

PUBLIC NOTICE
TOWN OF LEEDS
TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Town Council Meeting on Wednesday, September 10, 1997 at 7: 30 p.m. at the Leeds Town Hall, 218 North Main Street. Public welcome to attend.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge
4. Approval of Agenda and Minutes of previous meetings
5. Introduction and swearing in of Dianne Houston as Town Treasure and Joy Stevens as Town Clerk/Recorder
6. Mayor Joan Thornton
 - a. Discussion on status of roofing repair
 - b. Filling Council vacancy. Applicants are Ron Mosher, Mike Empey, and Jeff Kruger
7. Charlie Scott, Council Member
 - a. Procedure change with building inspector
8. M. Kay Fairbanks, Council Member
 - a. Vote on auditor proposal
9. Stephen Westhoff, Council Member
 - a. Implement procedure for excavation on public right of way
10. Other Business
11. Adjournment

POSTED THIS 8th DAY OF SEPTEMBER 1997


Joy Stevens, Clerk/Recorder

Posted in the following public places:

1. Leeds Town Hall
2. Leeds Post Office
3. Cassidy's Country Store

THIS NOTICE MUST BE POSTED UNTIL
**SEPT. 11, 1997. IT IS AGAINST UTAH STATE
LAW TO REMOVE IT BEFORE THE DATE
INDICATED.**

Town of Leeds

**Minutes for the
Town Council Meeting
of September 10, 1997**

1. **CALL TO ORDER:** Mayor Joan Thornton called the meeting to order at 7:35 p.m..

2. **ROLL CALL:** Mayor Joan Thornton and Council Members Charlie Scott, Stephen Westhoff, and Marilyn Kay Fairbanks were present.

3. **FLEDGE:** Ron Mosher.

4. **APPROVAL OF AGENDA AND MINUTES:**

The agenda was amended and approved, with the addition of Russ Gallian (the lawyer engaged by the county to assist in the establishment of fire districts), Don Fawson, Leeds Fire Chief, and Elvin Braman, Leeds Chief of Police. Previous minutes of August 13 , and August 20, 1997 were read and approved.

5. **MAYOR JOAN THORNTON:**

a. Appreciation was expressed to the applicants, Jeff Krueger, Mike Empey, and Ron Mosher for the temporary vacancy of Town Council Member. Motion by Council Member Stephen Westhoff to accept Ron Mosher to fill the vacancy. Seconded by Kay Fairbanks. Passed unanimously. Ron Mosher was invited to address the Council. He stated the reason he filed for the vacancy was so he could have the opportunity to become a part of the community and to be more actively involved.

Dianne Houston was introduced as Leeds Town Treasurer and Joy Stevens was introduced as Leeds Town Clerk/Recorder. Motion was made by Council Member Kay Fairbanks to accept Dianne as Treasurer and Joy as Clerk/Recorder. Seconded by Council Member Stephen Westhoff. Passed unanimously.

Mayor Joan Thornton administered the Oath of Office to Joy Stevens as Clerk/Recorder. Then having the authority Joy Stevens administered the Oath of Office to Dianne Houston as Treasurer, and Ron Mosher as Council Member.

Russ Gallian was introduced and asked to report to the Council about the proposed Fire District. Mr. Gallian went over the proposed first draft of an Interlocal Agreement for the Councils review and comment. He stated it is similar to the New Harmony Interlocal Agreement with the exception of an added provision regarding our debt. The special fire protection service district will service the greater Leeds fire service area, generally described as the private property from Harrisburg (unincorporated) to Pintura in the general area of Interstate 15 (excluding property incorporated in Toquerville and Hurricane, and federal/state owned property). Mayor Joan Thornton stated that she would like to meet with the mayors from Toquerville and Hurricane to discuss the fire district. Council Member Kay Fairbanks inquired about one large district to include New

Harmony. After discussion with the Council and Fire Chief Fawson, it was agreed upon to have our own district. Council Member Stephen Westhoff asked about jurisdiction on Interstate 15. Council Member Charlie Scott stated the two districts need to get together and agree on boundaries. Mayor Joan Thornton asked Mr. Gallian what steps must be taken to get started on the fire district. Mr. Gallian said if the Council gives the okay he will get started right now. Motion was made by Charlie Scott to proceed with the fire district agreement. Seconded by Council Member Kay Fairbanks. Passed unanimously.

Mr. Gallian invited, anyone interested in attending, to a meeting on Monday Sept. 29th, 9:30 a.m. at 197 East Tabernacle in St. George. Mr. Gallian wanted everyone to know how much our volunteers and Chief Don Fawson are appreciated. They have worked tirelessly and Leeds Fire Department is one of the best. We need to congratulate our Fire Department and Fire Chief Don Fawson. Everyone in attendance agreed.

b. Discussion on the status of Town Halls roofing repairs. Mayor Joan Thornton stated we need to get some estimates and possibly donations for the repairs. Council Member Stephen Westhoff stated he will inquire on the cost of shingles and/or metal roofing and report back to the Council at the next meeting.

6. CHARLIE SCOTT, COUNCIL MEMBER:

a. Discussion on procedure change with the building inspector: Charlie stated he will have a meeting with the building inspector, Dennis Mertlich, to go over procedures. He will report back to the Council at the next meeting as to what changes, if any, will be enacted.

7. DON FAWSON, FIRE CHIEF:

Chief Fawson stated the water meter is set at the new fire house. The Historical review is underway. New fire hydrants have been placed by the Beals and Stirlings residents. The Town needs to make a decision on the easement at Izzy Washburns, because they also need a hydrant. The Silver Reef water system has a new hydrant. He visited Harrisburg and obtained extinguishers for them.

Donations have been coming in for extraction equipment. The extraction equipment will be delivered and demonstrated Monday night on the 15th of September, a wonderful opportunity for anyone interested to see how the extraction equipment works.

The fire engines must be certified every year. That will be the end of this month. Dennis Larson does the certifying. Chief Fawson asked the Councils approval since the cost will be \$200.00. Also there are some repairs that need to be done at an estimate of \$400.00. Motion by Council Member Charlie Scott to have the certification and repairs done. Seconded by Council Member Stephen Westhoff. Passed unanimously.

Chief Fawson requested payment of \$162.00 to Tony Stratton for the 460 engine the fire department purchased. Council Member Kay Fairbanks stated we should approve the amount with the stipulation the old engine be sold to re-coup some of the money. Chief Fawson agreed. Motion was made by Council Member Stephen Westhoff to pay Tony Stratton for the engine. Seconded by Council Member Ron Mosher. Passed unanimously.

Chief Fawson requested approximately \$100.00 for the steel tanks to be certified. Motion by Kay Fairbanks to have the tanks certified. Seconded by Ron Mosher. Passed unanimously.

Chief Fawson requested the Councils approval for the two sets of Turnout Gear, which through a grant the Forest Service will pay for half. The Council deferred making a decision on this to a later date.

Council Member Charlie Scott requested a representative of the Police Department and the Fire Department to attend every Council meeting. Fire Chief Fawson, and Police Chief Braman felt that would not be a problem.

8. M. KAY FAIRBANKS, COUNCIL MEMBER:

a. Vote on auditor proposal: Vote was deferred until Kay can check with Mel Evans and Patrick Franks on the status of who has sent in a proposal.

9. STEPHEN WESTHOFF, COUNCIL MEMBER:

a. Implement a procedure for excavation on public right of way. We already have a procedure in place. An Encroachment of Right Away Permit needs to be picked up from Town Hall when any excavation is done on public right of way.

10. ELVIN BRAMAN, CHIEF OF POLICE:

Chief Braman stated the Police Department's policies and procedures needs to be read and passed on by the Council. Council Member, Stephen Westhoff, has the policies and procedures and when he finishes reading them he will pass it on to another Council member.

Chief Braman requested \$200.00 to fix the exhaust on the police vehicle, and approximately \$95.00 for brake pads. He stated he will get three estimates before proceeding with the brake pads. He also requested vests for the Police Department at a cost of approximately \$400.00 each. Motion by Council Member Stephen Westhoff to fix the exhaust and purchase the vests. Seconded by Council Member Ron Mosher. Passed unanimously.

11. ADJOURNMENT:

The meeting was adjourned at 9:55 p.m.

APPROVED AND SIGNED THIS 24TH DAY OF SEPTEMBER, 1997.


Joan Thornton, Mayor


Joj Stevens, Clerk/Recorder

GALLAN, WESTFALL, WILCOX & WRIGHT, L. C.
ATTORNEYS AND COUNSELORS AT LAW
69 SOUTH 100 EAST, #1-C
ST. GEORGE, UTAH 84770

RUSSELL J. GALLAN, P. C.
O. MICHAEL WESTFALL
JEFFREY C. WILCOX, P. C.
J. MACARTHUR WRIGHT**
MICHAEL I. WELKER**
**ALSO LICENSED IN NEVADA
**ALSO LICENSED IN ARIZONA

(801) 628-1882
FAX (801) 628-9661

August 8, 1997

Melvin J. Evans
Mayor of the Town of Leeds
P. O. Box 461023
Leeds, UT 84746-1023

Dear Mayor Evans:

I appreciated the opportunity to meet with you after my meeting with New Harmony. Confirming our conversation, we will be meeting with the New Harmony folks to negotiate the terms of an Interlocal Agreement that we hope will lead to the formation of a fire district in New Harmony. Their situation and yours are very similar except for the fact that you have some debt that would have to be assumed. I have drafted a proposed first draft of an Interlocal Agreement for your review and comment. It is similar to the New Harmony Interlocal Agreement with the exception that I have added a provision regarding your debt. As you can see, I did not know all the particulars of your debt, so I am sure that we will need to tune up the language of this to fit the circumstances. I was not sure whether or not the Town uses any or all of the new fire house, so it may well be that the language on sharing of the use of the fire house would need to be added. We can easily adjust the Interlocal Agreement to fit the circumstances of that.

At least as a first cut, we hope you will find the draft to be in order. We look forward to receiving your input regarding it.

It is my understanding that I will be on your agenda for the August 13 meeting so that this issue can be discussed with your Council. It might not be a bad idea to have your attorney there which would greatly assist in the process. Under Utah law, your attorney needs to review the Interlocal Agreement and approve it as to form. If your attorney cannot be there, then that is not a problem; I am just making that suggestion to expedite things. Also, if you will let me know who your attorney is, I will be happy to send an advance copy to him as well.

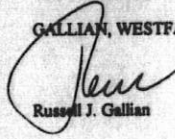
If you have any questions in the meantime, please give me a call. We would like to move ahead with this promptly in order to have the district in place before the end of the year. If we can get

Mayor Melvin Evans
August 8, 1997
Page Two

conceptual approval from your Council at the August meeting, we can meet this goal.

Very truly yours,

GALLIAN, WESTFALL, WILCOX & WRIGHT



Russell J. Gallian

RJG/cw
Enc.

cc: Brent Rowe, Deputy County Attorney
County Commissioners

Sent Sent 10
P.S. - I've got stuff in
my file - please
let me know when
you want me to
come up. Call
Danna my paralegal
to confirm the time.

INTERLOCAL AGREEMENT

AGREEMENT made this ____ day of _____, 1997, by and between the TOWN OF LEEDS, a Utah municipal body politic (hereinafter the "Town") and the COUNTY OF WASHINGTON, a Utah municipal body politic (hereinafter the "County").

RECITALS:

1. The Town is currently the owner and operator of a fire station and volunteer fire department which, generally speaking, provides fire protection to the Leeds area.
2. The Town has been providing fire service protection to the entire Leeds area, while only having the ability to collect taxes for purposes of funding the fire protection from the Town itself (plus additional minor donations from outside of the Town). The parties have examined this situation and agree that this creates a funding inequity and that it would be fair and equitable to establish a special fire protection service district that will service the greater Leeds fire service area, generally described as the private property from Harrisburg (unincorporated) to Pintura in the general area of Interstate 15 (excluding property incorporated in Toquerville and Hurricane, and federal/state owned property).
3. The parties further acknowledge that additional funding sources may be fairly reasonable in order to handle the growth in the area and that the best solution for obtaining funding equity is to establish a Fire District.

NOW, THEREFORE, in consideration of the mutual covenants made herein, the parties agree as follows:

1. County hereby agrees to take the necessary steps under Utah Code Ann. §17A-__ to form

a Fire District. The parties specifically understand that this Agreement is contingent upon the successful completion of the hearing process, including appropriate public hearings and the protest process required by applicable Utah state law.

2. Upon establishment of the district after complying with these procedures, the parties acknowledge that the Washington County Commission shall appoint a fire board consisting of five registered voters from the district boundaries. Upon the formation of the district, the board of the district for itself, or by and through its authorized representative(s), shall meet with authorized representatives of the Town to work out the details of the transition process. Generally speaking, in working out the details of transition, the Town agrees to convey to the Fire District all of its fire assets (including the fire house and related real estate). Related to the firehouse, the parties acknowledge that Leeds currently has an outstanding bonded indebtedness to _____ in the approximate amount of \$95,000 which is being used to build a new fire house. In connection with the transition, the parties agree that they shall approach the lender for transfer of liability from the Town to the Fire District. It is contemplated that the Fire District shall take such steps as may be reasonably necessary to effectuate that change. In the event that it is not possible to transfer the liability directly to the Fire District, then the Fire District shall enter into appropriate agreements with the Town to reimburse the Town for any payment requirement that it may continue to have under the bonding indebtedness, and to make payments under the terms of the Bond, until it is paid in full.

3. The Town agrees to cooperate in management transition of the volunteer fire department as may be reasonable and necessary to properly effectuate the transfer of management from the Town to the Fire District. Any costs associated with the transfer shall be paid for by the Fire District.

4. The parties acknowledge that there may be a time period before which the Fire District will

be able to obtain sufficient cash flow to meet its obligations under this agreement. Accordingly, in the transition, the parties agree specifically to meet on this subject and to prepare a budget and consider timing for the cutoff of when Leeds shall cease funding the fire function and when the Fire District shall assume the fire function. It is intended, however, that this process shall occur as soon as funding can be reasonably obtained by the Fire District.

5. The parties acknowledge that funding sources of the Fire District consist of two major sources:

- a) a voted addition to the property tax; and
- b) the imposition of service or standby fees.

The parties further acknowledge that the ability of the Fire District to provide funding will depend upon decisions to be made by the new Fire District board as to the method and amount of funding, and if a vote is required of the people, the outcome of such an election. Accordingly, the parties agree to meet and cooperate with each other toward making a smooth transition, and the Town agrees to pay expenses of the fire operation until such time as the Fire District can reasonably obtain the funding to assume the obligations required by this Agreement.

6. The duration of this Agreement shall be perpetual, provided that the Town shall have the right, upon its election, to reassume the fire protection and request of the board that it take steps to liquidate itself, provided that it is willing to provide fire protection to the area, or has otherwise incorporated the area being served by the Fire District; further provided that in reassuming such assets that it will agree to pay any and all outstanding debt and make such arrangements as may be necessary with the Fire District's lenders to satisfy the Fire District's lenders and to meet the terms of any bond or other obligation.

7. Attached hereto as Exhibit A is the proposed Notice of Intention to Form the District, together with the draft Resolution for the formation of the Fire District. The parties hereby mutually approve the form of the document as being appropriate in the circumstances.

DATED this _____ day of _____, 1997.

APPROVED AS TO FORM:

Town Attorney

Washington County Attorney

TOWN OF LEEDS

By: _____
Its Mayor

COUNTY OF WASHINGTON

By: _____

RESOLUTION NO. _____

A RESOLUTION declaring that the public health, convenience and necessity require the creation of a Special Service District, defining the boundaries of said Leeds Area Special Service District and the services to be provided therein, providing for a hearing on the creation of said Leeds Area Special Service District and providing for notice of said hearing.

WHEREAS, the Board of County Commissioners of Washington County, Utah, believe that the public health, convenience and necessity require the establishment of fire protection facilities to serve the area hereinafter described, and that in order to provide for the acquisition and financing of said facilities, it is desirable to incorporate said area into a Special Service District pursuant to the provisions of the Utah Special Service District Act, Section 17A-2-1301 et seq. as amended, and Article XIV, Section 8 of the Utah Constitution; and

WHEREAS, all property included within the boundaries of said proposed Special Service District will be benefitted by the creation thereof and the acquisition of said facilities; and

WHEREAS, none of the area to be contained within the boundaries of said proposed Special Service District is also within the boundaries of any other special service district established by said Commission to provide fire protection services (except where such right has been withdrawn).

WHEREAS, the Town of Leeds has entered into interlocal agreements to cooperate in establishing the District and conveying fire suppression assets to the new District, conditioned upon formation of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washington County, Utah, as follows:

Section 1. The public health, convenience and necessity require the creation within Washington County, Utah of a special service district pursuant to the provisions of the Utah Special

Service District Act, §§17A-2-1301, et seq. as amended, and Article XIV, Section 8 of the Utah Constitution.

Section 2. The boundaries of said Leeds Area Special Service District to be established shall be as set forth in the Notice of Hearing in Section 7 hereof.

Section 3. Said Special Service District is to be created for the purpose of providing fire protection facilities and services within said District through the construction, purchase, gift, condemnation, or any combination thereof of the facilities or systems necessary to provide said services.

Section 4. The Special Service District so created shall be known as "Leeds Area Special Service District."

Section 5. A public hearing on the question of the creation of the proposed Special Service District shall be held by the Board of County Commissioners at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah at _____ m. on _____, the _____ day of _____, 1997, at which time and place all interested parties may appear and be heard either in support of or in opposition to the creation of the proposed Leeds Area Special Service District as more fully described in the Notice of Intention set forth in Section 7 hereof.

Section 6. A Notice of the Intention to create the proposed Leeds Area Special Service District shall be published at least once a week during three consecutive weeks, the first publication to be not less than twenty-one (21) days nor more than thirty-five (35) days before the hearing, in the Daily Spectrum, a newspaper having general circulation in Washington County.

Section 7. The Notice of Intention to be published shall be substantially the following form:

**Notice of Intention to Establish
Leeds Area Special Service District**

NOTICE IS HEREBY GIVEN THAT ON _____, 1997, the Board of County Commissioners of Washington County, Utah, adopted a Resolution declaring that the public health, convenience and necessity require the establishment of a Special Service District in said County, to be called "Leads Area Special Service District" for the purpose of providing fire protection facilities and services within the boundaries of said Special Service District. Said Resolution also provides for a public hearing on the establishment of said Special Service District in the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah at 11:00 A.M., on Monday, the 11th day of August, 1997.

DESCRIPTION OF THE PROPOSED DISTRICT

The boundaries proposed for said Special Service District are located entirely within Washington County and are as follows:

PROPOSED SERVICES

The Leeds Area Special Service District shall be organized to provide fire protection services through the acquisition or construction of fire protection facilities with necessary appurtenances and equipment therefor.

METHOD OF FINANCING

Pursuant to the provisions of the Utah Special Service District Act, §§17A-2-1301 et seq., Utah Code Ann., as amended, and Article XIV, Section 8 of the Utah Constitution, the Leeds Area Special Service District may annually impose fees and charges to pay for all or part of the fire protection facilities and services to be provided by said District. It may also annually levy taxes upon all taxable property within said District, to provide the proposed services, and may issue bonds for the acquisition and construction of said facilities and services, provided, however, that said tax levy to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the Special Service District at an election for that purpose.

PUBLIC HEARING ON PROPOSED ESTABLISHMENT
OF SPECIAL SERVICE DISTRICT

The Board of County Commissioners of Washington County will hold a public hearing on the establishment of the proposed Special Service District and the furnishing of the fire protection facilities and services therein at the Washington County Administration Building, 196 E. Tabernacle, St. George, Utah, at _____ M., on _____, the _____ day _____, 1997. any interested person may protest the establishment of the proposed Leeds Area Special Service District or the furnishing of said services therein either orally at the hearing or in writing, at, or at any time prior to, the hearing and within fifteen (15) days after the conclusion of the hearing. Written protests must be filed with the County Clerk, and may be withdrawn by the protestant within thirty (30) days after the conclusion of the hearing and before the Board of County Commissioners of Washington County establishes or abandons the Leeds Area Special Service District.

Any protest signed on behalf of a corporation owning property in the proposed Special Service District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to the property must join in the signing of the protest.

At said public hearing the County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Commission may continue the hearing from time to time. After conclusion of the hearing, the Commission shall adopt a resolution either establishing the Leeds Area Special Service District or determining that the establishment of said District should be abandoned, or may, in its discretion, reduce the boundaries of the proposed District and establish said district by resolution, as modified.

If, within fifteen (15) days after the conclusion of the hearing, over fifty percent (50%) of the qualified voters of the territory proposed to be included within the Special Service District, or the owners of fifty percent (50%) of the taxable value of the taxable property within the proposed Special Service District, file written protests against the establishment of the proposed District with the County Clerk, the County Commission is required by law to abandon the proposed establishment of said District.

Any person who shall, at or any time prior to the date and time above-specified for the hearing, file a written protest with the County Clerk against the establishment of the Leeds Area Special Service District and whose property has been included within the boundaries of the proposed District notwithstanding such protest, may, within thirty (30) days after the adoption of the Resolution establishing the District, apply to the District Court of the Fifth Judicial District for a writ of review of the actions of the Board of County Commissioners in establishing the Leeds Area Special Service District, only upon the grounds, however, that his property will not be benefitted by the services authorized to be furnished by said District or that the proceedings taken in the establishment of the District have not been in compliance with law.

A FAILURE TO APPLY FOR SUCH WRIT OF REVIEW WITHIN THE PRESCRIBED

TIME SHALL FORECLOSE ALL OWNERS OF PROPERTY WITHIN THE PROPOSED SPECIAL SERVICE DISTRICT SO ESTABLISHED FROM THE RIGHT TO FURTHER OBJECT THEREOF.

GIVEN by order of the Board of County Commissioners of Washington County, Utah, this ____ day of _____, 1997.

Gayle M. Aldred, Commission Chairman

Attest:

Calvin R. Robison
County Clerk

Section 8. The officers of Washington County, Utah, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. If any one or more sections, sentences, clauses or parts of this resolution shall, for any reason, be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this resolution in any other instances.

Section 10. All resolutions, bylaws and regulations of Washington County, Utah, in conflict with this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, bylaw, or regulation, or part thereof, heretofore repealed.

APPROVED AND ADOPTED this ____ day of _____, 1997.

Gayle M. Aldred, Chairman,
Board of Washington County
Commissioners

Calvin R. Robison
County Clerk

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

I, Carolyn Sutterfield, the duly qualified and acting Deputy Clerk of Washington County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a meeting of a duly qualified and acting members of the Board of County Commissioners of Washington County, Utah, held on the _____ day of _____, 1997, including a resolution adopted at said meeting, as said minutes and Resolution are of record in my official possession.

IN WITNESS WHEREOF, I have this _____ day of _____, 1997, subscribed my official signature and impressed hereon the official seal of Washington County.

Carolyn Sutterfield
Deputy County Clerk

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

I, Carolyn Sutterfield, the duly qualified and acting Deputy Clerk of Washington County, Utah, do hereby certify that on the _____ day of _____, 1997, pursuant to the Utah Code Annotated, §52-4-6(1953), as amended, I personally posted (at least 24 hours prior to the meeting time) at the regular meeting place of the Board of county Commissioners of Washington County, Utah, written notice of the regular meeting of the Board of County Commissioners held on the _____ day of _____, 1997, at said meeting place. I further certify that there was delivered to the Daily Spectrum, at least 24 hours prior to said meeting, a copy of said Notice of Regular Meeting. A correct copy of the Notice is attached hereto.

IN WITNESS WHEREOF, I have this _____ day of _____, 1997, subscribed

my official signature and impressed hereon the official seal of Washington County.

Carolyn Sutterfield
Deputy County Clerk

RESOLUTION

A RESOLUTION ESTABLISHING THE LEEDS AREA SPECIAL SERVICE DISTRICT, DEFINING THE SERVICES TO BE PROVIDED, AUTHORIZING CONSTRUCTION OF FACILITIES AND METHOD OF FINANCING AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT.

RECITALS:

WHEREAS, the County Legislative Body of Washington County, Utah is the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Washington County Commission:

Section 1. The public health, convenience and necessity require the construction or acquisition of facilities and equipment identified and described in the Notice of Intention concerning the establishment of the Leeds Area Special Service Commission, to include the boundaries of the Town of Leeds, pursuant to an Interlocal Agreement between Washington County and the Town of Leeds.

Section 2. The Commission has considered each and every protest filed and had heard each and every person who wished to be heard in protest against the creation of the District or the construction or acquisition of any of the improvements therein or on any other matter pertinent to said Special Service District.

Section 3. The services, improvements, and method of financing proposed and described in the Notice of Intention to create the Leeds Area Special Service District of Washington County, Utah, are hereby authorized, and Leeds Area Special Service District is hereby created for the purposes of providing fire protection facilities and services within the boundaries of said Special Service District.

Section 4. The territory to be included within the boundaries of the Special Service District,

located entirely within Washington County, Utah shall be as follows:

Section 5(a). The affairs of the Leeds Area Special Service District shall be governed by an Administrative Control Board, consisting of five (5) members, each of whom shall be elected by the qualified electors of the Special Service District at the next municipal election scheduled to be held within Washington County, Utah, in November of 1999 in accordance with Title 17A, Chapter 1, Part 3, Utah Code Annotated, and each of whom shall be a qualified elector of the Special Service District.

Section 5(b). The affairs of the Leeds Area Special Service District shall initially be governed by an Administrative Control Board until the election referred to in 5(a) above, consisting of five (5) members, appointed by the Board of Commissioners of Washington County, Utah, from among qualified electors of the Special Service District, pursuant to 17A-1-301 et seq. Utah Code Ann. In selecting members of the Administrative Control Board the Board of Commissioners shall endeavor to select members representing the various communities within the District. No applicant for the position of member of the Administrative Control Board shall be disqualified as a result of his or her appointment or election as a member of an Administrative Control Board providing other services to all or part of a special service district located wholly or partially within Leeds Area Special Service District.

Section 6(a). Said Administrative Control Board shall, upon election, act as the governing authority of the district, and shall exercise all powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320, and 17A-2-1321 Utah Code Annotated.

Section 6(b). Said Administrative Control Board shall, upon appointment, act as the governing authority of the Special Service District, and shall exercise all powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-02-1320, and 17A-2-1321 Utah Code Ann.

Section 7. In the event a municipal corporation is incorporated and includes lands, wholly or partially within the boundaries of the Special Service District, the municipality may elect to provide the facilities and services then provided by the District. Upon written request from the municipality to the Administrative Control Board and County Commission requesting that the lands within its boundaries be excluded from the District and making provision for any outstanding debt secured by lands within the municipal corporation pursuant to 17A-2-1328, the Administrative Control Board and County Commission shall change the boundaries of the Special Service District by removing the lands within the municipality from the Special Service District.

Section 8. In general, undeveloped parcels of land shall not be charged service fees at the same rate as developed parcels. As a general rule undeveloped lands, should in general, bear a proportionate share of the expenses as the ratio of that assessed value of the property bears to the total assessed valuation of the Special Service District.

Section 9. This resolution shall take effect at least fifteen (15) days after its passage and after one publication in The Daily Spectrum, a newspaper having general circulation in Washington County, Utah.

Motion to adopt the foregoing Resolution was made by Commissioner _____ and

seconded by Commissioner _____ The Resolution was thereupon put to a vote
and unanimously adopted on the following recorded vote:

Commissioners:

Vote:

Gayle M. Aldred
Jerry B. Lewis
Alan Gardner

APPROVED AND ADOPTED this ____ day of _____, 1997.

Calvin R. Robison
County Clerk

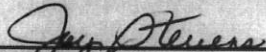
PUBLIC NOTICE
TOWN OF LEEDS
TOWN COUNCIL MEETING

The Town Council of Leeds will hold a Town Council Meeting on Wednesday, September 24, 1997 at 7: 30 p.m. at the Leeds Town Hall, 218 North Main Street. Public welcome to attend.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge
4. Approval of Agenda and Minutes of previous meetings
5. Mayor Joan Thornton
 - a. Report on the status of the Wastewater Project
 - b. Consideration of Capitol Projects
 - c. Audit status
 - d. Cemeteries: Survey and Deeds
6. Charlie Scott, Council Member
 - a. Report on Ground Water Study
 - b. Update on the Fire Station
 - c. Discussion on Animal Ordinance
7. M. Kay Fairbanks, Council Member
 - a. Report on street repair
8. Stephen Westhoff, Council Member
9. Ron Mosher, Council Member
10. Other Business
11. Adjournment

POSTED THIS 23rd DAY OF SEPTEMBER 1997


Joy Stevens, Clerk/Recorder

- Posted in the following public places:
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Town of Leeds

**Minutes for the
Town Council Meeting
of September 24, 1997**

1. **CALL TO ORDER:** Mayor Joan Thornton called the meeting to order at 7:35 p.m.

2. **ROLL CALL:** Mayor Joan Thornton and Council Members Charlie Scott, Stephen Westhoff, and Ron Mosher were present. Council Member Kay Fairbanks was excused

3. **PLEDGE:** Charlie Scott.

4. **APPROVAL OF AGENDA AND MINUTES:**

The agenda was amended to include Fire Chief Don Fawson. The Minutes of the September 10, 1997 meeting were read and approved

5. **FIRE CHIEF DON FAWSON:**

Don stated that the architect hasn't gotten back with him yet and he feels we should proceed with obtaining bids on the Fire Station. The Council suggested we need to have the proposal for bids submitted to the Spectrum Newspaper as soon as we hear from the architect. And we need to get going on it right away. In the meantime we need to send a letter to the CDBG program specialist to request a grant extension.

The extraction equipment did come in. And we should get our grant of \$2500.00 sometime after the 8th of October. We are really glad to have the equipment and want to thank all of those who sent in donations.

There is quite a bit of modifying going on with the fire engines. They will be keeping some of the existing cabinets however some will need to be replaced. The tanks are in Salt Lake City being certified.

The Council told Don we need a service order for the engine they purchased from Tony Stratton several months ago.

6. **MAYOR JOAN THORNTON:**

a. Joan thanked Clerk/Recorder Joy Stevens and Treasurer Dianne Houston for all of their help in getting everything back in order at Town Hall. It was suggested that from now on when anyone takes purchase orders the numbers be logged down and assigned to that person.

b. Wastewater Project: Joan and Charlie attended the CDBG Grant meeting on Monday September 22nd. Joan submitted two survey forms to be sent out to everyone with their trash bills, one survey of demographics and one survey of wastewater disposal. We also need to submit a Capitol Projects list.

c. Audit Status: Joan stated that she had accepted the proposal sent in by Kemp, Burdick, Hinton, and Hall. The proposal was less than anticipated and we didn't want to miss the opportunity.

d. Cemeteries Surveys and Deeds: Mayor Joan Thornton and Cemetery coordinator Carl Seierup went over the plat map of available plots as of September 1, 1997. We will now set up a file for the cemeteries and the information will be kept at Town Hall. Bob Weight will do the survey. The two LDS bishops know of youth who would be willing to clean up the Catholic and Protestant cemeteries for their Eagle project. We are still searching for the deeds for those two cemeteries. Council Member Stephen Westhoff suggested the cemetery map be enlarged and names be put on the map as to who has which plot. Mayor Joan Thornton suggested developers should consider 10 acres for schools and cemeteries.

7. CHARLIE SCOTT:

a. Report on Ground Water Study: Apple Valley is the only area in the county right now that is hurting. However, there is always the possibility in the future we will have a problem. Discussion then turned to the BLM doing quite a bit of land swapping. If today LDWA line was cut into it would not pass the safe test. As long as it is mixed with spring water it is good. What will happen with the water supply, with the selling off of 100's of acres by one of our local residents, too many septic will be put in by the developers. With this study they are trying to get everyone from New Harmony on down on a sewer system. With the interchange going in south of St. George our area will really grow. Council Member Stephen Westhoff said we need to monitor new development more closely and annex property before its traded away. Council Member Ron Mosher said he will check with the BLM on what the procedure is to annex BLM land and to request it. Dale Barnes said he would like to see some land provided for a trap shooting range.

b. Update on Fire Station: This was covered earlier by Fire Chief Don Fawson

c. Discussion on Animal Ordinance: It has been suggested before that we re-work the Farmington Animal Ordinance. Planning Commission Member Dale Barnes objected to the Farmington Ordinance because it allowed for too many animals, and we should not allow any large animals on less than 1/2 acre. It was suggested we get out the current ordinance and re-write it to include that large animals in the Town limits should be only for recreation or personal consumption. Town Council Member Stephen Westhoff said the most common complaints he receives are about small animals. Dale Barnes agreed that barking and un-controlled dogs and cats are our biggest problem right now, however, the large animals on small lots are still a major concern. Charlie said we definitely need a better animal ordinance than the one we have and it needs to be looked at right away.

8. M. KAY FAIRBANKS:

Kay was excused. Charlie suggested she needs to check into having the pavement replaced at Cherry Lane and Center Street and he would talk to her about it.

9. STEPHEN WESTHOFF:

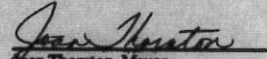
a. Steve wanted to give a big thank you to LDWA and made sure everyone was aware of the fire hydrants they installed, that were required by the fire department. Steve then submitted an estimate from Scholtzens for \$741.55 for metal roofing for each side. Motion was made by Council Member Ron Mosher to accept the estimate and proceed with the roof upon the condition the money was in the budget. Seconded by Council Member Charlie Scott. Passed Unanimously.

10. RON MOSHER:

Ron notified the Town Council he will not be in town for the next Town Council Meeting on October 8th and asked to be excused.

11. ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

APPROVED AND SIGNED THIS 5TH DAY OF SEPTEMBER, 1997


Joan Thornton, Mayor


Jeff Stevens, Clerk/Recorder

Sept. 10, 1997

Dear Leeds Planning Commission/Town Council,

We, Russell and Connie Peine would like to request a Conditional Use Permit to place a " Mother-in law Cottage ", in the form of a 12' X 50' Broadmore trailer in our back yard on its own one half acre. We live on approx. a one acre lot in an R-1-20 Zone located at 43 So. Main Street. We would like this to be accepted on the following conditions:

1. The resident of said trailer would be one person, Elnora Adams. (Connie's mother) It would serve as her private living quarters and be removed upon her death. She is a 75 year old widow of 12 years.
2. It would have its own septic system and utilities, as required, with off-street parking and access to our driveway.
3. It would be placed within 500 feet of a fire hydrant and be accessible for fire protection.
4. It could not readily be seen from the main street and hardly seen from the side streets. It would be kept in good condition and in an uncluttered manner.
5. This use would in no way be detrimental to the health, safety or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
6. This permit would be reviewed on a yearly bases or as needed and revoked if conditions are not being met.
7. This permit would be renewable upon these conditions for the length of her lifetime and could not be revoked because of new members of the Planning Commission or Town Council.

We thank you for your consideration in this matter. We want sincerely to have her living where we can better help and be with her. She too would enjoy this arrangement.


Russell G. Peine


Connie A. Peine