

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, September 8, 2021

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, September 8, 2021 at 7:00 PM.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email [Clerk@LeedsTown.org](mailto:Clerk@LeedsTown.org) for the Zoom details.


### **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 August 11, 2021
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Meet the Candidates Night, Wednesday September 29 at 7pm, Leeds Town Hall (and Zoom)
7. Public Hearing: None
8. Special Presentation, Zach Renstrom, General Manager, Washington County Water Conservancy District, Water Conservation in New Development
9. Action Items:
  - a. Discussion and Possible Action Regarding Master Agreement for Consulting Services with Sunrise Engineering
  - b. Discussion and Possible Action Regarding General Plan/Master Transportation Plan Update
  - c. Discussion and Possible Action Regarding Expanded Easement through Town land off of Majestic Mountain Road leading towards Parcel L-3-1-7-1110
10. Discussion Items:
  - a. Main Street Curb and Gutter Plan Review
  - b. Fourth Quarter Budget Review
11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
12. Staff Reports
13. Closed Meeting: A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
14. Adjournment

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

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

Certificate of Posting; The undersigned Clerk/Recorder does hereby certify that the above notice was posted September 7, 2021 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, September 08, 2021

### 1. Call to Order: 7:00 pm

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, September 08, 2021.

#### ROLL CALL:

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

### 2. Pledge of Allegiance: Councilmember Hunsaker leading

### 3. Declaration of Abstentions or Conflicts: None

### 4. Approval of Agenda:

Councilmember Roberts moved to approve tonight's agenda and meeting minutes of August 11, 2021. 2<sup>nd</sup> 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: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

### 5. Citizen Comments:

Battalion Chief Kohl Furley: Good evening, everybody. Just an update from the Hurricane Valley Fire district. We've just crested over 3000 calls for service That is pretty significant. We are anticipating to be anywhere between six and eight hundred over what we were last year. I will give an update on the Oak Grove fire. We arrived first on scene. We were called there for the report of smoke. We were able to figure out the area of origin. We turned that over, they were able to bring in a couple of investigators from the State and the Bureau of Land Management. Those guys were quick and took pictures, that investigation is still ongoing. We used two brush trucks, two water tenders and multiple personnel. It obviously took quite some time. I believe everything is under control and considered out. Sometimes in the evening, you can see a little smoke coming up over the edge. The

reason is the terrain is so rough that they can't get people up there. They are keeping an eye on it and letting nature do its thing. If anybody calls to report, you let them know that it is being observed. 911 gets inundated with calls about that. You can help spread the word it is under control.

We are growing within our department. We hired three more full time personnel, as well as put on an orientation academy to get them up to speed. We are looking for a few more to help workers take care of the calls and the things that we need to do.

You guys probably noticed that Station 47 here in Leeds was used as the incident command post for the Oak Grove fire. BLM asked me to express their appreciation to the Town.

Mayor Peterson verified no questions from Council or Citizens.

## 6. Announcements:

Mayor Peterson: We will be having a Meet the Candidates night here at Town Hall on Wednesday, September 29 at 7pm. Ballots go out, 21 days before the election is generally when they get sent, they must be sent at least 14 days before the election. That places it in mid-October that ballots will be coming out. There'll be an opportunity to meet the candidates here a couple weeks before the ballots come out. Something else I would mention from one of the calls I was on, David Blodgett the Doctor who is the head of the Southwest Utah Public Health, made a statement that I had not heard from him before, he said, no doubt about it masks help reduce spread. So, I have decided to try to see if I can help in that way. So, you will be seeing me with one on an awful lot.

Zach Renstrom: I appreciate the time here. I want to say right now that we're working with other cities that we supply water to specifically about coming up with some new water conservation. I know Leeds is a little different situation. But I think it's important that you are aware of what's going on, and also the discussion that's been going on a little bit. A couple things are going on. The drought has brought a couple of things to light, and also just a rapid growth. There's a lot of discussion about what's going to happen with water, what we should be doing with water. And we've reached out to all the cities, and they kind of said, you come up with some ideas and bring them back. And so right now, I'm going to meetings with all the cities, I just came from Washington City. And these, first of all, would only apply to new construction. So, if you have an existing home with lawn, it has nothing to do with you. But if you're building a new home, it would. And then also, of course with businesses, and these are only ideas. So, it's not necessarily something I'm advocating for. These are ideas that we have talked to other communities that have developed these. The Water District also has hired a consultant to come in and help us with our conservation plan. And so, some of these ideas are coming from the consultant also. I wanted to put that kind of in context. We all know that basically within the Virgin River water basin 100% of our water has been allocated. This is according to the State engineer. There is no more water in the system. So, we need to make sure we're using the water that we have the most efficient way. One of the reasons why we're having a lot of discussion of course, this is about growth. (Showed Slides) This shows the past growth that has occurred. And also, what is going to happen in our community here. So, the Kem C. Gardner Institute and the Governor's office, and the University of Utah, basically saying is by the year 2060, we're going to have over 450,000 people in our community. And when you consider what our water supply is now, and then adding several hundred thousand of additional people it is important to have this discussion of what we want to do with water. It's important to emphasize, the water district has no authority whatsoever to implement any type of water policy, that really falls onto the City Council to enforce those ordinances. And that's one of the reasons why we're working with the cities. We are meeting with all the cities. It became clear that everybody wants to do something. There's a real desire that we should do something. But no particular city wants to stick their neck out and say we were going to do all this



stuff, and then the city adjoining to them doesn't. Part of that is how our water system works. And so right now, we have the ability to essentially take water from Toquerville and make sure that water supplies Ivins. It is a very robust system. I never look at city boundaries, because I just look at, hey, where's the water going, and I can get water from there and there. And so, if we take water from one city, one city is going to have more or less. That is what has driven this discussion.

We should celebrate what we've already done. Since 2000, per capita, we reduced our water use by 30%. We're first in the State, the first county in the State to meet the Governor's goals for water conservation. And we've already spent about \$70 million, and we expect, that number will only increase.

Now, a lot of cities are already doing this. And so, if your city's not hitting this, we encourage it, I don't know if your city is right now, but just the time-of-day watering ordinances, water wasting ordinances, and that's generally when you see water flowing down the gutter. And then of course, we're going to be talking about these new water efficiency standards for construction. The easiest way is when a home is built to do these measures when it's being built. And we're also working on a robust secondary irrigation system. And so even if your home has secondary irrigation, we'd like, it's recommended that these would also apply to that.

So, meeting with the homebuilders and the cities, they kind of wanted two systems. They wanted your very typical traditional one that says you can have so much grass, so many trees, laid out bullet point. There was also a large desire in the community to have flexibility. And so, they have Water Sense certification, where if you wanted to, you could go out and pay a design engineer to go and work with your system. So right now, the district, we assume that home is being built, they're going to use the higher flush toilets of about 1.5 gallons, but they have efficient toilets that are 0.8. And so, let's say you want to have some more flexibility. You may want a lawn, then you'd come in with the Water Sense certification saying okay, I'm agreeing to take all these steps to give me more flexibility over here. And so essentially, that's why we kind of have it broken into two. So, we have also broken it up in in residential, indoor, and outdoor and then we'll talk about commercial last. The easiest one is those hot water recirculation pumps, that's basically where you turn on the water and there's instant hot water. Especially if you're in bigger homes, that's actually a huge water savings. Water Sense label fixturing or Energy Star, it's actually almost hard to find one that is not now. We know a lot of communities have, in the past, used a master water meter. So, you have one meter that may provide water to like 10 homes or even 100 homes. And we really want to have individual homes track now. That concept has actually been adopted most times, but we just want to make sure that's been enforced. So, on the outside residential, this is where we can gain the most water savings. The proposal right now is that we limit the irrigation landscaping to 2500 square feet, and the lawn to 750 square feet. That essentially is less than we have now. Of course, where applicable install a landscape meter. Use certain trees and shrubs. Right now there's no limit on it, but we recommend that you use only trees from a list and install smart water meters or water irrigation controllers. That is the kind that connect to the internet, or has a sensor that when it rains, they automatically shut off. If you do put lawn in, you avoid a really steep slope. If you have grass over a 25% slope, more than half of that water just flows off that, it's just too steep to hold it. All new pools would be required to have automatic covers on them, and then secure certification. Basically, when you get your Certificate of Occupancy, the inspector will make sure this is all done correctly, or you don't get your Certificate of Occupancy. The cost associated with it and the water savings, as you can see, are no cost. We put no cost because when we reached out to the homebuilders, they said that they are doing that already. There's only a very few that don't install these water efficient facilities or toilets and faucets.

Hot water recirculation pumps, it's about 50% of the homes that they're doing it on now. Reaching out to the homebuilders, we've had some really good conversations. Home builders are concerned about affordability, especially the lower end. In an apartment complex or townhome where the hot water



heater is so close to the fixtures, we would not require it there. It's more like a home where the water has to travel in pipes a long way. You can see there's a massive amount of water that can be saved by something so simple.

Landscape modifications: It is not a high cost [to take conservation measures] because you're going to have to pay to put either lawn in or some type of landscaping. That was what the homeowners talked to us the most about, because there is a large cost, but when we talk to the people that are installing pools, they say an average pool right now costs \$100,000. This is only about 10% what we call the extra cost. If you have a pool, and you filled it full of water, then you do nothing, you walk away, at the end of the year there'll be six feet of water that evaporated from the pool. So, there is a lot of evaporation. The home builders said we are already doing this on about 80% of the pools anyway, so it won't be that tough.

We have a landscape architect on staff, and I asked him to go out and give me a new plan that we can fully comply with the requirements. And so, he came up with this. It shows that if you still want trees you still can have grass, you can still have a very beautiful yard, following the new requirements. You just have to be a little bit more creative. Like the firepit, the playground, you probably put sand or gravel bark in there, things like that. You still have it nice. Communities that have just simply said, hey, we want you to do water conservation. They rip out the lawn and they put in gravel. It creates two things. First of all, it creates an ugly community, and also the heat of the community actually grows. Tucson went in and ripped out all the grass. The heat index of the city actually increased. Now they're going back and trying to plant 200,000 trees. Their goal is actually a million trees. We want the trees, we want the shrubs, we want that cooling effect, we just want to limit the lawn. If homebuilders just don't disturb the natural vegetation, then you try to keep it that way. We're hoping that homebuilders will get more creative instead of just saying okay, we'll just blade and grade the whole entire lot. Maybe allow the homeowner when they build the house, use a good architect to work with the landscape. If they want more flexibility, if they want more grass, then they can come in and do this water certification. Right now, the grass we recommend is 750 square feet, which is not a lot. If they come in and do this and say, well, we're going to go with Bermuda grass or different types of warm grass, you can almost have double the amount of grass. Or if they come in and say, I really don't want to pool a cover, then you say, that's fine. Where are you going to make up that water? Are you not going to have any grass, so you cannot have that pool cover? They get that certification approved and that gives them more flexibility. We had our landscaper look at big lots. What's happening is in the backyards they are installing sports courts. That's what we're hoping people will do. Don't plant grass or high use water landscaping, but think more creatively and long term. So, a lot of businesses are already doing this. The only one we would add would be the submetering of all units. Right now, they're doing one master meter and it's hard to tell what's going on.

A good example of the concern that a lot of people have in is the carwash facilities. Right now, with a car wash, there's a proven technology that if you put a recycle system on there, you can almost cut half the water and do that. The concern is and I'll use St. George/Washington City. Let's say St. George City passes an ordinance requiring carwashes to have recirculation pumps and Washington City doesn't. I can tell you what's going to happen is all the car washes will go right into Washington City. That's the reason why I've come in here and am just presenting this, so you know what's going on down there. So, if all sudden you get 10 applications for car washes, you know what's going on, because there's an expense to that. On the outside commercial side, change we can basically prohibit. In the new standards there's no outside lines for these entities, but they can get a waiver. So, if they come in and say let's say sandwich shops coming in and say we're going to have a sandwich shop and we want a square grass, where people can go and sit there and eat their sandwiches. So, they're kind of showing to the city there's a function behind that grass that would be allowed. So, it's not a no grass, it's just like you need to take this extra step of proving why this piece of lawn is going to be

allowed and why it's needed. And so, it gives them some flexibility. Of course, the same thing with water efficient trees and shrubs and drip irrigation systems, smart water meters. With golf courses, we put them on a tight water budget if they're even allowed. Decorative water features, a water fountain would not be allowed. We limit misting with time-of-day use. Misting has a purpose. It helps cool the environment, especially when you have places to eat outside. And so, we don't want to ban anything we just want to say okay, use it during those times that you need it. And then of course that would all require city verification to make sure things are happening. Right. So that's a really quick overview. But I wanted to give the opportunity for discussion. I don't know where this will go. Water is such a limited commodity in the desert, and it's getting rarer, and it's getting more expensive. And so that's kind of what's driving along this discussion. This is part of my job to have this discussion and maybe we say we will not do anything. We use that water and let's call it good. At least we had the discussion.

Councilmember Roberts: To start off with the statement that you made about 100% of Washington Conservancy Water is allocated.

Zach Renstrom; The water within the Virgin River Basin. So that is Station 81. The State has come in and have allocated it. You cannot come and file for new water rights to pump water in the basement.

Councilmember Roberts: How? How do you calculate that for the future? If you were granted 100%, of what's there, there's no more. You cannot add more to this. How do you know what the future growth is? I know your graph shows speculation.

Zach Renstrom: That graph from the University of Utah is assuming that there's no events that would cause it to stop. And so, water could be an event that causes it to stop. Or if you know, other things happen, there could be other things could stop, I mean, City Councils could change their mind to say we're not going to issue building permits. And so, they're just saying if the status quo continues, this is what we're looking at. Water could be a controlling backdrop. It could be a big controlling drawback.

Councilmember Roberts: But it probably will be a controlling factor. You make some good valid points, and they're going to exist if different municipalities have a different standard. Conservancy serves water to Washington County, there's some places they don't. These places would fall in that category. If one city is taking some type of drastic measures of what you want, and others do not. Now, keep in mind, part of the reason is because building permits generate revenue. The example used specifically was car washes or a commercial entity like that. That's reality. That's real stuff. Right? Not, you know, that's not what is that is, that's what will happen, right, there's not some kind of continuity. I find it's very difficult that you will get all municipalities on board with that, because you're already going to have some who look at municipalities that have golf courses. Now, some of those golf courses are watered by a secondary use water, not all of them fall in that category. So, you're going to have some municipalities to say they use 100 million gallons of water on a golf course facility, and we have the potential to serve residential that brings in a lot of to the community, overall, probably a lot more than one golf course. I'm not opposed to looking at ways of better use of water. I'm 100% on board with secondary use of water. You just got to get people to realize it isn't cheap. But I would rather see moneys spent on utilizing the water that exists here, especially in a secondary use, then monies... don't get fired up over this... on monies that have already been spent and will get spent on the Lake Powell pipeline by the Conservancy. As of now, Leeds is not served by the Conservancy. Everybody in this County has a stake in this because everyone pays a fee into the Conservancy, whether they serve you or not So everyone here in this Town has a stake, right?

Yeah, I agree. On the pipeline we are working on multiple projects right now, like Toquerville reservoir would be a good example. And that's going to be starting construction this fall. To get where we need to get with water, we can't just be one project, it needs to be multiple and reuses. And when I say reuse, taking sewer water and drinking it. Now that is going to be a big factor in water

development here, because that's where the water's at. Even though it has a negative connotation to it. I think people's attitudes are changing. And we will treat to such a level that they won't be able to know that it is that way.

Councilmember Roberts: It's not cheap.

Zach Renstrom: Oh, no, no, Toquerville we're looking at \$60 million price tag right now for Toquer Reservoir.

Mayor Peterson: You'd mentioned with the recirculating pumps, does that include timers associated with them as well, or not.

Zach Renstrom: The more sophisticated ones have timers. So, they flick on in the morning. It's really neat technology, sometimes I've seen it where they have like a button where you just push a button that flips it on. A lot of them have timers, where it'll flip on like at six o'clock in the morning, because they'll kind of have that idea of when you're going to be taking showers. And so, I've seen that, in newer homes, they're a little bit more continuous. What they do is they insulate the line because that was one of the problems with the pumps is when they first put them in there is two things would happen. First of all, you go to your faucet to get a drink of water and you turn on cold, but you'd have to let it run for a while to get to cold water. Now they have better systems that you don't have that problem. They insulate that line

Mayor Peterson: I would suggest having the timer actually kind of strikes the balance of also saving energy relative, as well as water, as opposed to a 24-hour recirculation requirement.

Zach Renstrom: Most of the ones that are going in, if they insulate the pipes, are pretty efficient.

Councilmember Stirling: I do have a question. I attended last Thursday, and I just wanted to make sure that I understood what Karry said. She said that they will be drilling another well here in Leeds or north of Leeds, I guess. And it was only for a backup well for the other two. So, having said that, do you have other water rights that are going to be included in that well? Could that possibly hurt our water sources? Because from what I understand, she said they were drilling like 660 feet down. What type of things do we as a community that is not tied to you, what do you anticipate that doing to our water source in general?

Zach Renstrom: There are going to be two things that are markers. First of all, what's going on there is during the summer months, we're pumping both those wells. If one of them went down in the middle of the summer, we'd have almost an emergency situation. So that's why we want to drill the third one. It is so we can have two running and then one on standby. That's the redundancy we like to have as engineers. We like threes. And then we're going to be building a very large water tank up there. So right now, we're looking at a 3-million-gallon water tank, which is a big water tank. And so right now we have the water rights and so we'll just kind of continue with water rights. Angell Springs came in. Well, we will probably transfer a little bit. Like Homespun subdivision, when we took over that subdivision, we transferred some of those water rights up to the Cottam Wells. So, I won't say we won't transfer anything up there, because we will, but it won't be very large. Angell Springs, they came to us, and they were very, very upset. Maybe, I guess they have some springs that have been drying up and they came to us and kind of accused us of drying up their wells, their springs, and so we paid a hydrogeologist to look at it. He came in and did a report and said it's the water from those Cottam Wells are actually coming down from the north. Angell Springs area, that water's more coming down from the Oak Grove area. That was his finding is that in the Leeds area a lot of your groundwater here is coming from Oak Grove and Pine Valley. Where up at Cottam Wells they're more coming from the north up there from like the wet sandy area, you know that canyon. He determined



there wasn't a hydrological connection. He thought there was some other things going on with the springs. And I'd be happy to share that report. I will email it and you can distribute it. Thank you.

Councilmember Stirling: Okay. And then also on record I, I grew up in Arizona, we were very conscientious of water conservation in general, because it was a commodity that is not always going to be there. And it doesn't really matter about the growth. It's our responsibility as individuals to conserve water because even if there's a ton of growth, inevitably, we're going to have to provide for the future in some way, whether it's our children or our grandchildren. My biggest question with the conservation is, it is the key. But in our municipality, it's such a different realm, because we have the irrigation company, which on your slides, it said that, you know, water conservation, that a lot of that is when you are able to do that. Our irrigation company doesn't have the availability of saying only water at night, because it's all coming down. Is there something else that you would recommend? Maybe a water tank for the irrigation company? What do you recommend in that aspect?

Zach Renstrom: Now I'll share what I thought this was most interesting. About a year ago, I was talking to an individual, and he's a homebuilder. And he is in his late 30s, and he is very concerned, because he was asking me, am I going to have a job in 10 years? He wants to build homes. He wants building permits. So, I was just talking to him about it. And he's like, well, people need to do more water conservation. They need on and on. It was very interesting, because his wife was completely bored with the conversation. She was texting. This is what people need to do this. And the cities need to require this. He's thinking, job. I want to build homes. And so, I made a comment. I was in front of his home, and they have a lot of lawn. And I said, yeah, like the city could pass an ordinance requiring you to rip out your lawn. His wife stopped, looked up and said, "I'll be damned if I rip out my lawn so, another Californian can move over here". And I thought it was so interesting, because that's the conflict we're having right now in the community. You have somebody here, he's thinking his livelihood, and he wants to build homes, blah, blah, blah. But then you have this lady that has, they have younger kids, and they want their kids to recreate on the lawns and that is the friction. So, I told him, I said, you guys go to marriage counseling, work this out, then tell me how to do this. So, it's a tough discussion.

Councilmember Roberts: The other one that concerns me is when you talk about the water certification on new construction. A lot of changes can and will happen after that new construction. Okay, I got my Certificate of Occupancy. I didn't do a pool intentionally. I'm doing a pool now. So, the thing that I would caution individuals who want to jump on this and say, government really needs to watch real close what people do is the potential for a lot of government overreach. And now you've got water cops sitting out there. I use that term towards the water, not towards law enforcement that protects communities. That becomes more of an encroachment from government on individual property rights. That is a concern I have.

Zach Renstrom: That is a very valid concern because down in Las Vegas, they truly have water cops, they drive around, they have a light bar on top of their car. And they drive around at night, and they see water on the go they just start following it up. And of course, the first time they interact with them, they, you know, put a little flyer saying please don't do this. But then they start issuing large fines because of it. I would never want to get to that point in our community. It's pretty bad. But they got to the point where they were out of water. And that's what was the step they chose to do. They even have an app; they have an app where you can like nark on your neighbor. So, you go in and you're like, this is what my neighbor's doing. And you should stop them. And so, they'll go out and investigate. And I just think that's a horrible community. So that's why I want to just do these water wise steps. And even if we take these wise steps, and when we do things, and I don't know where it's going to end up, this is all part of the discussion, we will just be able to avoid that happening.

Councilmember Stirling: Karry did say something. She alluded to the fact that it isn't in progress at this particular point, that you are thinking about doing some type of rebate for ripping out your grass, can you kind of go into that.

Zach Renstrom: So, the sSate has already kind of implemented that. It is mostly along the Wasatch Front right now. But they want to expand it down here. And basically, someone calls up and says, I'm going to tear out some lawn. So, you'd send somebody out, you measure, they rip it out, they call back, say it's gone. And then you go out and confirm and then you send them a check. And so sometimes it's \$1 per square foot, I've heard all the way up to \$5 a square foot in California. You have a contract, basically it says you can't put that lawn back in. And in some places, they record on your property that says you have this rebate, you agreed to take this lawn out. So, the lawn rebate will happen. Whether it happens at a local level, or at the State level. I don't know. I'm a little bit nervous about the State level. Because communities that have just gone in and said, okay, we're going to pay you to rip out your lawn, that has not worked well. But the communities that say, okay, we're going to pay you to change your landscaping from ripping out your lawn to like a xeriscape. We have like mesquite trees or something like that. Those have been more successful. So, I'm worried about the State just coming to start paying people to rip out lawn because it hasn't worked well for the communities that have done that.

Councilmember Stirling: So, do you have an option of having your landscape architect help individuals that would like to do that if we came directly to you?

Zach Renstrom: We do a couple things. So first of all, we have a desert garden.. And you can walk around there. And so, a lot of people come up there. It's very green, lots of shade trees, that has a nice cooling effect. And so, people go up there and just take pictures, and they have little plaques that you can scan, and it pulls up the website and tells you all about the plant. But then we have a landscape architect that's on staff out there, and so you can stop and ask him, but then we teach classes, where people can come in and learn. And a lot of times the people that come to those classes, they'll actually bring their plans, and our landscape architect will sit down with them and quickly sketch things out. We're a little bit sensitive because there are professional landscape architects, we don't want to compete with them. So, we look at, we're just trying to educate people and help get give them some ideas so they will go and actually hire the professional. I think that'd be really helpful to a lot of people to point out we have classes that if they want to get vegetables, we have classes on how to grow vegetables in the desert or if they want to do fruit trees. We have, we've talked about that and things you can do with that. Which fruits do a little bit better on temperatures and which ones don't?

Mayor Peterson: Bill Hoster, online is asking is the third well pump at Anderson Junction being built in anticipation of the developments planned in Toquerville?

Zach Renstrom: So yes and no. So even if that wasn't being built, we would drill them out, because we need that redundancy. But with that said, that system will help feed that development. The long-term goal with Toquerville is we're going to have to run a new line from this water treatment plant up to Toquerville. We already have that line that goes through the city. So, the plan, we need to replace that no matter what. We are replacing it with a bigger size diameter pipe, to accommodate, to work through the larger communities out there, to accommodate just not Toquerville.

Mayor Peterson acknowledged Lynn Potter. Mr. Potter recommended raising the price of water as the conservation tactic.

Zach Renstrom said the water district has been working on coming up with the excess water surcharge. Basically 20% of the users right now consume 40% of the capacity of the system. And so, we do have some very high-water users. That is why we are taking that step of saying, okay, you're a high-water user, so you're going to have an excess water surcharge on your bill. The big debate is where to draw those lines. Water will be increasing.

Mr. Potter wanted to suggest raising the price across the board.

Zach Renstrom agreed that was the debate. He said usually about the first 5000 gallons of water that a homeowner uses is just people using water indoors getting by. A lot of people on various types of incomes. The concept is the first 5000 gallons of water is really cheap. But then we tier it right up very fast. Mr. Potter and Miss Powell brought up the practice of irrigation water flowing through the gutters in the old parts of town and affirmed of all the places they have lived water is the cheapest here.

Susan Savage inquired of Zach if the new water line would bring water back up Main Street. Zach said it cannot. Right now, it is all going down and certain times of the year we can push it either way. Susan voiced that she thought it interesting on Monday that her irrigation well dropped two feet. Things like that are causing people to wonder.

She asked Zach where the water for the new projects were coming from.

Zach Renstrom: So, most of the water for that is going to come from three sources. So right now, we have the Blackridge reservoir. It leaks like a sieve. It was never designed to be a reservoir. We are going to run a pipeline all the way up there and capture that water and bring it down. The new reservoir is a better geological formation to hold the water. In fact, if it's going to be sitting on sandstone that will actually push more water into the ground in that area. So, we'll have a little bit of recharge from it. So, the majority is coming from there. Also in the winter months, Toquerville springs has sometimes extra capacity there. And so, we'll take that extra capacity and pump it up to the top of the reservoir. The third option we're looking at right now is in Confluence Park, Ash Creek special service district is building a water treatment plant. And we're working with them to treat it a little bit more. And then we'll take that sewer treated water and pump it up there. And also add water into it too at that point, too. So those are the three sources of water.

Mayor Peterson: I sense unless the Council would disagree, we're not going to be leading the charge with our 880 residents on these regulations. But I think we'd be interested in being kept informed about what's happening with some of the other communities. I don't think we want to be the only car wash in the County. But if you could keep us informed about it, I think that would be very appreciated.

Zach Renstrom: And if any of you have questions. We've had great discussions. If any have questions anything, just feel free to reach out to us and we're happy to help any way we can.

#### 9. Action Items:

- a. Discussion and Possible Action Regarding Master Agreement for Consulting Services with Sunrise Engineering

Mayor Peterson: The town has a 15 plus year relationship utilizing Sunrise for some of our, but not exclusively all of our, engineering work. They had requested an update of that in particular with the awarding of the General Plan/Master Transportation Plan update that they were going to be involved



with. The agreement was reviewed with our attorney and significant changes were made. I'll ask Craig to weigh in, but changes were made to make it a more balanced agreement between the consultant and the client with the Town of Leeds being the client and the Sunrise engineering group being the consultant. Craig, would you like to add a little bit of overview to it?

Craig Hall: Thank you, Mayor, it's good to be with you, Council. I think well, what the Mayor said is accurate. When we first got the agreement, it was, to our surprise, it was extremely one-sided regarding liability for actions, liability for work that Sunrise would be authorized by you to perform. After several discussions with their individuals that we felt were very productive, we proposed the agreement in front of you. It's now very even handed. The responsibilities on both sides. And contingencies in case of default by one party or the other. We have no problem or hesitation in recommending at this point, that the form of the agreement is appropriate for the city to consider the subject matter. And we would recommend that if you've got no problems with the subject matter, we have no problems with the form of the company agreement.

Mayor Peterson asked for question or comment and Councilmember Wilson inquired the duration of the agreement. Councilmember Roberts said it was for one year. Mayor Peterson added it was automatically renewable if both parties agreed without making substantial changes. Mayor Peterson asked for a motion to execute and approve the Master Agreement for consulting services between the Town of Leeds and Sunrise Engineering. Councilmember Stirling moved Councilmember Wilson 2<sup>nd</sup>. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
<b>MAYOR: WAYNE PETERSON</b>	x	_____	_____	_____
<b>COUNCILMEMBER: ALAN ROBERTS</b>	x	_____	_____	_____
<b>COUNCILMEMBER: DANIELLE STIRLING</b>	x	_____	_____	_____
<b>COUNCILMEMBER: LORRIE HUNSAKER</b>	x	_____	_____	_____
<b>COUNCILMEMBER: STEPHEN WILSON</b>	x	_____	_____	_____

**b. Discussion and Possible Action Regarding General Plan/Master Transportation Plan Update**

Mayor Peterson: This I believe will be quite brief this evening. After putting it on the agenda, which I was holding off until yesterday on, I did hear back from Sunrise, they are in a transition mode, the individual who was hired by them to oversee their general plan practice moved on. And as a result, they are trying to hire a replacement. They've asked for one more week to just see if they can come up with a candidate and then submit that candidate to us if we find them acceptable to then continue on with the update. If not, they would be prepared and would not have any hard feelings they said to step aside and withdraw their proposal on it. So, unless there's something that Council feels must be talked about this evening, it's something that I would expect to see on our agenda for September the 22<sup>nd</sup> as we would be then knowing the exact situation with Sunrise and whether we needed to go to the second bidder on it or if we need to open it up again. Those would be the alternatives if they choose not to follow through with that.

Councilmember Stirling asked if the Town had paid any expense to them yet and the Mayor replied no.

c. Discussion and Possible Action Regarding Expanded Easement through Town land off of Majestic Mountain Road leading towards Parcel L-3-1-7-1110

Craig Hall: I have reviewed the proposed Grant of easement that was submitted by Mr. Potter and his wife, Diana Powell. I've looked at the form. It's got some problems, but more importantly, I think we need to look at the purpose and the timing of this request. It'd be very unusual for the Council to approve a grant of easement when there's not a proposed development/subdivision that is proposed and pending before the City Council. I would suggest and it'd be my recommendation tonight that this matter be tabled and not considered for approval or denial until such time as a proposal for development of the properties sought to be served by this grant of easement has gone through the approval process through the Planning Commission and ultimately ending up on the table for the City Council to consider. To do otherwise we'd get a cart before the horse and there may be an easement that doesn't serve anything. Maybe an easement that only benefits one individual or several individuals. I think the timing is not now to consider it. I would suggest and recommend to the Council that it table such a request until a proposed development of some nature has been applied for and been vetted by the Planning Commission and then eventually on the City Council's desk. That's my feelings on this, being very blunt tonight.

Mayor Peterson: Any questions from Council for Craig Hall? Okay, any discussion from Council about the advice we've now received from our attorney?

Councilmember Wilson: Just for my clarification, that it'd be better to know what's going in there before we grant the easement. Is that accurate?

Craig Hall: That would be my opinion. Yes.

Councilmember Roberts: I would push this off. Actually, I would ask the applicant if they are comfortable with an open-ended table statement, or whether they want a definitive answer tonight. I see that this benefits one particular piece of property. So, it's hard for me to say that even in the future, there would be some type of a development that would be substantial enough to grant this that benefits the overall community. That's my opinion. I hate to leave something tabled in a very open situation, but I think the applicant should be asked whether they want a definitive answer or whether they're comfortable with a table statement.

Mayor Peterson asked the applicant to reply from the podium for the benefit of the recording.

Councilmember Stirling: First, can we refer to our attorney whether or not he recommends us do that?

Craig Hall: Well, at this point, I would recommend that the Council take no action on the propose or request from Mr. Potter and Miss Powell, until we see a development to grant an easement ahead of time where the benefit of community without a development proposal or some sort of subdivision, I think is premature. You may be valid six months from now or three months from now, when a development proposal comes forward. At this point, I think it's premature.

Mayor Peterson: Okay, I think the question is just whether or not the applicant is interested in it being tabled or wants a definitive answer. Is Council comfortable with hearing from the applicant on it?

Lynn Potter: Can I elaborate on that more than just a yes or no answer? I can understand Craig's point of view on what we asked for a 60-foot easement wide in order for future development, because you don't know what the future development is. And we haven't proposed that to you. I can agree with that. That's rational. Okay. But I would at least ask for the minimum of the width of the curb cut, so that we can make it safe. Because even in the Planning Commission, when we talked to them about development, they wanted a culvert to put across there and the road needed to come up, so that wasn't so steep. And in order to do those things, 20 feet is not wide enough, what it is now, at least needs to be 35 or 40. Okay, and if we can't get 60, ask for 35 or 40, because that's the minimum, for a safe driveway to build that up, and to put in the culvert and make things right with the slopes. Okay, that's for the 60 feet, we can come back and ask for that later. We can table that. Okay. But I would like an answer on an improvement to the existing driveway now to make it safe with the 35-foot curb cuts there. Because we only have a 20-foot-wide easement. If we do start to make modifications to that, in its existing width, so that it is safer, and it's not such a steep slope, then there's going to be 15 to 20 feet where it's going to come up and then this side over here, where the curb cut stops, it's going to have a nice drop off, where our easement stops. I'm asking for a minimum of the width of the curb cut at this time. I'd like a vote on that. I can see you putting off the 60-foot request.

Mayor Peterson: Well, I think what I heard from our Attorney is that with a specific proposal, and I would be in favor of you presenting a specific proposal of how you would want to utilize that wider access. I will say that when there have been curb cuts to nowhere in other communities that I've lived, I've rarely seen the end result be matching up with that original curb cut. It is a guess that's put in place. I think there's a tendency, from what I've observed, to round up a little bit. If it's a little too wide, it's not nearly as big a problem as if it's a little too narrow. So, I don't personally immediately buy the idea that the curb cut somehow defines how wide it was intended or how wide it should be. But I would be willing to entertain at the Town Council level a proposal of how you would specifically want to put something in that would require a larger easement than the 20 feet that's originally there. Craig, is that consistent with what you were recommending to us, that there'll be a specific proposal before entertaining a particular width?

Craig Hall: Yes, sir.

Mayor Peterson: So, does Council feel comfortable saying that we would look to table this until a specific proposal came in and that specific proposal doesn't need to be trying to go for 60 feet? It can be an intermediate one as well.

Councilmembers Stirling, Roberts and Hunsaker replied Yes

Councilmember Wilson: Just one question with that. And what does that proposal have to be? Just so I understand. Does it have to be an engineer form that somebody brings in?

Mayor Peterson: That would be what I would expect for that kind of a proposal, showing the cut and fill that would be utilized along the proposed access in order to make sure that was the safest proper way to access the property.

Lynn Potter: We can give you a proposal because there are a lot of different directions that we'd like to go. I would prefer to decide them in closed sessions. However, I would still like to grade the property and make it safe for access before we do any further development. Upgrading the property means flattening out and making some cuts up to the 20% mark, which we can do without permit, and



I would be improving the driveway. So, at this point, we can improve the driveway. So, by the time you get to the top of the driveway, it's only going to be 10 feet wide. I've done a lot of development and the curb cuts do kind of go along the driveway.

Mayor Peterson Okay, we've observed different things I would say then. Perhaps you were a little further along with the plans if you were the source of the curb cut as well. I am only speaking from personal observation over time. At this point, it seems as if Council would be interested in tabling this until such time as a specific proposal was in requiring a further easement on the parcel or for access to the parcel. Is there such a motion?

Councilmember Hunsaker moved to table proposal until such time there is an appropriate proposal to go with the increased easement size. Councilmember Stirling 2<sup>nd</sup>. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

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

10. Discussion Items:

a. Main Street Curb and Gutter Plan Review

Mayor Peterson: Lorrie and I were designated at the last meeting and joined by representatives from UDOT and Karl Rasmussen and a couple other people who decided to join on that particular walk, looked at the Main Street curb and gutter proposal that was heading from on the east side of town, here heading down to the south end. So, Karl.

Karl Rasmussen handed out papers. We decided not to look at the option of detouring the water that goes down Main Street but send it down in some ditches and culverts. What I show on this plan is just plain old ditches and plain old culverts. They (UDOT) would participate.

Councilmember Roberts: Of course, they would. They want to get the water off from their property.

Karl Rasmussen: So that's why I'm here. That's why we're doing the discussion on it. The pipe pricing for 24 inch is just ridiculous now. Our budget for the whole project for construction 312,000. I didn't punch the numbers to come up with the 312,100, it's just that's what it came up to. As we walked Main Street, we decided we can leave the sidewalks the way they are right now. And put in what's called driveway treatments. It is where we would run some curb about 10 feet on the backside of each curb. So, if the flow is going right down Main Street in someone's driveway, it'll hit that curb cut and it will keep the flow directed down Main Street. As the water gets down to Center Street, it's got a 3% grade. It hits that cross gutter. It's at a 2% grade, we shot it with UDOT. In 40 feet there was about 10 inches of fall. A slower grade, that creates what's called a hydraulic jump. And that's why it's depositing sand right there. When it deposits, it will create more backflow, so the water rises and rises. and it heads over to 15 South Main. Even if we raised the sidewalk, Tracy was there, we're still going to have to deal with that one in Center Street. It's going to jump in, it's going to go right over to that 15 South Main Building. One of the ideas is to do overlay next to the waterway, raise that old

grade, raise that up three inches, so that they can keep on the curb. We realized that that still might not solve it. We are looking at the grade going down, Center Street, we can run some storm drain about 3.3% We've put in the double box drain on Main Street, not a single but a double so that we can catch 90% of the flows when it's cruising down through there. Then we direct that water upstream Center Street. UDOT called it the natural path. So, our discussion with Council is do you feel okay with that idea? Us working with UDOT on my estimate. I didn't add the treatments in the 312,000. If we add our treatments and then run the estimate where we can ditch some of the waters, we reduce the cost. So, then we'd come back and look at one or two of the sidewalks that we might want to especially take care of. If we get that water in the pipe it's going to focus a lot better.

Councilmember Roberts: Was it an intent to get that water underground?

Karl Rasmussen: It was my intent, but they said let's look at what we can do treatment wise with the surface items first, so we can reduce the cost.

Councilmember Hunsaker: This estimate is for going down Center Street and it's not including any of the treatments or anything else on Main Street.

Karl Rasmussen That's just if we piped everything and got it down there. If we would just run it to the southeast where the low point is, or where the other ditch dumps its water.

Councilmember Wilson: So, explain where you're talking of dumping. We are on Valley. We've already got plenty of water.

Karl Rasmussen: Well, there's an alfalfa field right there.

There was discussion about the inconsistent size culverts and necessity of removing them on Valley and Councilmember Hunsaker inquired if anyone had approached Ned Sullivan as that is where the water would be dumping.

Karl Rasmussen: I wanted to.

Councilmember Roberts: I hope you have a flak jacket and the helmet, running shoes and full combat gear. He has reason. Yeah, I'm not in favor of this. And I can tell you why, because we're pushing this water into a basin that is on private property. Now, if there was a street down there that brought that back over... I mean, there's a lot of challenges here, I understand that. And the State of Utah wants whatever the least dollar sign is. Now, I'm a taxpayer in the State of Utah, and just like everybody else, that is a resident of the state of Utah. This Town paid for that sidewalk; for it to be in the condition that it's in right now. I'm telling you, if we're going to expend any more monies, we're only going to do it one more time, it's going to be done correctly. And we're not spending any more monies on that sidewalk on the water drainage, because we're not even addressing what's on the opposite side of Main Street. And it still is drainage off from Main Street that's governed by the State of Utah, because that's who owns it.

Councilmember Stirling: Karl, is there a way that an individual could give approval for that drainage to go on private property?

Karl Rasmussen: There is. I mean, there's things that can be done. I've seen where if it's going to dump on someone's private property than the city would grant an easement. Do like a detention basin? I mean they can use the water.

Councilmember Stirling: Right. I'm going to go ahead and say this is a conflict of interest. Is that legally how you do this?

Mayor Peterson: You didn't know at the start of the meeting. It is good to bring it up when you know.

Councilmember Stirling: What I'm wondering is if there's a way that it could tie into the irrigation line and pump into the pond at the end of my property, which would inevitably make it so that you wouldn't have the flooding, but then you could utilize the water.

Karl Rasmussen: The issue is when in a detention basin or detention it will take a peak flow, store it and then you can either pump it to where you want it or release it slowly downstream or even in a field so you can use the water, but getting it from the end of Valley to there is hard

Councilmember Stirling Well, not necessarily because they're irrigation lines already. And if you can tie that into the irrigation lines, it would go

Councilmember Roberts but the irrigation line must be pressurized. This won't be pressure on it

Councilmember Stirling: I'm just trying to reevaluate, trying to figure out how to avoid washing out Ned's fields with that amount of water. It's not a rice paddy.

Councilmember Roberts: Farmers have gone from point A to point B, but this is different. This is water management off from stormwater that I'd love to collect. Now, ultimately, the State of Utah owns it. In the end, it will come out that the State of Utah governs that particular water that comes out of the sky and drops on the ground. The State needs to put their thinking cap on. I'm 100% with you on once you get it in a pipe, it's more manageable. I think they need to incorporate piping, specifically along that drainage on Main Street. Get it in that pipe and then you can manage it much better.

Councilmember Hunsaker: Question. If Ned was agreeable to having a catch basin or to put something in on his property, would the State come after him for holding their water?

Councilmember Roberts: They could say that water is not yours to utilize. I am supportive of thinking out of the box, Karl, I don't want to shut that down. I'm supportive of thinking out of the box.

Kar Rasmussen: So, my inclination is that if we can't then we can just go in and fix our plans with those notes that we have. And get the \$312,000 to go as far as we can.

Councilmember Roberts: The Town needs to realize that once it comes off from the project, it becomes the Town's responsibility. So, the maintaining of that system once it came down on Center Street and then went down Valley. The city would be responsible for the maintenance that I'm not trying to slough anything off, I'm just making it very clear, so people understand once it comes off the Main Street. The Town's going to be responsible.

Mayor Peterson: I think one of the things that came out with following the current plan is there are a meaningful number of homes that we'll be looking at a four and a five-foot wall in front of them that is



supporting the sidewalk with the five feet of fence roughly over the top of them in order to follow that approach. It was not well received by those members of the community who came out to talk about their own homes.

Karl Rasmussen: Mainly because they are worried about their landscape. So, we can collect the water there at Center Street then we've kind of solved that issue because then the curb can take that 1500-foot length of water and it comes just off Main Street and not be an issue. Problem is we're collecting everything here and it's got one direction to go.

Councilmember Stirling: So, what is the amount of water that you anticipate in the 100-year flood?

Karl Rasmussen: I'm glad you asked. Let me email that to the Mayor. I will quantify it on 100-year storm like cubic feet like biggest one that is because we've got it. We've read the numbers I spent money to create the report.

Councilmember Stirling: It might be something. I really think it might be something that we can talk to Ned about and maybe they won't have objections about.

Councilmember Hunsaker: What about that ditch in front of Ned's that he uses, along the front there? How much water do you think that could handle Alan?

Councilmember Roberts Actually that's not an established ditch. Water ran across that when we had flood irrigation, but that's just where the natural drainage on the shoulder, UDOT's right of way, that's why, it's really not, because the irrigation was on the opposite side of the road.

There was discussion if the property was owned by Sullivans or Beaches. Councilmember Wilson voiced maybe he should declare conflict of interest as he lived on Valley and would be affected. Mayor Peterson offered to be the one to contact Ned Sullivan and set up a meeting that included Lorrie and Karl.

Mayor Peterson: Is Council in agreement then that Lorrie and I will look to meet with Karl and with Ned to discuss where that water would need to go before we figure out what the right way to proceed is?

Councilmember Roberts: I'm okay. with that. I still have reserves about claims to that water. I still have reserves about taking that water off from the Main Street drainage before we get it all the way down the Main Street

Councilmember Wilson: Was that UDOT that was proposing that it go down Center?

Karl Rasmussen: When we met with Scott of UDOT, I don't know where it came from, and might have been from them, I don't remember because I was talking all the time. It was like, hey, what about that? If we run a ditch to get down this road, there was natural ditches in the past. That's the way water used to run when they were on the ditches. He mentioned how we did the beautification of the project there. And he said, really, we should not have done that. And he admitted that we made a mistake on that. He's like, you know, that is a good solution, because he would rather see that to protect all the houses down through there.

Councilmember Wilson: If they're the ones who suggested that, maybe it won't be an issue.

Councilmember Hunsaker UDOT is okay with it. But the problem is, when it goes down there, it's going into private property. It is going on to Ned's.

Karl said the town had a right of way on the other side if they created a ditch. Councilmember Stirling wondered about doing it that way and taking the water to Babylon Road. She asked if UDOT might consider helping or using Capital Improvement funds. Karl did not encourage UDOT participation based on the interaction with UDOT on this projects budget. They forgot some of the funds initially promised, but luckily the Mayor was able to provide emails from them that resolved the confusion.

Councilmember Stirling: So, your proposal is to pipe that completely down on Valley Road. Correct. So, do we have any other monies that we could go ahead and divert some of it also to Babylon and create that pipe all the way down? So that we're helping all the citizens on Valley Road? Because every one of them have that problem with water? Right?

Councilmember Wilson: From Center Street down? For sure. The ones above do as well? Yeah, not quite as much.

Councilmember Stirling: But we do own quite a bit of that. And I assume it's probably for road, is that correct? So, could we make that a retention pond? If you go deep enough?

Karl Rasmussen: No, it's only good for putting in the pipe.

Mayor Peterson reminded that UDOT was expecting completion by 2022. It was agreed that arrangements were to be made to meet with Ned Sullivan.

#### b. Fourth Quarter Budget Review

Mayor Peterson: Okay, the final discussion item my Council has had email to them in front of them, the fourth quarter budget review, I would just highlight there was a significant increase in sales tax revenue after we were recommended back in the second quarter of last year, to expect less, it turned out that the sales tax revenue ended up growing from \$127,000, the year before to \$162,006. So, it was about a 30% increase in terms of the sales tax revenue. We also had fewer expenses last year, we didn't proceed with any of the projects such as the Town Hall roof, I did look to follow up with the contact at SHPO , who was indicating a chance of reclassifying as a historical property Town Hall given its multiple uses. Regrettably, he's retired. And I don't have a lot of optimism that we will get a similar favorable view towards that. I was very surprised when he said he was open to it. And in inquiring of others, I've kind of gotten a blank stare on the email returned to me with regard to whether or not it was something they thought was possible. So, I think we do need to, and we have it in the budget for this year, to look to do the roof on the Town Hall. But that helped to contribute. What Danielle asked about, there will be and we're going to be meeting with the accountant to find out how much money we will be needing to transfer to a capital improvement fund, because we will be going over the permitted amount of 75% of our revenues that is in the actual fund surplus that we have. So, we will in the near future have an answer to that particular question. I also want to check. Alan, you've had more years of experience with them than I have. When we get B&C road funds. I know we can't use them on Main Street, but I believe drainage related work on a road would be considered an acceptable use for road funds. But I want to double check that.

Councilmember Roberts: Yes, it can be used for drainage, but it's going to have to be in Town right of way drainage. So, it could be used on UDOTs.

Mayor Peterson: So, I do expect we will end up with that kind of an opportunity to have some additional funds here. There are some grants that were in the budget for last year that didn't end up coming through or being used, but are deferred again to this year. That would include the planning grants of \$70,000. And then as was being talked about tonight, a fairly substantial grant with regard to UDOT providing us with \$259,920 for this project that we're talking about. So, there were a lot of flows like that that did not take place last year, but this fiscal year is likely to see that activity. With the idea of this being done in the spring, it'll still be in the next fiscal year. So, there will be a need to open up the budget in order to do this transfer to our capital improvement fund. I will work with Hinton & Burdick to make sure we get that number correctly calculated and look to get that taken care of in the next month or so. And otherwise, things were basically surprise positives on the revenues. We also do have in the budget for next year, there was some CARES money that came in this past year that totaled close to \$80,000 to the town. Next year, it's going to be over \$100,000. That's going to be coming in with the monies that have been designated by Congress to towns across the country.

Councilmember Stirling: I have a question on the general sales and use tax we budgeted for 75. But the prior year we had \$126,000. Where are the sales and use tax coming from?

Mayor Peterson: Sales and use tax comes from a formula with the State It's driven two-thirds by the population and one-third by the point of sale. What was being offered as guidance from the state when we were preparing budgets last second quarter of the calendar year was to expect up to a 30% rate reduction in the actual sales tax that would be flowing in. In the end, we ended up seeing an increase, as I said, of over 30%. So, that was a very positive swing. And this year, we budgeted more in line with what we've been seeing and not assuming any kind of significant change from recent history.

Councilmember Stirling: So, our sales and use tax is basically our commercial. Our strip mall and the area where the market is, and just a few of the commercial businesses around here?

Mayor Peterson: That's where we generate our one-third share of point of sale. The vast majority of our sales and use taxes come from people spending money all throughout Washington County. That is where the tourist dollars do help us. They're on the sales tax. And that's the local portion of the sales tax, the State gets, I believe it's 4%. And that's theirs. And then the local when you go on the county level is just a couple percent, and then that gets divided on that formula by population and by point of sale.

Councilmember Stirling: Then the other question I have is for the prosecutor, public defender. We have budgeted for 10,000, but we spent \$15,754.

Mayor Peterson: I would highlight there's a balance to that, in that people were not well behaved. And if you look on page two, the third line of numbers, you'll see we budgeted 10,000, and we took in 17,673. So, there is a strong correlation between those who are paying the fines and the actual costs of the prosecutor. There also was a couple thousand dollars that came in. There was a billing, misrouting by our public defender. That is when if somebody is facing a serious enough charge that we are required to pay for their defense if they cannot afford one themselves, and we actually got a couple of years' worth of that in the expense this year because they had been sending the bills



elsewhere. It's not something that we generally are able to track because we don't know when there's somebody who's been charged and when they're unable to pay their own attorney. They were legitimate bills. And we did end up paying a little extra on the public defender this year, really about two plus years' worth. But it still left us with a surplus of fines relative to the total cost that we had. Councilmember Stirling: And this is basically anybody that is apprehended by our legal arm? Are there police around here?

Mayor Peterson: It's a combination of anything that is written by the sheriff, by UHP. We have control over about six-mile posts on Interstate 15. So, if people get charged with speeding out there, we get a portion of the fine that gets paid on that. It has me rooting for the highway patrol to catch them before they get too far south when I see them in pursuit.

Councilmember Roberts: Usually they're far enough south, they're in a Hurricane.

Mayor Peterson: But it is it is both traffic and other types of fines, misdemeanors in the like where people pay cash fines.

Councilmember Stirling: So, if they can't afford a public defender, then Leeds has to pay for that?

Mayor Peterson: Only if they face jail time on it. So, if they get pulled over for driving under the influence, then they do face potential jail time. Then we are required to pay for public defender. The good news is the fines on that tend to be fairly substantial.

Councilmember Roberts: They're within the municipality. If they cannot afford it, that has to be provided for them. The municipality is going to cough up the funds for that.

Mayor Peterson: But the fines associated with it are generally of a high enough level that it is not a real exposure,

Councilmember Wilson: that is anyone who's pulled over in our boundary then?

Mayor Peterson: No. Only if they're facing jail.

Councilmember Wilson: Is that someone who's arrested in our area? Doesn't matter if they reside here?

Mayor Peterson: Correct. Okay. It's where they've misbehaved. I know there was concern because we only took over the prosecution over the past five years or so. But the reality has been it has always generated more fines than we've had expenses, not by a lot, and I wouldn't want to budget a profit on it. Relying on misbehavior is bad budgeting tactics.

## 11. Citizen Comments:

Susan Savage: I just wanted to say those of us who worked on the water book that we did not do it as a souvenir, we hoped it would be a reference to provide some continuity and understanding of problems and how they've been handled. And from that perspective, I would say, the water always drained onto Valley Road. There weren't any homes there. Everybody had a little garden and a lot and their ditches, diverted the water down to that lowest point. From there it went down to where Ned's

field is. I don't know if that gives you a talking point. Also, the other thing was that the Valley Road was always a dedicated town road. But the people who are farming that area, didn't want to have a road open through there because that was available for fields at the time until they developed it. I wonder if there's something of that nature, some dedicated access, that continues on and through there.

Mayor Peterson: We can certainly check to see I know that my first day as Mayor, I got a phone call from somebody, I'll be making a phone call to real soon, very upset that somebody was scraping up his alfalfa crop. And it turned out it was within the boundaries of a dedicated right of way to the Town from the 1800s, but it had been growing alfalfa very nicely for over a century. Yes, no, you're right. I'm not trying to make light of what you're saying. I'm just remembering back the idea that yes, there are things that are out there that the Town would have a right of way. And we would just need to be mindful that we couldn't necessarily turn it into an open ditch, but we might be able to do something with piping. Okay, thank you.

Bill McCullough: I unfortunately missed the first meeting in quite some time last week. My understanding is the Potter/Powell Property is now they're planning five homes?

Mayor Peterson: I believe it was four that they said. They have not submitted an application. The property was only approved for one septic. I don't know if that's changed.

Mayor Peterson: The acreage subdivision would require nine acres for each parcel that is there that would be added in order to get an additional septic.

Councilmember Roberts: Unless they use a hybrid. There are numerous hybrids that are approved, numerous types of hybrids that are approved within the State of Utah.

Mayor Peterson: We rely on what is acceptable, we have a signed agreement that says we will follow the Hansen Allen Luce study, and the interpretation of that is done by the Washington County Water Conservancy, where we had Zach Renstrom from earlier today. In general, they have said that they will approve hybrid systems but only up to a 50% reduction in nitrogen levels. They're not confident about some of the numbers that claim to be able to do 90% reduction. So that would get it down to four and a half acres. If they could do 90 then you're suddenly to one acre and suddenly a lot of things become possible.

## 12. Staff Reports:

Mayor Peterson: The only thing I can share, now that we're getting back into meetings, the last one, the month of August was very quiet. We're into September. On Tuesday, there was a meeting of the mayors, the county health department, the hospital, and coming from Dr. Blodgett, who I mentioned had that comment about reducing spread with masks. He did also say it's very difficult to mandate them, they don't expect to be mandating them because people push back against that, but it's just hope that there might be some voluntary compliance. But current numbers show that it is at least six times more likely to get COVID if you're unvaccinated. Currently, the county has about 60% with the first dose and about 50% fully vaccinated. The actual rate of COVID with the Delta variant is still on the upswing as of Tuesday, they think it will go somewhere between two and nine additional weeks on that upswing. The hospital is a little bit below the peak that was reached in January with COVID patients. However, the ICU has surpassed their all-time high. Currently, as of Tuesday, there were 62

patients in the hospital with COVID, the ICU had 28 COVID patients and 15 other ICU patients. They had 21 patients with COVID on ventilators, unfortunately, on a historical basis, and it's been pretty consistent even with the changed protocols, about 40% of the people who go on to ventilators succumb to the actual virus. They're currently hiring traveling nurses at the hospital. They're bringing people down from up north as well within the Intermountain system. Last week, they had four ICU nurses, provide their paperwork requesting to leave the ICU, some of them looking to move elsewhere within the hospital. So, there's a real exhaustion starting to set in among the people who are trying to deal with all these cases. K through 12 schools, they are also concerned about the numbers. They're concerned about how many unconfirmed cases are out there. There are a lot of people who seem to be very hesitant to get a child tested for fear that it's going to limit their ability to participate in things. There is a significant flu like symptom bug going around that is testing negative for COVID. But the end result is at the elementary level, there are some elementary schools with over a 10% absence rate presently. And they mentioned that they are encouraging those students who are eligible to get vaccinated and that 80% of teachers have been vaccinated. The one other thing that they'd come up as a disappointment was the statistic that there had not been somebody under the age of 18, hospitalized with COVID. That is no longer true. They have now filled in that unfortunate situation from the statistics. Dixie State University has had 50 active cases as of Tuesday, which is far higher than they were originally experiencing last year. They did do a clinic and got 140 students vaccinated at one particular clinic. They think about 30% of their students are vaccinated but they're not allowed to ask. So that is something that, they're trying to focus on as well. With that, that is the sum total of the reports that I have from a staff standpoint. There is not a need for a closed meeting tonight. So...

Councilmember Stirling: Did they say what the percentage of people that actually are vaccinated if they are getting this second Delta variant? Did they elude anything of that nature?

Mayor Peterson: They didn't have specifics on which variant they were getting but they were seeing breakthrough cases. They had a total of 62 in the hospital. Of those, there were 50 that were unvaccinated totally. There was one that was partially vaccinated. There was a single digit, I think it was actually 53 that were unvaccinated, and then there were nine, one partially vaccinated and eight fully vaccinated. So, the analysis suggested you're six times more likely to get COVID if you are unvaccinated than if you are and that's the measure that they were highlighting.

Meeting adjourned at 7:31 pm



APPROVED ON THIS 22 DAY OF SEPTEMBER, 2021

Handwritten signature of Wayne Peterson in blue ink.

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Mayor, Wayne Peterson

ATTEST:

Handwritten signature of Aseneth Steed in black ink.

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Aseneth Steed, Clerk/Recorder