

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, February 26, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, February 26, 2020 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 12, 2020
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements
7. Public Hearings
8. Action Items:
 - a. Selection of Mayor Pro Tem
9. Discussion Items:
 - a. Follow-up discussion on Site Plan Review Application, Dianna Powell & Lynn Potter, 24 Majestic Rd.
 - b. Short-Term Rentals
 - c. Police Department Equipment Disposition/Retention
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 February 20, 2020 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, February 26, 2020

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00 PM on Wednesday, February 26, 2020, 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: LORRIE HUNSAKER	X	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____

2. Pledge of Allegiance by Councilmember Wilson.

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Hunsaker moved to approve tonight's agenda and Meeting Minutes of February 12, 2020. 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	X	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	X	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	X	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments:

Lynn Potter said I just wanted to let you know that I have to record this for my wife because she is not here.

Brian Hansen said I think short-term rentals are a great idea. We have had rentals for over 20 years, and we have had short-term rentals for about 6 years and the people are a lot more polite. They come and leave and are not there all day long. They take care of our stuff. I have had 1 towel stolen in the past 6 years. The wear and tear on our property is different. We had some people stay in our house for about 5 months and I had to replace carpet, but I have never had any problems with short-term renters. They pay in advance and there is a 13% room tax that the Town gets a piece of. You do not get that with month-to-month rentals. And for what it is worth, and, Peggy, you can put this on the record, from 2017 to 2020, I have never had a short-term rental in the Town of Leeds.

6. Announcements: None

7. Public Hearing: None

8. Action Items:

a. Selection of Mayor Pro Tem

Mayor Peterson said our process here in Leeds is that we select a Mayor Pro Tem in advance of needing one. It could be done on a per meeting basis, but our approach here in Leeds is to select a Mayor Pro Tem. The previous Mayor Pro Tem did not stand for re-election to Council so we have the position open. They would preside at a meeting if the Mayor was not there and unable to do certain things. They would step in and take care of issues that may arise. At this point, we need to select one amongst the Councilmembers. Are there any nominations for Mayor Pro Tem?

Councilmember Stirling said I recommend Councilmember Wilson.

Councilmember Roberts said I 2nd that.

Mayor Peterson said are there any other nominations?

Councilmember Stirling made a motion to elect Councilmember Wilson for Mayor Pro Tem. 2nd by Councilmember Roberts. Motion passed in 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: STEVE WILSON	x	_____	_____	_____

9. Discussion Items

Craig Hall, Town Attorney, joined the meeting via telephone.

a. Follow-Up Site Plan Review Application, Dianna Powell and Lynn Potter, 24 Majestic View Road

Mayor Peterson said the applicant is here, but we also have our attorney who we asked to prepare a legal opinion with respect to whether or not the Hillside Ordinance would apply. That was circulated to the Town Councilmembers in an email after it was received. Craig, do you want to summarize that just to begin the discussion.

Craig Hall said there was 1 main question and I addressed 2 other questions. The main question was “Did Section 20-10 apply to a specific parcel of ground with a specific parcel number?” The research that I did, I sent Mr. Potter some factual questions which he responded to in a very timely fashion regarding any

applications that occurred from 1995 to the applicable date of January 1, 1999. After looking at all of the facts, applied the law, my definition of a development, the definition of subdivision contained in our ordinances in 1995 and 1997 and subsequent ordinances, they have not changed in any significant fashion, it is my opinion the specific parcel with that number was not either developed or subdivided prior to the effective date of the ordinance. The result being, any application received after the effective date of Section 20-10 is subject to the Hillside Ordinance and the provisions contained therein. I answered only 1 question. Now there are remaining questions regarding, is the property more than 30 degrees? I think only the engineers can address that issue in subsequent days and weeks. In summary, that is the opinion.

Mayor Peterson said if I could just correct one thing. It is 30%, not 30 degrees.

Mayor Peterson said does Council have any questions for our attorney relative to that opinion that he has provided? No.

Mayor Peterson said at this point, I will ask the applicant if they would like to suggest what the next step that they would like to see here. There was some discussion from our engineering firm about wanting to see certain cross sections in certain areas.

Lynn Potter said sorry, Craig, I really like you. The only thing that I can agree with on your opinion is that only approved subdivisions prior to 1999 are exempt. Our property is an approved subdivision and there is the proof right there. You were in error on a couple of things, but that is not for me to deal with, that is for Town Council to deal with because if you want him to try and confirm this, you can spend the money or you can spend a couple of hours with me going through it.

Craig Hall said Mr. Potter, it is not my intent to argue with you. My intent is, as I expressed in a previous email, if you have counsel, the rules of professional conduct would require me to directly deal with counsel so I would appreciate you sending me his or her name and contact information and I will be happy to reach out.

Lynn Potter said I told you that I would not pay counsels twice. The only counsel I am keeping is my own. And that was my response and I am sure you saw it 5 days ago. Here it is Town Council Minutes of June 12, 1996 ... he read excerpt from minutes. Mel approved that the Town Council accept the proposed subdivision on the basis that all 3 lots are on an existing street and that all services were provided. Charlie seconded the motion and it passed. That is just the beginning.

Mayor Peterson said I do not want to interrupt you, but I read those minutes as well and I do not believe it is referring to the parcels. It does not refer to specific parcel numbers and I do not believe that the parcel we are speaking of here is on an existing street so unless one was removed in the way of a street that I have no knowledge of, I do not know how it could be saying that all 3 are on an existing street.

Lynn Potter said that is how they got around it. They gave the Town of Leeds that small parcel. That is how they got around it. All through here, there are references to where Council references the 12-acre parcel, ours, that was zoned at one time commercial. Alberta Pace went to them and said let's change this to Rural Residential 2 and it went through the Planning Commission and they approved it. That is the only lot over there that is 12 acres, Rural Residential 2. They approved it. That is not just implied acceptance. Town Council approved it because they kept dealing with them as an approved property. That does talk about ours. We have come to the Town every time with our hat in our hand asking

questions and the Town comes back and says no, you will have to do this and this and this. This has cost us \$15,000 so far. At this point, I am telling you right now, it is an approved subdivision. I got some pretty good advice from one of those lawyers, he said do not spend any more money on lawyers until the Town has done you harm. Here is the proof and I will share it with you. You can spend more money on Craig, or we can just sit down around a table and eat dinner. It is an approved subdivision. The Hillside Ordinance does not apply to us. And that is the way we are going to go. We want an excavation permit because part of your building permit says building permit and then it says excavation permit. At this time, we just want an excavation permit. Most of the time, people buy a piece of land and they scrape it off and put a road into it and make a pad and they call it buildable at this point. And then they sell it off \$50,000 more. That happens up in Silver Reef. They do not ask for any excavation permits. We come to you on the up and up asking you for an excavation permit and we were referred to the Hillside Ordinance. We are not covered by the Hillside Ordinance.

Mayor Peterson said I ask our Councilmembers and Town Attorney, I believe we are obliged as a Town Council to look into it and see this information that the applicant is presenting to determine for ourselves whether or not it is something that would indicate somehow that a development or subdivision had occurred prior to the specified date. Craig, is that appropriate for us to approach that way?

Craig Hall said you certainly can, but I think there is also a basic question that could resolve this whole thing. Let's let the engineers decide whether it exceeds the provisions of the Hillside Ordinance because if it does not, the whole thing is moot. We do not have to get into these discussions whether it is a subdivision or not.

Councilmember Roberts said Craig, the engineering will prove that it does fall within the Hillside Ordinance on any excavating in a number of areas where the applicant is looking to make some excavation. It is pretty clear that the slopes do meet that criteria.

Lynn Potter said that is true. And we have done \$10,000 in engineering that we probably did not have to find a way to stay under the 30% mark. We have done it. I have been to 2 different engineers and I have done it myself. But the point is I am really tired of jumping through hoops on this. We do not have to have approval from the engineering firm. We are an approved subdivision and I can give you one more simple example why we are an approved subdivision. It comes down to money. Title companies guaranty your property from defected title and these people know their business and they go back 100s of years on your title. If there is a cloud on that title because it specifically says you cannot sell, lease ... any kind of property that did not go through this subdivision ordinance. And if there was any kind of cloud on that, and it has been sold more than half a dozen times in the last 20 years, and every title company, and there have been different ones, has approved it. Craig, there is an exemption in the Hillside Ordinance from 1995 and this is where I have to question what you were talking about. It says there are exemptions to that. One of those exemptions is if it is under 5 splits. That was under 5 splits. And it does not even require a plat, and this is why there is nothing on file with the County. A simple thing The title company approves it. It is an approved subdivision. Do you want me to sit down and show you?

Mayor Peterson said I think at this point, I will ask our attorney is it something that you believe we should, at this time, rather than trying to proceed with a hypothetical discussion, review the information and determine whether or not the information being raised by the applicant would indeed make it exempt from the Hillside Ordinance as he has indicated, I believe, an unwillingness to proceed with your proposal which was to evaluate it from the 30% slope perspective?

Craig Hall said Mayor, if we get any additional information that is on point, we ought to review it. I would not suggest otherwise. I sent Mr. Potter 6 questions and it was interesting when I asked the question was there any action to approve a subdivision or development on that property prior to the effective date of the ordinance and he answered no.

Lynn Potter said you asked me if there was any approved division of that property before 1997. Before it was split. No, after it was split. There were not any questions about that after it was split. It was split. That was the question. The first account in here shows it started in Spring, 1996, and June, 1996. That is when it started, and it takes over that whole year where they talked about it including receiving that little tongue of land up there and changing the zoning and a half dozen other projects that she was working on. They knew what was going on. They knew about it. If they knew about it and they did not stop it, it was obviously approved.

Craig Hall said I am not willing to go that far since the 2 lots adjacent to your property, Lot 1 and Lot 2, and yours is still a parcel. If you have additional information, Mr. Potter, we will be happy to look at it.

Lynn Potter said that is where you are wrong again. Lot 1 and Lot 2 are previous. They were split off of a previous lot and was L-3-7-1-110 and the partner lot to that was our lot, L-3-1-7-1110. Those 2 subdivisions by Alberta Pace, those 2 separate ones that you just spoke of were, in your opinion, came from another subdivision in 2003. That is where you are wrong the second time.

Craig Hall said Mr. Potter, I would be happy to sit down with you if you are willing

Lynn Potter said I have been asking you for the past 4 days to sit down with me. You think I am not a little beefed about this.

Craig Hall said Mayor, I will be happy to talk to you about a potential meeting, but I need to know if he is represented by counsel. If he is represented by counsel, I will be happy to visit. Otherwise, I have to meet with him with counsel.

Lynn Potter said I do not have counsel. I do not need counsel. I will take and give you a reference for every one of these up on here. I gave Peggy a copy of all of these from the State Archives. You can look them up yourselves or you can spend money on Craig.

Mayor Peterson said Mr. Potter, if I could just ask you a question. You seem to be indicating that you are not represented by counsel. Did you not send me a text earlier in the week indicating that you would see us in court?

Lynn Potter said I can sue you myself and I am very capable of doing if you have not figured it out by now. I do not need a lawyer.

Mayor Peterson said then I think our attorney would like for you to represent that you would be representing yourself because you indicated you were prepared to take legal action before we got to this point.

Lynn Potter said I did tell him that. It is in an email. It is on record. And you can understand why I would like to take legal action against you because you have cost us \$15,000 for stuff that did not even apply and it was your personal opinion where you were wrong about it. You told us, and it is in the Town Council

minutes in the past year, that the Hillside Ordinance applied to us. You did not even know your own ordinances enough to tell us the truth about that. Or you are buffaloing me to get control over the land so we could not cut it down the way we wanted to.

Mayor Peterson said Mr. Potter, your accusations are inaccurate and baseless, but you chose to come here at the January meeting when we were prepared as Town Council to discuss the compliance with the Hillside Ordinance and you then apologized for the fact that you only figured it out 15 minutes before the meeting that you did not think it applied. I do not share your view that the way you analyze things with title companies and the like indicate some declaration of it being approved for development. Title companies issue reports basis the ownership of the land. I have never known a title company to get involved and say whether or not a building permit has been approved, would be approved, but that is only my personal experience. I expect our attorney could share even more with regard to that. You presented other information where you challenged the legal opinion that we received. You indicated that you do not want to proceed further with the Hillside Ordinance evaluation. You want to contest the opinion that it does apply. I believe as Town Council we should look into your suggestions that there are other ways that this should be interpreted and determine whether that is accurate or not. But I do not think to just accept it here this evening is a responsible thing for us as Town Council to do. If you would like to put in a presentation to Town Council and our attorney of what it is you think that indicates that that particular opinion that was offered to us by our attorney is incorrect, I think that would be valuable. To just drop a few hundred pages and say it is all in there does not present the argument for you thinking the opinion being offered is inaccurate. I think we are open to that. I think I heard our attorney say that. I think we would like for you to indicate you are not being represented by counsel so that our attorney can feel comfortable that he is not violating any kind of code of conduct with regard to dealing with an individual who might have an attorney representing them. Craig, do you agree with that particular approach?

Craig Hall said I have no problem with that.

Councilmember Stirling said I do have a question for you. The first time that I remember you coming in, will you help me remember because I cannot recall. You came in to get ... was it a front access to an actual street when you came to the Town originally? You wanted some type of easement through the Town property. Can you help me remember?

Lynn Potter said during that meeting, the truth is, I showed you the same evidence that I showed you the second time. The difference was the second time Craig was there to see the evidence and Craig sided with me, thankfully. I could not make my point across that the sentence across the bottom of that ton of land be used for an access road was talking about our properties ... mine and Alberta Pace's, not just Alberta Pace's.

Councilmember Stirling said okay, so you originally came to the Town and then you purchased an easement, is that correct? You purchased a piece of property?

Lynn Potter said the Town turned us down. We spent money on a survey and an appraisal and that was over \$3,000. And then we purchased the easement from the Town. Was it \$1,400 or something like that?

Councilmember Stirling said why did you feel like you needed to purchase that property?

Lynn Potter said because there was no other access to it.

Councilmember Stirling said to the property?

Lynn Potter said that is correct. That is why we got it so cheap. Everybody kept telling us that there was no access to that property and that it was land locked. Before we bought the property, I read the title and the title to the other property and it said access, so I knew there was a hidden easement there. We just had to fight for it. The second time I appeared before you, I had even more evidence and that swayed Craig and that swayed the Council.

Councilmember Stirling said so my question is how would it be vested as a subdivision if it did not have access?

Lynn Potter said that is a really good point – exactly. That is why it was an approved subdivision. Because that was the access. But since about 2000, they stopped making that note in the title report, so they dropped the ball on that. We had to do the research and it was there.

Councilmember Stirling said so inadvertently, did you get refunded back from the Town?

Lynn Potter said yes. For the cost of the easement, but not for the cost of the survey or the appraisal.

Mayor Peterson said are there any other questions from Council?

Councilmember Wilson said I just want to clarify, the last time you were here you showed us maps that showed the cutaways, was that applied to the Hillside Ordinance? Is that correct?

Lynn Potter said that is true. Given the choice, though, I would like to wander from that a little bit, so I do not have to be so strict about the Hillside Ordinance. The harder proposition that I cannot get around is the Hurricane Valley Fire Department and their maximum grades. They do not care what hillside I cut into as long as the road does not exceed a certain amount.

Councilmember Hunsaker said when was the parcel purchased?

Lynn Potter said my wife and I purchased it; I think it was 2017. It might have been 2018, but I think it was 2017, in August.

Councilmember Roberts said Lynn, as you go back and look at when that property was created with that parcel number on it, it creates a parcel, but with that creation, it does not come with any rights for any type of development on that parcel. It just creates the parcel. Whatever tract of land it came from ...

Lynn Potter said that depends on your definition. Was it an approved subdivision or not? As for development rights that depends on zoning. And our contention is it was an approved subdivision given that clause in the 1995 Subdivision Ordinance allowing minor subdivisions without a plat and that is why there is no record of it with the County. But there are records in the minutes and we have all kinds of other maps that are incidental and there is a multitude of side evidence. The changing of the zoning. Would you change the zoning on a property if it was not an approved subdivision that was illegal?

Councilmember Roberts said I would not change the zone on an illegal piece of property.

Lynn Potter said that is my point. The Town Council, at that time, knew what was going on. They knew it was an approved subdivision and so now it is R-R-2 on the bottom half of it instead of commercial.

Mayor Peterson said at this time, what I would suggest, if Council is in agreement, is that we request that Mr. Potter put in writing his argument for why he believes the opinion should be updated to reflect that it is actually not subject to the Hillside Ordinance. I believe that is the question at hand here. And that we will look to review that argument at a future meeting when it is available to us.

Lynn Potter said can I approach this another way and say that it is an approved subdivision given the proof that I have, but if you guys want to prove it wrong, you guys have to spend the time and money to try to prove me wrong because I am innocent until proven guilty. That property is an approved subdivision until proven otherwise.

Craig Hall said can I jump in really quick here? I got an email from Mr. Potter on February 3rd in response to my question that says, "What steps were taken prior to January 1, 1999, to develop or subdivide the subject parcel." His response on February 3rd was "As far as I know, no steps were taken prior to January 1, 1999, to develop or subdivide the particular parcel." So, what he is telling me on February 3rd is basically 180 degrees different from what he is saying tonight. If that is based on additional information that he discovered from February 3rd, I am more than happy to look at it.

Lynn Potter said I thought you were talking about since it was split from 1997 to 1999.

Craig Hall said at this point, I do not know what to believe from a factual standpoint.

Mayor Peterson said Craig, would it make sense to request that he submit what it is that he sees that would suggest that it had been approved for development or subdivision at that point in time?

Craig Hall said it would certainly help. If he has reviewed the large amount of papers that are in front of you, I assume ... Mr. Potter, do us a summary and refer to page numbers and that sort of thing so that we can expedite the review.

Lynn Potter said alright, I will prove my innocence.

Craig Hall said we are not talking about guilt and innocence.

Councilmember Roberts said Lynn, our counsel is correct there. We are not talking about guilt or innocence on an individual here. We are talking about ...

Lynn Potter said I am having to prove something where I am already right on this and you are accusing me of something that is not. That is the same thing. You can see the comparison I am trying to make here.

Councilmember Roberts said it is your suggestion that you are right. So, that is what we are asking.

Lynn Potter said let's come at this at another direction. Even if I did not pull this out, how did it become a parcel without being an approved subdivision?

Councilmember Roberts said land splits and divisions of land happen every day.

Lynn Potter said doesn't the Town ... It says right in there in 1995 that they prosecute. Wouldn't the Town do something about that since the Town knew and the Town received that tongue of land? The town would stop that. They would put their foot down. Alright, let's start.

Mayor Peterson said I believe that the request is that you prepare it in writing so we can review it. I do not think that ...

Lynn Potter said you want me to write it?

Mayor Peterson said Craig, is that what you heard?

Craig Hall said yes. Do us a summary on the 200 or 300 pages that you have ...

Lynn Potter said you said show us. Do you want me to write it or show you?

Councilmember Hunsaker said write it so we can visually see it.

Craig Hall said at this point, I have an email that says to the contrary, Mr. Potter. I do not know what to believe. If you discovered additional information, share it with us. Do not play hide the ball. That does not help any of us.

Lynn Potter said wait a minute here, Craig. You are the lawyer, are you telling me you did not do any of your own homework on this?

Craig Hall said Mr. Potter, I relied on some of the factual representations that you made.

Lynn Potter said considering the nature of your question, I answered the best I could given to what you were talking about.

Craig Hall said the question was very simple - "Are you aware of any action to develop or subdivide the property prior to January 1, 1999?" You said no. Now tonight you have additional information.

Lynn Potter said based on that question, you are saying that there was never any development on that property. Obviously, it had been split for decades into smaller and smaller pieces. I naturally assumed you were not talking about prior to 1999 forever. I thought you were talking about 1997 to 1999.

Craig Hall said that is not what the question said.

Lynn Potter said you did not define it.

Mayor Peterson said Craig, if I could just read something from the 1995 ordinance of the Town Board of the Town of Leeds regulating the platting and recording of the subdivisions of land. He read excerpt from ordinance. The document that created this parcel of land has only on it a surveyor's certificate that says, "the purpose of this survey is to break-off a portion of land."

Craig Hall said that is correct. And you were reading from Section 4 of that ordinance.

Mayor Peterson said I am reading from Chapter 3 – the Final Plat, and it is Section 1.2.

Lynn Potter said prior to that, which is obviously how this took place, in Section 5 – Exceptions to Ordinance. He read excerpt from ordinance. So, there were exceptions including in Chapter 2, Section 1.1.g – a minor subdivision. He read excerpt from ordinance. This is why, if you read through all of that, this is why they had to give that tongue of land to the Town so that it followed every little dot in this thing. This is how they got around it.

Councilmember Stirling said did it show that the Planning Commission approved that? One the very first page

Lynn Potter said June 12, 1996, “Planning Commission reviewed it and is recommending it to the Town Council.” And this was talking about those 3 lots regarding Alberta Pace because it follows on back. I will write something up for you. I cannot type worth a ----. I hate typing.

Councilmember Roberts said you can write with a pencil.

Lynn Potter said you are just being mean.

Councilmember Roberts said no, I am being realistic.

b. Short-Term Rentals

Mayor Peterson said short-term rentals is something that was discussed extensively from the center to my right at the table in 2019. We have a couple of new Town Councilmembers since then and my purpose for putting this on the agenda was first to see if there have been any change in the thoughts of those Town Councilmembers who remain and then to ask if there is an initial opinion from those new Town Councilmembers that we have with us in regard to short-term rentals. If I could look right first and ask Councilmember Roberts and Councilmember Stirling if you have any changes relative to where we last left this a few months ago.

Councilmember Roberts said I have no change. I am still supportive of this. Here again, names are irrelevant, but we are referencing this as a residential hosting facility where we look at the owner of the property that lives within that residence, that they are allowed to host someone who stays. That is what I am in favor of.

Councilmember Stirling said I agree. I think as long as we have detailed rules and regulations, I think that we can come up with something that would benefit those who would like to do this in this Town.

Mayor Peterson said now, looking towards my left, if I could maybe summarize what was mentioned by those to my right. We did say that there would be a maximum of 2 rooms in the home and maximum of 4 people which you may very well have read yourselves, but those are the major focuses getting to this point. What are your general thoughts with respect to that basic structure?

Councilmember Hunsaker said I do not have a problem with that as long as the owner is in the residence, more like a B&B rather than not being on property to answer any problems or issues that might come up. And as long as there is parking that will not interfere with any of the neighbors.

Councilmember Wilson said the way I view it is that I agree with what has been said so far. One thing I wonder about is 4 people. That excludes a family with 3 or 4 kids. Does that exclude them from being able to stay there?

Mayor Peterson said that is the way it is currently structured, but certainly everything is open for discussion as we move forward.

Councilmember Wilson said that is something that I would want to review. Maybe we could add that or include that because in Utah, you have families with more than 4 people.

Mayor Peterson said the other issue, with Craig here still on the line, was whether or not we would go criminal versus civil. I think we started looking at both of those and there are certainly pros and cons. There was support and lack of support for some of those approaches. Is that something where you would view either as available to us in 2020 as we look to just visit this and come up with our approach that we could go either civil or criminal on that?

Craig Hall said you can have the option. I remind you what our prosecutor's view is. We need to make sure that we walk through that philosophical concern that she has. On the civil side, you need to remember, we can pass the ordinance, but we have to have a practical way to enforce the civil remedies, not just put it on the books.

Mayor Peterson said is that something that you could prepare a brief summary for us that would allow us to review the approach that would be needed for civil and we could also go over the concerns that the prosecutor had with criminal?

Craig Hall said sure, I can do that.

Mayor Peterson said I think that would be the best next step to try to make sure we can move this forward in the weeks and months ahead. Is there anything further from Council on this discussion item?

Councilmember Roberts said I just want to reiterate that we have to look at residential properties as residential. That is what they are created for. This gives an opportunity for individuals that may want to expand their residence a little bit, but the important thing is that we maintain the residential portion of the properties. If individuals want to have a motel then they should go operate a motel in a commercial zone.

Mayor Peterson said is there anything further?

c. Police Department Equipment Disposition/Retention

Mayor Peterson said in front of Council, you have a 1-page inventory that was put together. You will notice, this was done 5-1/2 years ago. Council had a different composition at that time and, at that point, it was determined that the majority of Council was not interested in disposing of any of the equipment that we have which includes a 2001 Ford Crown Victoria which at that point was about 13 years old and it continues to grow old. It is now 19 years old. It no longer starts. I believe at that point in time, it did, but that is no longer the case. Work would be need to be done to get it started. The mileage has not changed. It still has 56,370 miles. The question is, and I do not want to get into the details of the other

equipment. I just wanted to bring this up tonight as a discussion item. Again, we do pay insurance on the vehicle. I believe it is about \$800 a year. I just wanted to find out if Council of 2020 has any interest in continuing to retain the police equipment or would be open to disposing of it.

Councilmember Stirling said disposing of it.

Councilmember Hunsaker said make it go away.

Councilmember Roberts said Mayor, I will say the same thing I said back then. I was here back then when it started, and Council elected to maintain and keep a hold of these things. I do not understand why we would keep a liability like this that serves no function. It should have been gone then. Some of the other components that are on the list, I am surprised because I can tell you in conversation that I had with David Crouse at that time, who represented the Town of Leeds as a Police Chief, the County was supposed to take possession of a number of those components. I am surprised that we still have them.

Mayor Peterson said that gets to one other suggestion. Maybe we can try to pull this together. It sounds as if there is pretty strong support for disposing of them. What I would suggest is that, we may get a little bit less money for it, I would prefer to take the approach that we dispose of it all and we do not end up with certain items sold and other items still in our possession. I think it is at a point where if we are going to make the clean break with being in the ownership business of these kinds of things that we do it across the board and I would propose that we consider selling it as a lot, all inclusive, that would allow us to pass it on to another law enforcement group that would be able to put them to use or dispose of them. Is that something that is preferable to try to perhaps squeeze a little bit more money out of it but run the risk of still owning something including a 2001 Ford Crown Victoria.

Councilmember Roberts said I can tell you that Dixie State College was very interested in that, but that bus has passed on by. That is where it should have gone at that time. Yes, I am in favor of it going as a lot.

Councilmember Wilson said I agree with that.

Mayor Peterson said I will look to bring forward something that we could evaluate in a way of an offer to sell these items and make sure I confirm the process that we would need to follow in order to do that

10. Citizen Comments

Kohl Furley of Hurricane Valley Fire Department said in 2018 we were awarded an AFG Grant. The District was awarded \$334,218.18. This grant was submitted because we needed new SCBAs that we wear which are packs that have breathing air. We are in the process of getting new ones from the manufacturer. These typically last between 10 and 15 years. In January in Leeds, we had a total of 9 calls – 5 transports for EMS, 2 refusals and 2 fires. We are currently in the process of hiring part-time candidates from our list.

Councilmember Hunsaker said are we in burn season right now?

Kohl Furley said that usually opens up around the first of March. I will check on that for you. You can obtain your burn permit online or call the District office.

Doris McNally said thank you all for your service. Second thing, I want to let you know there have been a number of sightings of coyotes up in the Silver Reef / Highlands area. We actually had our first loss. The blue peacock that was always up there was actually killed this week. We are noticing that the coyotes are actually jumping fences and getting into backyards. I wanted to bring to your attention that they are very active right now.

Mayor Peterson said I appreciate that. You may have noticed that we had a mountain lion sighting a while back. Thank you for the notification of that.

Mayor Peterson said the Spring burn season is March 1st through May 30th.

11. Staff Reports:

Mayor Peterson said there was a transportation expo held at Dixie Center. It is an opportunity for all of Washington County road projects to be presented. In the future years, I would encourage people to go because there is a lot of information available in one room and you can really learn about what is being thought about in the way of future projects. None were from the Leeds area, but there were several from other communities not far from here including Toquerville, who is considering a by-pass road to their Main Street, and a new exit off of I-15 in Washington City. They are going to try to add an exit between 10 and 13.

Mayor Peterson said I have received some follow-up questions regarding our CIB application and at this point it is expected we will be meeting with them in June for the \$120,000 grant that we have applied for. I met also with our engineer and UDOT and they seem very supportive of the idea of needing to address it and we are going to get some materials from our engineer that will help them to evaluate whether or not they are in agreement with the obligation that they would have of \$500,000 in the form of a grant. The timing of their money is subject to how other projects work out. Frequently, it results if there is an under spend on another project that they have money that is available that can be used for this type of situation. It certainly is not secured at this time, but we are moving in the right direction. I will keep people informed over the next few months.

12. Closed Meeting

Mayor Peterson said we will be having a closed meeting this evening relative to potential litigation that could be pending. As a result, I would need a motion from Town Council to go into a closed meeting to discuss pending litigation.

Councilmember Roberts made a motion to go into a Closed Meeting for potential litigation. 2nd by Councilmember Wilson. 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: STEVE WILSON	x	_____	_____	_____

Mayor Peterson said we are going to move into a closed session. It is 7:58 PM. After the closed session. We will be coming back into an open session as required by law, but no action will be taken, and we will be looking to adjourn after we come back into the open session

Mayor said it is 8:35 PM and the closed session of the Leeds Town Council has concluded. We are back in open session

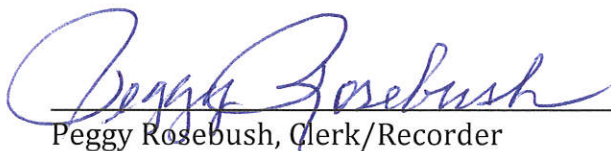
Meeting was adjourned at 8:35 PM.

APPROVED ON THIS 11th DAY OF March, 2020



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder