

PUBLIC NOTICE

TOWN OF LEEDS TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Meeting on
Wednesday, December 8, 2010, 7:00 p.m.
At Leeds Town Hall, 218 North Main Street
Public is welcome to attend

AGENDA - amended

Up to two Town Council Members may participate in the meeting by telephone or video conferencing (Ord 2006-08)

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE CLERK/RECORDER BY 6:55 P.M.

BUSINESS SESSION:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Abstentions and Conflicts by Council Members, if any
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Minutes of Meetings from October 27, 2010, and November 10, 2010 Regular Town Council Meetings, & November 10, 2010 Town Council Executive Session.
6. Financial Report for October 2010 and November 2010
7. Announcements:
8. Citizen Comment: (No action may be taken on a matter raised under this agenda item). *Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Fran Rex in writing before 1:00 p.m. on the Wednesday one week before the Council meeting.*

WORK SESSION:

ACTION ITEMS:

9. Discussion & Possible Approval of Grapevine Wash Local District Proposed RESOLUTION 2010-07
10. Discussion & Possible Approval of ORD 2010-04. Town Council and Planning Commission Meeting 2011 Schedule.
11. Discussion & Possible Approval of ORD 2010-05. Establishing and amending procurement and purchasing policies for the Town of Leeds, for efficiency and to comply with the States Status Verification Requirements.
12. Discussion & Possible Approval of expenditure for Fire Hydrant placement for 654 West Canyon Creek Drive
13. Consideration and Possible Appointment of the Planning Commission position to applicants Alex Beal & Doug Eardmann

DISCUSSION ITEMS:

14. Silver Pointe Estates Clean-up project. Follow-up presentation of the mediation plan for the clean-up of Silver Pointe Estates – by Rick Sant (229-3194) and the State of Utah Department of Environmental Quality (DEQ)
15. Cemeteries - Darrell Nelson Cemetery Sexton Proposal and help with surveys
16. Reports by Town Council Members:
 - a. Report on Rubber chips in Park – Frank Lojko
 - b. Review of Police Department Survey for mailing - Frank Lojko
 - c. Report on culvert drainage at 2070 and 2071 Silver Reef Drive
 - d. Report on the Town Park Power – Alan Roberts

UPDATES BY STAFF:

17. Exit sign, porch light, & timer on park lights
18. Voting percentage Leeds Town 73.88% , County 61.01%

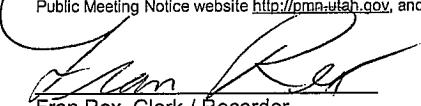
EXECUTIVE CLOSED SESSION – An Executive Meeting may be held for the discussion of pending or reasonably imminent litigation; as allowed by Utah State Law (52-4-205)(1)(c).

19. Adjournment

In compliance with the Americans with Disabilities Act, 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 Town Hall at 879-2447 at least 24 hours prior to the meeting.

Certificate of Posting

The undersigned Clerk/Recorder does hereby certify that the above notice was posted December 7, 2010. These public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pma.utah.gov>, and the Town of Leeds Website www.leedstown.org.


Fran Rex, Clerk / Recorder

**TOWN OF LEEDS
TOWN COUNCIL MEETING**

MINUTES

December 8, 2010

BUSINESS SESSION:

1. **Call to Order** – At 7:03 p.m. by Mayor Hyrum Lefler
2. **Pledge of Allegiance** – was led by Mayor Lefler.
3. **Roll Call** – Present was Mayor Hyrum Lefler and Council Members Alan Roberts, Angela Rohr, Keith Sullivan with Frank Lojko attending electronically by way of internet “Skype”. Also in attendance were Clerk /Recorder Francene Rex; Treasurer Jean Beal; Silver Pointe Estates part owner Rick Sant; Department of Environmental Quality Representatives Bill Reese and David Bird; Grapevine Wash Representative Drake Howell; Planning Commission Member applicant Doug Erdmann; and Citizens Ralph Rohr and Peter Aurigemma.
4. **Declaration of Abstentions and Conflicts by Council Members** – None
5. **A Motion** was made by Alan Roberts with a **second** by Keith Sullivan to **Approve Tonight’s Agenda** including the **October 27, 2010 and November 10, 2010 Regular Town Council Meeting Minutes, and November 10, 2010 Town Council Executive Session**. An **Aye Vote** was **Unanimous**.
6. **Financial Report for October 2010 and November 2010** – Mayor Lefler and Council Member Angela Rohr both expressed some confusion with the balance sheet layout and wording. Treasurer Jean Beal said it was done according to direction from the auditor Steve Palmer. She said he was unavailable for tonight’s meeting but said he could attend the January meeting. Mayor Lefler noted of the requested additional list of “Expenses Not yet funded, but Approved.” Council Member Frank Lojko noted the list would prevent over spending, and allow the council to see any savings.
7. **Announcements** – Mayor Lefler wished all a Happy Thanksgiving and Merry Christmas. He also informed that the Princess Pageant would be held on February 5, 2011 at 7:00 p.m.
8. **Citizen Comment** – None

WORK SESSION:

ACTION ITEMS:

9. **Discussion & Possible Approval of Grapevine Wash Local District Proposed RESOLUTION 2010-07** – Grapevine Wash (GVW) Representative Drake Howell noted that during the November Town Council review of the resolution was given and discussion was had regarding what a “local district” means for GVW and the Town of Leeds. He noted the GVW bond council, Ballard’s Bar of Salt Lake City SLC, Utah, prepared the current proposed resolution. He said the resolution would start a public process, including a public hearing and sixty (60) day public comment period on the issue. He said after that process, another resolution creating a Local District would be presented for approval. He recapped that when GVW annexed into the Town of Leeds, they entered an agreement with the Town which granted them a density of 2,500 units; 3,000 feet of commercial space; a mixed use zoning; and a conceptual development plan. He stated the development agreement contemplated and reads that the Town and the developers would cooperate in creating a local district. He said a Local District was a public entity which becomes a financing mechanism a developer could use to raise funds to improve or build roadways; waste systems for culinary water, storm water and wastewater; and for parks and etc. by taxing itself. He said the State of Utah Code lists fourteen purposes for which Local Districts can be formed. He referred to section four (4) of the proposed resolution which listed the following four purposes for which Grapevine Wash was proposing the district be created:

- a. The construction and maintenance of rights-of-way, for curb, gutter, sidewalk, street, road, water, sewage, storm drain, electricity, communications, and/or natural gas improvements within its boundaries through the construction, purchase, gift, condemnation, or any combination thereof of the facilities necessary to provide said services. To provide said services and facilities, the proposed District shall have all powers set forth in the Act,
- b. The acquisition, construction, and operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, sewage, irrigation, and culinary water,
- c. The acquisition, construction and operation of parks, recreational facilities, or services – such as a leisure services department or recreation center, and
- d. Health care facility including health department or hospital service - such as a clinic or an assisted living facility.

Howell then addressed the prior concerns regarding a local district and his “lay person” response during the November Town Council meeting as follows:

- e. Whether a recreational center would be privately owned or available to all citizens, to which Mr. Howell noted the Washington City charges its citizens to attend their recreational center, but noted citizens may receive a discount.
- f. Would roads be dedicated to the Town or would they be private, to which Mr. Howell noted a public entity such as St. George does not block off roads. He thought it would be a disservice to a town to block off roads as being private. He noted that 3,000 square feet of the development was commercial, and stated it would be hard to attract businesses and/or consumers if roads were blocked off.

Howell stated that since the last Town Council Meeting that he, GVW Consultant and Attorney Paul Morris, Mayor Lefler, and Town Attorney Heath Snow, had met to discuss the concerns voiced in the last Town Council Meeting regarding the fear of the Local District “running rogue.” Howell said Paul Morris pointed out an important element in the development agreement which stated that once a local district was formed, the Local District would enter into an Interlocal Agreement with Leeds to mitigate specific concerns. Howell stated discussions would be had to decide which entity would maintain which public services and/or facilities. Mayor Lefler added there were two elements to the issue 1) the creation and/or financing of things such as roads, sewer system and etc., and 2) the long term issue of who would handle/control the service/facility. He said the Interlocal Agreement would state who would do what. He added the Town would need to decide what they want to handle. If the Town decided to run everything, than the Local District was only a financing tool; however, if the Town did not want to run something, they could come to an agreement with GVW to run something for a while or indefinitely. He stated that the proposed resolution would give the Town the option to control it, and added this would allow infrastructure to be built without burdening the residents of the Town. Drake Howell said this was a way to enable GVW to pay for itself, and “respectfully requested the Town Council approve the resolution to enable the process to begin.” Council Member Keith Sullivan asked if a possible future school would be under the Local District, to which Mr. Howell stated GVW was very supportive of a school and would like to help it come to fruition in the future, but did not think a Local District could oversee a school. He also noted the proposed site for a school was on Bureau of Land Management (BLM) land. He noted the BLM does allow for public schools, parks, or golf courses to be located on their property as a lease through a Recreation and Public Purpose (R&PP). Council Member Alan Roberts stated he supported having development pay for itself, but was concerned about creating more division in the Town. He worried a Local District might be like a “town within a town.” Mr. Howell understood the concern, but noted his experience as a resident of Coral Canyon which is a big development in the nearby City of Washington. Noting there were differences between Washington City and Leeds, he said Washington City had incorporated Corral Canyon with town events such their annual “Cotton Days Festival” and the “Dog Town Fun Run.” He said both events either started or ran their race through Corral Canyon. He added that Washington has embraced the new development and Corral Canyon has become more and more apart of Washington. Mayor Lefler agreed with Roberts’s concern regarding a possible division, but his first concern of losing control was alleviated by knowing the Town would have the opportunity to have managed the infrastructure. He noted the Town could end up having many improvements not at their own expense, but which the Town could manage, and not be handled by a “city within a city.” Roberts asked if the Local District would always exist, to which Mr. Howell noted it could be abolished. Mayor Lefler noted a sunset clause could be included in the agreement. Roberts also noted his understanding of a Local District being able to petition for funding, but reiterated his concern regarding a division with a large development. However, he added there was a lot of potential good with GVW and was not against the development, and felt Leeds had a vested interest and was glad the area was annexed into Leeds. Howell

recalled that most of the costs for the recent annexations were born by GVW, and voiced their desire to have civic uses in GVW and for GVW to become a part of Leeds. Sullivan asked how a smooth transition occurs from something being built, to turning over management to the Town. Howell said the Town lends itself to automatically managing things like the roads; however, other things such as sewer would need to be discussed. He offered that since the Town was not currently in the position to run the sewer, it may want to allow GVW to run it, or create an agreement stating something like the Town did not currently have the resources to run a sewer system, but planned to run the sewer system in ten (10) years, by possibly using Ashcreek or the City of St. George. Howell noted there may be other infrastructure the Town would not want to run such as a health care facility. He reiterated that once a Local District was formed, they could lay out all the future potential scenarios and decide with the Town who should run which ones, and make a commitment to continue discussions regarding unforeseen future potential scenarios. Council Member Frank Lojko asked if GVW had figured out the possible future revenue of their project, and estimated if schools and businesses were not built in the development, fewer families with children would move in. Mr. Howells said he did not have specific numbers, but his "gut reaction" was the Town would see a lot more revenue. Mayor Lefler noted the current resolution would start the process, and if approved, the item would be set for a public hearing in January for further public discussion. Sullivan stated if a Local District could assist in creating a quality infrastructure, and felt the four purposes for which the district was being formed were quality projects; and if approval of the proposed resolution would simply move the issue forward to the public process; that although there were more questions, he was in favor of approval. Mayor Lefler agreed that more negotiations and review from the Town attorney (the majority of expenses to be reimbursed) would take place. Council Member Angela Rohr said she had some of the same concerns as Alan Roberts regarding a possible division, and thought it was hard to look to the future and anticipate future possible problems regarding a local district controlling the land, and felt the Town had some responsibility to help manage the land within its boundaries. She also noted her concern as a tax payer that the funds for which the district would draw upon public funds, to which Mayor Lefler noted the District would not draw upon public funds but would draw upon a municipal public bond market to receive municipal rates. Mr. Howell added that as a public entity a GVW Local District may have the opportunity to seek grants, but they plan to seek bonds from the public bond market at municipal rates and monies would come from investors, not taxpayers. Addressing the "loss of control issue," Lefler continued by stating if GVW goes forward, they need to find a way to fund their infrastructure and not be a burden on the community, but allow the Town to maintain the "driver's seat." He reminded that all decisions regarding land use, such as preliminary plat maps, plat maps, zoning, road dedications and etc. would still need to come before the Town Council, and that the Town would not give up the direct control on things unless the Town decided it did not want to run certain systems. He then voiced his same concern about losing control, but thought if the Town proceeded in such a way as the creation of a Local District, it would allow the Town to maintain control or "more in charge" and not create a burden on the community. Rohr felt this addressed her concerns. Roberts added that he did not use the term "control," but rather, he stated it was in the Town's best interest to "manage the direction of," to prevent the creation of a division within the Town. He stated he strongly believed in individual property rights to do what they could within the bounds of the laws and ordinances that regulate those rights. Mayor Lefler agreed that the term "control" was not the term intended. Sullivan and Mayor Lefler reiterated that tonight's approval was not approving the Local District itself, but rather approving the initiation of the public hearing process. He read the introduction of the resolution as follows: *"A resolution of the Town Council of the Town Of Leeds, Utah, proposing the creation of a basic local district; describing the area to be included in the proposed basic local district and the services to be provided therein; providing for a hearing on the creation of said basic local district; providing for notice of said hearing; and related matters."* He read through a little more of the resolution. Lefler noted that GVW did not need to come to the Town in order to create the Local District, but were giving the Town the option to help in its creation. Rohr noted her concern with the fourth "whereas" paragraph naming the Council as the "responsible body", and worried this could mean financially responsible. Howell reiterated that a local district did not have land use authority over any uses, zoning, subdivisions and etc. It did not have building permit authority, nor did it have business license authority or any such authority, but that all these core duties would stay with the Town. Rohr also asked if the BLM property included within the district would be owned under the local district, to which Mr. Howell said it would absolutely not be owned by the district, but was owned by U.S. citizens and managed by the BLM. Under full disclosure, he stated that at times BLM did dispose of some its properties. **A Motion was made by Keith Sullivan with a second by Alan Roberts to Approve the Grapevine Wash Local District Proposed RESOLUTION 2010-07.** Mayor Lefler stated this was the beginning of the process and not the end, and noted his main concern was to prevent creating "a town within a town;" to maintain the management of the Towns services and

facilities; and to protect the citizens from the undue financial burdens of putting in infrastructure. A roll call vote was taken.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER ALAN ROBERTS	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER ANGELA ROHR	<u> </u>	<u> x </u>	<u> </u>	<u> </u>
COUNCIL MEMBER KEITH SULLIVAN	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER FRANK LOJKO	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

RESOLUTION 2010-07 to initiate the process for a Grapevine Wash Local District was **Passed** x **Rejected** **TABLED**

10. **Discussion & Possible Approval of ORDINANCE 2010-04. Town Council and Planning Commission Meeting 2011 Schedule** – Mayor Lefler stated the schedule was the same as in 2010 with the first Wednesday of each month for the Planning Commission Meetings, and the second and fourth Wednesday of each month, (with the exception of the Town Council meeting day in November and December 2011, which will be held only on the 2nd Wednesday, respectively) for the Town Council Meetings. When Clerk/Recorder was asked, she advised that the “cut off dates” for materials referred to receiving materials from the public such as applications. **A Motion** was made by Alan Roberts with a **second** by Keith Sullivan to **Approve ORDINANCE 2010-04. Town Council and Planning Commission Meeting 2011 Schedule**. A roll call vote was taken.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER ALAN ROBERTS	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER ANGELA ROHR	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER KEITH SULLIVAN	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER FRANK LOJKO	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

ORDINANCE 2010-04 for the 2011 Town Council and Planning Commission Meeting Schedules was **Passed** x **Rejected** **TABLED**

11. **Discussion & Possible Approval of ORD 2010-05. Establishing and amending procurement and purchasing policies for the Town of Leeds, for efficiency and to comply with the States Status Verification Requirements** – Mayor Lefler advised that the wrong ordinance was sent; therefore this item would be continued to the next Town Council Meeting in January.
12. **Discussion & Possible Approval of expenditure for Fire Hydrant placement for 654 West Canyon Creek Drive** – Mayor Lefler stated he did not want to “rehash” this issue, but further information had been acquired. Recapping the issue and giving new information, Lefler stated the following:
- a. A new hydrant was never installed close enough to meet fire code at the time of building at 654 W Canyon Creek Dr. The Town Council decided at a previous meeting to remedy the situation.
 - b. Town Staff has been unable to find history of the deposit of Impact Fee Monies. It was checked by full amount, partial amounts, check number, building permit number, owner name, and contractor name. It was ascertained the contractor is now deceased, the company was closed, and no relatives have been located.
 - c. The Fire Department has stated that they have not received impact fees which should have been passed to them through the Town. Lefler stated the Town Attorney’s response was although the Town may have had an “understanding” with the Fire Department, the Town may not be legally bound to pass on building permit information to them, but the Fire Departments retains the responsibility to maintain awareness. Discussion was had on finding a better way to prevent overlooking Fire Department awareness such as requiring a Fire Department signature in plat map signature blocks.

- d. Mayor Lefler contact Property Owner who stated that the Planning Commission approved the plans in a meeting (Meeting Minutes found where Commission forwarded plans to Building Inspector). Property owner also stated that the home was built exactly according to the plans and within all requirements of which he was aware.
- e. LDWA Board has indicated they may be willing to help the Town by offering the bulk rate or possibly adding this hydrant to their Loan/Grant; however, there is some opposition to this option. Two Board Members fear it will muddle up their process, and could incur higher costs, but the LDWA thinks there is a way to prevent higher costs.

Mayor Lefler suggested the two following options:

Option #1 : Approve expenditure for placement of Hydrant at 654 W Canyon Creek Dr. from Safety Impact Fees account (if possible) in the lowest amount possible through an arrangement with LDWA during their water improvement project.

Option #2 : Reverse former decision to directly solve the problem by an expenditure and inform the Home Owner of their home's non-compliance with State Fire Regulations.

Council Member Keith Sullivan reiterated if the driveway had been placed on the development approved and intended street, the fire hydrant distance would have been compliant; the deposit has not been found; and the Fire Department declines responsibility. Council Member Alan Roberts said it was not in the Town's best interest to spend monies for a private property. Council Member Frank Lojko said his motion during the October 13, 2010 Town Council Meeting was made based on the idea the Town received the funds; however, the new information shows the Town did not receive the necessary impact fees. His motion was intended to show good faith and that the Town did not want to neglect responsibility. **A Motion** was made by Angela Rohr with a **second** by Alan Roberts that due to more information coming in on the responsibility and problem of the fire hydrant placement for 654 West Canyon Creek Drive, to **Reverse the former decision of October 13, 2010** to expend monies to pay for a new fire hydrant, and to **Inform the home owner their home is not in compliance with State Fire Regulations**. Sullivan asked if negotiations could still occur with the homeowners, to whom Roberts stated staff could still discuss the issue with the homeowners, but this did not need to be added to the motion. Citizen Peter Aurigemma added that development CC&R's do not over rule Town ordinances. Lojko asked if Rohr's motion was intended as follows: a) to rid the Town's prior decision to provide funds; b) to notify the homeowners they were not in compliance; and c) to let the homeowner determine the responsibility, and take appropriate action. Rohr said yes, she thought the homeowners should have been involved from the beginning. A roll call vote was taken.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM LEFLER	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER ALAN ROBERTS	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER ANGELA ROHR	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER KEITH SULLIVAN	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCIL MEMBER FRANK LOJKO	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Decision Reversal of the October 13, 2010

Town Council Motion to expend monies on Fire Hydrant for 654 West Canyon Creek Drive was

Passed x Rejected **TABLED**

13. **Consideration and Possible Appointment of the Planning Commission position to applicants Alex Beal & Doug Erdmann** – Mayor Lefler read the letters of interest of both Alex Beal and Doug Erdmann to serve on the Planning Commission. After time was given for comments, and positive feedback was given. Mayor Lefler said he would appoint both Beal and Erdmann to the Planning Commission.

DISCUSSION ITEMS:

14. **Silver Pointe Estates Clean-up project. Follow-up presentation of the mediation plan for the clean-up of Silver Pointe Estates – by Rick Sant and the State of Utah Department of Environmental Quality (DEQ)** – Time was given to Silver Pointe Estates partial owner Rick Sant for the presentation. DEQ Representatives Bill Reese and David Bird were also present for comment. Mr. Sant provided a handout giving a brief synopsis of the clean-up plan. He noted the Town Hall had the complete version of the plan for public view and comment until January 2, 2011. He stated the clean-up process was a requirement given by the Town for plat approval of his subdivision. He said he hired an engineer to survey and locate hazardous mining materials and create a clean-up plan. He said he also contracted

with the DEQ for approval and completion of the clean-up. Mr. Sant said the DEQ has approved the plan subject to a thirty (30) day public comment period. He stated the property was tested for radium, uranium, arsenic, mercury and all elements that could be harmful to residential development. He said the details were contained in a report he left with the Town. He displayed a map and said it was **Separated into the four different areas described below.**

- **Area A** – This area comprises 75% of the property, and no hazardous constituents were discovered above concentrations of concern within this area.
- **Area B** - This area (the location of a historic headframe used to access underground mine workings) contains elevated concentrations of *radium-226, uranium, and vanadium*. Somewhat elevated concentrations of arsenic and occasionally other contaminants occurred in samples where the above constituents also exceeded their respective screening levels.
- **Area C** - This area is just west of the Protestant Cemetery. *Mercury exists in shallow soils in this area at concentrations that exceed screening levels.*
- **Area D** - This area is the eastern area of the property. The analytes that most frequently exceeded the screening levels in this area were *mercury, radium-226, uranium, and vanadium*. All constituents exceeded their screening-levels only where radium-226, uranium, and/or vanadium exceeded their respective screening levels

And the plan for each area would be implemented as follows:

- **Area A** – Remain as is. No detrimental material was found
- **Area B** - The Big Hill headframe is a historic resource that will be retained following development of the site. To protect the area from unauthorized entry, a fence will be constructed around the site. It is currently anticipated that this fence will be approximately 6 feet high and will consist of rock pilasters with interspersed decorative metal panels. A locked gate will be placed in the fence to preclude access to all but authorized personnel. To minimize the potential for wind and water erosion and off-site transport of the contaminated material from the reclaimed headframe area, three additional actions will be implemented as follows:
 - 1) **A diversion channel** will be constructed on the uphill side of the fenced area to divert runoff away from the site.
 - 2) **A berm** will be constructed on the downhill side of the fenced area to retain runoff on site that originates on site.
 - 3) **A protective rock cover** will be installed to preclude wind and water erosion of the top and side slopes of the waste rock pile immediately adjacent to the head frame. Following DEQ recommendations, the rock will be tested to evaluate durability by petrographic analysis, specific gravity, percent absorption, percent sodium sulfate, LA abrasion, and schmidt hammer.
- **Area C** - This area contains mercury from prior clean-up run off. The materials will be moved to the on-site burial pit.
- **Area D** –This area contains mine tailings and requires the most clean-up. The materials will be moved to the on-site burial pit. The removal plan consists of the three following plans:
 - 4) **Dust control plan** – water truck will saturate the ground; perimeter air will be monitored. If triggers are reached, work will be stopped
 - 5) **Storm-water pollution prevention plan** –See 1), 2), and 3) for headframe area and full report for hillside and other areas.
 - 6) **Traffic-control plan** – see report for details.
- **On-Site Burial Pit** – This is located north of the Catholic Cemetery and west of the Protestant Cemetery. This location is on the property owned by Silver Reef Investment Holdings LLC (SRIH) but outside of the Phase I development area. It will be owned in perpetuity by SRIH or its successors and will not be developed for residential use or habitable structures in the future. It will be monitored and maintained by inspections at least once a year. The location has the advantage of being relatively fiat (a surface slope of about 2.5%), not located in an area of significant runoff, and relatively isolated from building lots (i.e., situated between the property boundary on the east, a road that will be constructed on the west and south, with the shortest common lot length on the north). The existing soil will be excavated from the location and the impacted soil obtained from other areas of the site will be placed in the excavated pit and capped, as described below.
 - 7) **On-site excavation soil will be sampled** – if the soil sample does not meet remedial-action goals, it will be place back into the pit. If it does meet the goals, it will be used for “capping or fill elsewhere on the property.

- 8) **Burial Pit will be excavated to a depth of approximately 15 feet and over ½ acre large** with interior side slopes of 1.5H: 1 V.
 - 9) **High-Density Polyethylene Liner**, with a thickness of at least 20 mils, will be installed on the east interior slope of the burial pit prior to placement of impacted soil. If additional information comes to light in the future regarding the need for this liner, SRIH may petition the Utah Division of Environmental Response and Remediation (UDERR) for a modification to the plan to install the liner. The current plan is to install the liner unless another solution (as good as or better) is found. If the liner is installed, it will be keyed a minimum of 12 inches into the soil at the top and bottom of the slope. Individual sections of liner material will be overlapped a minimum of 3 inches and seams will be fusion welded or extrusion welded. Test seams will be prepared and tested in accordance with ASTM Method D-4437 at the beginning of each seaming period. Re-seaming will be required if testing fails to meet the required standards.
 - 10) **Impacted soil removed from elsewhere on the site will be placed in the pit** in lifts that do not exceed 12 inches in uncompacted thickness, and then compacted to approximately 95% of the maximum *Proctor* density.
 - 11) **This soil will be capped** by approximately 24 inches of material, including 12 inches of compacted clay and 12 inches of compacted common fill.
 - 12) **Sealed single-ring infiltrometer tests** will be conducted to determine the in-place hydraulic conductivity of the clay. The goal is to achieve an in-place hydraulic conductivity of no greater than 1×10^{-10} cm/s for the clay. If an infiltrometer test does not meet this goal, the clay will be reworked and re-tested until the goal is achieved.
- **Long Term Protection**
 - 13) **The location of the contaminated soil core will be surveyed**, following placement and compaction. This survey information will be recorded with Washington County for future reference as part of a deed restriction.
 - 14) **A high-density polyethylene safety fencing material will be installed** on top of the contaminated soil prior to placement of the clean fill materials. If excavation of this area ever occurs in the future, this material will serve as an indicator of the presence of the impacted soil.
 - 15) **A protective rock cover will be installed on the surface** overlying the buried soil to preclude wind and water erosion of the location and exposure of the impacted soil. The layer of rock will be at least 4 inches thick with a median diameter of 1 inch.
 - 16) **A fence will be constructed around the burial location** to protect the area from unauthorized entry. It is currently anticipated that this fence will be approximately 6 feet high and will consist of rock pilasters with interspersed decorative metal panels. A locked gate will be placed in the fence to preclude access to all but authorized personnel. If this fence does not include a low rock wall around the base, a soil berm (with a minimum height of 1 foot) will be constructed on the north and east sides of the burial site between the fence and the adjacent property. With the general slope of ground in the area being from the northwest, this berm will serve to direct run-on away from the burial location and keep runoff that is generated on the burial location from flowing off site.
 - 17) **Silver Reef Investment Holdings LLC, (SRIH) will require installation of radon-resistant measures in each home as part of the development restrictive covenants**, thereby providing further protection to human health. The model prediction is that under worst-case assumptions, the maximum rate of radon emanation from the surface of the soil burial site will equal $17.52 \text{ pCi/m}^2\text{-s}$. Hence, the encapsulation is considered adequately protective of human health with respect to radon emanation.

The following questions were asked by Council Members and citizens:

Citizen Ralph Rohr was concerned about the dust during excavation and if zinc would be used to handle the mercury. He noted a prior Federal clean-up of mercury used zinc to change mercury into a non harmful product. Mr. Bill Reese of the DEQ said he was not an expert of the prior clean-up process, but said he could get the reports, and that zinc would not be used. He reiterated the ground would be saturated before excavation and the air would be monitored, and if trigger levels were reached, work would be stopped. He gave his phone number and said if Mr. Rohr or anyone noted a problem during the clean-up, to notify himself or Rick Sant. He noted the DEQ would be overseeing the process and would have authority to stop work. Mr. Reese stated that once the materials were managed in the ground, there would be minimal or no risk to the residence. It would be capped, have a clay liner, a rock fence, and an environmental covenant with a site management plan into

perpetuity. Council Member Angela Rohr asked if there was any risk to the groundwater or Angell Springs. She was concerned that a new area would now be contaminated. Mr. Reese said he did not believe there was a risk to the ground water because the area was flat, the water would not move much, there would be a clay liner, and that a majority of the water would evaporate. Citizen and prior Planning Commission Member Peter Aurigemma asked if Alan Roberts recalled a Planning Commission discussion that the clean-up of both phases should be completed before homes were built on either to prevent children playing in contaminated areas. Council Member Alan Roberts remembered the concern, but stated the approval language was to accept Phase 1 as long as the clean-up was completed there. He thought the biggest concern with phase 1 was to manage the current contaminants, and felt the current plan used good judgment in doing such. It was noted the same procedure should occur before phase 2 was developed. Roberts stated he was impressed with the property owners making good intent on cleaning-up the area, and thought this was best for the health safety and welfare of individuals that may reside in the area. It was also noted people had been playing in the area for many years. Citizen Doug Erdmann thought the clean-up was a good step in the right direction, and noted the end product would be better than the current situation. Mr. Sant stated the Phase II area was basically free of contaminant materials, and said he recalled the agreement was to clean-up all of phase I, then all of phase II. Mr. Reese reminded there was a mandatory thirty (30) day public comment period to remediate concerns before the final approval, and noted figure 7 of the plan showed a schematic of the top layers of the burial pit. DEQ Representative Dave Bird stated the current plan would take a current uncontrolled situation and control it. Mayor Lefler also reiterated the thirty (30) day public comment period, and that the full plan was available for public view at the Town Hall during normal business hours of Monday thru Thursday 9:00 a.m. – 1:00 p.m.

- 15. Cemeteries - Darrell Nelson Cemetery Sexton Proposal and help with surveys –** Mayor Lefler referred to a letter from Darrell Nelson, offering cemetery sexton services in return for two gravesites in the Catholic Cemetery. Mr. Nelson said his assignment as a Planning Commission Member from 2002-2006 was working with the cemeteries. He offered the following services: to interface with the mortuaries for burial preparations; to mark graves; to attend the placement of the burial vaults and service set-up; to interface with the monument companies for the proper inscription placement on dual headstones; to attend the setting of the headstones; to place and remove U.S. Flags and Crosses on Memorial Day; to exhibit the American Flag at the Mormon Cemetery on holidays; and to oversee volunteer and paid labor services. It was noted that services such as grounds keeping, irrigation, landscaping and daily upkeep were not included in the above proposal, but were open for discussion with fair compensation for his time. There was discussion by the Council regarding the Town's desire and ability to continue the sale of cemetery plots. Due to the need to conduct a survey to ascertain the location of current burial plots, Mayor Lefler directed Treasurer Jean Beal to discontinue the sale of cemetery plots in the Catholic and Protestant cemeteries until a survey could be completed. Nelson noted that several years prior, many of the occupied plots in the Protestant cemetery were found after a heavy rain storm created prominent mounds. Council Member Frank Lojko noted that many Chinese, whom also lived in Silver Reef, were buried in the areas surrounding the two cemeteries. He said most of them had been exhumed, but, cautioned there may be some left. Mr. Nelson noted his services would be as a liaison between the mortuary and monument companies for plots already purchased. Treasurer Jean Beal noted the Town needed someone to help locate plots and help in general, and stated Mr. Nelson has been helpful in the past in these areas. Mayor Lefler said he would continue to consider the proposal, visit with Mr. Nelson, and help Mr. Nelson refine the proposal.

16. Reports by Town Council Members:

- a. **Report on Rubber chips in Park –** Frank Lojko was out of town; and was unable to present the materials for review.
- b. **Review of Police Department Survey for mailing -** Frank Lojko presented a survey draft for the Council to consider. The Council Members were instructed to get input to Lojko.
- c. **Report on culvert drainage at 2070 and 2071 Silver Reef Drive –** Mayor Lefler read the staff report as follows: "During the November 10, 2010 Town Council Meeting it was decided to view the area at 2071 Silver Reef Drive when the LDWA water project trenched the area. Council Members Angela Rohr & Alan Roberts viewed the area when trenched. It was discovered there was a culvert on the 2071 side of the road. Former Planning Commission Member Peter Aurigemma and neighbor of the properties was present at the site and said when he first moved to Silver Reef six years ago, the 2071 property extended approximately 20 feet from the road

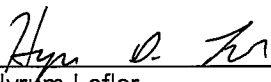
(shown in picture with a dotted line labeled "Original Drop Off." He said he did not see the other end of the culvert at that time. Peter said boulders from the Leeds Irrigation Company Main Street gutter piping project were brought in a few years ago to fill in the gully and extend the property another 30 feet (approximately), labeled "New Drop Off." Peter noted there was only standing water on the 2070 property a few times a year, and it would dry up within a few days. Angela also noted that water only "stood" for a few days on other properties in the area. Pictures and GPS coordinates were taken by Clerk/Recorder Fran Rex and Kurt Allen respectively to enable future location of the pipe. The trench has now been covered. The trenching crew ran a tape measure from the 2070 side of the culvert. It went in approximately 17 feet before it could not go further. The road including the right-of-ways on each side measures approximately 40 feet across; therefore, the tape measure went in less than half way across the road. Kurt Allen of Northern Engineering noted the pipe size and water flow was not adequate to keep it clear for a long period of time. He recommended that if the pipe were flushed, the 2070 owner could put a screen over their end to prevent so much debris build up in the pipe." Lefler and Rohr did not think it was a big problem since there was only standing water a few times a year which only lasted a few days. Lojko was sympathetic to the problem since heavy rains transport sediments to all the culverts in the area. He stated it was the property owner's responsibility to help prevent erosion on their property. He thought if the culvert were flushed, the boulders on the other side would not impede drainage. The Town Council decided not to take action on the Culvert, but to leave it to the property owners to remedy the situation.

- d. **Report on the Town Park Power** – Alan Roberts reported the power was on at the park, and the project was completed.

UPDATES BY STAFF:

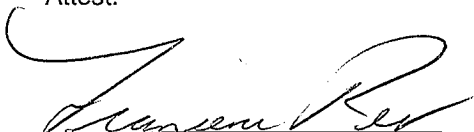
17. **Exit sign, porch light, & timer on park lights** – Treasurer Jean Beal stated risk management required an exit sign and a cover on the porch light which George would install. Alan Roberts said he had the photo-cell for the park lights timer, but the installation work was being donated and could only be completed when the contractors schedule was clear.
18. **It was noted that the Voting percentage Leeds Town** during the recent County election was 73.88% , and the County percentage was 61.01%
19. **Adjournment** by Frank Lojko at **10:15 p.m.**

APPROVED ON THIS 12th DAY OF January, 2010



Mayor Hyrum Lefler

Attest:



Clerk/Recorder Francene Rex