

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, July 8, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, July 8, 2020 at 7:00pm. This will be an electronic meeting.

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

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Town Council

Time: Jul 8, 2020 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84707178154?pwd=TUEvanJXWWIRaUh6TEYxdjI2VnhvUT09>

Meeting ID: 847 0717 8154

Password: 963519

One tap mobile

+16699009128,,84707178154#,,,,0#,,963519# US (San Jose)

+12532158782,,84707178154#,,,,0#,,963519# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 847 0717 8154

Password: 963519

Find your local number: <https://us02web.zoom.us/j/84707178154?pwd=TUEvanJXWWIRaUh6TEYxdjI2VnhvUT09>

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 June 24, 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. Discussion and possible action on Washington County Solid Waste Agreement
9. Discussion Items:
 - a. Washington County Water Conservancy District Water Service Agreement Amendments
 - b. Update on Land Use Ordinance Chapter 19 - Historical
 - c. Receipt of petition regarding animals in residential zones
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. Roll Call Vote to close electronic meeting

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 July 1, 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

Electronic Town Council Meeting for Wednesday, July 8, 2020

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, July 8, 2020. This was an electronic meeting.

ROLL CALL:

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

2. Pledge of Allegiance: Mayor Peterson

3. Declaration of Abstentions or Conflicts:

Mayor Peterson said I have just one, and like every time it has been on the agenda, I have a wife who serves on the board of the museum heading up the gift shop and a son who serves as the Treasurer, working out of Dallas. Neither one of them receives any compensation. I wanted this to be a full disclosure and wanted everyone to know this.

4. Approval of Agenda:

Councilmember Stirling moved to approve tonight’s agenda and meeting minutes of June 24, 2020. 2nd by Councilmember Wilson. 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:

Rick Carson said I have 3 comments with some sub parts, and they all concern themselves with agenda item 9b which is an update on the land use ordinance with respect to Chapter 19 possibly concerning designation of historical property within the Town. The updating suggests to me that there have been prior discussions. Have those prior discussions been reduced to written format so that those of us perhaps who do not attend or are unable to attend can know what has been discussed?

Mayor Peterson said just to add to that quickly, the update is referencing what was brought up by a Councilmember at our June 24th meeting and it was agreed to distribute the draft, that had been shared with the County and we are waiting for a response from them to Town Council, and we would move forward after the County had an opportunity to provide some input and have that be our starting point.

Rick Carson said as part of those discussions and part of what is heretofore taken place, I do not know if there has been a discussion about proposed uses, but let me tell you, and this is all hearsay, I heard that some of the proposed uses concerning historical property would result in a saloon, a continuation of shootouts and maybe something along the line of horse rides or animals that would be on the historical property. I also understand that there will be lights, signs and possibly hours of operation for some of the places within the historical site would be allowed to stay open until 10 PM. I do not know if that is fact or fiction, but I will say this, if it is fact or even partially factual, some of these events or operations or saloons or things like that ... there is a growing faction at least here in Silver Reef that this is simply unacceptable for a plethora of reasons. The additional traffic, noise and lights. You know, up here we have a dark sky. We do not have streetlights. We do not have numerous signs. We sure do not want to see our privacy invaded by people coming up here who start walking around on our property, loiterers and things we have seen as a result of this pandemic has caused a proliferation of traffic and unacceptable types up in our area. Again, I do not know if that is fact or fiction. And I do not know if it is worthy of a discussion at this moment or if it is something that will be brought up when the Councilmembers take over, after these 3 minutes are over. Let me real quickly address my next point. My recollection is this property is currently zoned residential. When you go back to the formation of the museum and gift shop, and you go back to the formation of the Cosmopolitan, with respect to the Cosmopolitan, I was involved basically in the conditional use permit or special use permit. I remember there was an agreement with the County that if it ceased to be operated by a restaurant or if it was abandoned for a period of 1 year or more that the conditional use status or the special use status as a restaurant would be extinguished. It would go back to a residential zoning. My concerns ... I think the Cosmopolitan is being used as some type of a meeting house. To me, unless somehow if someone has done something with the County, it is not within the purview of residential zoning. I would think that some of these other businesses that I talked about would be along the lines of a commercial operation and surely would not fall into a residential zoning.

Mayor Peterson said there are baseless rumors that are out there particularly the saloon one. I have not heard this one before. I think it would be better to address some of these things a little bit later on when it is the update portion as Item 9b.

Rick Carson said this is something else again that has to do with that development or potential development near the historical area. You and I have had a discourse over it in a very informal manner. Part of my concern stems from one of the shootouts last summer. I think I mentioned this to you, Wayne, if not, I know I have mentioned it to others. I was standing next to a gentleman who was handicapped. That gentleman had come up to see the shootout. He asked me if there were restrooms that could accommodate him. Not knowing, I directed him to the museum. He apparently went into the museum and before anyone would allow him to use the restroom, they wanted to charge him \$3 for entering the museum. He was told that he would have to go down a flight of stairs to a restroom. He came back out and said he had to leave to find a restroom. This brought me to a point concerning any development and any existing development particularly the Cosmopolitan, and however that is being used, and the museum and gift shop. There does not appear to be compliance with either of those buildings or entities with the Americans With Disabilities Act. There are no designated parking spots for handicapped, there

are no ramps for handicapped, there are no restrooms for handicapped and there are no lights. I hope that as the Town Council and as those of us who live in the Town of Leeds will get more and more into this potential development, it seems, such as, how do we address the needs of our elderly and handicapped with respect to this historical property designation or development. In addition to the zoning that I talked about in my first 3 minutes, will come to the forefront and there will be a meaningful discussion because I sure hated to see that gentleman basically be turned away from some festivities because there was not a handicapped restroom available. The next point, with respect to the development, I have no understanding of who will foot the cost of these developments. I do not know too much about the shootouts, if we pay anybody. I do not know too much the leases or other entities to run businesses. Will they be an indoor type of business or an outdoor, horse riding business or a trail business? If there are costs and these costs are in anyway going to be absorbed by the Town and its citizens, I sure hope that we develop information with respect to anticipated costs to the community and how those costs are going to be met. In addition, there are other things such as parking, road signs, lighting and directions ... I can see some shortcomings here with the development before we really get started. Those shortcomings have to do with infrastructure and sometimes, before you build the bridge, you need to build the road to the bridge. You need to analyze the costs. I do not know if any of that has been done. If there is anything that has been reduced to writing, Wayne, can those of us who would like a copy of the discussions obtain something like that?

Mayor Peterson said what you will see is in the minutes are discussions that we held among the Council when asked about it. It will go through who was involved in the process. What we are looking to do is get to a starting point. Once we have that starting point, it will go through the entire legislative process. A land use ordinance requires that any proposed changes are first taken to the Planning Commission, where a Public Hearing will be held. After that Public Hearing, they will do work on it and forward a recommendation to the Town Council. As we are experiencing right now, the Town Council allows public comment at the end and the beginning of their meetings. It will go through that entire process. As with legislation at any level of government, there needs to be a starting point. In this case, the museum is on a property owned by the County of Washington where it was dedicated to them in 1967 as a public park. I thought it was appropriate, after being approached by one of the Commissioners, they would like to resolve this misperception on the part of the County's viewpoint that their public park had somehow become residentially zoned. I think it will make a lot more sense when we discuss it. I would be happy to update some of the other things, but I do not want to get into a back and forth right now. But I will tell you that I was listening and incorporated into the materials that I have provided over to the County for their review, many of the comments on the topics that you have mentioned such as shootouts, ADA and parking. When it comes to costs, it is the County's property and the County has put some money into it from a public fund standpoint. The Town has not put any money into the property, museum or any subset of it.

Rick Carson said can I ask a question? If it was designated by the County in 1967 as a park, how would that show on a topographical map? What would be the designation for a park? That is question #1. Question #2, the last time I looked at the property, it seemed to have an R, residential designation over those acres that are controlled by the County. Do you know the answers to those 2 questions?

Mayor Peterson said I will admit that we have several shortcomings with our zoning map and in looking at the records, there is no indication either in Washington County records or Town of Leeds records of a zone change being proposed for that property. When that portion was annexed in, it was that the County owned properties would come in as they were zoned in Washington County at that time. And, yes, there is a problem with our map. One of the things that I have proposed as we go forward is whenever there is

a zone change, I think in the past there has been a tendency to say, well it is only a small one we will wait and save some money on printing of maps. We do charge fees for zone changes. I think part of that fee should be utilized, even if it is 1 single parcel that is changing, to make sure it is updated and reflected properly on our Town zoning map. There is a problem with our map.

Rick Carson said I sure understand what you are saying. I think I mentioned this to you in prior discussions, I was involved in the formation of the lease and actually met with the President of the County Commissioners. We were seeking some changes to the lease for the Cosmopolitan restaurant. I distinctly recall that the President of the County Commissioners, or whatever he is called, spoke of this property as residential property. And he mentioned again and again that if it did not continue as a restaurant it would revert to residential designation as it was at that time. That goes back to probably 2007 or 2008. At the time I had that discussion with the County, they believed the property to be within a residential zoning.

Mayor Peterson said I will certainly share that with them and see if they find any records in a further search.

Rick Carson said they might find it in the lease documents, and I would think that Jerry Anderson would also be a fine person to go to. He would have executed the lease on behalf of the gift shop and the museum and his art store with the County.

Mayor Peterson said I will forward that suggestion for where to look.

Angela Rohr said there are several things on the agenda tonight. The one that is going to be voted on is the Water Conservancy Agreement. I am glad to see that Fay Reber is with us. He will give us good information on this agreement. Under discussion items, there are a few new people on Council who may not be familiar with several years ago I addressed the animal issue. The fact that Leeds is one of the few, if not the only, town in Washington County that does not allow chickens unless you have rural residential, 5 acres or 2 acres. If you have rural residential, on 1 acre you can file for a conditional use which does have a cost. St. George allows no roosters, but you can have 6 chickens on the first 10,000 SF and 1 chicken, up to a maximum of 16, for every additional 1,000 SF of property. LaVerkin allows 1 rooster and 25 hens on a minimum lot size of one-half acre lot. They use a point system and it goes up to 33 chickens on 1 acre. Ivins allows no roosters and 5 hens on a lot size of 7,500 SF. If you have 12,000 SF, you can have 12 chickens. Leeds does not allow chickens except on 2 acre lots and then you can have 4. On a 5-acre lot, you can have 6.

6. Announcements:

Mayor Peterson said I would like to remind people that the next period for fireworks is July 21-25 from 11 AM to 11 PM except on the 24th it may go on until midnight and they must be set off at the Town basketball court off of the Town Park. If anyone sees or hears fireworks going off elsewhere the Sherriff is aware of what our restrictions are, and they would be the ones to respond. It would be quicker to call them directly or you can call me, and I will call them.

7. Public Hearings: None

8. Action Items:

a. Discussion and possible action on Washington County Solid Waste Agreement

Mayor Peterson said I ask Councilmember Roberts to give us an introduction.

Councilmember Roberts said we have a couple of individuals participating this evening from Washington County Solid Waste and Republic Waste Services. We have Cheyne McDonald and Reese DeNille, and we have Fay Reber who is legal counsel. Fay has been instrumental in the dialogue that has gone on regarding this contract. The Solid Waste District has approved the contract with Republic Services. Because the Solid Waste District board approved it, it still has to go to each municipality and entity that is involved with it and be ratified by those municipalities.

Fay Reber said basically what we are doing here tonight is this. We are in the last year of a 10-year contract with Republic Waste Services for basic waste collection pick-up and disposal at the landfill. We are also in the last year of an agreement that we have had with the Town of Leeds whereby Leeds would be responsible for billing and collection for those services and then remitting that money to the District for payment to Republic. Finally, we are also in the last year of what has been a separate agreement for recycling collection services. In the last couple of years, however, that recycling agreement which was a separate agreement was rolled over into our existing basic waste collection agreement. Essentially, what we are doing tonight is we are hoping to get approval from the Town of Leeds for a proposed new 10 year agreement with Republic for basic waste collection and also recycling collection for those people who want to avail themselves to recycling. In addition to that, we would like the Town to approve a new 10-year agreement for billing and collection as we have been doing for the past 10 years. In some respect, what we are doing tonight is simply an extension of what we have been doing although we will be adding in recycling services collection into the basic waste collection agreement for those people who want to recycle. This is what we are asking Council to look at tonight. To explain this, I asked Peggy yesterday if she would email to every Councilmember a basic 1 page called Leeds Residential Fee Summary. This outlines the essential elements of the agreement. It is a 10-year agreement. It provides for weekly curbside collection of basic waste that is put out, which includes 2 containers in the basic cost. It also includes weekly collection of bulky waste items that residents may want to set out and it also includes predumping of waste at the landfill for people who have waste they want to haul to the landfill. These are the same services that we provide now. In some respects, it is an extension of what we are doing. The fee is comprised of at least 3 elements in terms of the basic waste collection. One element is the amount that we pay to Republic. Currently, that amount is \$6.70. The second element is an administrative fee that goes to the District and that amount is currently \$4.45. And then the Town adds on their fee for billing and collection and that fee is \$2.10. The current basic waste collection fee in Leeds is \$13.25. If we go to Year #1 of the new proposed contract, the \$6.70 paid to Republic goes up \$0.20 to \$6.90 and every year thereafter that \$6.90 is subject to a 2.5% annual increase. The administrative fee to the District goes up \$0.10 to \$4.55 and the administrative fee to the Town, assuming the Town keeps it where it is, which is \$2.10, your fee for basic collection for year #1 would be \$13.55. Because of the 2.5% automatic increase, by the time you get to year #10 that amount to Republic is \$8.62, District is \$4.55 and Leeds \$2.10 for a total fee of \$15.27. That is for basic waste collection. When you add in the recycling component, recycling will be an optional service and it is an every other week service which is what we are doing now. You get 1 container as part of the cost. The amount we pay to Republic right now for recycling is \$2.94. For those residents who have recycling in addition to the basic waste collection they pay a total of \$16.19. In Year #1 of the agreement, the recycling cost goes up to \$4.91. This is the amount that goes to Republic. And there is a \$0.75 fee per month for each container. The total cost in Year #1 for people who want to

recycle, recycling and the basic waste, is \$19.21. Over a 10-year period that \$4.91 increases by 2.5% annually so that by Year #10 the total amount for recycling plus basic waste will be \$22.15. The \$4.91 for the first year has an asterisk beside it. The reason it has an asterisk is because the cost we will be paying for recycling is dependent on how many people are in the recycling program. If we have more than 51% of the County who is recycling, the cost is \$4.91. If we have between 41% and 51%, the cost jumps to \$5.35. And if we have 34% to 40% then the cost goes to \$5.91. The figures you have in front of you assume we will be in the favorable Tier 1 pricing. As we make this information known to the residents, we will want to make them aware that there are these different tiers and the fee could be higher depending on the participation rate. This is just a quick summary of what the contract provides. The essence of the recycling program, I think, is that it is an opt out program. In other words, we did this 5 years ago, but we want to allow people the opportunity if they do not want to be part of the recycling they can opt out. Right now, Leeds has a total of 338 residences, 203 of which recycle. That means you have roughly 135 who do not recycle. For those people who have already elected not to recycle, that opt out will continue to carry over into this new contract. They will not necessarily need to opt out again. Beginning September 1st, assuming we can have all the communities approve these agreements, we will begin the opt out period of 90 days so by November 30th, we will be able to know how many people are in the recycling program and we will be able to see what the recycling rate is going to be with certainty.

Councilmember Stirling said I understand that the Leeds residents are being charged for recycling that are not being recycled. Can you explain why we would continue to offer that option if, indeed, it is not being recycled correctly?

Fay Reber said as I stated, we entered into a 10-year contract for basic waste collection. Halfway through, we wanted to add recycling to the services that we provide. We entered into a separate recycling agreement with Dixie Waste whereby they would collect the waste, they would deliver it to Rocky Mountain Recycling who would then be responsible for processing those recyclable materials. Shortly after we entered into the agreement, which was probably the worst possible time, the bottom fell out of the recycling market. In fact, it got so bad there was no market for Rocky Mountain to take products to. As a result, we started putting it back into the landfill. After about a year or year and a half of doing it that way, we then entered into a new agreement with Republic whereby Republic is now picking up all of the recyclable materials and they are taking everything down to Las Vegas to their recycling facility. All materials that are being picked up for recycling are now taken to a recycling facility and do not go to our landfill. Under the new agreement, that will continue to happen.

Councilmember Stirling said is there a way that a portion of that money that our residents paid for recycling be refunded back to them because of that breach of contract?

Fay Reber said I do not foresee the District being in a position to refund those monies. The recyclable materials were picked pursuant to the contract. It is just that they were not taken to a recycling facility. They were still picked up.

Cheyne McDonald with Republic said they were picked up and were sorted. Much of it was contaminated. At one point, a lot of it burned down. There was a huge fire at the recycling processing center. They were not recycling as much as they could due to contamination. Some got sent back to the landfill. We are going to be working on educating people. Some was recycled, but I do not know the exact percentage. Some did go back to the landfill because it was contaminated by the fire.

Councilmember Stirling said my main concern is that here we are offering this to our citizens again, and if the market bottoms out again, why would we even offer this option?

Cheyne McDonald said we are teaming up with Republic this time. It does not matter if the market drops out again, it will still get recycled. That is the process. It is not an option; it is in the agreement. We go through the process.

Fay Reber said there is also a provision in the agreement that if after a 3-year period if either party decides that recycling is not working then we can opt out of the recycling program all together. We will not be locked into this for a 10-year period.

Councilmember Stirling said is there also an option for citizens, if indeed, pay for recycling, but it is not being recycled, do they have an option to opt out at that point as well?

Fay Reber said they have not had that option up to this point. We tried to come up with some opt out rules and regulations that could easily be administered by the cities. The ability to opt out under the old agreement, and even under this new agreement, really exists during that initial 90-day period. Except, again, for those people who have already opted out, they do not need to make that election again. They are already out.

Cheyne McDonald said we will be reaching out to them to see if they would like to opt in. Republic is a great partner in recycling. We are dealing with a much more reliable company. We have been doing business with Republic for 25 or 30 years now.

Mayor Peterson said is there any commitment to maintain the binnie program?

Cheyne McDonald said the plan at this point is to continue the binnie program.

Councilmember Stirling said is there an option for Leeds to have an opt out waiver when and if recycling is discontinued?

Cheyne McDonald said if it is discontinued it will be discontinued countywide and that fee will go away.

Councilmember Stirling said no, I mean in the past when they were being charged for recycling, but it was not being recycled. It was going directly to the landfill.

Cheyne McDonald said there was only a short period when the fire occurred and in the transition between Rocky Mountain and Republic. There was a very short period that recyclables actually went to the landfill. The District still had the expense of picking it up.

Councilmember Roberts said, Danielle, there is not a separate waiver that would be in Leeds agreement that would allow for that. The opt out period is the 90 days.

Councilmember Stirling said I remember, Alan, you said when you went to one of these particular meetings, you were upset to find out they were not recycling, but instead taking it directly to the landfill. Is there anything we can do to be proactive on that if the same thing occurs again?

Councilmember Roberts said the contract holds Republic liable to recycle. If the market gets really bad, they will probably petition the District to reconsider the recycling program. Keep in mind, as Cheyne mentioned, there was a short period of time when the collections went directly to the landfill. He talked about why people recycle.

Mayor Peterson said is it accurate to say material that is currently picked up is taken to another facility and that the contaminated materials do not end up in the Washington County landfill, but rather some other landfill?

Fay Reber said that is correct. It does not come back to Washington County.

Cheyne McDonald said Republic has their own landfill down in Las Vegas and that is where it would go to. The District, as far as the opt out option, is dedicating approximately \$70,000 just in that 90 days to get the word out throughout the County. We want people to be informed.

Reese DeNille with Republic Services said the contract does not allow us to take it to the landfill. It goes down to a Materials Recovery Facility. We call it an MRF for short. It is in Las Vegas and it is the biggest one west of the Mississippi.

Councilmember Hunsaker said I have a couple of questions on the contract, not the agreement. Item #19, the Field Recovery Fee, it says it will be paid monthly. Are we paying that extra money for recyclables going to Vegas? And #28, Independent Contractor Indemnification, the words master and servant are used. I was just thinking we might use some different words in there. This will probably not go over very well right now. I am looking at the fees for the different communities and we are right at the top. Can you tell me why we are at \$13.25 and LaVerkin is at \$12.45? I am not sure how that is figured.

Fey Reber said using the words master and servant is old contract law. That language can certainly be changed. I do not see a problem with that. With respect to the rates, the reason why there is a difference is in the amount of the administrative fee that Leeds tacks on. Every city receives a bill from the District for basic waste collection of \$11.15. To that, each community adds their own administrative fees. That is the difference.

Councilmember Hunsaker said also the District's administrative cost, what does that cover?

Fay Reber said there is a cost for the District to do business. We have employees and equipment plus it covers the cost of actually taking that waste and burying it in the landfill.

Cheyne McDonald said Republic does not run the landfill, the District does.

Reese DeNille said I can answer your fuel fee question. We third party the haul from the transload center that is at the landfill, where the recyclables are put on a bigger truck. The third party takes it to our MRF in Las Vegas. That fuel is not calculated at all. That is a completely separate contract that we have with the hauler. The fuel fee is based only on the collection within the County.

Councilmember Hunsaker said a 10-year agreement seems like an incredibly long time to be locked in.

Fay Reber said the reason for the 10-year agreement is primarily to lock in lower rates over a longer period of time. If Republic has a contract for a longer period of time, they can give us a lesser rate over

that period of time. We would be a little bit hesitant to go into a 10-year contract with an entity that we did not have any experience with. With Republic, we have been in business with them for many years. We have a comfort level with them. We know they can do the work and we know they will do a good job. The 10-year contract locks in more favorable rates for the benefit of the citizens.

Cheyne McDonald said we have operated with multiple 10-year contracts with Republic already for picking it up and operating the landfill.

Councilmember Roberts said one of my concerns is the length of the contract. However, we have had 10-year contracts before. The more frequent you can look at a contract, within reason, it helps people to sharpen their pencils a little better. If it was a shorter contract, I am sure the numbers would be different.

Fay Reber said I agree with what you are saying. Republic knows what we expect, and we know what they can do.

Mayor Peterson said Alan, I believe it would be Resolution 2020-04 that is in our packet – Resolution of Leeds Town Council Approving a Proposed Agreement Between Washington County Special Service District No. 1 and Allied Waste Transportation Doing Business as Republic Services in St. George Authorizing the Mayor to Execute Agreement Between Said District and Town of Leeds. As our representative, is this something you would like to make a motion?

Councilmember Roberts said I so move to that motion, yes. 2nd by Councilmember Hunsaker. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	X	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	X	_____	_____	_____
COUNCILMEMBER: DANIELE STIRLING	X	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	X	_____	_____	_____

9. Discussion Items:

a. Washington County Water Conservancy District Water Service Agreement Amendments

Mayor Peterson said I did receive today a red lined version of the agreement that was amended back in 2018, I believe it was, and that is the agreement we will be asked to review. It only arrived in the afternoon today. I did not want Council to have to compare side by side the original agreement with the amended one. This will allow us to look at what it is we are being asked to approve, which are those amendments. It will be on the agenda as an action item at our August meeting. I would highlight that this was prompted by an inquiry from Roger New who is looking at a property that would potentially have 4 lots on it on Main Street. This is what prompted it. We will be looking to review that at the August meeting. The red lined version will be sent out to you tomorrow.

Councilmember Stirling said who did the red line?

Mayor Peterson said the red lines were done by Washington County Water Conservancy District and it was presented to each of the communities that are part of the water services agreement. Since Leeds was not at that point in time taking any water from the District, the District did not look to have us agree to those amendments, but since there is a possibility that could occur, it is something we will need to review.

b. Update on Land Use Ordinance Chapter 19 – Historical

Mayor Peterson said as requested, I did forward copies to Council through Peggy of what was submitted to the County. I have been following up with the County and they have assigned an assistant in the County Attorney's office by the name of Natalie Nelson who is assuring me that within 4 weeks they will be able to complete their work on it. In the month of July, perhaps early August, we should have a document that they can then provide to Town Council. We can then put it on the agenda and make it available to the public. We will need to go through the entire process. The things that were mentioned that I would highlight are the cost of Washington County operating it, not the Town; the saloon is total news to me and is not anything being entertained; the shootouts that I understood that played out in the situation back in the Fall, at this point would have to be approved by Town Council and I would want to see that in the agreement personally, and that is where it is currently drafted. With regard to ADA, I was aware that the County had, since it is their building, sent some maintenance people there with knowledge of ADA and they did make some modifications to the buildings. ADA certainly remains in the forefront regarding a focus on it to make sure that it is not ignored, and it meets requirements. This is something that the County would address, not the Town of Leeds. That is the update that I have right now. I hope we will have it as a discussion item at our next meeting, and if possible, after a meeting or 2 be able to forward it to Planning Commission so they can do their work on it. They will hold a Public Hearing and forward a recommendation to Town Council. At that point, Town Council would have it as a discussion and then possibly an action item if it is agreed to go forward with it. I would highlight as some people have pointed out and voiced their concern about transparency with respect to this. We have an administrative role at times, but we are also a legislative body for the Town Leeds. Legislation at the Town level, at the County, State and Federal level, begins with someone putting on paper a piece of legislation. It then goes through the process. Ultimately, it gets approved by the elected representatives of the particular body that is generating that legislation. When it comes to transparency in the State of Utah, the open public meetings have rules. I have always said you not only want to follow the reality of the law, but also the perception of the law. If we as Town Council were circulating drafts of something before we brought it to a public meeting, we would, in fact, be violating the transparency. Transparency is guaranteed that as it goes through the process that it is done in an open public meeting.

Councilmember Roberts said I would like to interject something at this point. Because we have a fair amount of public that is participating tonight, I reiterate a little bit what you had said about land use law and how it comes to be. It does not matter whether it is an ordinance change or a new ordinance. It does not matter if it starts with an individual that may be selected by the Mayor or a private citizen who decides they want to come up with some kind of language on something. It still needs to go through that same process. A lot of times people focus and think I want to see what this draft looks like in the beginning. We consume a tremendous amount of time on that, but at some point it is going to be placed in a Public Hearing at a Land Use Public Meeting that allows individuals to look over and critique that and give their points of view, whatever they want to do to interject their thoughts as it goes through the process. When I say misunderstanding, I do not mean it in a malicious faction, but a lot of times the Land Use Authority, which is our Planning Commission, takes a point of view of whatever we send to Town Council, it is their decision anyway. The Planning Commission entity is a vital component. When I say

vital, that is in capital letters. As a vital component in Land Use Law and individuals need to take that seriously and do their due diligence. Whether it is an applicant that brings something forth that requires it to go to the Planning Commission or whether it is looking at ordinances that already exist and modifying those, the Planning Commission has full authority to look at those ordinances as they see fit as a body, to take one at a time and go through that and see if it is still a proper ordinance. Or, they may be given that task by the Mayor or Town Council, but still, the process has to go through there. Many people think that Town Council is the one drafting all of this stuff. They can be part of that, but Town Council could present that to Planning Commission, and the Planning Commission could simply say we appreciate what you sent to us and throw that out the window and start on their own. It needs to have a clear understanding of how ordinances really begin. It has to be drafted by someone. It is in a very rough form to begin with and it goes through the process, whether it lives or goes through the process and dies.

Councilmember Stirling said for the option of complete transparency, I would like to put on record the individuals with different agencies that I met in regard to Chapter 19. I met with Danny Swenson and we discussed fire safety, protection of property and access, emergency event traffic plan, as well as updates on all codes and concerns and policies that we may need to review for future land use for the museum area. I met with Kevin Gildea and with Lorrie Hunsaker up at the site regarding Chapter 19. We discussed parking, safety and permits as well as any other concerns he saw. I also spoke with Scott Messel today about the map that was included with the Mayor's email as well as other documents that I researched for the proposed area. We had a lengthy discussion about the current County owned area in Silver Reef. I understand that we all want to solve this problem. I think there is a concern that I have that I do not want the Town to appear to have a conflict of interest from an elected official. It appears that this particular document has been reviewed by many individuals. I am reading this directly from the actual meeting minutes that we approved. At our last meeting, Mayor Peterson said, "I drafted it and it was viewed by our Town Attorney, it was shared with the County and they requested that it be shared with the museum President." Unfortunately, I feel this land use ordinance draft was only allowed to be negotiated by the very individuals that would benefit from it. Instead of allowing the draft to include the negotiations of all individuals. It was presented to Town Council as a completed form to be used as the starting point. It has become a business plan for the museum and restaurant, but not an ordinance for what Chapter 19 was originally named or determined to be. The original Land Use Ordinance - Chapter 19 was named Residential, Commercial, Historical, Mixed Use. It was intended for a historical ordinance that would include all of the historical areas in Leeds and how to integrate them in harmony with residential and commercial zoning. It was stated in the last meeting for Chapter 19 are we looking at residential, as well as commercial and historical, or are you only looking in the historical section? What part are you in the process of working through on Chapter 19? Mayor Peterson said it is the historical and it would cover both the County property as well as the Town owned property at the CCC Camp. But when I received this document, the CCC Camp was not included in this area. As we move forward, we need to have the opportunity to have our elected officials represent us, not just 1 elected official, in the prework of an ordinance change. After my discussion with Scott Messel, we both agreed that the way in which this was originally designed might not look as clean as it was intended. We came up with a variety of ideas that may solve the problem. The first one that we spoke about is that we already have a historic overlay and that could be an option for the County to apply. The second thing is that, especially with that historical overlay, the entire Town Council as well as the Planning Commission can collectively create the overlay zone or the County can propose a developer's agreement and we can collectively decide on it or we can create an interlocal agreement with the County. We need to keep Chapter 19 what it was originally meant to be, a residential, commercial, historical land use chapter, not a business plan for how the museum, restaurant and undeveloped property can expand and grow.

Mayor Peterson said the one thing I would like to highlight is that I did send an email to the Town Council members as requested and I misspoke when I said I recall actually a discussion I had with the Town Attorney was in the budget process, when he asked if there is any out of the ordinary work. I said the plan will be updated and maybe something to address the museum site. He did not review this document and we did not get charged anything for it. It was surely written by me. I know it has been repeatedly challenged, but the reality is that is the case and I would appreciate it if people would, with no basis, stop suggesting otherwise.

Councilmember Stirling said we may need to update the meeting minutes that we just approved. Maybe we should go back and change that.

Mayor Peterson said no, you cannot go back and change it. What was said at that meeting was said. What I just said will be in the minutes for this meeting. You do not go back and revise what was said because of a misspeak. The person corrects it if it happens. I do my best, but it does happen occasionally and in this case it was. I did not send a copy of it for Craig's review. So, the people who saw it were myself, the President of the museum, Ron Cundick, and Eric Clarke and Eric has now forwarded it to Natalie Nelson. Those are the people who have seen it. End of list.

Councilmember Roberts said Danielle, you bring up a valid point when you talk about the name of Chapter 19. I agree it needs to look at larger areas. What is being proposed for that specific area that the County owns it should be contained in Chapter 19. I do not know the best way to incorporate that because other historical areas will probably have some odd type of things that would have to be specific areas like the property that the County owns. But, here again, it comes down to a document needs to be started somewhere. It is going to land at the Planning Commission. That is where I would expect Scott, the Town Planner for the Town of Leeds, to have good dialogue and discussions with the Planning Commission. If it is the Mayor who drafted the document to where it is at right now, they very easily could say Mayor, we appreciate the time you put in on this, but this is the direction we are going to draft this. That is just the way it is. There are probably things in there that would be a good place to start, but it does need to be specific for an overall Chapter 19.

Councilmember Stirling said I appreciate that. I have never read an ordinance that actually allows for opening and closing of a business. Doesn't that sound like a developer's agreement or interlocal agreement? I have never heard of an ordinance having that.

Councilmember Roberts said you are right. But those are things that need to be discussed. It does not matter who puts that together. It just needs to be discussed and say this is specific for the operation of a business. Our Land Use Ordinances do not get that fine tuned on business operations as a general statement. As a general rule, our Land Use Ordinances do not mitigate the hours of operation that someone may have.

Councilmember Stirling said in your recommendations in the past, do all special events in the past basically get the same type of permit? Does each individual ordinance have a special event included in it?

Councilmember Roberts said I am going to say they are different. It depends on the area where the special event is taking place. For the most part, our special events in public areas are either in the park or in a well-established business area along Main Street.

Councilmember Stirling said do we have a special event permit for residential or one for different zones? In the past, has there been only one permit?

Councilmember Roberts said the permits that I recall have been in those 2 areas. Either permits that are at the park or along the commercial corridor on Main Street. I am not aware of any special events that have been applied for that were for a residential area. I am not aware of any that I can think of right now.

Mayor Peterson said the permits that I am aware of have generally involved traffic being stopped or diverted as a result of the activity.

Councilmember Stirling said is there any way in the next little bit we can start working on the historical overlay? Can we look at the overlays that we already have instead of creating just one ordinance for a business?

Mayor Peterson said you are welcome to draft something that you could present to Town Council if you thought it is a better starting point. Then ultimately, it, too, would go to the Planning Commission if it was determined that was the better route to follow. But when you say we, if more than 2 of us do it, it has to be an open and public meeting and properly noticed to the public.

Councilmember Roberts said we have done that in the past. I am not saying we should go that direction, but I want it very clear to the public and to Councilmembers that we can schedule work meetings. Work meetings are different from our normal Town Council meetings. If you want to have that kind of discussion on any kind of potential legislation, then it is a public meeting. It is posted as a public meeting. It is a work meeting. It is not a meeting where the public has interaction. They can sit back and listen, and it is not an opportunity for dialogue and debate between the Council and the public. It can also happen at the Planning Commission level. They can do work meetings like that. That is a way of meeting together and having that dialogue and get some things in a better language that everyone is more receptive to before it goes into the Public Hearing when we are talking about land use issues. Before the Public Hearing, you have to do the work. Like the Mayor said, if there is more than 2 Councilmembers, it has to be a public meeting.

Councilmember Stirling said I think I would be okay with the open public meeting and work session as well. It gives the opportunity for everyone who would like to hear what direction we are going in. They need to hear that.

Councilmember Roberts said here again, I would caution, but it is up to whoever is overseeing the meeting. In our case it would be the Mayor or the Mayor Pro Tem. It is a work meeting. I can tell you, and you have seen it in the past, sometimes the public is not disciplined enough to sit back, allow the Council or Planning Commission to get the document to the point where they can present it out there so people can view it, scrutinize it, whatever they want to do. It has to get to that point, but when you do not have that cooperation, it is very difficult and frustrating to get there because it turns into a lot of back and forth public meeting. A lot of people will say I want to be heard. Absolutely, you need to be heard, but let it get to the point where it is time to be heard.

Councilmember Stirling said I do agree. But one thing that I do think is having that gives the opportunity of complete transparency.

Councilmember Roberts said I agree.

Councilmember Hunsaker said the public does not realize that we cannot talk amongst ourselves with more than 2 people because it would be a meeting. So how do you get things done? I think the work meeting would do that. I for one would like to thank the Mayor for taking the time to get us to a starting point. We are going to disagree on this one, Danielle. It needed a starting point. It has been a blank page since 2008. Get it done and then there is no more question. For me, looking at the document, I have seen the faces in this Zoom meeting tonight in the work meetings or any other meetings making their comments about the parking, about the noise level, about the hours, about all these things and they are addressed in the most basic form in that ordinance that it will still go through that legislative process. I just want to say thank you for doing that and saving us the legal fees in getting us started on this.

Councilmember Wilson said it is a good point for us to get started. We can work through it and I think it will work.

c. Receipt of petition regarding animals in residential zones

Mayor Peterson said at our June 24th meeting we received a petition presented by Sharon Johnson. She then went to, as we recommended, the July 1st Planning Commission meeting. They discussed the topic. They have kind of asked for a bit of input from Town Council with respect to where to go with it. I know that Lorrie Hunsaker was also on the Planning Commission call. They felt there is a need to have some quantification in the actual end product. Subsequent to that, what got circulated was something that Lorrie put on paper in advance of our meeting. I ask Lorrie if she would like to give a brief overview of that.

Councilmember Hunsaker said I just wanted to start with the ordinance. We had a 2007 Animal Ordinance that was completely redone in 2008. I have the changes and everything. This is basically to get it, so it is quantifiable for the Planning Commission. I have been researching it for the last 3 months and putting it together so we can send it to Town Council, but the petition beat me by 2 weeks. It is basically using a chart and using square footage that the Commission recommended. It is something just for Town Council to start with. My personal opinion is that rural residential needs to be looked at and changed. When it was changed from 2007 to 2008, in 2007 it was put in you can have mules and donkeys and in 2008 they put in you can have no braying animals period and took out mules and donkeys. Instead of changing it every year, I think we need to take the time on it and do the square footage. I agree with Sharon, and even Ange with the chickens. What I have seen, whenever anyone moved into just residential, it was with the understanding that there are no animals allowed. There is also the CC&Rs in Silver Reef that preclude having chickens. I think public input and the petition are great. When we did the petition, if we would have had a survey done on what people want... To me, the petition, the way it is worded, is saying just let everyone have as many animals and types of animals as they want, and they will be responsible. I have found that not to be the case in Leeds for everybody. Some people are responsible, but there are others who have livestock or domestic animals that roam freely. Free roaming chickens, but not down Main Street. I think there needs to be a little bit of order. The government overreach comment, coming from Alan, you are killing me mister because Alan is the only one left here from 2008 who signed it and then writing the petition for them using the government overreach. I am frustrated because I said I would do this, and I do what I say I will do. We are working on this and it is hard to have the communication of talking amongst ourselves. We need to be able to communicate better with the public. For example, people are getting agitated and hostile about Chapter 19, but this Town Council did not write the last one. When I walk into the market and someone gets in my face and yelling at me for taking small rescue puppies from our elderly citizens because they are companion animals. That is not

acceptable. That is what I love about Leeds, it is neighbor helps neighbor. It is not the fighting and hostile intent. Hopefully, when we get to this animal ordinance, it has it broken down by square footage. Most animals are covered in it. It has the dogs, cats and rabbits. It has a separate section on domestic animals on a chart that the Planning Commission wanted. I also put in the zone changes. The current zones do not apply. For me, if you bought in a residential neighborhood, you were buying there with the intent that you knew there were no animals. You may have allergies or a medical problem and you choose not to be around animals. Or you do not like the smell and mess. You should have that right. Let me know what you want to hear from it.

Mayor Peterson said one of the things that I think would make sense, I do want to keep this moving forward, and I will tell you that from a prosecution standpoint, I would not look to prosecute someone in the midst of developing something new here. I do not think we have the time pressure of anything with respect to meeting a specific deadline. I think it would be valuable with this type of situation, you have provided a starting point for the Council to look at. I think in this case, it would make sense, I will commit to get together specific suggestions that I have and send them to Lorrie. I think it is important for everyone else to do the same. In order for this not to become an electronic public meeting, just a quorum of Town Council getting together, I think it has to be a one way flow and then ask Lorrie to be the compiler of the information received from members of Town Council where you would organize it and present it in a way so that everyone's ideas were reflected. We would also need a general consensus about what we should provide to the Planning Commission in the way of guidance with regard to some of these numbers. I am asking Lorrie again, is that your interpretation what the Planning Commission sort of sent back to Town Council?

Councilmember Hunsaker said when they sent it here, they said it needs to be more quantitative and qualitative. They had comments about no gardens allowed in Leeds. I am still confused on some of this. As for the animals, we need to get the public's input. That is what the Planning Commission would do. If we can go over this, I would be happy to put it together and do that.

Mayor Peterson said are other members of Council agreeable to the approach of going over, in detail, what was circulated by Peggy and getting back to Lorrie with it in advance of our next meeting, preferably giving her time to consolidate what she gets and not getting it all on the Tuesday before?

Councilmember Roberts said I am supportive of reviewing it; however, I am going to push back a little bit when it comes to... The Planning Commission wants us to draft it and send it to them. They are looking for numbers. I can tell, the petition intentionally is not going to have numbers because the petition, from my understanding, I helped draft the language on the petition, I had no part in taking that petition to any individual. When you start coming down with a number that is going to be all over the place. There will be many different reasons. You will have 20 people with 20 different numbers. I do not know what the magical number is on anything when it comes to animals. I will make a blanket statement as far as talking about government overreach. Someone who cannot have animals on residential property, that is government overreach. Just using that as an example, someone who cannot have a dog, whether they need it for a companion or because of ordinances in the area where they live, that is government overreach. When you talk about CC&R's in developments, those individuals when they move into that particular CC&R and agree to whatever those rules are that is not the responsibility of the Town. We need to keep an understanding that we are not legislating anything for CC&Rs or a specific development. We are looking at land use ordinances within the Town of Leeds. Some developments are more restrictive, and they have that ability, but that is not where we want to go. I do want the Planning Commission to be extremely involved in this and whatever information they need to gather from the

public, in whatever form that works for them, and I applaud Lorrie for taking the lead on this. I do agree that they will need some help, but I do not want to be the one who drafts this as a Town Council. They need to fully understand the gravity of the positions that they have and the importance of it when it comes to land use.

Councilmember Hunsaker said I agree, Alan, and thank you for saying that. What would you think of forwarding just the background research without what I have done?

Councilmember Roberts said we can do that plus some other points that you have. I believe we need to present them with something. They are looking for some guidance. What we need to do is help them a little bit to understand the process, but let them go with the process.

Mayor Peterson said how do we come up with the range of things that get suggested? Do we give them the sense of a few ideas that would be forwarded by Town Council and not try to zero in on what we think is best, but just a range?

Councilmember Roberts said let me give you an example. I was on the Council in 2008 when that was drafted. I am going to say it was probably 3 years ago, while on the Planning Commission, Danielle asked in a public meeting how did you come up with that number in that ordinance. And I can tell you it is an arbitrary number. People want a number. In order to better handle anyone who does not want to be compliant, it is very difficult without a number. People will want a number, whether it is Town Council or Planning Commission. I can tell you what my number is ... one less than what somebody is able to take care. But that kind of language does not work.

Councilmember Stirling said Lorrie, in your conditional uses for residential zones, do you have any of those conditions set? Item 6.3.

Councilmember said I think they took everything out in 2007. There are no conditional uses. It would be debated if it would be a permit or a conditional use. The fee would need to be very modest. On the initial one, I do not see any conditional uses.

Mayor Peterson said I feel like we need to give a little bit more input to the Planning Commission. I agree with you, Alan, on they should be doing real drafting of it, but a little bit more range on it would be helpful to get them started in the process. The other thing that I would add with regard to conditional use permits is that I think there is a benefit to be able to evaluate it. Not every property is laid out the same way. There will be some circumstances where I think it would be difficult to capture it in one ordinance. We have a fair number of flag lots... We are not a cookie cutter community. What seems to be the right way to handle things like setbacks and the like, I think you are able to better tailor things for unique properties if you do allow some conditional use type of input. If someone fails to meet the conditions over time, it allows you to address the situation very quickly with regard to that permit.

Councilmember Roberts said I would not dispute that. I would say your fee schedule needs to be reasonable when you talk about that conditional use. That is another form of government overreach in my opinion.

Councilmember Hunsaker said I am in agreement.

Mayor Peterson said Lorrie did mention a very modest fee in regard to a conditional use.

10. Citizen Comments:

Ralph Rohr said I have learned about legislation and how it is being carried out by the Town and the claim of transparency. I have also learned that this ordinance, Chapter 19 Historical, has just come to the surface, but apparently has been worked on for some period of time with the knowledge of the cooperation of the County and also with the knowledge of the museum foundation, without any knowledge being given about it to Silver Reef residents even though we have really expressed strong opinions about it. This explains to me to a great extent why my presentations to the Leeds Town Council detailing the numerous violations of Town law by the museum foundation have been ignored by the museum foundation and by the Leeds Mayor. In fact, at the public meeting on September 26th the museum curator declared publicly that they cannot abide by the law and continue to operate. This admission was echoed in the same meeting by another person who benefits monetarily from the operation of the museum foundation. Washington County claims that they had nothing to do with the creation of the museum claiming they firewalled themselves from the operation of the site. However, their County Attorney communicates regularly with the museum President and is working with them on their various projects. I want to go back in history. The sole and repeatedly proffered justification for this law-breaking operation by the museum is that the site of the museum is historic or a park and several of these excuses have been offered repeatedly. I have investigated these excuses. I wrote to the County Attorney, Eric Clarke, who represents the County as owner of the museum grounds and has worked closely with Commissioner Cox and the foundation President, Ronald Cundick. I asked Lawyer Clarke to provide me with documentation of the historic prior use park excuse. He could not provide any documentation. As a matter of fact, all I got back from him was the anemic response that it seemed to him and the Commissioners that it was a good thing the foundation was continuing what it was doing. Now, I would say to you, I am quite certain that if there were a shred of documentation for the historic prior use excuse the County Attorney would have found it and would have enthusiastically displayed it. Furthermore, I personally inquired extensively at the County Planning & Zoning offices. The personnel there were surprised by what I said. They have never heard of historic zoning or designation and they could not find any documentation for such a claim. As far as I can tell, the historic designation is a fruit of undocumented fanciful and fanatical imaginations of the museum foundation devotees. Mr. Mayor, you have been working on legislation beneath the public radar. I still have not seen this and neither have many of the people in Silver Reef Estates except for the museum President, of course. It seems to me that you are showing a bias for one part of the population excluding many others of us. My problem now is going to be the content of the new ordinance which you are drafting. Will the foundation be exempted from abiding by Town laws that apply to the rest of us? This might seem to be the case. I ask myself why? The following is only speculation on my part, the flagrant partiality of County and Town governing authorities to the museum foundation, along with prior conduct and comments overheard, prior conduct being ignoring enforcement of the law, convinces me that there is more than meets the eye here. The County and its firewalled agent, Mr. Cox's words, and the museum foundation are not satisfied with a sleepy little operation dependent on tax dollar support and/or admission fees. Their aggressive actions in this matter appear motivated by the desire to turn the site into a revenue generating operation, which will include lights, sounds and activities of a wild west amusement park including gunfights, outlaws and whores enthusiastically portrayed by museum supporters. This will be disruptive to our community. Will horseback and train rides be far behind? Will governmental entities bend the rules for the sake of revenue in hard economic times? It is clear to me that the County and Town are willing to violate the rights of most citizens in order to satisfy the desires of a few, most of whom do not live in the Silver Reef area, and some of whom do not even live in Leeds. The record of actions should have a chilling effect on our community, no matter whether you are a museum fancier or not. When the law is broken and

distorted for a privileged few, the same could happen to anyone regardless of where they live or own property. Finally, I think we should wonder if the stories of a historic district exception of the museum property are true. Why it is necessary for the conflicted Mayor of Leeds to re-write zoning laws to establish such a historic zone and share them with the County and museum foundation, but not with the rest of the citizens who live here? Since there is no factual documentation or evidence forthcoming for such historic precedent, the reason is obvious. The historic zoning must be conferred after the fact in order to give a spurious legitimacy to the foundation's disregard for Town laws that the rest of us obey. The Leeds Mayor appears to be the County's agent in this subversion. I am sad to say this is not the American way, but it is becoming the politically expedient way in these declining days of the American empire. I appeal to the Leeds Town Council to correct this situation and to the Mayor, and any other Councilmember with conflict of interest, to come clean and recuse yourself from participating in any way in this issue. Failure to do so will ally you with a deliberate attempt to subvert the law. I am sorry to have to speak like this and I appeal no animosity, but I do think that my statements are factual, and it reflects incidents and reflects my perspective on what is going on. It leaves me sad.

Mayor Peterson said I just immediately want to set the record straight that I categorically deny the charges that have been leveled. This has been discussed at a variety of Town Council meetings for multiple hours back in the Autumn. There was clearly a different set of views with regard to what the situation was with regard to this property. And it does seem that with far too many issues in our political world today, people seem to be convinced they are right, and they started with their conclusion and they work their way backward. I think people will see when the document is made available. It has been discussed and it should be about a month that much of what was brought up in the September and October meetings has been addressed. Does that mean you can agree with everybody when there was a wide range of suggestions put forward?...no. The suggestion that there is a conflict ... The conflict of interest, I raise it during the time just so nobody says I did not. One time there was no agenda item involving the museum. It was brought up in a public comment and a member of the public at that point called me out for not having declared the conflict that I have. It seems to be a misunderstanding that either my wife or my son have received a penny or more in compensation for what they are doing. The Utah conflict of interest law specifically says there has to be a monetary benefit. As I said before, reality and perception. I want to be clear. I do not want somebody coming to the discussion at any point and suddenly finding out that the Treasurer is the son of the Mayor and thinking that something untoward is going on other than volunteerism, which is something that I value in our Town. Our Town would not be where it is today, able to accomplish what it does with the limited resources that it has if it were not for volunteerism. I applaud volunteerism and I thank people for providing it.

Ralph Rohr said Wayne, I am not speaking of different perspectives. However, when I am speaking of is documented facts of all those different views exist. I am not accusing you of doing anything illegal monetarily with your wife or son, but I do say that you have an interest in their welfare and the welfare of the project that they are involved. That is all.

Jo Puntel said thank you, Ralph, for the comments you made. I would also like to let Town Council know that there has never been a meeting up here with the people who live in Silver Reef Highland and also the Silver Reef area regarding our position of what we would like in this historic district. It has been County. It has been magic dirt. It has been R1. And now it is a park. My question and my concern are that the people who live up here are affected by the amount of traffic and the amount of visitors who are up here roaming through our neighborhood. The safety of it. You need to communicate with us first as well as the Town of Leeds. We are the ones most effected. I applaud Ralph for the things he said. And I want to caution Town Council. Being on this Zoom meeting and watching people, especially the Town Council

starting point. The starting point of that ordinance should be to address the concerns and welfare of the people in the area most impacted by that ordinance. Town Council really needs to consider that and consider what Danielle Stirling had to say about her concerns regarding the ideology of that ordinance. It should not have started with a business interest being addressed. That suggests by undertone or otherwise a self-serving interest, a preferential treatment or an agenda that has been heretofore adopted that led to that initial stage of an ordinance. That is simply wrong, guys. That is the wrong starting point. I know you are going to redraft it, but redraft it differently. Somewhere down the road take into concern the business interests of the Cosmopolitan and museum, fine and dandy, but that should be 10 out of 10 items. The first 9 should address the welfare and concerns of the citizens most impacted by an ordinance that perhaps needlessly changes zoning. I thought it was residential, guys, but maybe it is park. Let's leave it residential and park. Why change it to historical and bring in any other commercial businesses whether it be horsey back rides or carnival atmosphere or shootouts. The people's concerns need to be addressed first and foremost.

Rhonda McLaughlin said I just want to make a statement. You used the word volunteerism. My company actually gives me 8 hours a year for volunteerism. I would like to throw that out to the Town because I would like to use it in our Town.

Mayor Peterson said I appreciate hearing that. If you would not mind, I will give you my home phone number.... I would be happy to talk to you about some of the opportunities that we might have. I look forward to talking to you.

Susan Roberts said just for the record, when you guys talk about the wild west shootouts, there is nothing illegal going on up there. I can come up there and shoot blanks all day long as long as I do not go past the noise curfew. There is nothing wrong with that. For you guys who have a problem with the Cosmopolitan, you guys moved in there long after the Cosmopolitan ever opened. If you have a problem with it, there are a lot of places in St. George that have gated communities that you could move to. It really bothers me for people trying to take away history. You see it on TV all of the time. I see it all the time. People are trying to erase history, pulling statues down and doing all that kind of stuff. This is Leeds. There is history up there and there is not a problem. The only thing I see is maybe the Cosmopolitan might be able to take part of their property and make a parking lot. Other than that, maybe you guys should move to a gated community.

Ralph Rohr said this is a reply to the most recent comments by Mrs. Roberts. I have lived here 13 years and the museum has been a delightfully quaint and quiet place attracting small numbers of visitors with historic relics and western art. It is the turning of the museum grounds into an event center that disturbs me. Their scheduled events create dangerous situations on the roads. I frequently find people stopping in the middle of the road and there is the possibility that there will be a serious accident. I am all for the museum operating in a historic fashion. For the museum, not particularly the old Cosmopolitan restaurant, being used as an event center.

Ron Cundick said Ralph, you know that is not true. It is not used as an event center. We stopped doing that a long time ago.

Susan Roberts said it can be used as an event center. There is nothing here. If we have weddings ... there is nothing in Leeds that we can rent.

Ralph said I cannot respond to that. Ron Cundick said the County has made it clear what they want done to the property, but he has no documentation. Secondly, he says he is willing to talk to people. I did attempt, and I probably initiated all of this when I attempted to talk to Ron on one of our morning walks. He rebuffed me. I told him I thought there were some violations of law and he said as far as his law was concerned there were none. He said it was going to continue the way it was whether we liked it or not. That is a direct recording of what he had to say to me. I tried once more to approach him in friendship, and I got the same sort of rebuff. He is very angry with a lot of his neighbors in the neighborhood. Finally, the biggest, important point is this resolution that you are drawing up. Is it going to allow the museum to operate outside of the Town laws because they are not about to make necessary changes to operate within the laws? They have not been. Are you going to let them operate outside the laws with this new resolution? What is the purpose of it?

Mayor Peterson said I can tell you that it tries to address all of the different aspects. Every zone has reference to different subsections – such as signage and such as parking and it attempts to set what would be a reasonable level for the activity there.

Ralph Rohr said the current laws of Leeds or will they be changed for this district?

Mayor Peterson said I do not understand your question. What I am saying is that it will be an ordinance that tries to address all aspects of operations there, which would be the different types of laws that there are. It is meant to be something that covers the anticipated circumstances that might arise in the area and specifies what is permitted and what would potentially require some sort of conditional use approval. It will try to lay things out. It is a starting point that can be worked over by the Planning Commission with a Public Hearing, and with the Town Council.

Rick Carson said sounds like you somewhat have the cart before the horse. It sounds like the decision has already been made to change whatever zoning is in place whether it is residential or park to a historical designation and then go from there. Is that accurate or inaccurate?

Mayor Peterson said I did say when I introduced this that 2 different County Commissioners spoke to me at a meeting that we were jointly at. And just said what can be done to resolve this confusion that seems to have the land that was dedicated to the County as a park is somehow residential right now. This is something that I think allows us to try to spell out as a Town, and I do very much want to get to the point where we can share something, is the rest of Town Council with the community. I think you will find what was raised in September and October is addressed in the document. It cannot include what everybody wanted because people wanted a wide variety, but it is a starting point that can be discussed from that point forward.

Ralph Rohr said I just ask where there is documentation that it was dedicated as a park. I keep hearing all of these opinions...

Mayor Peterson said I will be happy to forward to you documentation by email no later than tomorrow morning.

Ralph Rohr said okay, but also, would it be possible for the Silver Reef residents to see this document that apparently the museum, the County and you have been working on?

Mayor Peterson said the County is just starting to work on it now. They have assigned the attorney, Natalie Nelson, to it. As I said, within a month they will be back and at that point the document will be available for circulation.

Ralph Rohr said so it has already been shared with the museum?

Mayor Peterson said the County did ask that I share it with them as their tenant in the museum operating that particular facility.

Ralph Rohr said they firewalled themselves from the museum is what they told me.

Mayor Peterson said I am not aware of what you are speaking of, Ralph.

11. Staff Reports:

Mayor Peterson said the road work has been completed at the Exit 16 area.

Mayor Peterson gave an update on Stay Safe, Stay Open.


12. Closed Meeting: None

13. Roll Call Vote to close electronic meeting

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	X	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	X	_____	_____	_____
COUNCILMEMBER: DANIELE STIRLING	X	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	X	_____	_____	_____

APPROVED ON THIS 12th DAY OF August, 2020



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder