

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, March 22, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, March 22, 2023, 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. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of March 08, 2023
6. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
7. Announcements:
 - a. Agreement for Election service with Washington County for 2024 Municipal Elections
 - b. Resignation of Planning commissioner Jennifer Luft
 - c. Easter Festivities and Egg Hunt, April 8, 2023, at 9AM in the Town ParkConcerned Citizen Presentation by Michelle Poet
8. Public Hearings: None
9. Action Items:
 - a. Action regarding conceptual plan for a booster pump station facility presented by Water Conservancy District consultants Aaron Anderson, and Randy Johnson
10. Discussion Items:
 - a. Ordinance 2023-03, Leeds Water Authority
 - b. Health Department representative and Council Q&A regarding Sewer/Septic
11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
12. Staff Reports:
13. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
14. Adjournment

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

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

Certificate of Posting.

The undersigned Clerk/Recorder does hereby certify that the above notice was posted March 20, 2023 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.



Aseneth Steed, Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, March 22, 2023

Regular Meeting 7 PM

Call to Order/Roll Call: 7:00

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: KOHL FURLEY	X	

Mayor Hoster acknowledged the passing of Fran Rex, a highly valued member of the Leeds community. He expressed a desire to be guided by wisdom and kindness in all our discussions and decisions, considering both present and future implications. He expressed appreciation for those who serve the town like her.

Invocation: Mayor Hoster

Pledge of Allegiance

Declaration of Abstentions or Conflicts: None

Approval of Consent Agenda and Minutes Tonight's Agenda

Councilmember Cundick moved to approve tonight's agenda of March 22, 2023.
Second 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: Bill HOSTER	X			
COUNCILMEMBER: DANIELLE STIRLING				X
COUNCILMEMBER: RON CUNDICK	X			
COUNCILMEMBER: STEPHEN WILSON	X			
COUNCILMEMBER: KOHL FURLEY	X			

Town Council Meeting Minutes of March 8, 2023
Councilmember Furley moved to approve meeting minutes of March 8, 2023. Seconded 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>
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MAYOR: Bill HOSTER	X	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	_____	_____	_____	X
COUNCILMEMBER: RON CUNDICK	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	X	_____	_____	_____
COUNCILMEMBER: KOLE FURLEY	X	_____	_____	_____

Mayor Hoster announced a change to the agenda policy for this meeting. The normally citizens were not allowed to bring up any items that were not on the agenda, but I have decided to remove that restriction. Therefore, citizens are welcome to make comments on both listed and unlisted agenda items. We will now open the floor to citizen comments. If you wish to make a comment, please write your first and last name on the sheet provided. For the record, when making your comment, please come up to the podium and state your full name. Please keep your comments limited to three minutes.

Citizen Comments:

Hi, my name is Ralph Roar and I'm a citizen of this town. I have some comments that are available here in print if anyone would like to see them. Mayor, I'll need about four minutes for this, and I hope that's okay. Does anyone on the council object to that? Great. I'm here to express my concerns about the Silverpoint development. I have some facts and a few suggestions to share.

Firstly, there have been official and unofficial tests over the past three decades that confirm high levels of ionizing radiation and radium contamination at the Silverpoint site. Professional recommendations have advised against residential development due to the DNA-damaging and cancer-causing radiation, as well as soil contamination by toxic substances such as mercury, arsenic, and vanadium. The site was previously designated as a federal Superfund cleanup site, but that has since changed to state managed cleanup. This is unprecedented and has allowed developers to have more influence on the cleanup process.

Furthermore, the current remediation process at the site appears to be sloppy and careless, with no guarantee of safety for residential use. The developer seeks to pass on responsibility for continued monitoring and remediation of radiation and other toxic materials to residential homeowner associations. Residential zoning has already been obtained for the Silverpoint development, despite expert recommendations against it. The developer is now demanding water service from the town, despite unresolved questions about the safety of the site.

My suggestions are simple. First, the developer should guarantee the safety of the property for residential use before any construction permits are issued. They should do this by providing a final, detailed, and legally responsible certificate of completion from state regulators certifying that the site remediation protects and ensures no harm from radiation and chemicals. Second, the developer should remain liable for damages due to negligent remediation at the site. Lastly, I believe we should evaluate public input before any formal town actions are taken, as this is our home and should not be open range for profit-motivated developers who disregard the health and welfare of local citizens.

Thank you for your time.

Cynthia Neubauer said, Unlike the previous speaker, Mr. Rohr, I may not be as articulate, but I attended the Water Board meeting last week where the developers were seeking water rights to continue developing Silverpoint. They claimed to have already invested a million dollars in cleaning up the site and once they sell the properties, they will not be responsible for any issues that arise. This worries me as I don't believe any homeowners association could afford a million-dollar cleanup if additional problems are found. I hope the council will take this into consideration. Additionally, the developers mentioned that the community should be grateful for their cleanup efforts, but I don't believe we should be thanking them. Instead, they should be held accountable for any problems that may arise during the development process.

Susan Savage said, I went to the LDWA meeting and the developers talked about the challenges of development and how people always object to it. However, this specific site is a downwinder site, and the developers may not have realized the history of the area. Don Fossen's wife was raised in the area during atomic testing, and eight people in her family have had cancer, with five passing away from it. Their son also had cancer. Uranium processing occurred in the area, and some of the people who mined uranium for Western Coal Uranium have died of cancer. The remediation process required six inches of soil to cover the area, but that has been disrupted. I believe the Crocker legacy, a philanthropic family, should consider the issues tied to this property and possibly invest elsewhere or donate the property. The developers were concerned about trespassing on the property, but it is the owner's responsibility to post their property correctly. There are many public lands surrounding the area, and there are no fences or postings indicating that it is private property.

Darryl Lewis would like to divert the conversation to Action Item Nine on the schedule for tonight's meeting. He was not able to attend the previous planning commission meeting but spoke to residents and someone involved in the town's decision-making process. He learned that the conservancy wants to install a large pump that will produce a lot of noise at the south end of the town. He referred to the general plan that was put into effect last summer, which emphasizes maintaining the rural, open, and charming character of Leeds and promoting an attractive living environment. He reminded the council and planning commission members that they took an oath to uphold the town's wishes and ordinances. He also mentioned that the individual he spoke to implied that the planning commission would approve the pump. Darryl asked if the conservancy could camouflage the pump and insulate it to reduce noise, but the individual he spoke to said it may not be possible. Darryl believes that the town has the sovereignty to dictate how they want to live and hopes that the council will consider his request to camouflage the pump and reduce noise.

Announcements:

- a. Agreement for Election service with Washington County for 2024 Municipal Elections

Mayor Hoster announced the continued agreement for election service with Washington County for the 2024 municipal elections. This this agreement is not new. It's an agreement with them that we already have in place and so we'll be able to continue that.

b. Resignation of Planning commissioner Jennifer Luft

The next order of business is the resignation of Planning Commissioner Jennifer Luft. Mayor Hoster expresses gratitude for her brief but dedicated service in that role. The Planning Commission will now be open to alternates to fill the vacancy, and then a new alternate will be sequentially identified. This position was previously held by Mark Rosenthal and is set to end on June 30, 2024.

c. Easter Festivities and Egg Hunt, April 8, 2023, at 9AM in the Town Park

An announcement was made about the upcoming Easter festivities and egg hunt, which will take place on April 8th at 9am in the town park. The community event will have something for everyone, from children to adults. It will begin with an Easter egg hunt and will also feature a photo opportunity with the Easter Bunny, as well as an opportunity to learn about gardening and sustainable living and take home a plant to grow from bloom sprouts. BLOOM or events committee is volunteering to facilitate the event. It is a perfect opportunity for families, friends, and neighbors to enjoy the outdoors on a lovely spring day, and all ages are encouraged to participate. Mayor Hoster personally testified to the heartwarming nature of the event and is excited about it.

Concerned Citizen Presentation by Michelle Poet

Michelle Poet used a Power Point presentation to discuss the potential negative effects of development in and around Silver Pointe Subdivision. The concerns mainly revolve around residual mining contamination and how it could affect the health and well-being of the surrounding area.

Martha Ham added that the history of this land is a disaster waiting to happen. Mining companies contaminated the area in the last century and never cleaned it up. In 2005, Gary Crocker purchased the property, even though he knew of the contamination that was already registered with the state. In 1994, it was documented that the area had elevated radiation levels and was not recommended for residential use. The issue at hand is determining who will be responsible for the problems that will arise if the land is developed into a residential area. The town's legal counsel needs to assist in understanding the town's liability because the mining companies and developers will be long gone. Homeowner's associations, the Town of Leeds, and Leeds Domestic Water Association may all be held responsible. It's time to put an end to this disaster waiting to happen.

The Mayor expressed gratitude to Martha and proceeded to make a few comments and pose some questions for clarification. The Mayor asked where they had received the current readings of the site from. Michelle then asked Ralph if he could answer the question. Ralph replied that the readings were not official, but he had used his Geiger counter and another person in the audience had done the same. They found that the radiation levels in the areas that had been remediated were still one to two times higher than the background radiation levels. Ralph also mentioned that when he went down to the bottom of the big hill mine, he found high levels of radiation, which led him to believe that the radiation was coming from deeper in the ground. The Mayor interjected to confirm

where the readings were taken, and Michelle responded that they were taken on the shoulder of the big hill, which is marked as a hotspot and located on the border of the land that was deeded to LDWA. She also stated that she didn't think the entire area where the water tank was had been remediated.

Councilmember Furley requested to be show on the map where the location is. While waiting for the map to be pulled up, the mayor said he wanted to point out some important facts about the residential and subdivision permitting of Silver Pointe. The documents were approved before the current board came into office and went through a previous planning commission and city council. The town's attorney, Craig Hall, who was previously involved in the remediation of the Murray City smokestacks, is currently advising the town on the matter. However, he is presently facing medical issues and won't be available for a few weeks. The state regulates this issue, and the town's ability to negotiate and bring facts to the state is crucial. The mayor suggested attending the legislative update on March 30th, where the local representative Colin Jack will be present to represent the people's interests. The event details can be found on the Leeds Facebook page, and RSVP is required. If anyone is having difficulty accessing the page, they can contact the mayor email mayor@leedstown.org.

Larry Bruley mentioned that he had been to the location a couple of times with a FEMA-registered Geiger counter using CPM to check the radiation levels. Their purpose was not to satisfy curiosity but rather to ensure the safety of the people. He noted that the radiation levels fluctuated greatly due to the weather conditions. In the middle of summer, they found out that the readings were as high as 3800 clicks per minute, which was concerning. However, after the rains and snow, the levels went down to about 1600, which is about half. As the ground dries out, the radiation levels are expected to increase again, and this is when the dust can become airborne and pose the most danger. Larry wanted to add this information to the discussion and thank the council for their attention.

Michelle Poet explained that the remediation was carried out during the winter. She also referred to a small strip of land that was identified as a radiation hotspot and the open pit was located near that spot. Mayor Hoster acknowledged concerns and reminded all he lives in that area too but expressed his obligation as a town council to follow the law, as well as exploring all options with their state representative and the DRR. Councilman Cundick clarified the long-term responsibility for the homeowner association regarding monitoring, inspection, repairs, remediation, and maintenance. He also mentioned that the only properties subject to the long-term covenant were the hotspots, and not the entire subdivision. He emphasized that the homeowners should be aware of this before buying property in that area. During the discussion, Cindy Neubauer asked if the waterboard had already issued a will-serve letter, but Mayor Hoster clarified that the water department was not regulated by the town.

Public Hearing: None

Action Items:

- a. Action regarding conceptual plan for a booster pump station facility presented by Water Conservancy District consultants Aaron Anderson, and Randy Johnson

Aaron Anderson apologized for not being present at the last Council meeting due to an oversight. I work with Bowen Collins and Associates Consulting Engineers. We're collaborating with the Conservancy District, and Randy Johnson is here as the project manager for the Quail Creek and Cottam Wells Pipeline and Pump Station Project. The district currently has a waterline that connects the Cottam Well system up near Anderson junction with the Quail Creek Reservoir. That water line comes down and provides water to the Casa de Oro and homespun developments also provides water into Hurricane and to the State Park. This project is upsizing that pipeline, and then converting it so it can be utilized as both the feed from the Cottam system as well as a feed from Quail Creek Reservoir that can pump water back the other direction to feed water into the east side of the county. This project was identified as part of the recently completed Regional Water master plan. And as a critical component of meeting our medium- and long-term water needs. And the county as shown here on the slide. It includes upsizing that existing pipeline to a 24-inch ductile iron pipeline. And then in construction of two pump stations and a small storage tank to supply that water. We need a pump station in this location because the elevation gain from Quail Creek to the Cottam Wells system is about 1000 feet. The pressure to push that in one shot with one pump station just isn't feasible, the pressures are too high, it'd be too difficult to integrate that into the system. It's just not a feasible option. He showed a graph of hydraulic grade line and pressure labels, its relatively high pressure, even with two pump stations. We're looking at over 200 pounds of pressure in these lines as they're delivering water up from Quail Creek Reservoir to the Cottam Wells system. As for the proposed location, we've been working with the landowner here and identified this as a potential location for our facility. It's on a portion of parcel L -10-B and L- HFM-1-B. This is on the corner of Red Cliffs Road and Highway 91/Main Street in Leeds. Off the freeway on the main northbound exit, it's that parcel that you look straight into as you come off the highway. The intent would be to realign the boundaries of those parcels to accommodate approximately that yellow shaded area for this new facility. This is the general area where this conceptual pump station will be located in Leeds. This map shows a general concept layout of what that facility would look like the new waterline would come up running through the town, that line would come off come through a small flow control vault on the site into a roughly 125,000-gallon storage tank circular tank. And that would come into a pump station facility that would then pump out and then to the north toward the Cottam Well system. This is replacing the existing pipeline that runs through roads to your town. The elevation or the height would be roughly 15 feet tall, above the ground. The reason for that is we did some geotechnical analysis, and there's pretty shallow groundwater on the site. It's mostly silty clay, so difficult to bury a tank. We'd prefer to try and bury the tank. We may still look at options But right now those Geotech investigations are leading toward that being a difficult thing to do. When this was presented to the Planning Commission, we brought in some sample These are sample district facilities, warehouses, pump stations, these are concrete buildings with concrete roofs. There's a chamfer placed on the form to kind of provide this block style look on the exterior.

Johnson expressed his appreciation for the town's interest and its commitment to the community. He emphasized that their goal is to provide a project that meets their water supply needs while also making the town happy. They do not want to force their plans on the community and are open to working with them to find a solution that addresses their concerns. The planning commission has suggested patterning the building after the Leeds tithing house, which could be achieved using split face block that matches the aesthetic of the stone building. The preliminary rendering shows a concrete sloped roof with skylights, but they are open to using a pitched timber roof that more closely matches the tithing house. The tank would be constructed with concrete, but they are open to tinting it to better match the aesthetic. They recognize and appreciate the town's desired aesthetic and will take measures to limit the noise from the pumps, including constructing the building with insulation. They want to integrate the facility into the community and make it look like it belongs. They are now open to taking questions or concerns.

Councilmember Furley inquired of consultants Aaron Anderson and Randy Johnson whether this location was their preferred choice for the pump station, and if they had explored other options. Anderson explained that they had considered other sites, but the first one they looked at was across the street from the current location. However, that site was marshy, and the owner did not permit them to conduct geotechnical investigations. They then looked at other potential sites but found that the topography of the area limited their options for the pump station's elevation and pressure requirements. The current location owned by Thomas Beach was ultimately chosen as the best option.

Councilmember Furley asked about the slope of the land. Anderson mentioned that it's important to avoid having high pressure, which is why the pump station should not be moved further south into the unincorporated county section. The current elevation in Leeds is perfect for the station's location, so they have focused their efforts on finding suitable locations here. The specific parcel of land they are considering is owned by Thomas Beach, who owns a significant portion of the surrounding property. They have discussed other potential sites with him, but this location was ultimately chosen as the best option after coordinating with him.

Councilmember Cundick clarified that Thomas Beach does not live in Leeds. Councilmember Wilson asked, how big the property was. Anderson replied It's a little over an acre, about 1.15 acres.

Councilmember Furley said from where you have that sight picture, how much fall or slope, or even incline do you find? I think it would be a decline from there, going south towards the hill, that takes you down to Harrisburg, but I'm looking, I'm thinking in my mind, I drive that road almost every day, that can't be that much fall to upset the balance of where to put your pump station for pressure reasons. Anderson said So the further we go down this alignment, I know it when you're driving, it probably doesn't seem like you're falling quite as much. But you'll come down here and you're going to hit this big drop here, as you kind of dropped down, I think this is that big drop is before the substation going into Harrisburg. But every mile or every foot, we move down this way, it increases that required pressure on that pump station. As we move this facility further this way, it's going to increase those pressures and make it to where it's going to become a difficult thing to design and operate. This location within Leeds is really the ideal location where we're balancing those pressures from both stations. So that we're not having to really push the

boundaries of what pipe and valves can handle when we're pumping out. Councilmember Cundick pointed out that there is a significant amount of empty land between the current location and Harrisburg to the south, about a quarter of a mile. Anderson replied that he couldn't say for sure without looking at the specific location, but he acknowledged that there would be an impact on the pump station's placement. However, he was unsure of the exact extent of the impact.

Councilmember Cundick expressed a couple of concerns regarding the pump station. While he understands the need for it, he is worried that the noise from the station cannot be guaranteed to be eliminated. He notes that the station is going to be in a residential area, and if someone buys a house next to it, they will be exposed to noise for 24 hours a day. Anderson replied that the pumps could be turned off for certain times of the year, but Cundick argued that the sound cannot be eliminated, only diminished. Councilmember Cundick expressed concerns about the noise mitigation for the pump station and the visual impact of the tank. Johnson mentioned that while they cannot guarantee complete elimination of noise, they can incorporate measures to reduce it. Anderson cited examples of similar pump stations in Dixie Springs that have never received noise complaints but did receive complaints about lights being left on. Councilmember Cundick expressed dissatisfaction with the aesthetics of the proposed location for the pump station and suggested that an alternative site could be chosen. He also expressed concern about the tank being unsightly and suggested covering it with a roof. Cundick questioned the justification of having the pump station in a residential area and pointed out that the property owner who agreed to the location does not live in the area and will not be affected by the noise. Anderson clarified that they have not yet acquired the land. Councilmember Cundick expressed concerns about the aesthetics of the pump station and suggested that they should explore other locations to place it. He also questioned the legality of placing a commercial facility in a residential zone, given that the utility is not specifically serving Leeds. Anderson explained that the location was chosen for efficiency, as the pump station needs to be close to the PRV that reduces the head from the Cottam tank. Councilmember Cundick acknowledged the efficiency concerns but reiterated his desire to explore other options.

Anderson addressed the concerns about the tank and said that it could be constructed in a way that looks similar to the building next to it. He also mentioned that they could adjust other structures to look like the nearby houses to reduce the impact. Councilmember Cundick expressed that this decision is serious and permanent, and it will be the first thing people see when they come into town. Mayor Hoster asked if Anderson was willing to have a Q&A with the citizens, to which he agreed. Darryl Lewis asked if Anderson would be willing to build a two-story house around the equipment and put a retaining wall and trees to camouflage it to look residential. Anderson said that he knows of a facility in northern Utah that looks like a residential home, but ultimately, the decision has to go to the general manager. It was a suggestion they could consider. Johnson mentioned that they have investigated other properties, but they are limited in their location. They came before the planning Commission to ask what was important and was told to follow the look of the old tithing house for their aesthetics.

Lorrie Hunsaker inquired about the Beach property, asking if it was the one where the property line was redone, and if it barely met the legal requirements for the zone. She expressed concern that if the lot lines were adjusted, it could make the other parcel illegal.

Scott Messel responded by saying that it wouldn't necessarily be illegal, and that they would have to evaluate how the lot lines were adjusted. Hunsaker reiterated that she wanted to ensure that the property still fit within the current zone, and Mayor Hoster asked if the current zoning needed to be changed for the proposed utility. Messel confirmed that the zoning did not need to be changed for the proposed plans.

They explain that having multiple pump stations is a better option than having one large station due to the limits on pressure. They also stress the importance of a PRV valve in regulating pressure in the system and preventing damage. The location of the pump station is also discussed, and the speaker mentions that they would need to talk to adjacent homeowners about the project's plans. The possibility of using additional PRV valves is mentioned, but it is not considered an efficient solution. The speaker also discusses the proposed property's location and mentions the presence of trees that may need to be removed to make room for the project. They are open to planting trees outside the wall to improve the site's appearance.

Councilmember Furley stated that he is not a surveyor, but based on the information provided, he believes that the area from where they are pointing out to the cattle guard heading south is unlikely to have a significant rise or fall. Even if it were to have a 100-foot elevation difference, he doesn't think it would pose a problem for the pump as it would only be around 50 psi. He suggests finding a location closer to the cattle guard area as it would be more visible and not require a split-face block, which he doesn't think would serve the purpose of the tithing building. He appreciates the information provided and suggests seeing multiple plans for the building.

Mayor Hoster said we need to move on. Considering the proposal is an action item, Council will need to decide whether to approve, deny, or table it. Since they have some concerns, they are not in a position to approve it yet. The mayor suggests that they review the concerns and come up with modifications to meet them. Anderson explained that they want to ensure that the town finds the concept acceptable before they proceed with purchasing the property. Councilmember Wilson said that they could work out the concerns through proper channels. Mayor Hoster pointed out that the town desires to work with the Washington Water Conservancy. Therefore, it may be nice to see other plans. He asks for a motion to table the action item to address some of the points surfaced at the meeting.

Councilmember Cundick motioned to postpone this matter and arrange for further meetings to address the issues that were brought up during this discussion. This would allow the Conservancy to meet the requirements and concerns raised by the Town. Councilmen Furley Seconded the Motion. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	X	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	_____	_____	_____	X
COUNCILMEMBER: RON CUNDICK	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	X	_____	_____	_____
COUNCILMEMBER: KOLE FURLEY	X	_____	_____	_____

10. Discussion Items:

a. Ordinance 2023-03, Leeds Water Authority

Mayor Hoster said Ordinance 2023-03 is the relationship between the LDWA and the Town of Leeds. The purpose of the ordinance is to consolidate decision-making for water providers and development in the town of Leeds. It requires developers to get water from LDWA and provides the first right of refusal to the LDWA. The ordinance does not put the town of Leeds in charge of water, but rather allows LDWA to have a monopoly within the municipality. The capacity of Leeds Domestic Water Users to provide water is uncertain, but the ordinance sets the ground rules and structure for the management of water in the Town of Leeds.

Councilmember Cundick said, I would like to explain what the ordinance does. As most of you know, we've always had water issues, and with developers coming in and asking who will provide water for their developments, it's been unclear whether they can go to the conservancy or come to Leeds. This has put us in a difficult position as it pits us against each other. The purpose of this ordinance is to put the town fully in charge of water and the purveyor. The town will delegate the provider to LDWA as a monopoly. Essentially, if you're going to develop here, you must get your water from LDWA. If for some reason LDWA can't provide enough water, the town will buy water wholesale and give it to LDWA to manage. This ordinance consolidates decision-making for development and gives one manager for all water. We can provide copies of the ordinance if you want to look at it. We appreciate any input we receive in the next few weeks, but we would like to act on this soon. If developers start doing things that are not in line with the ordinance, we may be stuck if we get behind. That's the approach we're taking.

Councilmember Wilson asked if there is an existing ordinance that is being changed or reviewed, to which Councilmember Cundick replied that this new agreement supersedes the old ordinance, and it is necessary because the current one has problems that need to be addressed. The Mayor explained that the current ordinance is circular and lacks necessary definitions, which makes it ineffective. The new agreement allows for the LDWA to have a monopoly on providing water within the municipality and gives them first right of refusal for issuing will serve letters. If the LDWA decides not to issue a will serve letter, the Town of Leeds can then step in and either deny the use of Washington Water Conservancy or allow Leeds Domestic Water to be the administrator of the water.

Councilmember Wilson asked how much capacity Leeds Domestic Water has, to which Councilmember Cundick replied that they have some ideas but do not know how much development will be put on the water supply. The new agreement is designed to streamline the decision-making process and prevent developers from circumventing the decision-makers in the town. Mayor Hoster explained that it matters to the town because they can be affected by paper water being moved and they want to help LDWA control the water supply for the existing citizens. Additionally, LDWA is a private company and cannot go to the conservancy directly; the town has to do it for them.

Health Department representative and Council Q&A regarding Sewer/Septic with Klint Frei, a program manager with the Division of Environmental Health with Southwest Utah public health.

Mayor Hoster mentioned that some developers want to implement a PID to help with the sewer system in certain areas of Leeds. During a town council meeting, questions were raised about the necessity of the PID and whether septic tank technology advancements would suffice for development. Councilmember Furley asked what citizens would need to do if they decided to connect to the new sewer system, and Klint Frei explained that they would need to have their septic tanks pumped, thoroughly cleaned, and then filled with any non-liquid material to prevent a sinkhole. This process ensures that there is no contamination point that could affect groundwater.

Mayor Hoster asked Klint Frei if he was familiar with the Silver Eagle subdivision, where a developer wants to build 14 homes on a hill. Frei was unsure about Silver Eagle, but he knew there was a subdivision above Babylon where they had requested a feasibility study, and they found that there wasn't enough soil depth for septic systems. Mayor Hoster asked Frei what options they have, and Frei explained that according to the Utah administrative rule R-317, residential on-site wastewater systems require ideally four feet of suitable soil for a leach field. On existing subdivided lots, systems can work with three feet of soil, but additional engineering and surveys can allow for at least 18 inches of soil depth. However, 18 inch systems are not allowed on new subdivisions as it could cause problems in the future.

Councilmember Cundick asked Klint Frei about the possibility of having one septic system for nine acres of land when there is enough soil, but not enough land. Frei clarified that the septic density issue is not covered by 317-4, but rather a county ordinance. Frei's code is less restrictive, but the Water Conservancy District and Ash Creek Special Service districts encourage adherence to the county ordinance for groundwater protection. Frei's code has a table that determines the minimum lot size required for a septic system based on whether the property has a public or private water system. Cundick asked Frei about the smallest acreage that can have a septic system, and Frei said that it depends on the number of bedrooms and the size of the home. Cundick expressed concern about developers insisting on a sewer when small septic could be used instead, and Frei explained that state regulations are more liberal than county regulations but clustering wastewater into concentrated areas can have a greater impact on groundwater. He also noted that LDWA gets water from Pine Valley Mountain and doesn't need to worry about nitrates, but the wells in Hurricane may be affected.

Councilmember Cundick wanted to clarify that developers had an alternative option to sewers for their development, such as using septic's, and suggests that the town should talk to the county about possible exceptions to regulations. Mayor Hoster confirms that only properties already recorded with the county before 2009 can use septic systems in Leeds. Klint Frei explains that the Town of Leeds has authority over density requirements within its boundaries, and that the Hansen Allen Luce study considered the impact on groundwater in the town. Frei notes that the feasibility of using septic on new properties depends on the town's decisions, and gives the example of Virgin, which recently approved a new subdivision with minimum one-acre lots.

Mayor Hoster asked Scott, "is that what you understand? Scott Messel mentioned that there has been a request from various groups, including the Water Conservancy District and Ash Creek, to conduct a new study as opposed to relying solely on the Hansen Allen Luce study. He believes that a study was conducted in the 90s and it would be beneficial to have an updated one. Mayor Hoster brought up Craig Sullivan's property, which is mostly one acre lots. Sullivan questioned if he could obtain a septic tank permit from the county and state after passing percolation and Leeds regulations deny it. He expressed confusion about the nine-acre guideline and why Leeds is adhering to it when it appears they don't have to. Sullivan believes that someone on the Town council adopted a guideline in the past that led to the current sewer problems. Mayor Hoster mentioned that it might be an interpretation of the agreement with the county. Mayor Hoster confirmed that there were some "yes" responses regarding the topic at hand, and Scott would conduct further research on the matter. Klint was present to help answer some questions, but the more in-depth research would be done by Scott. Craig Sullivan was asked to give a few days to get back with Scott's research as they needed to know if there was an option to deviate from the agreement that had possibly been signed. Frei clarified that LDWA had to sign off and the local municipality had to approve any new subdivision before development, and it was not the health department's decision. Councilmember Cundick said that he thought he remembered Virgin had signed the conservancy pooling agreement that Leeds signed. Craig Sullivan interrupts and asks about the pooling agreement with the Washington County conservative district regarding a piece of ground. He mentions that he and others pay a significant amount of money to the district, yet they receive zero water. He asks for clarification on the pooling agreement. Cundick suggests putting the information online. Mayor Hoster assures Craig that they will not discount his concerns and will have Scott look into it. Frei adds that a subdivision feasibility requires adequate water and LDWA and the municipality need to sign off on it. This is not a decision made by the health department but rather to ensure proper sewage management.

Craig Sullivan expresses frustration that Leeds would have been developed 20 years ago if the pooling agreement was not the case. He said, we darn sure want options on what we can do. We know everybody says they want this rural little town. At who's expense? Mine! Am I the great big city park? Will anybody answer that question?

Frei Said I just want to explain that R-317 Part Four describes how to do a subdivision feasibility. Part of that requirement is that we require demonstration of adequate water. So LDWA has to sign off and the local municipality has to say yes, we're okay with this new subdivision. I want to be clear that it's not the health department saying no, you can't develop or yes, you can. We just want to make sure that you have the soils to handle the sewage.

So that's fair. I saw somebody else with a hand up back here.

11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).

During a public comment, a citizen in the audience expressed their frustration about not being allowed to build a house on their five-acre parcel of land, while their neighbor was allowed to build 11 houses on their six acre parcel. The mayor acknowledged the issue and promised to look into it. The discussion then shifted to concerns about contamination

from septic in Leeds, with the director of the health department stating that modern technologies are causing higher concentrations of nitrate in groundwater. When asked about the best option for health, the director stated that sewers are easier but it depends on how the waste is treated and its impact. The discussion also touched on an engineering firm's study and the presence of mercury on a property. Three citizens had further comments, with one discussing the impact of mercury on children and another questioning the accuracy of an engineering firm's study done in Salt Lake. The meeting ended with the mayor taking note of the citizens' comments and promising to look into the issues raised.

Elliot Sheltman said I really wasn't going to speak today, But I figured what the heck. I was president of the LDWA for 10 years. I decided 10 years was a nice round number and I left about two and a half years ago. There were numerous meeting minutes, where the LDWA dealt with the developer. During those meeting minutes, we had things that came up, besides in agreement that was up, by the president when I first got on the board, Van Gordon, who was an attorney. He wrote up an agreement that both sides agreed to and was signed off by the developer representing LLC and by Van Gordon representing LDWA. There are things that, at the point that I left, still had not been supplied to the LDWA. There was a situation that occurred. To give you an idea, there's something to be said about this going through planning in town council. Just as a reminder, and I do not want to get on this too hard, but Grapevine Wash, went through the council, and then went through the town and the mayor, etc. And that turned out not to be that great of an idea, once it was exposed for what it was. Through those meetings that we had, and those conversations, we added things that I believe met the definition of meeting of the mines, which legally means that we added stuff to what was originally planned. That area is full of not just radioactive material, but materials that were used during the processing of uranium, which includes cyanide. More importantly, there's also Mercury there that was removed in large quantities. Mercury is very heavy and moves down to that first phase, because that's the lowest sitting area. What we started talking about with the developer was the fact that we were going to bring in an outside entity to examine the area for that thing, because the developer told us during those meetings, their meeting minutes are available, we should still have it. You have access to what we have said if we want to bring in our own experts. I talked to a couple of people who were recommended to me by someone I know, work in corporate use out of Vegas big developer in that area, and I showed them the numbers. I had phone conversations with both of them and basically their attitude was we haven't seen this done, before the state itself. So, this has never been done in the history of the state, not just the radioactive material with the mercury, neither one has ever been addressed. Our concern is the liability. We ask, and who's liable? Where is the liability? The liability is on the people of Leeds who will be affected if this is not done correctly. You are. You are liable. Your health. So, like I said, we took it very seriously. These were things we had in place that I believe he agreed to, and that was also providing the documentation that the area was cleaned so everyone here knows. The state basically agrees and says it's cleaned up to what our requirements are. I've talked to the EQ in my position as president and numerous times in the DRR. What they told me and what we have recorded through emails is that once we do it, that's it. And when your question is, well, it's never been done by the state, what do we do? Their

answer is literally, it's up to you to decide how far you should push this and what you should do. It's on your shoulders. The thing I want to bring up to as far as the process of all this, this is what I have to go over really quick. There was a motion made by Ron Cundick. Council member Ron Cundick. I believe I don't have the exact thing. Some of the minutes are missing from your site. I couldn't find it. But I believe it is June 30. The first phase that we're talking about here was filed at the county recorder. Two weeks before that, Councilmember Cundick made a motion to approve the filing of that phase. I was a council member at that time sitting next to him. Based on my concerns the motion stated that approval from LDWA would be required before it was filed. That was voted on. The motion was made and it was voted on. Those minutes are available to it. They're quite detailed, and you can see the conversation between Ron and myself. On June 30, 2016, it was filed, which was a violation of the motion. The LDWA through our attorney David Harbison contacted the attorney Rick Knut for the subdivision and basically said Leeds Domestic Water Association discovered by chance that the town of Leeds prematurely signed off on the final plat for the first phase of the Silver Pointe development, thus allowing the final plat to be recorded on June 30, 2016 without the signature approval of LDWA required by the town's ordinances. The mayor, apparently, later signed off on the final plat; which did not have the required signature by LDWA and without final action by the council and without final Approval from the LDWA. This conduct by the town places LDWA in a very awkward position. As I suspect, it may also do with your client. The LDWA references section five of the agreement between the ESRIH which is the Silver Reef holdings investment, development agreement with the town states of the town hereby agrees to support and assist the facilitation of the agreement until LDWA to provide such culinary water service to the project. I'm Puzzled how the final plat got signed without involving LDWA further. Rick Knut responded to this email stating basically the mayor's told Silver Reef quite definitively that nothing in the town's ordinances require LDWA to sign the final plat, et cetera, there is neither need nor justification for LDWA to record anything against the title of her client's property. At that point, these are the sections in the in our actual ordinances. You know, the law, basically attached the request is section 21.8.2 that requires LDWA's signature section 21.846-A approved by town council and 21.8A requires that after approval of town council the mylar version of the Final Plat be circulated for all signatures. Section 21.8.61 requires the mayor to certify that all conditions of 21.8 and other sections have been met before he signs and before the Final Plat is recorded. At that point, Rick Knut responded to our attorney and said He read the ordinances same way we do and he is puzzled why the town's attorney, if they have one, hasn't helped shepherd the mayor and other officials down the path. The LDWA had a phone meeting with the attorney. The minutes on that should be available at the LDWA, at which point it was decided based on the advice of the attorney and the unanimous vote of the board that I would go down and file against that plat, which I did. I don't know if the LDWA is even aware of that now, nobody's asked me. But it's filed. Which means at this point, the LDWA is not committed to giving water to that development. So that might be something you want to check.

Mayor Hoster said I will make note of it and hand that off to our legal counsel. I know they are trying to identify any mistakes that may have happened up to this point.

Sheltman said the reason we want to do this on our own and bring in our own expert is because where the water tank is located, that one acre lot, that was just

something we picked as an area, we never investigated it. It goes down through an area which is one of the most, I don't want to say polluted, let's say tainted areas of that development. We had concerns about that. The other thing was the fact that the developer, this is in our meeting minutes again there's about eight or 10 of them that you can look up and see, they are very detailed; and they are detailed for a reason. He said that they exposed it to three feet as expected, they had to go to eight to ten feet. It was much more fluted than he expected it to be and that's reiterated several times in the minutes.

Steve Dyroff noted that from his casual observation of the large crowd present, he believed that 100% of them were worried about the new development due to the presence of uranium. He explained that uranium is naturally found in rocks and is only dangerous when it is disturbed and starts to spread, emitting alpha particles which can lead to bone or liver cancer if ingested or lung cancer if inhaled. He compared uranium to asbestos, which is also found in rocks and can cause cancer if disturbed. Steve emphasized that it was important not to make a bad decision regarding the development, using examples of past disasters that could have been prevented with common sense measures. He suggested that independent experts be brought in to take core samples and analyze the presence of uranium before proceeding with the development. Tina Dyroff asked about emergency management for the town and suggested that the city council should have the power to take action to prevent a potential disaster.

Lorrie Hunsaker asked if there was a timeframe for compliance with building permits, particularly when it comes to hazardous waste like Mark Rosenthal's fugitive dust. The mayor responded that they would discuss it with Craig and bring it up to the state level.

Staff Reports:

Councilmember Furley reported that he had talked to the county's Emergency Coordinator regarding flooding issues in Leeds, and there's no need to worry for now. He also reminded the citizens to be responsible when getting sandbags, and that the fire district has a flood response trailer. Later on, Wilson asked if it's okay for citizens to put top coat on the city road in front of their house, but the council advised against it to avoid liability. Mayor Hoster gave two staff reports, first on the UDOT's extensive research on improving safety on state roads, with a focus on impaired driving due to opioids and marijuana. Second, Another important component for us that might be relevant to you is there is a study that will be conducted now for the Amtrak desert wind passenger rail corridor that'll be happening from Salt Lake City to Las Vegas, they're going to be conducting a study to identify pathways. It doesn't look like it will come through St. George, it'll probably be more out toward the west area of where they would be able to connect that considering the elevations and the pathways that they could do that. So be on the lookout for that. But I understand they're going to probably we have recommended that they proceed with the study to do it. And there were some legislative updates, that that if you come to the come to the legislative update meeting, I think you'll get all those as there's a bunch of them.


Hurricane Valley Fire Special Service district updates. We did receive, as I mentioned in the legislation, the ability for the budget to be funded by sales tax versus

property tax, the board elected to proceed forward with a recommendation to the county to have this placed on the ballot. As a result, the county will be talking with the tax commission, or it'll be involved with that process identifying how much money that is, and then it will be placed on the ballot. Looks like it's going to be during the general election, which would be in November. Nothing's going to happen tomorrow on that.

Closed Meeting: None

Adjournment: 9:40 pm

Approved this Twelfth Day of April 2023.



Bill Hoster, Mayor

ATTEST:



Aseneth Steed, Clerk/Recorder