total event. My question again to the board members is at what point do you say this is too much for a community of 75 people to handle. At what point do we say this road damage needs to be paid for by the entity who is bringing in the cars. Maybe they do not have to pay it. But we need to discuss it and come to a conclusion as a Council. This is not getting smaller; it is getting bigger.

Ron Cundick said why don't you put something up there to measure the cars.

Councilmember Sheltman said that was my suggestion a few years ago and I think it would be a good thing to do. But that is something we could discuss also.

Mayor Peterson said what I would like to suggest, and I heard somebody say earlier and I think it is very important, is to have the residents of the Town, the museum and, I would add to that, the County and the

National Forest be willing to share facts and make sure everyone is agreeing about what is the actual situation. What are the issues that are being caused? I think that would be a productive first step before bringing it to an agenda at a meeting whereas a result of people saying things where we would likely have other people saying that is not true. I would rather try to hash through those kinds of facts and concerns that are there so that everybody can come to a meeting. I am not saying, at some point, it should not be discussed at Town level, but I think it would be more productive to be able to try to gather those parties together. What I would suggest is September 18th, the third Wednesday of the month. We do not have a Town Council meeting or Planning Commission meeting that night. It is a few weeks out so that people might be able to schedule for it who are not here tonight. But I would prefer to try and make sure we all have the same set of agreed upon facts before just having it turning into perhaps 2 extremes of what people's perceptions are, with sometimes, regrettably, reality never being talked about because of the extreme numbers being tossed about. That would be a suggestion that I would make. I guess I will ask whether the museum would be amicable to that type of timetable and gathering.

Ron Cundick said I have to be out of town for a convention on September 18, 19 & 20. I think getting together is a very good idea, but at that particular time, I will be out of town.

Councilmember Sheltman said I would like to make one point. I do not think the meeting should be particularly about discussion of everything I brought up. What we need to have a meeting for and on the agenda is to discuss who is over controlling this entity and this is what needs to be discussed. I am hearing tonight it is the County...no, it is the Town. We need to figure out first who controls this area. An event center is illegal per Town law. You cannot do it. You cannot get a Conditional Use Permit. It is illegal. I cannot do it at my house. We need to decide who runs this entity. If it is not us, then we need to go to the County and look at their laws which are stricter than ours. But we need to do that first. There is no yelling, screaming or debate. It is the law. We should do that first. Let's find out who controls it and then work from there. How does this sound?

Mayor Peterson said that happens to be the kind of facts that I was hoping to be able to gather.

Councilmember Sheltman said let's do it at a meeting.

Richard Carson said Ron was mistaken. My wife and I walked by a wedding reception about 2 weeks ago. There were at least 15 to 20 cars. We stopped and asked what is going on. We were told it was a wedding reception. The following day was the wedding. It is being used for a wedding.

Ron Cundick said it was a one-time....

Richard Carson said well, you did not mention that. It is being held for a wedding and there was a wedding in the last couple or 3 weeks. More importantly, I go back 19 years, and unbeknown to almost everyone here, I actually, I cannot say legally represent because I am not licensed to practice law in Utah, but I was the spokesperson for Glen Morgan and Emi Coon who had the Cosmopolitan Restaurant. Mr. Carson spoke about the background history of the Cosmopolitan. I helped to negotiate part of a lease helping to represent Glen Morgan and Emi Coon with Dean Cox. I know the etiology and I know the chronology of the Cosmopolitan Restaurant. It started out as a soda fountain and was operated as a restaurant by Jean Beal. I helped negotiate a lease with Glen Morgan, Emi Coon and Dean Cox. At the same time, I was fortunate to have reviewed the lease agreement between the County and Jerry Anderson. It was the Jerry Anderson Art Gallery. The museum was not up on the board. It was not a museum. They sold artwork. There was a little, dark room with some artifacts from the history of Leeds.

It was not represented as a museum. How the Cosmopolitan Restaurant has become an activity center; how Jerry Anderson's Art Gallery has become a museum is unbeknownst to me. I was never given notification and I do not know anything about a Conditional Use Permit. I know nothing about zoning changes and that is why I sent out this GRAMA request. If I can get the documents back, Wayne, by the 18th, I would be happy to attend. Ron Cundick and I are attorneys. Between us we have 100 years of experience. We could put this over to the 25th or we could put this over to a time convenient to everyone, but we need a resolution. We need the facts. We need the underlying chronology on what we can and cannot do. We need the Town and County ordinances. We need to know what was originally negotiated. We need to know how it was changed and why it was changed. If it was illegally changed or if it was changed without the consent of the powers that be, as Elliott has suggested, you cannot do that. It would be an illegal change. It has no merit in law if it was not legally done. Let's get to the bottom of it before all of a sudden we start saying it is a museum and it is an activity center because I never thought of it as that. And I do not think of it as that today.

Mayor Peterson said if I could suggest then if the people from the residents who are interested in participating, please give their contact information to Peggy before they leave this evening. I will speak to the County, National Forest and museum and try to find a date sometime in September that we could have this gathering in order to really go over the history and the numbers.

Richard Carson said Dean Cox, too.

Mayor Peterson said he is the County.

Stephanie Carson said do you think it would be possible to get a 25-mile speed limit on our street.

Mayor Peterson said it would require Town Council action to change that. Otherwise it would not be enforceable, but we certainly could put that on an agenda and go through the process. The problem, if we just put up a 25 mile per hour sign, if anybody were to investigate that they would be able to quickly say it was not properly, legally changed to that speed limit. We can definitely go through that process and see what the result would be.

6. Announcements:

Mayor Peterson said the Town of Leeds documentary will be the premier film at DOCUTAH. It will begin at 7 PM with a beverage and appetizer reception followed by a screening of the film which will be 1 hour and 10 minutes or so long. They have been doing some final editing. We currently have 125 people from the community with tickets to attend.

Mayor Peterson said the final arrival of the pavers and their installation should be completed next Thursday. They will be starting at 8 AM and all of the pavers should be in place around the Sesquicentennial oak tree.

Mayor Peterson asked if there are any further announcements from Council at this time.

Council said none.

7. Public Hearings: None

8. Action Items:

a. Discuss and possible action on Resolution 2019-08 Town of Leeds Public Property Acceptable Use Policy by Public Servants Affiliated With The Town of Leeds.

Mayor Peterson said this is the official title that has been handed down by the State requesting that all 238, I think it might be, towns and cities pass such a resolution. The concern arises from some activity up in the Salt Lake County area where there were some very senior members of a fire district that were utilizing funds for televisions, cameras and firearms that were only in the greatest stretch of the imagination related to their function as a district. It was determined by individuals in the Attorney General's office that they were not able to prosecute based on the information they had and the minor use that could be ascribed to the entity. As a result, they have put out as model language which our attorney used, and it has been updated to reflect the level of activity we have here in Leeds, is a resolution. It says, in general, you are not allowed to use public property for private purposes, but it does have a carve-out exception so that if somebody was doing for work for a city or town and happened to, during lunch, stop by and pick-up lunch at a restaurant they would not be told that they drove 1.5 miles relative to private activity as opposed to public activity. And that carve-out in our resolution amounts to a \$100 threshold in terms of what could be used where it would not be considered a direct violation. At this point, Council, having had a chance to review it over the past few weeks, do you have any questions or comments before we consider action on it?

Councilmember Sheltman said is every town getting the same thing.

Mayor Peterson said every town is getting pretty much the same thing.

Councilmember Sheltman said if it is State law, how can we not go for it?

Councilmember Roberts said what is disheartening is individuals' integrity drives the necessity of that document. That is what is disheartening about individuals who work for public entities.

Mayor Peterson said I would clearly state so there is no misunderstanding, I have no knowledge of any issues within the Town of Leeds. But as you pointed out, the State says thou shalt have a resolution and this is the language that has been put forward. It was edited slightly just to make it that we are a town and not a city. It really just reflects that kind of change to it, but nothing in the substance of it. Given those comments, is there a motion to approve Resolution 2019-08?

Councilmember Roberts made a motion to approve Resolution 2019-08, Town of Leeds Public Property Acceptable Use Policy by Public Servants Affiliated With The Town of Leeds. 2nd by Councilmember Sheltman. 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: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

9.. Discussion Items:

a. Short-Term Rentals

Mayor Peterson said our attorney has gone through Chapter 30 and said he reviewed it as enforceable. What is being recommended, however, is that we run it by our prosecutor to make sure we do not get into a situation where the prosecutor feels differently about the way it is being structured. After that is done, it is being suggested that it be drafted in the language that would be a draft for the Town of Leeds to utilize. If Council is in agreement with that, if there are new issues that you want to discuss tonight that would be changes to it, that certainly would be appropriate, but if that is not the real focus at this point, I think it does make sense to let our prosecutor weigh in on it as we have had issues in the past just in terms of whether there is agreement from a prosecutor's standpoint that they would be able to take anything through the courts related to it.

Councilmember Sheltman said is it still our ability to add or subtract anything from it even during that process.

Mayor Peterson said absolutely. It is just a matter of trying to get their input before we start working on the actual language.

Councilmember Sheltman said how long will this take.

Mayor Peterson said I think it will be available for the next meeting. We could have it at the first meeting in September with the prosecutor's comments as they might have. Are Councilmembers in agreement that we will table this in effect sending it to the prosecutor in order to move that process forward and have their input before we discuss it the next time?

Councilmember Roberts said yes, I am in favor. I would clarify to the public that this is a working document. A number of people are going to say we want to see this document. As the Mayor mentioned, let this go to the prosecutor and come back and see if there are any changes that need to take place there. Once that becomes an actual draft that can be placed out there for the public, the public can scrutinize that thing from one end to another. But until then, we want the actual draft sitting out there and not a bunch of pre-drafts or works in process for the public to get different interpretations from different copies of that draft.

b. Capital Improvement Plan

Mayor Peterson said I mentioned we would have one more chance in case people thought of things and then we will be bringing forward the Capital Improvement Plan as an update to the budget. The items that we identified were things with regard to acquisition and development of park property, cemetery property and, finally, work done on Town Hall with the roof being one of the primary things. I just want to make sure before we go through the budgetary process, the hearing on that, are there any other suggestions with regard to Capital Improvement Plan? It does still include the Main Street curb and gutter as well that was in the original Capital Improve Plan and still has phases of that in the plan. Nothing further? Okay.

10. Citizen Comments:

Ralph Rohr said I am grateful for being able to openly discuss this with all of you and I appreciate it. Thank you.

11. Staff Reports:

Councilmember Sheltman said there is one thing I want to bring up. Not too long ago, we allowed someone to rent out trailers and fifth wheels behind the Commercial Plaza. As I remember, one of the stipulations was that those things would not leak out from behind the building and end up somewhere else. It appears this is what they have been doing so it would be nice if we sent them a reminder that one of the rules is that we should not be able to see them. There are 4 of them out there right now, but I have seen as many as 9. It has been over the last few weeks.

Mayor Peterson said I will contact them via written correspondence to put them on notice about that.

Mayor Peterson said the summer has fewer meetings on the countywide level; however, the COG (Council of Governments) is meeting continuing to work through the issues related to a \$15 million grant that has been provided by the Utah Department of Transportation for a bus service to be developed running from St. George out to Springdale connecting with the national park. The issue that they are looking to address is the volume of traffic. If every seat on 6 busses were filled on every run that is being envisioned, between 9% and 10% of the existing traffic would be absorbed by the busses. They have not absolutely finalized it, but they seem to be leaning towards electric busses that would be utilized. One thing that I found to be very interesting is the battery approach. Frequently, now, you buy the bus, but you lease the batteries. It is interesting to me that on the cost of roughly \$860,000 bus, the batteries are \$240,000. It would involve charging stations being put in up in Springdale and at the terminus whether it is St George or Hurricane in order to keep them charged. The overall trip right now has regrettably about 30 miles more than the individual charge on the batteries are rated for to get through the whole day.

12. Closed Meeting: None

13. Adjournment:

Meeting was adjourned at 8 PM.

APPROVED ON THIS 11th DAY OF September, 2019



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder