

Town of Leeds

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

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, March 22, 2023, at 7:00 pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00pm

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

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

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

Certificate of Posting.

The undersigned Clerk/Recorder does hereby certify that the above notice was posted March 20, 2023 at these public places being at **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmn.utah.gov>, and the **Town of Leeds website** www.leedstown.org.



Aseneth Steed, Clerk/Recorder

Citizen Alert and Appeal to Leeds Town Council Regarding Silver Pointe Development

March 22, 2023

FACTS:

RADIUM CONTAMINATION WITH HIGH IONIZING RADIATION COUNTS has been documented more than once at the Silver Pointe site by official professional testing for nearly three decades. This has not changed, as confirmed by unofficial citizen testing.

Official recommendations were that there not be residential development, and that workmen's time on the site be limited and monitored, due to high levels of DNA damaging and cancer-causing radiation at the site.

Any construction process will create dust clouds of radioactive material that will spread over our community and contaminate surfaces and inspired air of citizens in a manner similar to the **down winder disasters** of atomic bomb testing in the mid-20th century.

For this reason and because of soil contamination by mercury, arsenic and vanadium, which are very toxic and damaging to human health, this site was listed as a federal superfund clean-up site.

Superfund designation has since been changed to state-managed clean-up with encouragement by politically influential developer interests. **Use of a Voluntary Cleanup Program for a uranium site is unprecedented.**

Thus developers now have more influence on clean-up, and they lobby state regulators to allow them to clean up sites they obtain at below normal market prices.

Silver Pointe site remediation appears sloppy and careless as documented in state records. There is no warranty of safety of the site by the developer, who seeks to pass on responsibility for continued monitoring and remediation of radiation and other toxic materials to residential home owner associations! **REALLY!? ARE THEY SERIOUS!?** Furthermore, under the Voluntary Cleanup agreement the developer is exonerated from all legal responsibility for hazards once properties are sold!

Apparently, **residential zoning** has already been obtained for Silver Pointe despite official expert recommendations that it not be developed as residential. **WHO PERMITTED THIS?!**

At present (March 15, 2023), the developer is demanding water service from the LDWA water board ("in one or two weeks") despite unresolved questions about safety of the site.

You may be sure that the developer will ask for construction permits from Leeds Town government very soon.

If Leeds grants construction permits, then Leeds and approving Town officials, will bear legal and moral responsibility for any damages occurring to future ignorant and non-diligent purchasers in this development. **THE DEVELOPER WILL BE GONE WITH LEGAL DENIAL OF RESPONSIBILITY!**

SUGGESTIONS:

REQUIRE THAT THE DEVELOPER GUARANTEE ADEQUACY AND SAFETY OF THE PROPERTY FOR RESIDENTIAL USE BEFORE ISSUING ANY CONSTRUCTION PERMITS and do this by providing a **final strictly detailed and legally responsible Certificate of Completion** from Utah State regulators (as prescribed by law) certifying that the site remediation protects, and insures no harm, from radiation and chemicals at the site, either to current Leeds residents or future buyers in Silver Pointe.

Require that the developer remain liable for damages due to negligent remediation.

Alert the public to challenges and demands presented to Town governance by the developer prior to any Town approval of construction. Evaluate public input prior to formal Town actions. Why? Because this is our home! It should not be open range for profit-motivated developers who disregard health and welfare of locals.

Notice of Consideration and possible adoption of New Water Ordinance for Leeds

On March 22, 2023, The Town Council, in its regular Town Council Meeting, will consider and possibly take action to approve a new water ordinance, as summarized below. A complete copy of the proposed ordinance may be obtained by contacting the Town clerk.

Summary of draft Ordinance

ORDINANCE 2023-03

LEEDS WATER AUTHORITY ORDINANCE

The Town of Leeds is the water authority for the Town. Pursuant to its authority under UCA 10-7-4, and UCA10-8-14 through 10-8-18, the Town of Leeds is proposing an ordinance under which the Town as the Water Authority, but sets forth definitive authority to regulate the provisioning of water to the Town.

The Ordinance would repeal Leeds Culinary Water Authority Ordinance 08-01 and supersede or repeal the provisions of any ordinance or resolution that is inconsistent with its provisions.

As Water Authority, Leeds would regulate the provision of water service within the municipal boundaries of the Town. LDWA is designated as the Culinary Water Provider. LDWA is required to provide a reliable, affordable, and clean culinary water supply to sustain the present needs of the Town and the needs of all future New Development that is approved within the Town's municipal boundaries.

Town approval of water service is required for all New Development and all New Development must obtain water service from the LDWA. The Town will not approve any water service that has not first been approved by LDWA.

Before approving water service for any New Development, Leeds will ensure that there are sufficient water sources, capacity, and infrastructure to provide the water.

Where circumstances make it unduly burdensome for LDWA to provide water to New Development, the Town may obtain water wholesale from the Washington County Water Conservancy District and make such water available LDWA.

In the event an unincorporated area with an existing culinary water provider is annexed into the Town, the Town shall have the authority to make agreements as necessary with said water provider to ensure that the annexed area continues to have adequate water service and that such service is provided by, or controlled by, LDWA.

Draft Water Ordinance

ORDINANCE 2023-03

LEEDS WATER AUTHORITY ORDINANCE

AN ORDINANCE DESIGNATING THE TOWN OF LEEDS AS THE WATER AUTHORITY AND TO SET FORTH AUTHORITY TO REGULATE THE PROVISIONING OF WATER TO THE TOWN

WHEREAS, the Town of Leeds (“Town”) is a municipal corporation, body politic and political subdivision of the State of Utah; and

WHEREAS, the Town is empowered pursuant to UCA 10-7-4, and UCA 10-8-14 through 10-8-18, to regulate and control the provision of water service within its municipal boundaries; and

WHEREAS, the Town has the responsibility to protect and conserve water resources to enable the Town to provide water services necessary for the continued growth and development of the Town; and

WHEREAS, the Town has the responsibility to ensure a reliable, affordable, sustainable, and clean culinary water supply to provide for the growth, development, health, safety and general welfare of the Town and its residents; and

WHEREAS, the Town has been able to meet its culinary water needs by obtaining water from the Leeds Domestic Water Users Association (LDWA), a private, nonprofit, mutual water company incorporated in the State of Utah; and

WHEREAS, to assure a reliable source of water for backup or future use, the Town, on January 30, 2008, entered into the Washington County Water Conservancy District Regional Water Supply Agreement dated April 23, 2006, which agreement allows the Town to obtain water from the Washington County Water Conservancy District (WCWCD); and

WHEREAS, the LDWA, as a quasi-public water company, has developed, constructed and otherwise acquired and maintained a reliable culinary water source, storage and distribution system throughout the Town and has for many decades greatly benefitted the Town by providing culinary water at an economical cost; and

WHEREAS, the Town acknowledges the benefits of continuing to authorize LDWA to provide culinary water service within its municipal boundaries;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS AS FOLLOWS:

1. SUPERSEDING/CONFLICTING ORDINANCES.

This ordinance repeals Leeds Culinary Water Authority Ordinance 08-01, and supersedes or repeals the provisions of any ordinance or resolution that is inconsistent with its provisions.

2. DEFINITIONS:

The following definitions shall apply to this ordinance. In the event a term is not defined herein, it shall first be given any meaning set forth in the town's general ordinances or state law. In the event any term is not defined in any of the preceding sources it shall be given its normal, everyday meaning.

"New Development" shall mean any subdivision of land or construction or modification of any residential, commercial or industrial structure or other use which would require the provisioning of culinary water service.

"Town" shall mean the Town of Leeds, a municipal corporation and political subdivision of the state of Utah

"Water service" shall mean the provisioning of culinary water to a residence, business, structure or property within the municipal boundaries of the town. Water service shall include the acquisition, storage, and distribution of culinary water and the repair, connection and maintenance of any wells, tanks, lines, pumps, valves, meters or other equipment and materials used in connection with the provisioning of culinary water.

"Culinary Water Provider" shall mean the entity designated by the Town to provide culinary water to the Town.

"LDWA" shall mean The Leeds Domestic Water Users Association.

"WCWCD" shall mean the Washington County Water Conservancy District.

3. WATER AUTHORITY FOR TOWN OF LEEDS.

Pursuant to its authority under UCA 10-7-4, and UCA10-8-14 through 10-8-18, the Town of Leeds, as Water Authority, shall regulate the provision of water service within the municipal boundaries of the Town.

4. AUTHORITY TO DESIGNATE CULINARY WATER PROVIDER.

As the Water Authority, the Town shall designate a Culinary Water Provider for culinary water service within the town's municipal boundaries, which designee shall be the exclusive provider to the Town. The Town may terminate the designated Culinary Water Provider for cause.

5. DESIGNATION OF CULINARY WATER PROVIDER.

The Town hereby designates Leeds Domestic Water Users Association (LDWA) as the Culinary Water Provider.

6. RESPONSIBILITIES OF CULINARY WATER PROVIDER.

The Culinary Water Provider shall provide a reliable, affordable, and clean culinary water supply to sustain the present needs of the Town and all future approved New Development within the Town's municipal boundaries.

7. CULINARY WATER SERVICE FOR NEW DEVELOPMENT.

All New Development must obtain water service from the Culinary Water Provider and the Town. The Culinary Water Provider shall ensure that there are adequate water sources and infrastructure to provide the water service. If these conditions are met, the Culinary Water Provider shall grant approval.

8. TOWN APPROVAL REQUIRED FOR WATER SERVICE TO ALL NEW DEVELOPMENT.

Town approval of water service is required for all New Development before development can proceed. The Town shall not approve any water service that has not first been approved by the Culinary Water Provider. Moreover, the Town shall not approve water service for New Development if the Town, in its sole judgment, determines that there are insufficient water sources to support such development. Where water sources are deemed insufficient, the Town is not required to seek water sources outside its municipal boundaries.

9. TOWN OVERSIGHT OF CULINARY WATER PROVIDER.

The Town, in the exercise of its responsibilities to ensure adequate water service, shall implement policies and procedures to ensure that the Culinary Water Provider is capable of meeting the present and future water service needs of the Town. Such oversight may include periodic financial and operational reports, inspections, and other reasonable means as deemed appropriate by the Town.

10. SAFEGUARDING WATER RIGHTS.

The Culinary Water Provider shall facilitate New Development within the Town while ensuring that it does not diminish, curtail, impair, or otherwise vitiate the existing water rights of Town residents and property owners. Before approving water service for any building permit, subdivision plat, or other development, the Culinary Water Provider shall ensure that there are sufficient water sources, capacity, and infrastructure to provide the water.

11. AUTHORITY TO OBTAIN ADDITIONAL WATER.

Where circumstances arise that make it impractical or unduly burdensome for the Culinary Water Provider to provide water to New Development, or to the Town due to a drought, emergency, natural disaster, or similar conditions, the Town may, in its sole discretion, obtain water from the WCWCD and make said water available to the Culinary Water Provider under such terms and conditions as it deems appropriate. The Town shall have the exclusive authority to enter into agreements with the WCWCD and shall consult with the Culinary Water Provider and WCWCD as needed to obtain adequate water.

12. AUTHORITY TO PROVIDE WATER TO ANNEXED UNINCORPORATED AREAS.

In the event an unincorporated area with an existing culinary water provider is annexed into the Town, the Town shall have the authority to make or approve such agreements as necessary with said water provider to ensure that the annexed area continues to have adequate water service and that such service is provided by, or controlled by, the Town Culinary Water.

13. AUTHORITY TO ENTER UPON PROPERTY FOR WATERWORKS MANAGEMENT.

All authorized persons connected with the waterworks provided by the Town Water Authority and the Town Culinary Water Provider shall have the right to enter upon any property furnished with water by said provider to examine the apparatus, the amount of water used and the manner of use, and to make the necessary shutoff for vacancy, delinquency, or violation of the ordinances, rules, or regulations enacted or adopted by the Town.

14. SEVERABILITY CLAUSE.

If any part of this ordinance is held to be illegal, unconstitutional, or invalid for any reason by a court of competent jurisdiction, or in conflict with Utah state law, the remainder shall not be affected thereby.

15. EFFECTIVE DATE.

This ordinance shall become effective immediately upon passage and posting.

Passed and adopted by Town of Leeds Council on this _____ day of _____ 2023.

Bill Hoster, Mayor

Attest: Aseneth Steed, Town Clerk/Recorder

Silver Pointe & Vicinity Cleanup Project | Status and Community Health Concerns

Site History ^[1,2,3,4,5,6]

1951-55 Western Gold and Uranium began uranium ore extraction from the Chloride Chief and Big Hill Mines.

1960s Mining claims taken over by 5M Inc. of Hurricane.

1980s-early 1990s 5M Inc. repeatedly fails to post reclamation surety bonds for its multiple mining sites, ultimately resulting in the state taking over the remediation assessment.

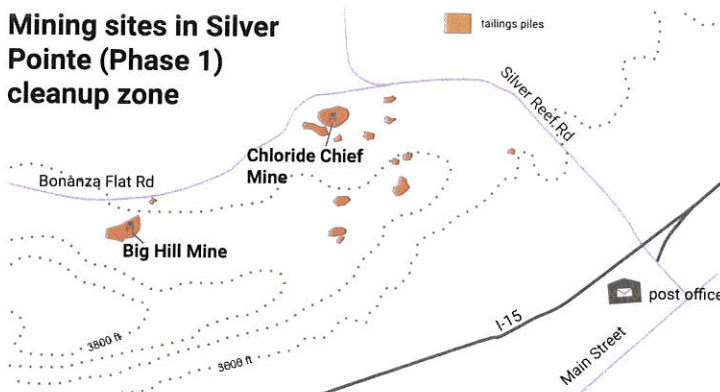
1994 UT Dept of Natural Resources commissions a radiological assessment of the Silver Reef mining zone, which found hazardous levels of gamma radiation in the mine ruins and soil. **The report concludes that the area should be designated as an *elevated radioactivity area, which prohibits residential development.* Even with this designation they recommended remediation for recreational use to a level of **33 μ R/hr** and that work crews follow radiation safety protocols.**

2001 UT Dept Environmental Response and Remediation (DERR) began a site investigation under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)/Superfund program.

2004 WashCo Commissioners issue a vague letter to notify Silver Reef landowners of the 1994 radiological report's existence. **There is no mention of the findings that the surveyed area is unfit for residential development due to high radiation.** Residents are told to visit an administrative office to view the report.

2007 Crocker Capital LLC enters a Voluntary Cleanup Program (VCP) agreement with DERR, agreeing to remediate the area with plans for residential development.

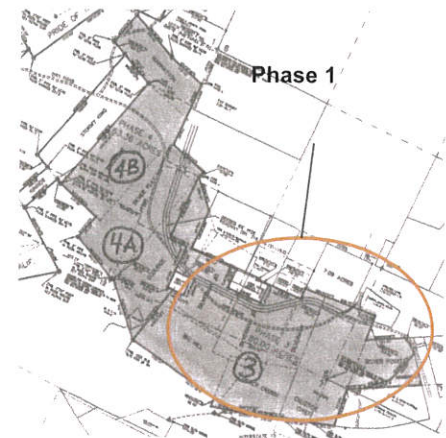
Mining sites in Silver Pointe (Phase 1) cleanup zone



Critical soil contaminants found ^[2,9]

Element	Known Health Risks
Arsenic	Lung, bladder, skin cancer
Lead	High blood pressure, kidney damage, miscarriage, learning disabilities in kids
Mercury	Neurological and behavioral disorders
Radium-226 (Uranium decay product)	Lung cancer
Uranium (total)	Kidney damage
Vanadium	Nausea, vomiting, dizziness, shortness of breath

Silver Reef Investment Holdings (Crocker Capital) Voluntary Cleanup Agreement Scope ^[6,7]



Per the VCP agreement, **remediation of the entire 146 acre area must be completed to receive a certificate of completion and release of liability for the remediator, future owners, and lenders.** **The release of liability does not extend to municipalities or the state.**

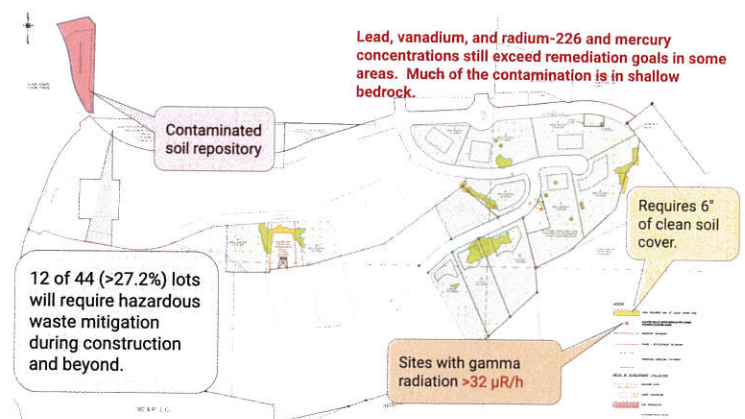
To date only Phase 1 documents have been submitted.

In 2021 DERR issues a "no further action" letter for Phase 1 with conditions, including:

- Onsite worker notification and protection from contaminated soils.
- Groundwater not to be accessed for drinking water, bathing or irrigation purposes.
- Maintenance of 6" of clean soil cover over contaminated areas.

Despite the misleading title, significant remediation remains, such as containment of remaining hazardous materials during the road, utility, and home excavation and construction process.

Phase 1 residual risk ^[8,9]



This project is highly unusual among VCP projects in 5 states with high numbers of uranium sites.

Of the more than 1750 VCP projects analyzed in AZ, CO, NM, UT, and WY, not a single other project addressed uranium or radium-226 contamination. ^[10]