

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, May 11, 2022

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, May 11, 2022, at 7:00 pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

### **Regular Meeting 7:00pm**

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting minutes of April 25, 2022.
7. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
8. Announcements:
  - a. Dumpster Days, May 20, 21 & 22, Dumpsters located on Cherry Lane
  - b. Designation of Restricted Area for Fireworks
9. Public Hearings:
  - a. Ordinance 2022-02 Compensation of the Clerk/Recorder
  - b. Ordinance 2022-03, General and Master Transportation Plan
  - c. Ordinance 2022-04, Annexation Policy Plan
  - d. Resolution 2022-02 To Adopt Modified State Code 10-9a-530, Internal accessory units
  - e. Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses
10. Action Items:
  - a. Action on Ordinance 2022-02 Compensation of the Clerk/Recorder
  - b. Action on Ordinance 2022-03, General and Master Transportation Plan
  - c. Action on Ordinance 2022-04, Annexation Policy Plan
  - d. Action on Resolution 2022-02 To Adopt Modified State Code 10-9a-530, Internal accessory units
  - e. Discussion possible Action Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses
  - f. Tentative Fiscal Year Budget for the Town of Leeds and setting the Date for the Public Hearing on the Budget as May 25, 2022
11. Discussion Items:
  - a. Discussion of possible Annexation Between Leeds and Ash Creek SSD; Representative Mike Chandler
12. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
13. Staff Reports
14. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
15. Adjournment

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

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

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted May 9 2022 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website [www.leedstown.org](http://www.leedstown.org).

  
Aseneth Steed, Clerk/Recorder

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# Town of Leeds

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## Town Council Meeting for Wednesday, May 11, 2022

### Regular Meeting 7 PM

#### 1. Call to Order/Roll Call: 7:07

**ROLL CALL:**

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

#### 2. Pledge of Allegiance

#### 3. Declaration of Abstentions or Conflicts:

Councilmember Stirling declared conflict of interest as a minor arterial road goes through family property.

#### 4. Approval of Consent Agenda and Minutes

##### a. Tonight's Agenda

Councilmember Cundick moved to approve tonight's agenda of May 11, 2022. Second by Councilmember Hunsaker. 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	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER: STEPHEN WILSON	<u>      </u>	<u>      </u>	<u>      </u>	<u>x</u>
COUNCILMEMBER: LORRIE HUNSAKER	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>

##### b. Town Council Meeting Minutes of April 27, 2022

Councilmember Hunsaker moved to approve meeting minutes of April 25, 2022. Second by Councilmember Cundick. 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: LORRIE HUNSAKER	x	_____	_____	_____

5. Citizen Comments:

Lynn Potter: I live in St. George on Main Street. And so about enforcing ordinances first. To be blunt, the town of Leeds can enforce everything that is on its books. I was there in the meeting with Craig Hall, the discussions lasted for many meetings. It was a heated discussion. It is a difficult thing. Because this is a very rural community. And you actually have a lot of ordinances on the books that are not enforced, and the truth is Leeds cannot afford to enforce them. To enforce them the way St George enforces them. For instance, I live on Main Street I think is very rabid. I recently passed something a few months ago about how high the grass can be on the come up eight inches and they measure it, but they will only enforce that if you live on Main Street like I do, or if someone complains, okay? Because most of the incidences to this town involve people making complaints, enforcement of these ordinances as turns into a very subjective thing. It turns neighbor against neighbor, and it becomes really nasty. So I don't know what to tell you that other than if you really . t to enforce these, everybody needs to pony up 1000 bucks apiece. You know, it is going to be expensive. You are going to have to have full time people. The other thing last time at the group meeting that you had, I did not get a chance to talk about your problems with getting the contracts for the roads, but I have some suggestions. I know that you are no longer allowed to ride on the coattails of the larger communities. So, you need to work with the smaller communities, you need to form a consortium with these small communities to either have power in bidding on contracts, all the communities Veyo, Pine Valley and all the outliers and even cross county borders. Because you are closer to New Harmony and the folks up there then you are to Apple Valley. The other direction that you can go if you do not want to do that, and this is the way that I would go is that I would form a consortium. Hopefully get at least a dozen in order to afford this. You form a nonprofit. You buy your own equipment, and you have your own people. And if you have not done then everybody gets a month a year to fix the road problems. My time so thank you very much.

Michell Poet: I just had a quick request when there are very consequential docs to review like the Draft Master Plan and the Annexation Policy is it possible to make those available online? It is really prohibitive for some of us to come down during the

workday and review those in person and put a business trip on top of it. I think we could get more citizen engagement that way. Thank you.

Ralph Rohr: I would like to comment on that. Aseneth, our town clerk was kind enough to email them to me

Michelle Poet: I was not offered that option. I actually called in and requested electronic copies but was told that was not possible. So, I do not think that was fair.

Councilmember Hunsaker: Was that before they were prepared?

Clerk: Yes.

Councilmember Stirling: If you will leave your email I will make sure you get one.

Michelle Poet: But you are approving it tonight so it pointless.

Mayor Hoster: You know, it is a good point. I will just take a moment to address it. Michelle. We are kind of experiencing Thank you, Scott. A momentary technicality of moving from our old website to our new one, which hopefully should be ready by Monday.

Michelle Poet: Okay, I understand that, but I did offer to help to make that available online.

Mayor Hoster: Your point is well taken, and I would love to make sure that does not fall through the cracks again, and I am sorry, experienced that it should not have happened. And I appreciate your feedback and fine assessment of these things, too. So, I regret that did not occur. But thank you for bringing it to my attention.

## 6. Announcements:

Dumpster Days, May 20, 21 & 22, Dumpsters located on Cherry Lane

## Designation of Restricted Area for Fireworks

Mayor Hoster: This was discussed at our work meeting. We are looking at a couple of different options. We have talked with the Hurricane Fire District and also our insurance company and considering maybe talking to the state parks department about executing fireworks on Quail Creek Lake, and seeing what options exist there. If that fails, then we will circle back and identify an alternative for that.

Councilmember Hunsaker: Regarding the restricted area each year, we need to let the county know where we will allow residents to set up their own fireworks, if it is a day that is conducive to letting them and we have always used the basketball courts here at the town park. I did not know if that was the town one or if you had received the letter wanting to know what we were designating this year. It has historically been at the basketball courts.

Mayor Hoster: Thank you for that. I think it is relative to segue, the conversation that was ensued in the work meeting with regard to the drought situation, and the accessibility of fire-retardant access and the hazards to the citizens without professional assistance. I think that basketball court area would be ideal for that purpose, and to limit any personal other personal fireworks from within the town, and only allowing it on that three-day weekend. That is what we will post, and we will talk with the fire department about making sure that is congruent with their sentiments. If there is any wind, I hope no one, you know, tries to be reckless with that, because it will damage the entire town. With that, we will go ahead and move on to the public hearings.

## 7. Public Hearings:

### a. Ordinance 2022-03 Compensation of the Clerk/Recorder

Mayor Hoster: Given consideration of the steep nature of inflation, and we are absolutely grateful for the efforts and dedication that we have from our current clerk and recorder, and we want to retain that individual. It has been proposed that we move from the current hourly wage of \$21 per hour to that of \$23.50 per hour. This does change the annual income with an average work hour week of 40 hours from \$36,469 to \$45,120.

Councilmember Hunsaker: I just want to make sure that we opened the Public Hearing.

Mayor Hoster: Did I miss something?

Scot Messel: No, it is fine.

Councilmember Hunsaker: Do not need to vote to open it to Public Hearing? Sorry about that, just wanted to make sure.

Mayor Hoster: These things kind of stack and I wanted to make sure we are not missing something. So, thank you for that attention to detail. The proposed amount is 45,120 per year. Councilmember Hunsaker took the effort to identify comparable, this does reside within the norm within the area of the state of Utah. There is a significant amount of information relevant to why this is very justified. And I will read this as such.

Our town clerk does not currently receive any benefits overtime or holiday pay. This is in place to not trigger Leeds having to enter into the Utah retirement System. The town may recall our significant fine associated with that recently. Since we have been unsuccessful in finding a bookkeeper, our current town clerk has been filling that role along with setting up the Town Council and Planning Commission meetings, running zoom at those meetings and typing up the minutes for those meetings. She is completing the filing of all required reports for the state and basically doing all the work of three employees. Which is very true. Furthermore, the Consumer Price Index has jumped by eight and a half percent. I kind of think that that could actually be low compared to its reality. Utah's cost of living adjustment for 2022, as per Utah Retirement Systems is at 4.7% is the opinion of the board and that of Lorrie Hunsaker that has seen it to be paid accordingly, with the knowledge that if we do hire a bookkeeper, that she would not be receiving a raise for a period for a little while here. That said, we believe that we should

increase the town clerk recorders pay to that of 20.50 an hour, which would raise her annual salary.

And with that, I will ask for a motion to approve the pay increase from 36,469 per year to that of 45,120 per year?

Councilmember Stirling: Lets open it up for the public hearing and take comments.

Mayor Hoster: Right. There is a lot to go through here.

Scott Messel: If you wanted to, you could go through all and then open the Public Hearing and comment on all. That is another way to do it.

Councilmember Cundick: We could do it that way and open the Action Items separately.

Mayor Hoster: I will go through all of them. I want to respect Mike Chandlers time.

#### b. Ordinance 2022-03, General and Master Transportation Plan

Mayor Hoster: This plan has been open for review by the public and by City Council since April 25th. It is important to note that the document is that of a living document. It is the procedure of identifying what the town residents wish to see happen over the next 5, 10, 15 and 20 years. Those items also include many categories within historical, within infrastructure, and impact. All of those items have been prepared by a third-party company, Sunrise Engineering. Brad Robins has been our point of contact for all of that and actually composed the final General Master and Transportation Plan. They have been available and will be available to be discussed during the Public Hearing portion of our meeting.

#### c. Ordinance 2022-04, Annexation Policy Plan

Mayor Hoster: Annexation policy plan is also a part of this General and Master Transportation Plan. However, it is a component that is now required by the state for the town if we do wish to proceed in any annexation activities. This has been carefully drafted and prepared by Sunrise Engineering for the benefit of bringing in alignment the Town with the wishes for the for the residents.

#### d. Resolution 2022-02 To Adopt Modified State Code 10-9a-530, Internal accessory units

Mayor Hoster read the proposed Resolution. Scott Messel offered to go into more detail in the hearing if the public had questions.

#### f. Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses

Mayor Hoster said anyone has had access to all this documents. It has been available and can be discussed in the Public Hearings. Clerk asked to comment and said, I would like to formally introduce myself. My name is Aseneth. Thank you for this opportunity. First of all, I apologize if I cannot cover all the bases because my intent really, is to serve. To Michelle especially and maybe Lindsay and Rhonda, I have been going to call Rhonda all week; Michelle, I apologize I did not get that email to you. Once I got the documents and clarification that it was okay, I thought about sending them to you twice, but I was in the middle of something else. So please accept my apology. Thank you.

Mayor Hoster opened the Public Hearings for comment.

Angela Rohr: There's a book that you get on government for towns and cities. It has been more than four years since I have looked at one, but the job of Treasurer and Clerk Recorder was to be totally separate. I understand as we see anywhere in town the signs saying hiring, hiring, I understand the difficulty, but I do not know how long it has been since we have not had a separate bookkeeper. It was only a 2 hour a week job. I imagine it has expanded. It might be we could share bookkeepers with the other smaller towns.

Councilmember Hunsaker: We had a butcher apply but his skill set just did not quite fit.

LoAnne Barnes: I have not had the opportunity to really look at the General Plan or somebody is in the process. Since it has been so recently that we have had them in print form. So, I would like us not make this the final opportunity to make comments on the General Plan and other areas because I really think we as a resident of Leeds should look further into these big things that we're designing at this point. Thank you.

Alan Cohn: I would like someone to explain State Code 10-9a-530, Internal accessory units because I would like to know what we are adopting for the town.

Scott Messel: In the Town of Leeds and any jurisdiction there is a hierarchy of codes we are required to follow. They are all state and federal codes. The state legislators passed a code for internal accessory dwellings an internal accessory dwelling unit means an accessory dwelling unit created within a primary dwelling within the footprint of the primary dwelling described at the time of the internal accessory dwellings unit is created. It is for the purpose of offering a long-term rental of thirty consecutive days or longer. It is supposed to be a permitted use in any zone that allows for a residential use. An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes. It goes through and I can read the whole code. It is a couple pages, but the gist of it is, is it allows for property owners to have a casita or mother-in-law apartment in their home attached to their home. They could rent that unit separate from the main dwelling if its owner occupied. This purpose is not for short term rental.

Angie Rohr: Several years ago, we had someone in Leeds, who wanted to rent out a bedroom would this be?



Mayor Hoster: The answer's yes. The reason all that has come to fruition was during the last legislation it identified to resolve some of the housing crisis situation. We are just voting to stay incongruency with the state law. We have to.

Chris Bevan. Can you explain exactly what hazard is saying something about Dust and stuff? Because I have no idea what that is about?

Mayor Hoster: Sure. I am going to give you a synopsis of this. If I am, if I am missing any gaps, we have Commissioner Rosenthal on Zoom to assist. But in summary, what is happening is we do have contaminants that are in in our, our soil. And when that soil is disturbed, and the contaminants along with other dust are elevated and airborne, they become hazardous to the health of those in the surrounding area. When construction occurs, and trucks are kicking up that dust, we are moving toward having that whoever is building or receiving a permit agrees to take mitigation efforts. So, they will have to water that down. They will have to put they will there are a list of efforts they have to exercise to mitigate or reduce or cease any fugitive dust from interfering with the health of those surrounding that area. That is the gist of it. Mark if I missed anything?

Commissioner Rosenthal: I would add to the standpoint of hazardous materials. We are also looking at materials kicked up like asbestos during the demolition processes. We have a number of houses in town that at some point will be retrofitted, modified or removed. Those older structures are large extent. It is not something that we developed ourselves. So, they come right from the state legislature.

Mayor Hoster: Thank you for that, Mark. If there are no further comments on this, we will move on to the action item. process. We will go ahead and ask for a motion to approve action item.

Councilmember Stirling: You have to close the Public Hearing first.

Mayor Hoster: Thank you for that.

Councilmember Cundick made a motion to close the Public Hearing.  
Councilmember Hunsaker 2<sup>nd</sup>. 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: LORRIE HUNSAKER	x	_____	_____	_____

Action Items:

- a. Discussion possible Action on Ordinance 2022-03 Compensation of the Clerk/Recorder

Councilmember Stirling: When was the last time that we increased the compensation?

Mayor Hoster: The compensation was increased in November of 2021. That was associated with the Utah Retirement Systems. It was to accommodate for that Resolution, so it was not really an increase in the compensation but in lieu of the holiday pay.

Councilmember Hunsaker: However, we need to look into that. I believe they never did receive that. The communication got blocked on the way to the new payroll company at the time our we lost our payroll manager to covid. They have not been receiving that. So, we need to get that rectified.

Councilmember Stirling: So, what percentage of this is... is there any increase in the budget? Or is our budget just at this point, going to be over? Did we amend the budget for this?

Mayor Hoster: No this will have to be an amended item in the budget?

Councilmember Stirling: And do we have extra in the budget to be able to do this?

Mayor Hoster: Well, right now, as we look at it, the answer is got to be or is yes. But it is going to take modification from some other areas that are within the budget right now.

Councilmember Stirling: And do we know what those budget cuts will be to amend this to the 23.50 instead of the twenty-one an hour?

Mayor Hoster: No, I do not I do not have those outlined.

Councilmember Stirling: I think before we agree to this, we need to also understand that we approved a budget and the citizens of the community saw that budget and then before we decide to amend that budget, we potentially need to know what we're going to be cutting to be able to increase this and I'm not against it but I would like the citizens to know what we're going to be taking away from so that the budget is balanced.

Mayor Hoster: Okay, good comment. I'll respond to it that. The increase for this position and amount that resides in let me pull that up.

Councilmember Stirling: \$8,651 extra year and our budget is quite tight as it is so I would, I would like to see what those other cuts will be before we agree and to .to increase it almost \$9,000

Mayor Hoster: Okay, yeah, my point is, is that we have to do it, whether it is going to be an increase in in hiring somebody who we do not have right now, or and we are going to have to facilitate some way of modifying that. We are going to have that budget review. It is the next meeting. So yeah, that will be addressed and how we can modify or accommodate that,

but I want to emphasize that we could be into this deeper if we neglect to address it today and make modifications retroactively within our budget but very good point.

Councilmember Cundick: Well, what if we made a motion here to approve it subject to an approval of the of the budget itself and make it retroactive to this date? So, there is no injuries as far as going forward but everybody knows exactly what has been displaced on the record budget and assured that the money is there to handle it and they agree with the changes we'd like to make. Then if we cannot get the budget in a way that we can approve it then it does not go. It does not go forward.

Mayor Hoster: It is a good compromise.

Councilmember Hunsaker: We need to remove the second treasurer on number item 3. We are not paying the treasurer that amount.

Councilmember Stirling: I agree. Treasurer shall pay the clerk recorder and treasurer twice monthly. I agree that should be removed.

Councilmember Cundick made a motion for approval of Ordinance 2022-02 Compensation of the Clerk/Recorder contingent on the third quarterly budget review at the next Town Council Meeting, that the word Treasurer be removed, and compensation be retroactive to May 11, 2022. Councilmember Hunsaker 2<sup>nd</sup>. 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: LORRIE HUNSAKER	x	_____	_____	_____

b. Action on Ordinance 2022-03, General Plan

Councilmember Stirling: I will open for the Leeds transportation map. Scott, do you have the availability of putting this up so that the general public can see it. It is a conflict of interest because it affects my family's property. When I went to the Dixie transportation board, they explained to me that the national conservation for the Red Cliff desert tortoise reserve, that property is a national conservation and very rarely will they ever allow any type of new road to come in. I really do not want to set Leeds up for a potential minor arterial, set it up for failure. So, I am asking to remove the yellow dot that goes through the National Conservation Area, up through Red Cliff Desert Tortoise Reserve and down on to what appears to be connecting into the main road. I just do not think that would facilitate any type of a congruent area. I am also asking the blue, it is a residential collector. The blue, hillside

ordinance is very important to me as well. And I believe that blue dot that goes at the very end of Silver Meadows that goes up and around and then on to the hillside is well should be removed so that we are not setting up Leeds for the hillside ordinance failure is well. Those were the two that I had a problem with on the Leeds transportation map. There is a potential road system that they have coming down from Silver Reef into Hidden Valley. I believe at one point that it was discussed that that potentially could be a hillside ordinance problem. We would have to look at. I do know that the two that I spoke of, at the beginning, I would potentially like them to be omitted from the map.

Mayor Hoster: There are two, three different areas of blue dots. I am trying to make notes of them.

Councilmember Stirling: The blue down from here is hillside ordinance. It is very, very steep hillside ordinance, this and then going up this hill into that circle would potentially be another drastic hillside ordinance, probably.

So, this area here is hillside ordinance that goes here. And then it also goes up to this, which is another hillside ordinance that would potentially not facilitate a road that would be able to be cut, especially because of that hillside ordinance. This right here is all in the National Conservation Red Cliffs Desert Tortoise Reserve, and this road through here would be going through an area that would never be able to be approved through what Washington County Transportation Board expressed to me. Then this area here is the potential conflict interests of my family property here. So, I would believe that this blue area be taken off as well as this road that would never be able to be approved through a conservation area.

Mayor Hoster: Thank you for that detail. Brad, do you have any comments that you can give us on those?

Brad Robbins: Yes. This is your transportation planning your map, you can do whatever you want to do with those locations. I do not think that is an issue. It is not affecting the state highway, it is not affecting state routes. So, it really comes down to your circulation plan, which you want to do. So, if you want to remove those will take them off. This is actually existing this year existing plan. It has been there for a while.

Councilmember Stirling: Right.

Brad Robbins: Just a follow up to that, there was nothing new on this whole Transportation Plan that had changed from the previous to now. And it is because the state kind of looked at the traffic patterns and the traffic counts for the area. And literally the roads are still operating within those capacities. So, this is what you have in the books.

Councilmember Hunsaker: There were more current recent studies done like in 2019?

Brad Robbins: They're not this year, but they are well below the capacity. The traffic down these roads is well below the design capacity. But again, if you want to take that out, that is up to you.

Mayor Hoster: Do You know, any history on why these were there? Given the comments of Councilmember Stirling with the desert tortoise habitat and all of the conservation areas that

are affected by this and the hillside ordinance: I do not know why they would have been there in the first place.

Brad Robbins: No, I have absolutely no clue. I was on the Planning Commission for five years. This issue never came up and I Recall as far as transportation, it was interesting looking at your old general plan. Your old general plan had this built out scenario of profiles of people. 12,000 people, right now you are about an 850. It might have come from that plan; based on that scenario, because it makes absolutely no sense. Even in the most extreme conditions, you are not going to get anywhere near 12,000 people. It is probably as a result of that.

### c. Action on Ordinance 2022-04, Annexation Policy Plan

Councilmember Stirling: I did have a question on the Annexation policy maps. Did you do any new growth on the Annexation Policy Map? What was your interpretation of what it was before and what you did now?

Brad Robbins: Okay. So, the Annexation Policy Map is a result of meeting with the steering committee and the Mayor and Mr. Cundick. In regard to areas outside of the boundaries of the city that could possibly be annexed in the future. You did not have an Annexation Policy Plan prior to tonight. You did have an annexation policy. Now, this expanded a little bit, you can see the dark green areas on the top, those are designated as open space or actually BLM land right now kind of a light green is rural residential, the blue areas are designated as agriculture. And then, at the Planning Commission meeting last week, it was recommended that this area be included. That little area there that is going to be designated as commercial also be included. Overall, it is about 2,600 acres that could possibly be annexed into the town. Now, the area over here to the east has already been taken up by or annexed by Toquerville. These are the areas left surrounding the town that could possibly be annexed. There is nothing unusual about towns designating areas outside of their boundaries for possible annexation. It is something you should do. Something that probably should have been done a long time ago. What we have done with this plan is to provide that opportunity for the Town going forward, if in fact, you actually want to do that. When you adopt this tonight, you will have the ability with a plan and with a map to go forward any type of annexation you want to get. If in fact that is what you wish.

Mayor Hoster: And without it, we are not really in a position to proceed forward. As I understand.

Mayor Hoster: And without it, we are not really in a position to proceed forward. As I understand

Brad Robbins: The state code outlines how you proceed with annexations. They require the annexation map that you know have. It has been updated and they require a plan. You now have both so if, in fact, it is your desire to annex whatever area you would like to, you can be based on this plan.

Michelle Poet: Can I ask the engineer a question please? The federal land to the right of that big square up there and very annex by Toquerville right now?

Brad Robbins: Yes. From what I understand this Yes. That was the impetus for trying to produce some rationale as part of the plan if the Town ever wants to annex.

Ron Cundick: I want to clarify that approving this Annexation Policy Plan does not lock us into a definite procedure on this thing, it gives us the option of moving forward. Am I correct on that, Brad?

Brad Robbins: Correct.

Ron Cundick: But if you do not have it, then you cannot go forward. So right now, there as you can see the jigsaw puzzle appear there just lots of little spots that could be annexed by somebody else like Toquerville. It is very hard to have these, what I would call the islands or peninsulas or what do you want to call it around here. It is a good time to try and consolidate that and make the town more cohesive to how to governor in these areas. So, it gives us the option to do things we have not been able. We could have done in the past, but we did not. This would put us in a position to do it.

Councilmember Stirling: I think I do want to make a comment about the general plan of Leeds. And I am, I am saying this with as much humility as I can, because I am a farmer, and I do appreciate agriculture. It has been our livelihood for a very, very long time. I think that what the general public of Leeds needs to understand, though, is that with the last four or five years, my husband and I have literally dried up 80% of our farm every single summer, except for keeping the trees alive. Because there is not any water, there is no water. And the agriculture is deemed, you know, this rural community with no way of agriculture sustaining itself, because of the lack of water. The irrigation company does the very, very best they can, but I feel that there's a lot of animosity between water users as a whole. I also feel that coming from... I did a post last week about the fact that the property that we were renting in Hurricane for 25 years that somebody else owned and we were okay with renting that property for our watermelon and cantaloupe, unfortunately, they decided to go ahead and develop it. Am I bitter? Absolutely not. That is their right as a property owner to do what whatever they want to do with that land. If I would have been able to go to Vegas and hit the lottery, I would have bought it. But I do not gamble. I farm, which is basically the same thing, but I like to work. So anyway, I did a post and expressed that we are not going to be doing watermelon cantaloupe anymore, because number one, we do not have the land. And number two in Washington County, I would say 95% of all agriculture land has been developed. The land that we have here in Leeds cannot sustain watermelon and cantaloupe because there is no water to be able to do that. It can only sustain the trees. The point in me saying this is, yes, everyone wants to continue to have agriculture, rural community. But the other future intent and purpose for agriculture users or agriculture, farmers are that inevitably, David and I have no desire to ever develop. But other farmers that cannot make a living on their property because there's not enough water, we also have to set that up for their potential use of either developing or doing something with that property. There is not any rain in the future, Southern Utah has basically, I hate to say this, but Southern Utah has

basically used the water that agriculture should be able to use for development. That leaves us with nothing as farmers. So, although this General Plan is saying most residents will live in Leeds for its rural agricultural small-town Charm and want to keep that hometown feeling; there has to be some type of ideology that farmers have a right to do what they need to do with their land. When it does come up, If Sullivans come in and say, look, we have to dry up 80% of our fields because everybody else in the irrigation company wants to make sure that they have their cut. We also have to understand as citizens that cannot stay a farm forever if they cannot even make a living off of it. So, I say this with humility, because I don't want to see the farms go away. I do not want to see my own farm go away. But I also know that when 80% is dried up in the middle of the summer, it cannot continue to be a rural community with no water. I am saying that I do not know if the General Plan is going to be able to sustain itself forever as a rural community without water.

Mayor Hoster: Thank you. That has a lot of depth to it.

Councilmember Stirling: I also would like to make a motion to table the General and Master Transportation plan for tonight so that the general public that didn't get that email to them could potentially at the end of the meeting, write their emails down and have the next two weeks to be able to review that because I think it's pertinent that everybody has the opportunity to read this and make yellow lines and at the citizen comments for next week, because we won't open it as a public hearing again, but the citizen comments, they can at least either email us during the week or also give their public citizen comment. So, my motion is to table 2022-03 General Master Transportation Plan.

Councilmember Hunsaker: Second.

Mayor Hoster: Okay, we have a second. We will go ahead and vote on tabling the General Plan and Master Transportation Plan until it would have to be the next town council meeting, which is May 25, 2022.

Councilmember Hunsaker: Question. If we table it. Now that it has been completed, do we still have our funding covering it if we table it to a future date or are we going to lose that grant? I may have to pull my second here in a second.

Brad Robbins: May I comment?

Mayor Hoster: Go ahead, Brad.

Brad Robbins: Yeah. This process with the state grant funding has been going on for approximately two years. I do not know what has happened in the past and why it got to the point to where you are right at the end of this process. If you do not get this approved by end of May, your funding is going to go away. I am not trying to pressure you, but the reality is, that is the reality. I do not know if COVID had an issue with it, or what occurred prior to December when I got it. In regard to allowing people to know what is going on. There has been a survey. There has been steering meetings, public meetings, public notices, we had the Planning Commission's Public Hearing meeting last week, which we had a good attendance,

a lot of people spoke at that meeting too. I am not saying this is the last chance that you have, you are getting close to the last chance that you have. I just do not recommend pushing that right into the end. It has to be filed with the state before the end of May in order to make sure that you comply. If anybody has any questions about it, I would be glad to meet with them afterwards, go over the document, if that is the issue. You can always amend the document if you need to. At this point you are kind of done. You are out of time with the grant.

Just to kind of follow that a little bit. There were some comments in the General Plan, and some action items about the zoning document. We are going to take your zoning document when you are done here, and we are going to fix it so that is your Annexation Policy Plan and your General Plan and Master Transportation Plan, and your zoning document all matches. That has not happened in my time here in Leeds. We are not done with that yet and we can always go back next month or the month after if there is some issues that need to be fixed. I will do that.

Councilmember Stirling: So are you saying that as of June 1, we lose it or as May.

Town Clerk: No. As of April 31, 2022. That was the date. CIB granted a 30-day extension.

Brad Robbins: There was a month, I do not know if you want to call it an extension or not, but April 31 was it. Then they at CIB said it has to be finalized and done by the end of May. That is the hurry.

Councilmember Hunsaker: Part of it was that Sunrise kept changing project directors. We had four that I know of, until we finally got you.

Brad Robbins: Maybe, this has been going on for two years. Sunrise Engineering has not been involved in do it for two years.

Mayor Hoster: In summary let me just vocalize that I have been in conversations with Joe Phillips. I have also been in conversation with those who are at the MPO and the CIB, who are funding this. In concert with what has just been shared we do not have the ability to retain that funding if we do not get this approved and then invoiced and so that is our position. Regarding all three of those items, I think to focus on Brad's comment to this being a living document and the intent is to paint the picture as broad as possible, and then modify as you move forward. None of these items are in stone, but they allow you to do them should the town elect to in a future time. Without them being on here, we are highly limited. So, we try to make the brushes as broad as possible.

Councilmember Stirling made a motion to withdraw the motion to table Ordinance 2022-03, General Plan and made a motion to approve Ordinance 2022-03, General Plan contingent on changes to the Leeds transportation map of deleting the yellow dots minor arterial and the blue Residential Collector at the end of Silver Meadows and allow the General Plan update to be emailed to



anyone that would like it as soon as it is available. Councilmember Cundick amended the email requirement portion of the motion to website posting. Councilmember Hunsaker 2nd. 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: LORRIE HUNSAKER	x	_____	_____	_____

Councilmember Cundick made a motion to approve the Ordinance 2022-04 Annexation Policy Plan. Councilmember Stirling 2<sup>nd</sup>. 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: LORRIE HUNSAKER	x	_____	_____	_____

Councilmember Stirling: We've had in the past short-term rentals that are on Airbnb or VRBO and they say 30 days or more. This would make it permissible even if they do not stay the entire 30 days. If they are renting that out, and the individual says that you have to rent it 30 days or more, is that what the state also passed on there's?

Scott Messel: The intent of the State was not creating more options for short term rentals. The intent was to create options for the housing crisis. It would be for long term rentals.

Councilmember Hunsaker: It was designed from what I remember the conversation had before the vote at the legislature was so that people could be allowed to rent out rooms in their home.

Scott Messel: It says in the ordinance that the municipality may prohibit the rental or offering the rental of an internal accessory dwelling unit for a period less than 30 days. So, it says that in the state code.

Mayor Hoster: There is a typo on this agenda item. That will not be Ordinance 2022-02 rather it will be Ordinance 2022-05, Adopt Modified State Code 1-9a-0530, Internal Accessory Units.

Councilmember Cundick made a motion to approve Ordinance 2022-05, Adopt Modified State Code 1-9a-530, Internal Accessory Units. Councilmember Hunsaker 2<sup>nd</sup>. 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: LORRIE HUNSAKER	x	_____	_____	_____

\*see footnote

Discussion possible Action Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses

Councilmember Cundick motioned to approved Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses. Councilmember Hunsaker seconded the motion.<sup>1</sup>  
 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: LORRIE HUNSAKER	x	_____	_____	_____

**Discussion Items:**

Discussion of possible Annexation Between Leeds and Ash Creek SSD;  
 Representative Mike Chandler

Mayor Hoster: We have Representative Mike Chandler, Director for the Ash Creek Special Services District. Mr. Chandler. I am going to set the stage for this. Thank you, Mike, for joining us tonight. I know you had to make some modifications to your personal schedule.

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While the minutes accurately reflect what was said, the Resolution passed at the May 11, 2022, Town Council meeting to Adopt Modified State Code 10-9A-530, Internal accessory units was numbered Resolution 2022-02. Which will be reflect in the next meeting minutes.

So, thank you for doing that. Mike has been invited to present in Town Council meeting because of several preceding meetings. The first being with the water district identifying some activity that is occurring at the south end of Leeds which is in the county where a will serve letter is going to occur with the Westoff property that is being modified at the south end of town. Further discussion ensued with myself and Mr. Chandler at Ash Creek wherein we discussed how the sewer is possibly going to proceed into the Town of Leeds as a result of circumstances that I was not aware of at that time. The discussion immediately started with why we should pay for something that we do currently pay for and how are we going to deal with people who are affected by a sewer line that comes in regarding the state law that requires anyone within three hundred feet of that sewer line must connect to that sewer line. Mr. Chandler had some discussion points prepared for us to review of which I felt were ideal for the town of whom I represent, and this this Council represents, to hear, and also hear some dialogue with Mr. Chandler on those comments, and other positions to share with us as well, Sir. Thank you.

Mike Chandler: Council Members and crowd I appreciate the opportunity to come. I have come one time previously. I know that Leeds is no stranger to the juggernaut of future sewer, septic administration and the various and tangled issues that come with it. As I talked with Mayor Hoster a little bit about the Westoff project and a variety of other projects that at one time or another have come before us for either to be served as an interlocal agreement with Leeds; where Leeds had previously offered to some developers to work as what's called the body politic or development, and similarly, some of the other developments that have become proposed have not received that. endorsement from the city is requesting that Ash Creek serve as the body politic. A little bit of clarification of state code and rules. The body politic is required whenever a community septic system that serves multiple individual parcel units when there's multiple owners, multiple parcels. And so, some of the projects that that entailed included Silver Pointe. Or one of the Alberta pieces project which has been acquired and received zoning approval I believe. Jered Westoff projects and I have had a number of other private property owners from the town approach me about possibilities of connecting to sewer lines, those private entities have gotten together and entertained, installing themselves. And so, I would like to make it clear right now that Ash Creek Special Service District has no intention of extending sewer to Leeds, but we do like to see development proceed in an orderly manner. We have recently been approached by both Apple Valley, who we are currently in the process of annexing because they have had a significant increase in the level of interest and applications for these community style septic systems that the Big Plains Water and Sewer that provide service in Apple Valley did not feel prepared to operate and provide service for. We have had similar discussions with the town of Virgin. Virgin is seeing a significant number of new commercial developments come in along the river. They are grappling with how to manage those, as we look at the Westoff project, as well as some of the other property owners who have approached the district about the possibility of connecting to sewer. I had approached and I guess we've mutually approached each other. The mayor had spoken with the Conservancy District about their plans for extension of water lines and some of the inquiries that they have received regarding water service and similarly the inquiries I received about some of the sewer issues in the past. What has typically brought the issue of sewer to ahead has been the threat of development that would exceed densities allowed by the septic policies under the Town's

forces due to their water service agreement with the Conservancy District. I find myself in the situation that in order to facilitate to the best we can we want to provide support, but we find that on a regular basis, many of these issues are referred to us regardless of whether it comes to the Conservancy District first, or to the Town. I am regularly being petitioned to answer questions and provide technical support and guidance for towns that are not a part of our district. One of the things that I have mentioned with the Apple Valley project is that due to the fact that these are relatively small, and I say relatively small but they are not relatively small 200 to 300 homes in some cases, these are systems that would require a body politic. They require more sophisticated technology than what would be expected of a typical homeowner to be able to own and operate reasonably. So, we have explored that option, but right now, there is no intent to extend sewer. Apple Valley is a huge area and we've developed a plan whereas individual developments come in, the community septic systems that they are installing essentially will come in kind of piecemeal. I guess, what I am describing is, we have tried to envision how a community that is on septic transitions to sewer, because historically, as Leeds themselves have approached that, the requirements for state funding or other funding sources, and the requirements that puts on existing homeowners have been onerous and really not supportive. That is why funding on more than one occasion has been rejected by the town even though efforts have been made to move in that direction. What we are finding then, and what I am describing is actually a situation where we have private property owners and entities who in order to be able to get the densities that they desired, are willing to put in those sort of development improvements at their own cost. The question that has come to us, first of all, from those landowners is, well, will you provide service either as a body politic, or in the case of Leeds where we have our Harrisburg pump station relatively close, they would like it conveyed to Harrisburg and then connected to our system. Our ward has expressed a willingness to provide service to those folks on the condition that it is clear and transparent with the town of Leeds or Virgin or Apple Valley, whoever it may be. Second, that they abide by our rules. One of our rules that matches the towns and the state's rule is that people within three hundred feet connect. Now, this has typically been the deal breaker for all of the towns. It is that rule. As we have grappled with how to be able to best accommodate the desires of those who want to develop, and yet protect the existing residents, without either the town or the district incurring significant costs, which would essentially require that two stipulations be met in order for a variance to that rule to be granted. Those two stipulations would be first, that they agree that for the variance to be granted, that variance would be extended until the home is sold. Until that property owner has sold. At the time of sale, that connection would need to be made. The second condition or stipulation would be that when the septic tank or leach field fails that connection would be made. Under those two conditions the triggering mechanism would be Ash Creek records and agreements with those who come into to do septic tanks. When they ensure that they have the sufficient acreage and the necessary endorsement from the Southwest Utah Public Health Department, that agreement is typically recorded against the property. We would have a subsequent variance and record it against the property so if a title search is done on the property at the time that the property is sold, then it will trigger the connection or the reminder to the homeowner and the potential buyer, hey, there is a notice that showed up here. There is an initiating or a triggering event. Secondly, we do similar, we've worked with Southwest Utah Public Health, that if someone comes in and says, Hey, my septic tank has failed, I need to redo my septic, we typically, and I say typically,

because this is a broad range, and we're in a unusual market right now, the cost of replacing a septic tank, and or a leach field typically does exceed the cost of a sewer connection. There are unusual circumstances where you have homeowners that in order to connect may need to tear up a proportion of driveway or other things where those costs are actually more competitive, or maybe cost prohibitive in some cases. I do not pretend to presume that in every situation that it is going to be less costly to connect to sewer. That also presumes that a sewer line is in place that can carry the capacity that developers who are interested in putting sewer through to these developments and communities do not have any intention to upsize those sewer improvements to service anybody else. In fact, what they requested from me is that I never let anybody else connect. I can tell you that as I have discussed these issues with each of the communities: Leeds, Virgin and Apple Valley that, confidentially, I have been approached by some property owners just saying, well, can I connect, I may not want to participate right now. But in the future, you know, I may have five acres, that may not be sufficient for me to have another home with a septic tank on it but if I want my kids to be able to move home, I'd like to be able to bite off an acre or two acres here in the future to allow for that. Really, those are the types of issues that I feel like the district would have to agree to and work out with the city itself. As you have just talked about with your zoning and General Plan, those changes, and Scott can attest we deal with this in the county level as well, oftentimes those zone changes is what has triggered the need. There are several steps that are required in order to do that. The question that comes to Ash Creek then is to what degree do we anticipate that a future community is going to connect. We know that once connections occur, interests do come in from other entities. Is there value in potentially participating with that developer to provide some upsides to that initial sewer line? So that rather than the streets being ripped up once and sewer being installed and then at a future date street ripped up again, they get upsized with the pipe to accommodate the build out scenario first time, whatever that scenario is. Can that be avoided? It occurred at one time. I do not know that I have an answer for you on that because with each community, we are exploring these options. Right now, I can tell you the intent with Apple Valley is the annexation means that Ash Creek will operate as the body politic. Big Plains Water and Sewer District will modify their bylaws to stop providing sewer service and we will begin, as those homes and clustered systems come in, will collect the sewer fees and impacts, and begin a Master Plan and working with their towns just like we worked with Hurricane and Toquerville to work on things like the General Master Plan. What does that density look like? What does that mean for sewer infrastructure? There will come a point where we will need to begin lacing these systems together.

Councilmember Cundick: The liability never goes away.

Mike Chandler: And it is essentially for folks, so for example with ash Creek, we run the lagoons, we are in the process of designing a system at Confluence Park and let us say we have a 25,000-gallon system up here. They are going to add that to my cumulative total capacity, just like it is an addition to my lagoons or some other thing. It is seen as equivalent to operating in a full wastewater treatment system.

Mayor Hoster: You mentioned digging up roads more than once. Dialogue has occurred where in the Water Conservancy is planning to run a line right up Main Street within the next

year that's to connect. They are doing that. Would Ash Creek want to also be implementing their line at that same time to prevent the dual or multiple construction of that?

Mike Chandler: No.

Mayor Hoster: Okay, thank you.

Mike Chandler: As I mentioned, in the specific case of Leeds, especially where Leeds is not a member, let us say the Leeds says, well, maybe we want to consider being a member because we see that we have an opportunity for some public private partnership in the sense that we have some willing developers. As we look at the General Plan, I think one of the things that we look at is we have Grapevine Wash, or the Grapevine Development. I am trying to think of the other developer just across now I forget the name, I apologize. There is the Silver Eagle,

Councilmember Stirling: Silver Pointe and Silver Eagle.

Mike Chandler: You've got about three relatively large parcels and development potential on the north end. You have a decent amount of agricultural land through town and a large amount on the south end of town. To what degree that is able to stay agricultural or not, I mean, that is really going to be defined by the petitioning of those owners for zoning change and or future development as defined by those owners. If we only have the Silver Pointe Estates that says, hey, we need an eight-inch sewer line. Well, we look at Grapevine, we look at the other adjacent property owners, and we look at the Annexation Master Plan, and say that line really ought to be a 12-inch diameter line rather than an eight. We have the opportunity, or the town has the opportunity to work with the developer and say, look, you're going to go to the expense of trenching, traffic control and all of those types of things to put in an eight-inch line. We would like to participate by paying for the upside. That is typically what Ash Creek would do with member communities. We have done that in each of the other cities of Hurricane and Toquerville. When a developer says, hey, this is what I need we say, well to service that area regionally based on what the Master Plan is for the community, and the potential build out and what zoning envisions that really ought to be a twelve, or maybe a 15-inch pipe. We will participate with you by carrying the upside cost plus maybe some percentage of those general conditions' costs. It ends up being one of those kind of a win-win, Then the district does not end up carrying the full cost of the project and the roads are only ripped up once while the developer is still needing to get what they accomplish. Now again, that brings the point if the Town is able to annex and that type of a scenario were to play itself out. The question is, how then does the upsizes get paid for? So, let us say an eight-inch line is running fifty-five bucks a foot installed, laid by the 12-inch line, you are running more like \$75 a foot and we have roughly 5,000 or 6,000 feet of line to lay from the south to the north end of town. How do we cover that? That is something that we would say Okay, is there a possibility, just like with the Plan that we go back to CIB? We go back and approach getting a grant. I know that right now it has always been the case with the existing cities in Ash Creek that as they were required, they have expected any members to annex to pay their own way. They are to finding some way that they cover that cost. What that also does is say, okay, now with each new home that comes in, they are connected to the system. They are paying an impact fee, because that water has been conveyed, pumped and

treated. Similarly, they are paying a monthly sewer bill, which then starts to become seed money for additional regional expansion and things in the area. The same thing will happen in Apple Valley, at some point, those community systems will be connected. And that will either be a system over lagoons, or there may be at that point, the necessity of a mechanical treatment plant due to a requirement or a desire for secondary pressurized irrigation reuse of that treated wastewater.

Mayor Hoster: So, as it currently stands, you are looking just at going to the point, the boundary of Leeds with the Westoff property and then what are the anticipated actions to the north with regard to the Eastward Management Development up there?

Mike Chandler: So, all of the efforts being made right now are only those being made by the developer. So, Westoff, we are commonly asked, hey, can we connect to the Harrisburg pump station?

Mayor Hoster: We are aware of it.

Mike Chandler: They're in the county.

Mayor Hoster: Yup, but the condition was that Leeds was aware of it.

Mike Chandler: Right. Similarly, as the additional properties moving north through town that are interested in connecting, say, hey, is sewer coming, or isn't it? If it is within three hundred feet, let us look at who does that impact? You know, I can tell you right now, as we have extended south of Hurricane and into some of the county areas there, I have gotten about equal calls for Hey, can I connect? As hey, I never want to connect! I'm not naive to the range of emotions and things connected with where people flush their stuff. There are few things as hotly debated.

Mayor Hoster: As it stands right now, it is your intent today is that you are only going to the south end of the border of Leeds with Westoff property. There is a Well, sir, that is existing there. And what would be the relationship that would be a part of this inner local agreement or this type of annexation with Ash Creek, affecting the town of Leeds? I understand there is some contamination issues that are of concern by the Leeds RV Park, and also some concerns about septic tanks that may not have been maintained as well.

Mike Chandler: Well, that is always the concern. And the reason that Ash Creek is in this position and kind of took over for the county administering and Hansen Allen policy was a policy of groundwater protection. That policy as it was adopted, accepted a certain level of well, for political expediency, had adopted all previous developments plans as they sat at that time. So, commercial development as it sat. The RV parks as they sit today would not be allowed if they were coming in new to be on a septic. They would have to be on an advanced septic system and go to a significant cost to do that. We have those that are happening. I've got three of them occurring out in Virgin or just in the county outside of Virgin. Right now.

Councilmember Stirling: Are you the body politic for those?

Mike Chandler: I am from one of them? One of the three is multiple party multiple parcels the other two are single owner single parcel. They permit directly with the state. The individual owner is permitted with the state one those commercial developments. So, if you think of the Fairfield Inn near Virgin and Stu Berber's resort. He is the single owner, owns everything there. He is permitted directly through the state. Right now, all the land that is being cleared in the middle of town called Weeping Buffalo, which has multiple parcels multiple owner and we have agreed to be the body politic on it at the request of Virgin. Virgin has not made any definitive decision to say we are going to have annex to Ash Creek, but we acknowledged that we cannot handle it. That development itself brings I believe, 775 new units into the town of Virgin. I think they currently have roughly 480 water connections. Part of our concern with the environmental issues is you have the Fairfield inn, that is, I think, roughly doubled. You have three more RV parks that are along the River Corridor. You have Weeping Buffalo at its current location, and we have several other commercial entities that have interest. We have been working with the state to try to get around funding. La Verkin for some time as wanted sewer up on their east bench and we are working with the UDOT active transportation folks in the Greater Designer Zion Tourism Bureau, which will take a trail from Conference Park to Springdale as part of the trail system. We intend to try to get sewer underneath that trail to service that part of the county eventually. So, as we see those systems come in, we understand that they have a right to develop. But we try to limit the amount of contamination potential that exists there. And also look to the future to say, look, ultimately, these need to connect to sewer where they can be treated effectively, then that water can be reused as well.

Mayor Hoster: Think that is a concern that I've had some people surface with regard to if there is an annexation and sewer is progressed through the town of Leeds, how does that affect agricultural water, when I know a lot of aquifers are replenished by the septic systems as they stand now is, with my limited knowledge of this.

Mike Chandler: That largely depends on the way that the septic field was designed. There is some recharge. There is also some uptake. There is a variety of modes and mechanisms. We do not see areas where septic systems have been removed, depleting at any greater rate than when they were there. Typically, sewer is being injected back into the river after it has been treated, or in the case of reuse is the type of situation where it can be reapplied after the fact. In the specific instance of our Conference Park Treatment Plant initially will be land applying to the park itself, but La Verkin and Toquerville are both developing plans to utilize that water in their pressurized irrigation systems in the future.

Mayor Hoster: Would that leave their current water access? Or how does that work?

Mike Chandler: The way that water rights law works is that they have a certain appropriation for secondary irrigation. But then similarly, they have a right to the reuse water after it has been treated. Now our board has voted that as we do treatment facilities like this, although we do not need to treat it to that standard of reuse that they wanted to treat into what is called a type one F1 which is close to human contact. If you have golfed at Southgate, Sunbrook, Entrada, all of the golf courses on the west side of St. George use reuse water from St. George's treatment plant. So, it is water that is safe to be around. It is used in a variety of



recreational and agricultural uses. The Gubler Farm down along the Santa Clara River corridor uses the reuse water. So yeah, it becomes a resource but as a Sewer District, we do not own any of those parent water rights. And the way that the state interprets that is once we release the control of that water, say it is treated and then we discharge it to a river or somewhere else, whoever the parent water rights holder is to that right, they are entitled to get it.

Mayor Hoster: How does that work?

Mike Chandler: Well, so let us give an example where there is a desire for more water or more redundancy, resiliency in the pressurized irrigation system for Leeds. Right now, we say everything drains now we will go to the Harrisburg pump station, and it is pumped all the way to the lake and then it is pumped again from my what is called My Walmart pump station. It is at the gateways across the river there and gets to our lagoons. Well, that is not really feasible to bring that water from lagoons all the way back. I have mentioned the Confluence Park treatment plant, we have plans in the future to build a treatment plant in the bench Lake area up by the new Copper Rock, Sky Ranch area. We will build a plant, eventually, out in Apple Valley. I would not be surprised if ultimately and build out 50 or 60 years from now we are looking at New Harmony, where they are geographically isolated. What you see around the state and regionally is that when there is a demand for that kind of resource, a community can come in and say hey, we would like to rather than have a pump station down in Harrisburg. Let us look at what it would cost to do a treatment plant. Ivan's is looking at that option right now. They get some reuse water, but they do not get to store it and use it the way that they want to and to pump it and convey it all the way from Bloomington back to Ivins they are considering that very proposition.

Mayor Hoster: Do you have to relocate the place you are going to pump it from?

Mike Chandler: Not Necessarily relocate it, but you would have to build facilities that are more localized to be able to provide that water availability in a way that is economically feasible for the town.

Councilmember Stirling: So, what if Leeds is not the water owner at the beginning. We have a private water company that actually is the owner that owns all the water rights

Mike Chandler: That has to go through at Leeds Domestic water. It has to go through the Conservancy District. The Conservancy District right now we are working with them on a county wide reuse plan through title 16, which is a section of the US Bureau of Reclamation that provides grants for some of these facilities. We are actively pursuing development of reuse options that way. And so yeah, it is state law. It has to go through that parent water right holder. For private water companies, public water companies, they are, well, what we are required to do as that water comes in, I have mentioned our Confluence part treatment facility, we will have separate metering facilities at the point where Toquerville flows in and the point where the La Virgin and then actually at Ballard's Nursery. We will actually have to meter what comes in from East Hurricane. Because each of those needs to be divided up and appropriated to give each of those communities an idea of what they are entitled to.

Mayor Hoster: And this is just a secondary water?

Mike Chandler: Correct. It is treated and then they would be required to come in and build like a pump station and then conveyance facilities to connect. So, we will treat it to the standard where they can get up and then they will need to come and pump it and pipe it back to where it can be used in the community.

Councilmember Stirling: Has there ever been a situation where you can do a special service district for those in Leeds proper that are already on septic and are being maintained by LDWA and then new development that comes in that is potentially going to be utilized by Washington County conservancy could be their own special service district that that new development would then have to connect into the sewer but the special service district of Leeds proper, would be able to maintain their septic? And the reason I am asking is because what I found in Leeds, I have looked over 20 years and every individual that raise their children with me, we are all basically beginning to be empty nesters, which means the number of individuals and Leeds is decreasing every year that our children go away. And most of the people that are moving into Leeds are either retired, or do not potentially have a tremendous amount of children like we did 20 years ago. So, the idea that Leeds is not going to be able to sustain the septic is a two-part system because we are not using the subject like when I had my children home, taking five showers a day, as well as everyone else in the town. So, I see that that septic, could maintain what the Hanson Allen Luce study originally stated. Versus if we had an influx of families with ten children or such. So, my question is, could you do a special service district for the individuals that are in the town right now that are there through LDWA, versus those that come in that want to tie into Washington County Conservancy and use the sewer?

Mike Chandler: You could but you could just as easily accomplish that with a single district.

Councilmember Stirling: And then they would not have to connect the three hundred feet?

Mike Chandler: No, well, that would be up to whatever district is formed to do that. But the reason the state has that rule, the reason Ash Creek and most agencies have that rule is at some point, you are going to incur debt to extend and make those improvements. Especially if you are talking about a reuse facility, where you are building a treatment plant, and there is going to have to be a way to recoup money to pay off that bond.

Councilmember Stirling: Well should not develop development though? Why should it be on the back of everyone that is already here? That is what I have always had a problem with development should pay for development.

Mike Chandler: Absolutely. Development should pay for development. But similarly, existing users who gain a benefit from that because there is a degree of environmental stewardship and improvement of the situation that comes from treating the waste rather than just continuing to land apply it so to speak, through our leach fields. Even with The Hanson Allen Luce study in the densities what was modeled by If the study was a certain concentration at an assumed flow rate from individual homes, those homes are seeing lower occupancy. But

whether they are seeing higher or lower occupancies, you are continuing to feed nitrates into the groundwater. When you use septic, that is what happens. When you dispose of the water that way, your waste breaks down from ammonia to a nitrate and that nitrate soluble moves with the rest of the water through the aquifer and eventually you will end up seeing contamination of some sort into the system. Now, most of the prevailing flow here is in the Harrisburg Creek, and hence towards Quail Lake. That doesn't necessarily affect all the LDWA but at some point, it could become a problem for those who drink water from Quail Lake. Similarly, as we look at the lagoons that discharge from Springdale, and all of the septic that line up along the river in Virgin, all of them discharges is upstream of a major diversion on the Virgin River that feeds Quail, Sand Hollow, and you are talking about the drinking water sources for roughly 75% of the county. And so, the reason that the study of Hanson Allen Luce was even put in place to begin with, was protection of those groundwater resources, because they are scarce, and they are finite. As long as we are doing that, and one of the things, I do not know what the current count is on the Leeds population, but the last time it has been several years ago that we looked at Leeds. It has pretty much hit what Hanson Allen Luce envisioned as far as what the build out could be without supplemental water. Like what the Conservancy District is bringing and so when we talk about some of these other developments, that is the question. Yeah, we could continue to allow septic tanks to come in, and maybe even advanced septic tanks to come in. But the existing homes in this area were already a concern back in 1998 when they completed the study and adopted that as county policy. I want to be clear that I am not pushing for annexation. I am here upon request. I know that an increasing amount of my time has been taken up by your community, Virgin, Apple Valley, New Harmony; towns that are not part of our district. There is not the expertise or the desire to serve as body politic, they are coming to me with petitions. In some cases, that is elected officials, sometimes that's private property owners, developers themselves and one of the things that I'm seeing is we're attracting enough investment dollars, and they are finding ways to do treatment facilities. Right now, Apple Valley is dealing with a significant number of lawsuits in regard to people who have tried to stymie the development there. And so, one of the concerns I have, again, is that we do not want to get involved in any of that. But we do want to see the growth proceed in an orderly way that protects the groundwater resources and is consistent for not only the towns but also for the developers because there are the developers have the right to develop the property in accordance with proper zoning laws. Those things outweigh and that growth is coming.

Councilmember Stirling: What is your current capacity in Ash Creek at this point? What percentage is completely filled out with all the influx of the Dixie Springs area and all the influx of Hurricane expanding tremendously? If the town decides to do that, do you even have the capacity to be able to maintain the Leeds area as well?

Mike Chandler: Capacity is not so much concern for us because as we lay out the plan, looking ahead, what we would say is okay, rather than just planning for Hurricane, and as I mentioned, the Confluence Park treatment plan will break off La Verkin Toquerville and future potential connection to Virgin. Hurricane and the treatment plant there could accommodate Leeds in the future. You look at the size of land and connection that Leeds brings. That is a small fraction of what Hurricane is. So, if we look at build out scenario on Hurricane, we are talking about probably twenty million gallons a day. And if we add Leeds

build out, we are probably talking twenty-one million gallons a day. It is not significant, so to speak, I would say less than 10% of the equivalent capacity that we are already going to have to have. Right now. We are flowing about two million gallons a day, our current use, Conference, Park will shave half a million gallons off that and we have the capacity there to go up to four Million gallons. So, we could double our current capacity and still be okay at the current lagoons. What we anticipate though at the growth rate that we are seeing in Hurricane is that in the next eight to 10 years, those lagoons will be converted into a mechanical treatment facility similar to what's in St. George, where we're producing, reuse quality water, similar to what we'll be doing a Confluence Park, and that will become a resource to the communities. So, the actual capacity that Leeds would be is minimal by comparison to what we are already able to.

Mayor Hoster: This has been some great information for us, Mike. Are there any other questions from the council?

Councilmember Cundick; just appreciate the information.

Mike Chandler: I am not hiding. If there is questions that any of you have, please feel free to email contact again, I'm assuming you stay for what comes next? Or is that an adjournment?

#### Citizen Comments:

Lynn Potter: I do not like Ash Creek. My grandparents lived in Hurricane. They had to pony up to pay for it never gotten hooked up. It came through and they pushed a lot of people to pay. I have seen and read that report. I cannot remember the name of it Hale.

Councilmember Stirling: Hanson Allen Luce

Lynn Potter: That's a big falsehood. They did not actually do a series of test wells. They did not do a series of studies over time it was modeled. It was done in order to force Leeds onto the sewer system. And you can go back and read the minutes from the nineties. It was a conspiracy, literally, sounds crazy. Sounds like I am a nut. Development is going to come it is going to happen these guys are probably going to push their pipe through. Everybody has a right to not be on it though. When I build on my properties, knock on wood, maybe hopefully. I am going to be putting in an Orenco or an Orenco like system, because over the next 20 to 50 years, water is going to become really expensive and really precious. And everybody is going to have to have the right to keep that water and not send it down and pipe to somebody else. With your Orenco system, I can keep that water and I can water my own property with it. That should be an option in the coming plan is to be developed by the town.

Alan Cohn: So, it seems to me the sewer issues, probably the least of the problems with all this development. It is water. I mean, something is going to end up and as Danielle pointed

out, things are drying up you know, you can keep developing. I know politicians, not our politicians, but politicians at a lot higher levels love the dollars coming in people building all that tax money. But I mean, yeah, the water is drying up and you know, that's something we have to keep keeping mind for our town and, you know, trying to preserve that and have smart development and not just kind of let everybody say oh, yeah, you know, let's build you know, another 100 houses here, another 100 houses there because where's it coming from?

Ralph Rohr: Thank you for your detail, especially the information. I have a couple of points. Remember, two or three years back when Seattle had a failure in electricity and their systems dumped out a couple thousand gallons of raw sewage into the streets of Seattle. So, the question I have, I live here, and the neighbors are all out and we all know what flows downhill. So, the question I have for you is, what is electricity goes down? Because how did these pump stations work? How do I keep it from coming down over my lot when I am got a perfectly good septic system? Why would I want to be connected to something that is dependent upon the electric system? Second question or second point is, it seems to me to I keep hearing the developers have a right developers have a right, but we come to the point of competing rights. Farmers have a right. I would like to see, say half million or whatever it can be used by the farmers. And I know that the farmers here have contributed water to firefighting in the past. And so, this easy discussion of developer's rights, pushing everyone else into a tight corner seems to be ill advised. Already mentioned the reality for the water is getting shorter and shorter supply. What we need to do as you keep getting requests. Next, we need to start turning off taps. Stop giving developers unlimited access to a limited resource, just because they want to make money. Try and turn these things from Las Vegas, because you know, Las Vegas is now down below their first intake, because Lake Meade and Lake Powell we are about to shut down the hydroelectric dam. They are holding back water supplies. So, this kind of discussion needs to graduate to a higher level with regard to the water supply, and consideration on the government bodies, and money. And that is what is driving the politicians. And I think in many places, you live in Washington cities, I mean, from here and St. George, on the south side, the west side, it is money that is driving all that. I will tell you some of those people are going to be very unhappy when they cannot water, their grass yards and that is coming. That is pretty much perfect. So, the whole system needs a bigger look, there's just immediate, and I don't know why we're looking at a project down here we have to be concerned with. It is not even in the town of Leeds, it is in the county, I do not know, the Westoff, whatever that is, I do not know, the person or the project. Why are we even having to deal with it is another question? I just wanted to keep a focus on the big picture, before we get narrowed down on some of these little things. The Silver Pointe up here the Sant properties water supply there is going to be a problem, because a lot of lines are going to have to go through radioactively contaminated soil. And now I have been up there with my Geiger counter. There is contamination up there and water supply material problems. And I do not know if LDWA we will want to run lines to that. Thank you.

Susan Savage: I just want to say how much I appreciate you inviting Mike Chandler to come. That is extremely informative, and answered a lot of questions that I had, and also to thank people for coming. I mentioned to you, Bill, that I have come to meetings for years, and sometimes I was the only member from the community here. So, it is great for people to be informed and participate in the thinking.

Chris Bevan: I just want to clarify. So, if some developer wants to run a sewer line that goes past my house, I have to be forced by this law to hook up to that sewer line? Even if even if he is doing it for his property.

Councilmember Stirling: Well, that is what I was asking you about if we could do a special service district, and that is such a preliminary thing at this point. But that was my question as well as if we did a special service district in a sense, maybe we could combat that. I think.

Councilmember Cundick: your understanding is correct. And he addressed that in a way the variance, which would be temporary. I mean, if you got a variance then you would not have to do it yourself until you have sold your home, or if you had a failure. And under those two conditions, you would have to connect.

Chris Bevan: Another question that I mean, I am not familiar with the developments, but I live on silver reef up there. Is there a big development going in around there? That is going to bring that sewer line up far as where we are?

Mayor Hoster: No, our annexation plan kind of outlines the areas in which we might incorporate. The only area that was referenced was Silver Pointe Estates. That is the only one that can it has been in existence for a long time. But there is nothing else.

Elliot Sheltman: I was on the council when Mike came by the last time. I got questions. Thanks for coming, Mike. The Luce studies that the last study that was done on our area? okay. This is I printed on both pages. I need a new printer. It has a lot of stuff in it. But it really is not detailed at all. I just think because we brought it up, it is probably something you want to look at. For instance, it says in here, it is important to remember when reviewing the data in this report, the data has been summarized from multiple sources, and the data should be considered to be generalized and not site specific. That includes our site. There is another part in here that says, Leeds since the community lies below the formation and is not a potential contamination sources of water supplies within a novel aquifer as the around us. There is another part here that says potential contamination sources Leeds would bypass Hurricane La Verkin and Toquerville cities. The only potential hazard would appear to be the development of additional parameters in place within Leeds and the Virgin River, where to contamination source could be picked up. It does not really say much as far as, no matter how many times were definitely never going to have any effect on anybody that is important. As far as development and right to develop. Leads has done that. We have bent over backwards for developers. We changed our ordinances. We have annexed in property that at some point someone said not to like Silver Pointe Estates because the radioactivity said do not ever build on it in a 1986 study, I believe. We still did it when we brought it in. And we have never told developers, you cannot do this. My standpoint, which has been this for a long time, it is a couple of you know, is where is the development. We have three major developments that we allowed to come in here. Silver Pointe estates, it was going to be eighty homes, we changed ordinances for that. Grapevine Wash, we changed ordinances for that. And a few people here, remember that development and nothing happened. In 2007. We had a smaller bubble than what we have had now, which is the great bubble of all times. In 2007 there were eighteen permits pulled for home builds. That is a record. I could not find

anything before that was even close. We have not done that sense. And this is this is the biggest bubble that it was ever created. Yeah. Thanks, Federal Reserve. So, before we tie in with something like a sewer system, even contractually, it is important for us to see if we really need it, because 20 years ago when I moved here, we were told that we did and we are quite close to doing that. If that was the case and we had sewers in this town. We will be paying for them. We would be I have some headlines here that are interesting. We would be paying for those, and we would not have any reason to actually remember are taken into us into our community. And the cost of all that right now we have big dumb boxes in our backyard filled with water, work quite well they do not use electricity. It is, their most perfect. They are, they are ecologically inclined. They are green. So, before we break it and also one other thing, just really quick, , we transferred at some point seven-acre feet of water to the spring, we had to wait for the water change before we could do that. We waited years when we did that transfer was 7.87 it was a 100%. The reason for that being is the state told us because we have septic systems here, and the water would go right back into our system. So, the state does make a note of that. And it is something we would lose usually lose 30 - 40% of that water when you do transfer. But I say with our history,

Mayor Hoster: I got to call time.

Angela Rohr: That 12,000 was probably a big overstatement of future population. But before 2010, we had annexed in grapevine wash, and they were looking at 2,500 housing units. Which could be in another 5,000 to 10,000 people. So that would be an explanation for the big number at that time. I was talking with Brad briefly and it seemed to me that like the Sullivan land, if it were developed into houses that those houses would be using probably the same amount of water that agriculture would. And he said, yes, it is a wash on your number. So, right now that we are in about the midpoint in the water cycle for the weather, I think it has been about 11 years of dryness that we have had. It is a 22-year cycle. Nobody can predict the future and know what is ahead of us and it is just one of the things to think about.

Martha Ham: I want to thank you for inviting Mr. Chandler to come today. He brings excellent information to us to ponder, and this is a really big issue, something that we need to be studying. Stewardship of our watershed, of the groundwater, of Leeds creek is really important as we look at what may be happening and shifting with growth and decreased water. Thank you.

Kole Furley: I will break this up a little bit. I just want to report on our department and how things are going. We received ten calls for service for the month of April. We had eight medical transports and one canceled prior to arrival and also one refusal. We are happy to announce that we graduated twenty-one recruits from our last Academy. Councilwoman Hunsaker was there, we appreciate anybody that came. It was a great turnout. It was a great celebration for the future of our district and those who will be served. We are on the 16th of this month going to open up our La Verkin station as a full-time station. So, one more full-time department that is closer to Leeds that can help with response times as well as our Coral Canyon station that currently responds here now. We are going back to do our midpoint inspection on a brand-new aerial ladder truck that is going to be staffed full time at the Coral

Canyon station. So that does bring added capacity and capability for fire flow as well as reaching, you know, taller structures, rooftops, and things of that nature. As of right now, I was not made aware that the burn season has been shortened. So as of right now, May 30. It is still open till then. So, you still have to get a burn permit to burn in your yard. If you are agricultural.

Councilmember Hunsaker: I was just looking at the mandate today that said it was ending on the 12th. I wanted to make sure because I missed the window, and I am going to have to go out and keep grooming my dead brush, I guess.

**Staff Reports:**

Councilmember Stirling: I attended the Dixie transportation board meeting. At one point in the last meeting, we discussed as town council for the health safety and welfare of this area, we discussed the option of an emergency secondary access from Silver Reef to Hidden Valley in the county property. I sent an email to Aseneth and included the county easement that I received from the Dixie transportation board. It has a 60-foot easement from Cemetery Road to the top of the hill to the water tank near the Silver Reef. Because of the fire a couple of years ago, it is imperative to address an emergency secondary access with a property owners' agreements. Of course, not in any way to deal with eminent domain, whatsoever. Dixie transportation board did say that they would be 100% for that option, just as an easement and in the future, if we decided to annex that area, then they would potentially be okay with having that road for that secondary easement. So, did everyone get that email?

Councilmember Hunsaker: Yes. Thank you.


Councilmember Stirling: Okay, if it could be on the next agenda as maybe an item to discuss. It is imperative especially with as dry as we are.

Adjournment: 9:16

Approved this 25 Day of May 2022.

  
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Bill Hoster, Mayor

ATTEST:

  
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Aseneth Steed, Clerk/Recorder