

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, June 22, 2022

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, June 22, 2022, at 7:00 pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

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 8, 2022.
7. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
8. Announcements:
 - a. Update on Fourth of July celebration and social event
 - b. Ballot Drop Box Located at Town Hall Until 2:00 PM June 28th
9. Public Hearings: None
10. Action Items: None
11. Discussion Items:
 - a. Discussion Regarding Review of Ordinances
12. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
13. Staff Reports
14. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
15. 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 June 21, 2022 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.leadstown.org.**


Aseneth Steed, Clerk/Recorder

Town of Leeds

Town Council and Planning Commission Work Meeting for Wednesday, June 22, 2022

Joint Meeting 6:00 PM

Mayor Hoster: We have Craig Hall and Mark Rosenthal on Zoom

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER	X	
COUNCILMEMBER: DANIELLE STIRLING	X	
COUNCILMEMBER: RON CUNDICK		X
COUNCILMEMBER: STEPHEN WILSON	X	
COUNCILMEMBER: LORRIE HUNSAKER	X	

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	
COMMISSIONER: ALAN ROBERTS	X	
COMMISSIONER: KEN HADLEY		X
COMMISSIONER: TOM DARTON		X
COMMISSIONER: MARK ROSENTHAL	X	

Commissioner Roberts made a motion to approve the Agenda of June 22, 2022.
Seconded by Councilmember Hunsaker.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: Bill HOSTER	X			
COUNCILMEMBER: DANIELLE STIRLING	X			
COUNCILMEMBER: RON CUNDICK				X
COUNCILMEMBER: STEPHEN WILSON	X			
COUNCILMEMBER: LORRIE HUNSAKER	X			

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X			
COMMISSIONER: ALAN ROBERTS	X			
COMMISSIONER: KEN HADLEY				X

COMMISSIONER: TOM DARTON	_____	_____	_____	X
COMMISSIONER: MARK ROSENTHAL	X	_____	_____	_____

Councilmember Hunsaker made a motion to approve the Work Meeting Minutes of May 11, 2022. Seconded by Commissioner Roberts.

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	X	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	X	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	X
COUNCILMEMBER: STEPHEN WILSON	X	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	X	_____	_____	_____

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____
COMMISSIONER: KEN HADLEY	_____	_____	_____	X
COMMISSIONER: TOM DARTON	_____	_____	_____	X
COMMISSIONER: MARK ROSENTHAL	X	_____	_____	_____

a. Discussion Regarding Review of Ordinances

Mayor Hoster introduced Craig Hall attending on Zoom to address the issue to nuisance ordinance and enforcement of Leeds Town ordinance.

Craig Hall: Let's take this from a ten-thousand-foot viewpoint. One of the first questions I ask the legislative body is how committed are you about enforcement? If you are not willing to make people mad we are wasting our time because people will get mad at Town Council. Allan remembers about three years ago when we went after the guy with all the cars on the main street . He lived in Texas and his son was running a car dealership here in Leeds and also in Cedar City. The son got really mad at us and we business here and in pushed back because the owner was the father in Texas and the Mayor, and the Town Council had resolved to clean up the mess. We were able to do it without filing any legal action. We did it through phone calls and letters. It worked, so Mayor, I would suggest we need look at the resolve of the Town Council and Planning Commission to stand up by

whatever you adopt. Now, the basic framework of the ordinances in front of you is you establish the scope of the quality or nature of the ordinance you want to pass. For example, trash, inoperable vehicles, weeds, junk. I think we already have a animal ordinance on the books. If you want to do that the method by which you enforce is the code officer or whom ever you task with the responsibility of enforcing the ordinance will send a nice letter. It would say something like I want to notify you of a violation on your property against town code. We ask you to see if you can correct it with 15 or 30 days, depending on what it is. If not, notice would say something like, if no result within 30 days possible civil violation citation may be issued, or you choose to go the criminal route, which I do not suggest in most instances. It is a civil notice saying that will give you a notice of violation and if you do not correct it with in so many days, a civil fine of let us say \$50 a day will accrue. The notice has within an opportunity for the property owner, to appeal that citation to a hearing officer. That is what the mayor mentioned, saying, I disagree that I am in violation thus I appeal to a hearing officer. The hearing officer decides, or let us assume they do not appeal, then the ordinance is before you the framework before you have a mechanism after we send them one additional notice the homeowners to go in and remedy the situation, such as cutting down all the weeds or removing the junk. And then we send them a Notice of Assessment for the actual cause plus handling fee to resolve that issue, and then a certain amount of time to pay that if they don't and we follow the procedure in the ordinance, we do have the right to send the notice of assessment to the county assessor put on that assessment on the next year's property tax bill. That is about a 10,000-foot overview. Again, I come back to the level of commitment has to be discussed because we can pass all the ordinances in the world but if we are not willing to work the ordinance, go to the end, if somebody says drop dead, and I guarantee some well, or just ignore you, as the ordinances do not work. Midvale city has run this program for a number of years, because 15 years ago Midvale was a pretty junky city. They hired two full time code enforcement officers and they went after. Over a period of years, they have resolved most of the issues in such a fashion that at this point, they only have one code enforcement officer. They do not have as many violations as they did 15 years ago. That is the 10,000-foot view. Now, does it cost some money to run that program? Absolutely. Does it cost some money to hire a hearing officer? Yes, generally speaking you can get by with the hearing officer for a couple of one hundred bucks per meeting may last an hour or so plus the time to write the decision and to notify the parties. The program can work. If you are committed to. I would not recommend, on most cases, criminal citations. First of all, we have a higher burden of proof. Second of all, we have to have a prosecutor. Third if they are found guilty this is not a Justice Court setting generally. Generally speaking, the Justice Court Judge will let you have time and do nothing more than the property owner said he will say, hey, the judge did not order me to remove it. I paid my one hundred bucks fine. So go away. Generally speaking, I do not recommend the criminal track. Civil track seems to be much more workable to achieve the goals and a desires of the town. I am happy to answer any questions. Sometimes the program is not Swift. If they wait to the 29th day on everything may take months to get some resolution, but you can get resolution.

Chairman Swenson: Danny Swenson, Craig, I am with Planning Commission. You mentioned in your in your opening assessment about next year's tax base. The thought

there being that would be where we would recover cost? All cost or does that include the penalty for their actions.

Craig Hall: The ordinance generally provides for civil fines to be recovered, like \$50 a day. There is a cap Unfortunately. I do not remember what the cap is. We do not want the \$50 a day to run for a year. That is a bunch of money. Usually there is a cap of 500 or 1000. But you are also entitled to recover the actual costs and remediating the problem. Let us say you remove junk; you have to rent a garbage bin. And let us say it is 150 \$200, to pay for the bin, time and effort and let us say it comes to \$1,000, you can get the civil fine plus the cost of remediating the program.

Chairman Swenson: Got it, thank you.

Scott Messel: Calling one eight hundred junk come and clean it up, we can get our money back.

Craig Hall: It does have to be in a competitive mode. So what I've advised my city from the past is once a year, early in early January, you bid out these types of services, so the contract on a fixed fee or an hourly basis, so that you don't have to go out to bid or find somebody every time that somebody's entered into a contract with the city for a period of time to provide those services.

Mayor Hoster: Craig, two thoughts. The first is that most civil circumstances involve damages. Is the city liable for not participating in some sort of an ordinance enforcement that results in damages to an individual? Does the city hold a liability in that?

Craig Hall: Very remote? I would not worry about that.

Bill Hoster: Okay. And the second is, as you know, we are considering annexation activities in the near future here wanting to work with citizens who are not in leads for probably for that reason, they don't like all the ordinances and all the all the rules and regulations are associated with a municipality, it's almost like moving into an HOA. I am concerned about some of the dynamics that are in our town of I do not know, like you brought up that the animal ordinance. I mean, gosh, I am glad I did not attend that meeting, and just did it by zoom, because it was so hot and heated. I am really concerned about citizens seeing enforcement and not enforcement almost on equal planes of, of support, and saying, look, I do not appreciate my property value being diminished, because my neighbor has this hazard existing next to me. I do not want to be a part of Leeds because I want to have X number of chickens in my yard or something of that nature. So, you know, I look at the ordinances as they stand now. Some of them seems so outdated and antiquated that they have to be a part of the conversation in my opinion. If we were to enforce some of them.

Craig Hall: that is true, you got to be consistent. If you are not consistent.

Chairman Swenson: 100% consistent with the small one and the large one. \$50 \$1,000 has to be consistent.

Mark Rosenthal: What would you estimate the percentage of criminal charges that were actually pursued.

Craig Hall: Let me give you an example. This one that I did today I represent the city of Alpine. We had a lady that has seven dogs. She is ignoring the letter from the code enforcement officer. And I actually sent the letter from our office today saying you got until July 31, to bring it down to four. Four is the acceptable number in Alpine. Going back to your question, I would say, with the exception of animals, it is probably close to 100% civil. We have some vicious dogs, we have some dogs that bit people, perpetual running and at large cetera, et cetera, A different environment in Leeds. People just were not taking care of the animals and so city council, city manager and the mayor made the decision that on animals they would do criminal citations.

Councilmember Hunsaker: For health, safety, and welfare then it would go to criminal but otherwise we would just do the escalating civil fines.

Mayor Hoster: Yes,

Councilmember Hunsaker: Hey Craig, it is Lorrie Hunsaker. Do any towns have an enforcement officer like per case? Like we were doing with our hearing officers, so you would not have to have a full-time employee and just if there was, because we do not have that many issues that come up. Do any towns do that?

Craig Hall: Well, I can tell you? used to hire police officers to get paid on the number of tickets he wrote. I would not suggest you do that!

Councilmember Hunsaker: Okay.

Chairman Swenson: In regard to your comment. I had thought in the past, since we probably were not going to hire a code enforcement officer, what we always have is a mayor and in Planning Commissioner lead. It is always good to send two people out for any issue. We always have those two. They could work as complaints come in; the two heads of committees would go together. And to bring it back to committee.

Mayor Hoster: That's a good idea.

Craig Hall: I would say a couple of things. Number one, we always document, document, document. Pictures, a pictures are worth one thousand words. I would be very hesitant to send a Planning Commissioner and/or the mayor out to be the code enforcement officers. You have too many hats you wear, and that just complicates the issue. To be honest.

Mayor Hoster: I have talked with enforcement officer for La Verkin and because we had a complaint, the same complaint, on those signs. They also contacted Toquerville and La Verkin in because they have signs, apparently on their properties and their enforcement officer called us and spoke with me about enforcing that code there, and what have we

done and so forth? And I said, well, hey, why don't you come on over here and work a little bit? And she said, Yeah, I can, I can do that. And so cost on that would probably be somewhere in the neighborhood of 10 hours a week.

Chairman Swenson: We've asked, and I have thought about that coming up. We have asked, and yet, that is not going to change. Right? They are obviously not going to take them down, so it has to go to the next level.

Mayor Hoster: Right. They have not taken those down.

Chairman Swenson: Right. We just said Hey we would like you to and yep, it has not happened.

Craig Hall: Let me suggest this, is the Toquerville or La Verkin code enforcement officer full time?

Mayor Hoster: My understanding is she is part time.

Craig Hall: Okay. What I would suggest if you were intending to enter into such an arrangement, we do an interlocal agreement with La Verkin to pay them \$1,000 (I am just making this) a month for like number of hours. The individual is not important for working and you do not have retirement issues, etc., etc., etc. Because it is not our employee, we are just sharing services and be reimbursing them for their efforts. So, if you go that way, I suggest we enter into an interlocal agreement with Toquerville or whomever it may be to those services, and not with the individual threat.

Mayor Hoster: Team, I am hopeful that we can identify if this is something we should move before the Town Council for consideration. As it has been presented here, as I read this, there was not anything that I would actually strike on any of this, I thought it was very applicable for a town our size. Again, the only hesitations that I have are the costs that could be associated with this for the town and balancing that against the problem. Are we overreacting to the Nuisance Complaints? And then there's a couple of them that are outside of that realm, but not very many. If I could just get your opinions on that, and then we will move on to the annexation dialog.

Councilmember Stirling: What are the top five nuisances that you find at this point that people bring to you?

Mayor Hoster: The nuisances that I have heard since January, have been clutter, vehicles that are leaking material, whether it be gasoline or battery acid, driving, multiple vehicles. And yes, undriveable multiple vehicles. also parking in along the front of their property or their neighbor's property, trailers are being occupied, and that are draining they are black and gray water on to the streets. The others I have heard are dog problems, pet problems, those are well, and we had the signs. And I am trying to think if there was anything else that was significant. Someone living in the parking lot up over here in the strip mall. And then we just had a recent complaint about someone living in the motel over a here that is

condemned. Oh, and the graffiti. I think that kind of covers the extent of the of the complaints that we have had.

Councilmember Stirling: So, does the enforcement officer take the nuisance calls that you receive? Or do they go around as well?

Mayor Hoster: It is actually outlined in here that most of them are passive. So there once we receive a complaint then it is investigated. They do not typically go out and look for problems to write tickets on. Which I appreciated that perspective. Because that could really be bad to have someone trying to justify their job all day and really annoying our citizens, like sitting out here and clocking everyone who is going thirty-seven miles per hour and writing them tickets.

Councilmember Stirling: One thing that I kind of wanted to go over first. I think it might be advantageous to go over the actual ordinances that we have before we have somebody come in, because we have lived through the animal ordinance, I do not even know how many times, and let us say somebody decides to do the chicken thing again. We have it on the books that you can have so many. We need to go through these ordinances before, we actually have an enforcement officer that will come and say, hey, you have chickens, you have whatever animal and then blow this up. Again, because we have had years and years and years of individuals wanting to turn it one way or wanting to turn it another or wanting to have animals when they are not allowed to have animals. It is something to think about, if we really actually start having a code enforcement officer, we better be dedicated to the ordinances that we have.

Mayor Hoster: That's a strong point. And I think either way, if we go with an ordinance officer or not, we should address those so that they are appropriate, and they are not just wasted paper. Very good point. I agree. And I think if we do that regardless, and then assess, once they are done, do we want to have enforcement with what we have produced. In my opinion we found most of the time a letter will work. Once somebody is aware that they have had someone complain about them, they are a little embarrassed, or maybe I have to go out and visit a second time, I have had one circumstance where we did bring two property owners together with mediation. Hopefully, that is moving in a positive for direction, but for the most part, a letter has sufficed. What I am finding is our car city is growing. Some of the complaints might be expanding outside of the ordinance of nuisance. I am a little concerned about that. Some of the nuisance, violators have not reacted, and it is just a letter that gets kind of tossed, and they know it has no weight. And we have had, even on social media, some people complain that, oh, well, you know, Leeds does not do anything, just do what you want anyway which is not fair to the citizens of Leeds. So, I am hopeful that we can provide that service to our taxpayers of knowing that if we are in a community that that will all adhere to the ordinances as prescribed, and there is going to be the outliers and those outliers' kind of get enforcement. So, would everyone agree then that we definitely move forward with reassessing our ordinances and aligning them as appropriate, bringing those before Planning Commission and Town Council while also over the next 30 to 60 days giving consideration before about

proceeding forward with ordinance enforcement to Town Council to be under consideration? Are there any objections to that?

Commissioner Roberts: I am supportive of that. When we look at the ordinances, you need to make assignments, specific assignments, whether it is to the Planning Commission and allow the Commissioner chair to make those assignments, if that is where you want to start. More specifically on any of the land use stuff because if we just throw it out there, yeah, we need to look at, okay, that will sit there and hover around in the atmosphere for a long time. You need to specifically say, you are going to be looking at this particular ordinance and you this one and you this one.

Mayor Hoster: Well said. Councilwoman Hunsaker has some past work that has been done on allocation of those that she can share with us through email and not take up any more of our time. Some of those have been divvied out if we are in agreement of that. We will go ahead and receive those if there are further questions, please let me know. And then we can redress or reassess where those ordinances go, but at least that will allow us to get the ball rolling in the right direction. If we are in agreement that we will go ahead and take some more time, consider these, talk to your constituents, and identify if this is a method to move forward with. You have given us some careful thought. Any other comments on this before we move on to the annexation discussion? Any other comments or questions online there, Aseneth?

Craig Hall: Give Hyrum and I some latitude to clean up what we have given you. It needs some work before you start doing that, because we cut and pasted from the other cities that we have done, so let me clean it up a little bit in the next week or so. I will get it down to you, we will not spend too much time.

Mayor Hoster: Okay, awesome, that will be great so attending members understand that we'll be receiving a new version of this proposal for code enforcement. If there is nothing else, I would like to spend the remaining time discussing our annexation of which our attorney Craig Hall has been instrumental on as well as our town planner, Scott Messel with regard to how that process works. If I could take a moment and just kind of tee things up.

I am going to be very candid; I know this is public record. I will be a little bit conservative in my choice of words. I want to make it very clear that I believe, after hearing from a lot of our constituents, that if we don't have any say about what is going on with the Mills Property, if we don't have any ownership, or control over that Mills Property, anything and everything can come to fruition of whatever is at the whim of the town of Toquerville. We have been civil with Toquerville, I have no problems with Toquerville. I want to make that perfectly clear. What we have is a developer who has started to position the county, the Town of Leeds, and the town of Toquerville against each other. I have had conversations with the city manager of Toquerville as well as their mayor, as well as our county commissioner, Gil Almquist, and identified what their attempt to do is get a resort zoning for that property, which is going to include the five-star hotel, the wave pool, the multiple overnight vacation rentals, and also for commercial development. All of those things are not bad. But what I do see is that this resides on the absolute outskirts of that

town, it is not going to impact them negatively for infrastructure at all. Will it impact negatively on the Town of Leeds currently today? No, the exit is way up there and it probably would not. But the reality is UDOT is already talking about putting an exit down here on Ninth north, or somewhere nearby, because the developer has said we need an entrance and an exit. These conversations are already starting. Given that background and understanding that now, if they do put an exit toward the south of that it can impact us negatively, as well as this bypass road that is going around Toquerville. They want to run a connection on Babylon. Will that happen in my lifetime? I do not know. But what I do want to make sure is that we are planning for the future of our town. I see that this is one of the most pivotal points of our administration to make sure that we are making the right plans and foundation to assure the success and future of the Town of Leeds. That is consistent with our General Plan and with our Annexation Policy Plan. In our General Plan there is this effort to try and remain rural, but we also realize the effective growth needs to be managed. Per quote, in our Annexation Plan, that area does reside within our annexation boundary. What I want to ask this committee in this work session is if this is something that we want to pursue, annexing it into Leeds? If that be the fact, we have a series of steps that have to happen sequentially, and they have to happen fast. The developers have already petitioned, without advising anybody even the county, they have contacted and formally petitioned Toquerville for annexation. Michelle Poet provided me a copy of some of Toquerville efforts toward their General Plan update. I understand they are also in dialogue with their city manager for an Annexation Plan Update to incorporate that Mills area. They can overlap, there is nothing wrong with that. We hold a good position in the fact that we kind of beat them to the punch a little bit in having our General Plan done before there's. That is about it. Now, if this goes before the county committee, I cannot remember the name of it, and they look at all of the evidence, we are probably in more favor if we have a couple of other things in alignment. I am rambling a little bit with a lot of information. So, I apologize. The other key component of this is that it is really up to the property owners, when it comes down to annexation. Given that consideration, we have an option, and that option is to play the ratios. By playing the ratios I mean that we are going to target 50% of the property geography and one-third of the assessed value.

Craig Hall verified that it was one-third of the assessed value.

Mayor Hoster: So, that is our when we walk into Vegas ratio. If we have that, now we can get those people who do not want to join in to join in, which would be the Mills property. Now, it sounds a little bit, I don't know. Maybe forceful?

Craig Hall: Land grabbing.

Mayor Hoster: Land grabbing is a good one but darn it Craig, that is not the one I was looking for. That one is a little mean. We are trying to annex areas into our town to make sure that if there are developments that are going to impact Leeds that we have a say in it. To do that requires us to take this path. I wish there were another path. I truly do, but that is not the case. In initial dialogue with the mayor of Toquerville, we thought maybe we can have some sort of inner-local agreement, further investigation reveals we cannot

do that. So that one is out the window. We have tried to look at all of the other options that could exist that would enable Leeds to have a say and a financial tax base. There has to be a huge tax base benefit. So, there is that component. Considering all of these components, I guess the first thing I need to identify is if this committee believes that annexation the property is what is best for the Town of Leeds. If it is not, that is fine, too. That is something to have open dialogue about. I would like to open it up with this,

Chairman Swenson: you have to consider that it really does not matter whether this proposed property use goes through or not. Something sometime will. It is going to expand. Something down the road is going to go through and we need to head that direction, or we need to say, whatever is going to happen is going to happen. We are not going to be a part of it. It is really pretty simple. You know it would be foolish not to be part of it or have control and to take the tax benefit. I have heard rumors, I was not around at all but, you have the Walmart distribution that was sent in, there was a proposal for us to incorporate that area and at that time. We did not want to. Whatever the reason may be, we do not have that tax base either. So, all that is gone, right? This is the future. Something is going to be there. Whether we have water now or not we need to be part of it. Otherwise. I mean, we are going to have complainants one way or the other. Our complaints are going to be of no value if we do not have ownership.

Mayor Hoster: I think Susan's comment about the water is very relevant at this point. I have been in a lot of discussions with the Water Conservancy District as well as Ash Creek Special Services District. Both of those have been attached to the development up here and that will add some complexity to our water system and our sewer system. We will have a part of town that is on the Water Conservancy. We will have a part of town that is on the LDWA. Now, the way that those would facilitate are different. We could look at the LDWA providing that water up there if the water resources are available in LDWA. We do not want it to compromise current residents and the Will Serve letter could be provided by the Water Conservancy up there. It would just be bought from the Town of Leeds, and then resold probably through LDWA to that area should that happen. Since that has been brought up, those dialogues have occurred. How will that happen? If we do not annex it, it goes through Washington Conservancy District anyway.

Commissioner Roberts: Ultimately what it comes down to, Craig, correct me if I am wrong on this, municipalities do not annex. Property owners petition for annexation. If you cannot get property owners on board, it is a moot point anyway. We could sit here and talk about what we would like it to be. I will give you a couple of examples because I personally approached two large property owners in the past as a mayor. One was Jerry Glazier on the mining property, to bring that into the town of Leeds hoping to gather up some federal lands with an annexation. Jerry declined. I needed large property owners, so I went to Cockerel, and he also declined. Their reasoning was they did not want their properties subjected to the rules and regulations of the Town of Leeds or any other town. The mining property had even more value because that mining property has the ability to mine, still. They literally could do mining on that property. They have that right. When it comes into the Town of Leeds or any other municipality, that right very easily could be squashed. I

just use that as an example of the property owners may want to leave be the way they are.

Mayor Hoster: Yes, it is a great point. And, Craig, I am going to just add context to that appeal. If you will answer that, and we only have about 10 minutes. I will be quick. My understanding is if we get the surrounding properties, and we have the 51% of geography one-third of the value that are in favor of the annexation, the Mills property would have to fall in, being adjacent to the application. Is that correct?

Craig Hall: I do not think you are accurate in the way you describe that. If you drew in the annexation petition boundaries to include the Mills property and got fifty-one percent, I would suggest at least 60% so if we lose somebody we still get our fifty-one, but if we have our 51%, including the Mills property, they cannot do anything about it. But you have to draw your boundaries big enough to enclose the Mills Property. As I understand that we have about 1,100 acres, and the Mills property is approximately two hundred, more or less and we need to remember, as you and I talked the other day, we do have one parcel that is in the... I am going to screw this name up... Agricultural Protection area, and they can exclude themselves. So even if we have 50, 60, 70, 80 100% of the property and the owner of the Ag protection areas says, I do not want in, they are out. Regardless of what our numbers are.

Mayor Hoster: Can you address for everyone how that would work if they did want to come in and yet retain that AG-protection?

Craig Hall: I do not know, Mayor. I do not understand how they would maintain that AG-protection area if we annexed them, so I need to do a little more homework on the process. I am not sure.

Mayor Hoster: Oh, okay. I was under the impression they were able to retain that, and it worked in the opposite direction negatively toward them. Scott has something to add to that.

Scott Messel: Yes, my understanding with AG-protection is that it was set up as a way to keep some of the feedlots or larger operations. It came out in the nineties, back when Draper was really developing and there was pressure from development moving in around agricultural properties to get them to cease operation. The Ag-protection was set up so whether it was in a city or out of a city it could still operate within that AG-protection. It is the right to have your farm operations on there without the issue of nuisance enforcement and that type of concern.

Craig Hall: Scott, you are absolutely right. There was an example in Spanish Fork with a meatpacking company got run out of town also in Draper, Dale T Smith meatpacking property in the west side of the freeway. I think Mayor Smith was the mayor of Draper a long time ago, he chose to relocate his business. He was not forced out.

Commissioner Roberts: there is two different things here, Craig. One is the agriculture protection. But the other is if it is put into a conservation. If the property was put into that agriculture conservation, those are two different things.

Craig Hall: Right. You are talking about a conservation easement. On that the land cannot be sold for condominiums, for example, because they have taken away that bundle of rights to build the condominium by the recordation of the conservation easement. You are absolutely correct. That is different issues. That is how most cities protect Open Space.

Mayor Hoster: In summary and conclusion, then, it stands to reason that if the Town of Leeds elects to pursue our annexation plan, what we have is the ability to then petition to the landowners the reasons why it would be beneficial to annex with the Town of Leeds, which is a segue from our previous conversation on modifying some of the ordinances. Nonetheless, to continue the thought, is the Town of Leeds petitioning these property owners with the advantages of being a part of the Town of Leeds, and if we are able to secure 51% plus of the landowners with 1/3, the value we can secure the Mills property into our area and be able to have some sort of a say, no matter what development goes within that area.

Craig Hall: that is a fair statement, Mayor. The Mills property folks are going to play Toquerville and Leeds.

Mayor Hoster: Yes sir, so before this committee, I would ask if this is something we would like to pursue? If we do not, the answer is either way, have credibility. We need to identify if we want to move in that direction. What it will take is volunteers to petition those landowners with the reasons why they would want to be a part of Leeds. If we can achieve that fifty-one plus percent and 1/3 value, then we have a position to be able to secure the Mills Property into the Town of Leeds. As mentioned in the email that I sent out, we may have to consider some areas that are not areas we have considered in the past which could be Homespun; depending on how the current property owners in that area respond. If some of them say we do not want that. We may have to go over and talk to Homespun and see what our options are there. My whole goal is to say, "How can we do it?" and to present that, which I am trying to do tonight. If that is something that we want to do, this is how we can do it.

Chairman Swenson: If we do not do it, we get what we get.

Mayor Hoster: Right, If we do not do it, we get what we get.

Councilmember Wilson: We're stuck with it, could be good could be bad.

Mayor Hoster: I 've spent the last two months trying to find out how we can do it.

Councilmember Wilson: And so, it has come down to basically this is our option and I guess the developers probably chosen to go with Toquerville. You have been working with him, and I suppose it's probably easier for them, but.

Mayor Hoster: My understanding is, they have had a shift in some management there. I have not validated it yet, but their concern was it takes forever to get anything done in Leeds. We have volunteers who work to try and facilitate this town. If we get these larger developments it is going to require a staff of people that come in, and we have to have a full time building department person that is going to process building permits and facilitating those things. Toquerville has committed to do that for them. They are not sitting on this. We just saw interest rates go up another point and a half, so they are worried about those things, and financing their operations, understandably.

Commissioner Roberts: They ought to be more worried about the wind than their financing. That wind is a lot worse than the financing is ever going to be.

Scott Messel: Softball fields and wind.

Councilmember Stirling: One of the things we need to look at more so is when you annex into the town who actually determines the zoning at that point. How are we going to know what parcels are coming in at what capability to be able to facilitate infrastructure.

Commissioner Roberts: Generally, the property owner is the one that is deciding what is the zone of what I want. I am coming into your town, here is what I want to be able to do with my property. The property owner is first in line of saying here is what I would like my zoning to be. If it is open space, and it comes in and the property owner does not say anything, it stays what it was when it was annexed.

Scott Messel: Yes, the state code calls it out and says the municipality can determine what the zoning is at the time the property is an annexed or accepted. Often, I have seen with jurisdictions when someone is annexed into the city, the property owner developer at that time is already working with the municipality in determining what type of zone.

Mayor Hoster: In the annexation plan, what we intentionally did was provide the five-acre parcels. That is the largest that we could do within building so that whatever the landowner wanted to do, would be workable from that angle. According to Brad, they could choose to go either up or go down depending on them. That is what we did on all of the annexation plan outside of the boundaries of Leeds proper. It is that five-acre ability to go residential five acre.

Councilmember Stirling: And I understand that, but the bigger picture is how much of Leeds can actually sustain this land coming in. How can we actually sustain these individuals? Because if we are going to be talking to them, and they are going to be saying, you know, we want to do a development of five hundred homes, 7,000 homes for some of these developers, they have big ideas. We need to understand what is in the capital facilities plan that we can actually maintain because why bring them in if we are just going to set them up for failure. We are going to be setting ourselves up for failure if they come in with a particular zoning and they say this is what we want but Leeds cannot sustain that.

Commissioner Roberts: Well, you have to be professional. You either step up to the plate as a municipality, or stop being a municipality. That may sound harsh, I have made this argument in the past. Why does areas incorporate to begin with, so they can manage what is happening around them? If they do not want to invest in the ability to do that, then go back to the counties where you came from. That sounds harsh, and there is not a county out there that wants to do that. Not even. Not even! They do not want to do that. They would rather some other town gobble you up then to come back in the county, but that is really what it comes down to. If you are not looking at being able to manage what is going on within your area, then pretty soon you are just a small dog. You just exist. In my opinion, that is a lot of what Leeds has done is just existed because They fought any kind of development. We will not get into the specifics. But there is a number of them that you would look at and just wonder. That Hurricane Industrial Park is a perfect example. There was just so much pushback because of fear of some growth, that the landowner goes, I am going to another municipality. There is not a doubt in my mind what the mayor said about the owners of this property up here. Leeds is not easy to work with. You do not believe me? You talk to any mayor that is in this county. They all know what Leeds has been like in the past. These developers go, we are going to Toquerville.

Now, we have battled with Toquerville. I thought we had a better understanding of where our potential annexations are. Keep in mind when we set up these potential boundaries, it is not set in stone until properties start looking for annexation. That is what locks them into municipalities. We spent a lot of money battling Toquerville. Do you remember that? And a lot of heated discussion. That discussion was driven by some specific landowners. Those boundaries were adjusted to accommodate those loud landowners. I say, if Toquerville annexes in this property, including the public lands that come with it, which is far more than the Mill's property and that is what thereafter, thereafter public lands and public lands should be for public use, I say right on for public use. But if you look at Homespun, they can push back all they want. If it creates a substantial Peninsula, they will pull that in immediately, because the County Boundary Committee will look at that and say, you are not going to create that island. If you have sufficient property value, you are bringing that in. You got to look at the entire dynamics of it.

Mayor Hoster: To add on to that, which I think is kind of why anybody would want to do that is that if we do not, like Danny's point, we will not control what is going to happen to the north of them, which will negatively impact their properties.

Scott Messel: The impact without the benefit?

Councilmember Stirling: I completely agree with you. But what my point is, is that we have to look at the zoning now versus later, because if we are going to allow say somebody wants quarter acre lots, and we know we cannot sustain that, not because we do not want to, but water is absolutely depleting in Washington County. At this point, there is not that much left.

Mayor Hoster: Another really good point.

Councilmember Stirling: If we are looking at doing this, I am not against the annexation, what I am against is not analyzing that zoning with a fine-tooth comb to see actually what Washington County Conservancy can actually do versus saying, go ahead and come in, you can have as many high-density houses and then we cannot sustain that. That was my only point on the zoning part.

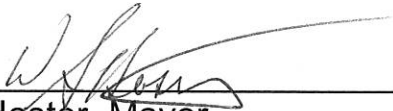
Mayor Hoster: Well taken and I got you. A lot of that does reside in Washington County conservancy right now. And they are actually divvying out the will serve letters right now, as we speak. We are not at the table. We are on the standby table. So, this dynamic is certainly a component of that discussion with them.

Ladies and gentlemen, thank you so very much for your time input and consideration into this meeting. We have gone over on the work meeting. I do need to segue into our Town Council Meeting. At this time if there are no other further comments or suggestions. I wish to adjourn.

Commissioner Roberts a motioned to adjourn.

Adjournment 7:06 PM

Approved this 13th Day of July 2022.



Bill Hoster, Mayor



Alan Roberts, Commissioner

ATTEST:



Aseneth Steed, Town Clerk/Recorder