

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, February 14, 2018

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, February 14, 2018 at 7:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

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 January 24, 2018
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Dumpster Days February 16-18th
7. Public Hearings:
8. Action Items:
 - a. Approval of RAP Tax funding from Washington County Utah for \$6500.00
 - b. Discussion and possible action on the BLM Easement for utilities for Silver Pointe Estates
 - c. Discussion and possible action on \$20,000 CLG Grant Application
 - d. Appointment interim of Treasurer
 - e. Resolution 2018-02 Appointment to the Washington County Special Service District NO. 1
 - f. Discussion and possible action regarding approval of Main Street curb and gutter agreement with UDOT
9. Discussion Items:
 - a. Sesquicentennial celebration
 - b. Nuisance Ordinance 2017-03
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. 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 February 8 2018 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.



Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting for January 24, 2018

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on January 24, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____
COUNCILMEMBER: NATE BLAKE	_____	x

2. Pledge of Allegiance by Councilmember Roberts.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Stirling indicated she would like to make an amendment to item 8a on the agenda. On all the paperwork she received it said utility easement.

Mayor Peterson asked for a motion with the amendment to approve tonight's agenda.

Councilmember Shelton, so move. 2nd by Councilmember Stirling.

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: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

5. Citizen Comments:

Angela Rohr, indicated she hoped Nate would attend the meeting in January for Washington Solid Waste and there would be a representative at the DTAC meeting. The transportation expo is also coming up.

Darryl Lewis stated he attended the January 10th meeting and listened very closely to the oath of offices and was very shocked that within an hour, certain Councilmembers choose not to follow the laws. He would appreciate an explanation from Councilmembers on which ones they will follow and the ones they will not.

Mayor Peterson replied the issue that he raised was with the Chicken Ordinance and several people indicated they own them and given how the issue was raised, it was recommended to wait for any enforcement.

Darryl Lewis was that voted on by the Council.

Mayor Peterson, we did not take a vote, it was discussed by Council and was supported to wait.

Councilmember Roberts tell me what you mean by when you said it was suspended?

Darryl Lewis, you would have to ask the Mayor that, he is the one that is saying he asked, if not you, someone else. You should ask the Mayor.

Councilmember Roberts, what transpired at the last Council meeting was a discussion on a chicken ordinance that was denied in December; therefore, current Town laws are what stand in effect. The ordinance that came before Council has no effect.

Darryl Lewis, that is correct, I am assuming the Mayor made it clear to you that he asked everyone about suspending the enforcement of the zoning regarding chickens.

Councilmember Roberts, I heard his words "there will not be any action taken before next Monday" Mayor Peterson, I did not name a specific date, but I did want to know if Council would be contacting me on Monday to make a complaint.

Councilmember Stirling, all I would like to say is we should all have this book and it has our ordinances in it. When I look at it, I take it to heart and I hope in order to represent those who elected me to live by the Ordinances.

Councilmember Sheltman, we do take an oath to uphold the law in the Town and if anybody is going to uphold the law it should be us. If anyone on Planning Commission or Town Council is violating the law they need to stop and uphold the law.

Angela Rohr, after the Council meeting the very next afternoon I had a visit from the Sheriff's Department for a chicken farm that was reported to be out of compliance. They did not find any problems but I do hope that whoever called into complain, I would hope they would not keep calling in as it is a waste of the deputy's time and our taxpayers' money. The chicken situation is not going away.

Councilmember Roberts, I did receive a call from Angela when the Sheriffs showed up at her house. Anyone here last meeting would have specifically heard me tell them that I have a number of chickens at my residence. Four days after that meeting the chickens were moved off my property for a period of time because, like Angela said, the situation is not going to go away. I will stand very firmly on property rights specifically with some animals. I have no problem with having certain areas that do not allow those animals, but this town was founded a long time before that type of mind set existed and those animal rights have been here ever since. So I informed the Mayor that they were removed so he didn't have several people contact him saying a Councilmember wasn't following the code. I will also be very candid about; I can tell you right now that any elected official is not going to adhere to every single law that is written on the books. You have to look at individual intents, citizens have a right I would be very cautious about pointing fingers at others without knowing what we are doing. Councilmember Sheltman, it is not our job to look at intent, it is our job to look at the law. The way it is written is pretty clear.

6. Announcements:

Mayor Peterson made the following announcements:

- a. Dog license renewal deadline is January 31, 2018
- b. Business license renewal deadline is February 1, 2018

Councilmember Stirling I noticed we have a Scout troop here and I am happy to see them here, thank you for coming.

7. Public Hearings:

8. Action Items:

- a. Discussion and possible action on the BLM Easement for road right-of-way and utilities for Silver Pointe Estates.

Rick Sant discussed the proposed easement.

Councilmember Stirling stated she talked to the BLM and she went up to the spot. She was concerned about the safety and wondered if there was any possibility to get a different location than what they have.

Rick Sant, I tried to get an easement where everyone could agree. SILTA has agreed to it but we are having a difficult time getting Ray Crosby. At this time, it is only for a 15-foot wide easement for a water line. At this time I think it is the best way to go.

Councilmember Sheltman, three months ago a councilmember indicated he was going to contact Ray Crosby.

Mayor Peterson, he did contact him as well as I did. He indicated he would like it in a different spot than what was proposed on his property. The last contact was 5 or 6 months ago.

Councilmember Sheltman, I was the one that requested the 15 foot easement instead of the 65 foot. What I was told about the BLM is that once they approve a 15 foot easement they would easily approve a 66 foot for a road. You can pretty much put a road there later on with no problem. Did you talk about that at all?

Councilmember Stirling, they would still have to go through the proper channels, but the girl in Cedar said....

Rick Sant and get approval from Town Council.

Councilmember Stirling, of course, well not necessarily because the easement has already been approved. It is just a lot easier to then get one for a road because to them, it is already a utility easement, people are going to be traveling on it to maintain the utilities, it is not that they are approving it for a road when you apply for a utility easement, but it is much easier to piggy back for a road.

Town Council continued to discuss it with Rick.

Councilmember Sheltman recommended Rick contact LDWA to see if the water loop could be moved.

Councilmember Stirling recommended Rick contact LDWA and that she liked the original alignment better. To her it is a liability if it turns into a road.

Rick Sant replied that he knows the land out there and there is no better place for it.

Councilmember Stirling stated she doesn't agree where it is now because if it is a road, it would be a traffic nightmare.

Councilmember Roberts indicated he thinks we are stepping on the applicant's toes because of what the application is for. It is very specific for what it is for, what location. He indicated it is not his decision and that he is very confident that if there was a motion on it, it would not pass. The speculation that we are putting on a lot of things has nothing to do with the application itself. The application is very black and white of what that easement is.

Mayor Peterson, what I have heard is there would be interest in this, or a perceived better alternative, investigating two other alternatives over the next three weeks. So unless somebody would like to make a motion right now, I guess I would ask for a motion to table this until the February 14 meeting with the request that I as Mayor make contact with the other land owner and that the applicant make contact with LDWA tomorrow.

Councilmember Stirling, I so move. 2nd by Councilmember Sheltman. 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: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

- b. Discussion and possible action regarding approval of Main Street curb and gutter agreement with UDOT

Mayor Peterson indicated the UDOT agreement is not ready yet and will be moved forward to February.

Councilmember Sheltman asked for a drawing on it and expressed concern about water runoff.

9. Discussion Items:

- a. Potential purchase of backhoe
Town Council discussed it.

- b. Law enforcement coverage

Mayor Peterson indicated he did talk to law enforcement and they wondered if there were any specific concerns the Town has. They do have contracts with another Town that they could provide an extra hour a week, and another one where they come out for a full day. If the Town wants them to come out for any extra time, the Town will have to pay for it. They offered to meet if Council wants to.

Councilmember Stirling is there a certain amount of time they spend here and did they give pricing.

Mayor Peterson, it depends on what is happening on patrol and it depends on what we would like them to do, but they said it is affordable if it is only for one hour a week. If it is a full shift, it gets very expensive.

- c. Nuisance Ordinance 2017-03

Town Council discussed the Ordinance. If any Councilmembers have amendments they will be submitted to Kristi and will be placed on the Feb 14th agenda.

10. Citizen Comments:

Darryl Lewis, discussed concerns he had with the draft nuisance ordinance with the Mayor. Darryl recommended posting the final draft to the public before it gets adopted.

Susan Savage, stated a utility easement does not necessarily turn into a roadway and gave an example of one that LDWA has.

11. Staff Reports:

Councilmember Roberts, with codification, he has been in contact with the company and hopes to have it online soon.

Councilmember Stirling, in speaking with the BLM, they did say a utility easement is just for utilities; however, if the Town would like to come back, it is easier for them to get a road easement. So, I didn't want anyone to think that I was saying that if you have a utility easement, it is for a road.

Mayor Peterson, in talking about a Town Attorney I am sorry to announce that Gary Kuhlmann lost his battle on January 12th. Jody Burnett is willing to post an ad for us for a new attorney.

Mayor Peterson, slurry seal bidding is being collected within the next couple of weeks and will be brought forward to Town Council

Mayor Peterson indicated there was a DTEC meeting and discussed it.

Mayor Peterson thanked the Scouts.

12. Closed Meeting:

13. Adjournment:

Mayor Peterson adjourned the meeting.

Time: 8:30pm.

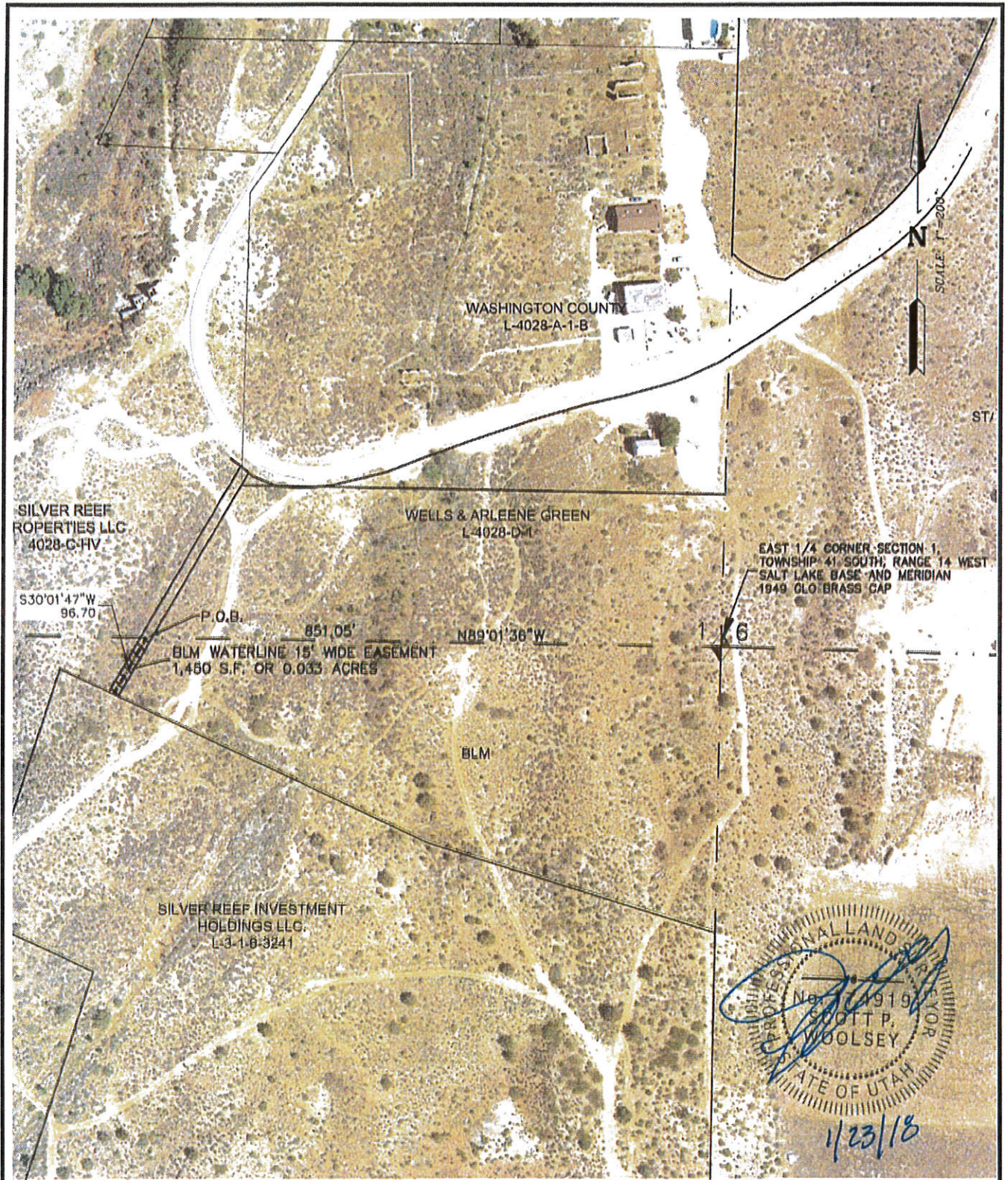
APPROVED ON THIS _____ DAY OF _____, 2018

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Clerk/Recorder

P:\352-07\Drawings\Survey Drawings\352-07-svy.dwg. BLM WATERLINE EASEMENT. 1/23/2018 6:39:05 AM.
swoolsey HP Color LaserJet 3600



BLM WATERLINE EASEMENT EXHIBIT "B"



43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.828.8500 • F: 435.828.8553 • alphaengineering.com

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant (include zip code)

Town of Leeds
218 N. Main Street
P.O. Box 460879
Leeds, Utah 84746

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

3. Telephone (with area code)

435-879-2447

Applicant

Authorized Agent

4. As applicant are you? (check one)

- a. Individual
- b. Corporation*
- c. Partnership/Association*
- d. State Government/State Agency
- e. Local Government
- f. Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. New authorization
- b. Renewing existing authorization number
- c. Amend existing authorization number
- d. Assign existing authorization number
- e. Existing use for which no authorization has been received *
- f. Other*

* If checked, provide details under item 7

6. If an individual, or partnership, are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

- a) Proposing a 15 foot wide easement for a culinary water line.
- b) A culinary water line will be installed in the easement.
- c) The easement will be approximately 96 feet long and 15 feet wide through the BLM property.
- d) The water line will be used indefinitely.
- e) The water line will be used year-round.
- f) N/A
- g) Anticipated construction duration of 3 months and would occur in 2018.
- h) None required.

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: Attached Applied for Not Required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

The Town of Leeds has been established since 1869 and will maintain the easement through the BLM property.

13a. Describe other reasonable alternative routes and modes considered.

An alternate route was considered through private property east of the BLM property, and significant cultural and historical artifacts are present on this route.

b. Why were these alternatives not selected?

The presence of significant cultural and historical artifacts.

c. Give explanation as to why it is necessary to cross Federal Lands.

At this location the proposed easement provides the best location to connect to the existing water line in Silver Reef Road.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

None

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

(a) The estimated cost of the water line through BLM property is \$4,000. The operation and maintenance will be minimal on the water line. (b) The estimate for the alternative has a similar price per lineal foot of water line. (c) This project is needed to provide culinary water to the Silver Pointe Subdivision.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

It is not anticipated that significant development will occur as the private property is master planned for large lots subdivisions and will maintain the rural lifestyle.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

There will be minimal environmental impacts to the area.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

The project should not cause any adverse impacts to any wildlife or endangered species.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities.

"Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

Hazardous materials as defined in the above paragraph will not be involved.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

Bureau of Land Management

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED*
I - PRIVATE CORPORATIONS		
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>

*If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICES

Note: This applies to the Department of Agriculture/Forest Service (FS)

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

BURDEN AND NONDISCRIMINATION STATEMENTS

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.



43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

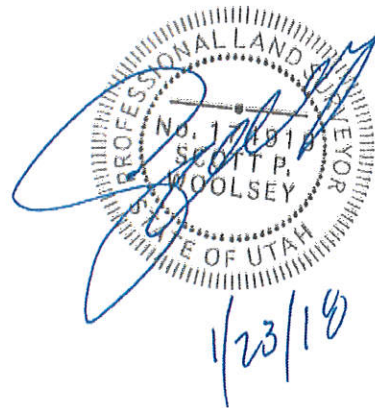
EXHIBIT "A"

LEGAL DESCRIPTION FOR BLM WATERLINE EASEMENT (January 23, 2018)

A 15.00 foot wide permanent waterline easement, 7.50 feet each side of the following described centerline:

Commencing at the East $\frac{1}{4}$ Corner of Section 1, Township 41 South, Range 14 West, Salt Lake Base and Meridian; Thence North $89^{\circ}01'36''$ West along the Section line, a distance of 851.05 feet to the Point of Beginning; Thence South $30^{\circ}01'47''$ West, a distance of 96.70 feet to the Point of Terminus. Said point being on the northerly boundary line of that parcel owned by Silver Reef Investment Holdings LLC and shown by Tax ID #L-3-1-6-3241, Official Washington County Utah Records.

Permanent Easement Containing: 96.70 lineal feet and 1,450 S.F. or 0.033 acres.



Utah Certified Local Government (CLG) Program Grant Application 2018-2019

(Updated 11-12-17)

The purpose of the CLG grant program is to assist local governments with their historic preservation activities. Only local governments that have achieved CLG status through the State Historic Preservation Office (SHPO) are eligible to apply. All grant applications are usually funded if they involve eligible projects. As a result, grant awards are typically limited to a maximum of \$10,000.

Email or mail the completed application no later than **February 12, 2018** to:

Alena Franco: afranco@utah.gov (801-245-7233)

Utah State Historic Preservation Office, 300 S. Rio Grande Street, Salt Lake City, UT 84101

Notification of grant awards will be made by mid-March. The grant period runs from April 1 through August 31 of the following year (16 months).

A. APPLICANT INFORMATION

Name of CLG: Town of Leeds

Contact Person: Wayne Peterson, Mayor

Address: 218 N. Main Street, PO Box
460879

City: Leeds UT Zip: 84746-0879

Email: Mayor@LeedsTown.org

B. GRANT REQUEST/BUDGET SUMMARY

Grant Request: \$ 10,000.00 (This amount is reimbursable)

Local Match: \$ 10,000.00 (Same amount as Grant Request. Please do not include over-match.)

Total Project Budget: \$ 20,000.00 (Grant Request + Local Match. Should equal Total in Section C3.)

Match Source: Washington County RAP Tax Grant (Local govt. funds, private funds, other, etc.)

Match Type: Cash (Cash, in-kind services, etc.)

Signature (CLG Chair or Chief Elected Official)

Mayor
Title

2/7/2018
Date

PROPOSED SCOPE OF WORK

C1. PROJECT TYPES: Mark all of the project types that apply to your grant request (right-click on the box and select “fill” with black). See *Appendix A* for details on project types.

- Development (rehabilitation work on National Register properties)
- Education & Outreach
- National Register Nominations
- Pre-Development (architectural/engineering studies)
- Preservation Planning
- Program Administration
- Survey & Inventory (Reconnaissance Level Surveys [RLS], Intensive Level Surveys [ILS], Archaeological Survey)
- Other*

***Contact SHPO before continuing application**

Did you consult with the SHPO during the preparation of this application? YES NO
 Working with the SHPO staff is highly recommended.

C2. PROJECT DESCRIPTIONS: Provide a concise summary of each activity checked above, including relevant details, such as the number of properties, proposed work, and/or final deliverables. Refer to *Appendix A* for more details about what information to provide.

Activity #	Project Type and Description	Project Cost (provide details in section C3 below)	Estimated Start & Completion Dates
1.	Repair and Replacement, as needed, of windows in all four CCC buildings. Security System and support equipment for system for all four CCC buildings. Install electrical service to support security system	\$19,047.00	May 2018-June 2019
2.	Protective covering of markings in Wells Fargo Building	\$500.00	May 2018-September 2018
3.	Administration of Projects	\$453.00	February 2018-June 2019
4.			

5.			
----	--	--	--

C3. PROJECT BUDGET: Itemize all of the costs that apply to your project. This grant requires a 50/50 match of local funds or donations.

- Double-click on the spreadsheet below to enter your budget information.
- Indicate Activity # from above for each cost. Don't worry about trying to group related activity costs together.
- The Costs column totals automatically, but the expenses detailed in column 2 **do not** total automatically in the Costs column.
- **Program Administration costs are limited to 15% of the Total Project Budget.**
- The Total at the bottom should match the Total Project Budget entered in Section B on Page 1.

Activity #	Expense Types	Costs
3	City or County Employee <u> 20 </u> hours at \$ <u> 15 </u> per hour	\$300
	City or County Employee <u> </u> hours at \$ <u> </u> per hour	
	Travel: <u> </u> miles at 53.5¢ per mile	
	Travel: <u> </u> miles at 53.5¢ per mile	
	Misc. office supplies, postage, etc.	
	Professional services: <u> </u> hours at \$ <u> </u> per hour	
	Professional services: <u> </u> hours at \$ <u> </u> per hour	
2	Professional services: Installation of protective covering	\$100
1	Professional services: repair/rebuilding of windows, installation of doors & security	\$7,047
	Professional consultant, <u> </u> buildings or sites at \$ <u> </u> each	
	Professional consultant, <u> </u> buildings or sites at \$ <u> </u> each	
	Professional consultant:	
	Professional consultant:	
3	Trained volunteers, <u> 15 </u> hours @ \$10.20 per hour	\$153
	Trained volunteers, <u> </u> hours @ \$10.20 per hour	
	Trained volunteers, <u> </u> hours @ \$10.20 per hour	
2	Materials (specify) plexiglass & fasteners	\$400
1	Materials (specify) wood, polycarbonate, doors, tools (as needed), security equipm	\$12,000
	Other costs (specify)	
	Other costs (specify)	
	Other costs (specify)	
	Other costs (specify)	
	Other costs (specify)	
	Other costs (specify)	
	Other costs (specify)	
Total (should equal Total Project Budget in Section B, Page 1)		\$20,000

APPENDIX A -- Project Types

DEVELOPMENT (rehabilitation/stabilization work on National Register properties)

Development activities include labor and material costs for rehabilitating National Register properties and stabilizing and/or testing archaeological resources (must be on the National Register prior to application). List the National Register property that will have rehabilitation work done. Briefly describe the proposed work (drawings and specifications may be required at a later date). Most projects will likely be single activities, such as re-roofing, painting, window repair, etc. Larger, complex projects should typically have "Pre-development" studies completed in advance (see below). All proposed work must meet the Secretary of the Interior's "Standards for Rehabilitation." ***Selection of properties to receive grant funds should be based on an open and fair selection process.***

As part of the development grant, the property owner will be required to sign a Preservation Agreement (SHPO will provide). A Preservation Agreement obligates the owner to maintain the property for a period of five years so as to preserve its historical significance and character-defining features.

EDUCATION & OUTREACH

Projects that involve historic buildings and archaeological sites are eligible. Briefly describe the proposed project, specify the type and quantity of the "products," and break down the costs as specifically as possible.

Eligible educational activities include:

- Developing websites, apps, and social media offerings focused on historic properties;
- Preparing and printing walking-tour brochures;
- Archaeology and Preservation Month activities (lectures, presentations, awards, etc.);
- Attending/participating in historic preservation-related conferences and workshops.

Ineligible educational activities include:

- General local history research and educational materials (e.g. local history books);
- Museum-related activities such as collection care and exhibits;
- Most interpretive markers and plaques, including National Register plaques, are not an eligible expense (consult with SHPO for details).

Please note that all **published/printed materials**, whether hard-copy or electronic, must include two paragraphs of specific language required by the National Park Service. Contact the SHPO for details.

NATIONAL REGISTER NOMINATIONS

This involves completing registration forms and all supporting documentation (maps, prints, image files on CD, copies of research, etc.) required for National Register designation. It is usually best to hire a consultant to complete these complex forms. Consultants must meet professional requirements.

Consultants charge approximately \$1,800-\$3,000 per individual nomination; \$5,000-\$8,000 for historic district nominations (if surveys are already completed); and \$4,000-\$7,000 for Multiple Property Submission (MPS) overview documents.

PRE-DEVELOPMENT (architectural/engineering studies)

Preparation of feasibility studies, working drawings, and specifications for the rehabilitation, preservation, and stabilization of properties eligible for the National Register. Projects must meet the Secretary of the Interior's "Standards for Rehabilitation and should be performed by appropriate professionals.

PRESERVATION PLANNING

Includes administering a local historic preservation program, conducting historic preservation commission meetings, preparing or updating local historic preservation plans, ordinances, design guidelines, and related activities.

PROGRAM ADMINISTRATION

Includes staff and office expenses associated with the administering the CLG grant, including contract management, soliciting bids, preparing reimbursement requests, etc. Expenses for conducting historic preservation commission meetings and related activities should be included under Preservation Planning.

SURVEY & INVENTORY

- **Reconnaissance Level Surveys (RLS):** Systematic architectural surveys conducted by professional consultants or archaeological surveys conducted by qualified archaeologists. In the grant application, describe the survey area and the approximate number of buildings or sites. RLS products include photographs of buildings in the survey area, a survey map, computerized survey data (entered into Preservation Pro), and a survey report with recommendations for future research. The consultant rate is approximately \$18-\$28 per building. Archaeological surveys must generate completed UAS (Utah Archeological Site Form) forms for each site. Please consult with the SHPO when planning RLS projects.
- **Intensive Level Surveys (ILS):** Historical documentation of buildings, OR, systematic archaeological survey involving comprehensive survey of all areas within survey boundaries. In the grant application, describe the survey area and the approximate number of buildings or sites. Archaeological and historic site consultants must meet professional requirements (contact SHPO for details). Whether completed by professional consultants or trained volunteers, the documentation must meet SHPO standards. Consultants charge approximately \$900-\$1,500 per building and potentially \$30/acre for archaeological survey (above a baseline report writing cost). Please consult with the SHPO when planning ILS projects.

The Utah State Historic Preservation Office (SHPO) and the Certified Local Government (CLG) program receive Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street NW, Washington, D.C. 20240.



**State of Utah
Department of Transportation**

Cooperative Agreement Local Agency Performing Work for UDOT	Project Description: SR-228 Leeds Town Curb & Gutter, Phase 2 Local Agency: Leeds Town	\$102,100
Pin: 16238 Project: S-0228(5)1		Date Executed

THIS AGREEMENT, made and entered into on the executed date, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and Leeds Town, a political subdivision of the State of Utah, hereinafter referred to as the “**Local Agency**.”

UDOT requested that the Work be included in the Local Agency's Project. Subject to the attached provisions, **Local Agency** will include the following items into its Project. Unless the parties agree to a lump sum, upon signing this Agreement, **UDOT** agrees that the costs shown are estimates and that it will be responsible for paying the actual costs associated with these items, based on unit bid prices, and actual quantities placed. If a lump sum payment is specified, **UDOT** will not pay for any additional costs beyond the lump sum payment amount.

Description of Work:

Leeds Town is installing Sidewalk, Curb & Gutter and Driveway Tie-ins on the North side of SR-228 between Mile Posts 1.25 and 1.55 per the attached estimate. UDOT is contributing financially with \$37,500 in Sidewalk funding (on a separate agreement) and \$102,100 in Region Contingency funds (this agreement). Leeds Town will procure and monitor the design and construction process in its entirety.

Costs to include:

List or Description of Items

Item #	Item Description	Estimated Quantity	Unit Price	Estimated Cost
#1	<i>Leeds Town Sidewalk Improvements</i>			199,542.50
#2				
Estimated Total Cost				

LUMP SUM PAYMENT: TOTAL AMOUNT TO BE PAID BY UDOT (Fill in only if actual cost approach is not used.)	
---	--

Project Completion Date: TBD Billing must be submitted within 3 months of work completion date. Please submit invoices to Kathy Starks, UDOT Region 4 Project Manager for payment at kstarks@utah.gov or call Kathy at 801-699-0263 with any billing questions.

If the actual costs exceed the agreed maximum total cost, **Local Agency** will immediately notify **UDOT** and **UDOT** can determine whether to reduce the scope of Work or continue with the Work at the increased cost. Once final **UDOT** signoff has occurred, the **Local Agency** will submit the receipts of payments for the Work to the **UDOT** Region office. **UDOT** will process the payment of the committed amount or the direct costs of approved activities, whichever is less, within 45 days and send a check to the **Local Agency**.

Total Estimated Reimbursement to the Local Agency is \$102,100

Provisions

Local Agency will include the UDOT's Work provided UDOT pays the actual costs incurred for the Work. Local Agency's contractor will perform the Work described in this Agreement in accordance with UDOT's plans and specifications. Local Agency will notify UDOT two weeks in advance prior to starting the Work so UDOT may inspect the Work. UDOT has the right to inspect the Work but may choose not to exercise this right. Regardless of any inspection by UDOT, Local Agency is still required to construct the Work in accordance with the plans and specifications. UDOT, through its inspection of the Work, will provide Local Agency with information addressing any problems or concerns UDOT may have with acceptance of said Work. Upon completion of the Work, the Local Agency will contact UDOT for a final review and inspection. UDOT reserves the right to withhold payment unless the Work is completed to UDOT standards and specifications. The Local Agency has the right to correct any deficiencies in a timely manner and resubmit the Work for inspection and approval.

I. Liability:

UDOT and the Local Agency are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other party from any and all damages, claims, suits, costs, attorney's fees and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, or employees in connection with the performance and/or subject matter of this Agreement. The obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections of this paragraph. This paragraph shall not be construed as a waiver of the protections of the Governmental Immunity Act by the parties. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

II. Termination:

This Agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing

- b. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this Agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Written notice of intent to terminate is required and shall specify the reasons for termination. If a party fails to cure the breach, the other party may terminate this Agreement.
- c. By UDOT for the convenience of the State upon written notice to the Local Agency. However, UDOT will be responsible for the costs incurred for the Work before the termination of the Agreement.

III. Maintenance:

Division of jurisdiction and responsibilities of state highways shall be in accordance with Utah Code Section 72-3-109 and applicable rules.

IV. Payment and Reimbursement to Local Agency:

UDOT shall be responsible for all actual costs associated with the Work described in this Agreement up to the maximum total cost or lump sum. The Local Agency must submit the billing within 3 months of the Work completion date.

V. Change in Scope and Schedule:

If Work scope or schedule changes from the original intent of this Agreement, UDOT will notify the Local Agency prior to changes being made. If the Local Agency modifies its Project and the modification affects the Work, Local Agency will immediately notify UDOT. In the event there are changes in the scope of the Work, extra work, or changes in the planned Work covered by this Agreement, a modification to this Agreement must be approved in writing by the parties prior to the start of work on the changes or additions.

VI. Environmental Compliance

The Local Agency will assure compliance of the Project with all applicable state and federal environmental statutes, regulations, rules, and permitting requirements.

VII. Miscellaneous:

Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of the Agreement at the request of the other party.

The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.

This Agreement does not create any type of agency relationship, joint venture or partnership between the parties.

Each party represents that it has the authority to enter into this Agreement.

This Agreement may be executed in counterparts by the parties.

VIII. Content Review:


Language content was reviewed and approved by the Utah AG's office on February 2, 2015.

Leeds Town				Utah Department of Transportation Region 4			
By		Date		By		Date	
Mayor, Wayne Peterson				Clayton Wilson, Southwest District Engineer			
By		Date		By		Date	
Title/Signature of additional official if required				Rick Torgerson, Region Director			
By		Date		By		Date	
Title/Signature of additional official if required				Comptrollers Office			

Leeds Town

Curb & Gutter and Sidewalk Project

Legend

 Leeds Market

Approx 1500 LF
New Sidewalk

Approx 830 LF
New C&G

Mesa-View-Ave

Vista-Ave

228



400 ft

Google earth

© 2017 Google



11/16/2017

State of Utah Mail - Leeds Main Street Project

Thank you,

Josh Nowell | Design Engineer

Main 435.865.1453

Cell 435.590.8931

ensigneng.com




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 **8.10.17 Leeds Main Street Planset.pdf**
7222K

<https://mail.google.com/mail/u/1/?ui=2&ik=8b20ad581b&jsver=M-xhRWn0lp0.en.&view=pt&q=leeds&qs=true&search=query&th=15f0c86679b094...> 2/2

LEEDS TOWN SIDEWALK IMPROVEMENTS

PROJECT TITLE: Leeds Town Sidewalk Improvements	PROJECT NUMBER: SU1204	
LOCATION: Leeds, Utah	DATE: October 4, 2017	
FOR: Town of Leeds	CHECKED BY: APPROVED BY:	
ESTIMATED BY: J. Nowell		

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL
1. Construction Estimate					
001	Mobilization	L.S.	1	\$ 10,000.00	\$ 10,000.00
002	Sawcut and Remove Existing Asphalt	L.F.	850	\$ 1.60	\$ 1,360.00
003	Clearing and Grubbing Site	L.S.	1	\$ 2,500.00	\$ 2,500.00
004	Sidewalk Installation (5'x1535')	S.F.	7700	\$ 5.00	\$ 38,500.00
005	30" Curb and Gutter Installation	L.F.	830	\$ 18.00	\$ 14,940.00
006	8" Untreated Base Course	S.F.	7700	\$ 1.75	\$ 13,475.00
007	7" Asphalt Installation	S.F.	7700	\$ 8.00	\$ 61,600.00
008	Driveway tie-ins	EA	8	\$ 2,000.00	\$ 16,000.00
009	Traffic Control	L.S.	1	\$ 5,000.00	\$ 5,000.00
Total					\$ 163,375.00
010	Contingency		10%	\$	16,337.50
011	Survey		L.S.	\$	4,000.00
012	Engineering Design/Construction Management (12%)		L.S.	\$	19,830.00
Grand Total					\$ 199,542.50

UDOT Contingency Funds: \$102,100
 UDOT Safe Sidewalk Funds: \$37,500
 Leeds Town Funds: \$60,000
Total Funds: \$199,600

Contingency \$\$ - 51%
 Safe Sidewalk \$\$ - 19%
 Leeds Town \$\$ - 30%

Recommend we consider the following:

Eliminate reference to this ordinance declaring an emergency I agree

Use the Utah code definition of nuisance

Eliminate any nonconsensual access to property to avoid a possible trespass\ I agree

Define only one type of nuisance, rather than a nuisance and a public nuisance I agree

(This would eliminate requirements of at least 3 persons being offended)

Make the owner of property ultimately responsible for any expenses of abating a nuisance I agree

ORDINANCE NO.

AN ORDINANCE REGULATING NUISANCES WITHIN THE TOWN OF LEEDS

WHEREAS, the Town of Leeds, Utah (“Town”) is a political subdivision of the state of Utah, authorized and organized under the provisions of Utah law;

WHEREAS, the Town has legal authority, pursuant to Title 10, Chapter 8, Section 60, Utah Code Annotated, as amended, to declare what is a nuisance, provide for the abatement of the same, and to provide for criminal and civil action to be taken against persons who create, continue or suffer nuisances to exist; and

WHEREAS, the Town has found it to be in the best interest of the public to regulate nuisances.

NOW THEREFORE, the Town Council hereby ordains as follows.

0-2-1. **DEFINITIONS.** The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

ABATEMENT: The removal, stoppage, prostration or destruction of that which causes or constitutes a nuisance ~~or public nuisance, whether by breaking or pulling it down, or otherwise destroying or effacing it.~~

JUNK: Any ~~{or all}~~ worn out, cast off, destroyed or discarded article or material which is ready for destruction, disposal, or salvage ~~has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered "junk".~~

JUNK CARS: Any ~~used car or~~ motor vehicle not in the process of reconditioning ~~or repair~~, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of a junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, tires etc.,

Should portions of this be included in the JUNK definition only?

not being ~~immediately~~ timely utilized in the repair of a motor vehicle.

~~NUISANCE: Any item, thing, manner or condition whatsoever that is dangerous to human life or health, or renders soil, air, water or food impure or unwholesome~~

The unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.

~~A nuisance is anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.~~

OWNER: The person, ~~firm or corporation~~ in whose name property is listed in the records of the county recorder's office for Washington County, Utah.

One who has legal title or right to property.

PERSON: An individual, trust, firm, estate, company, corporation, partnership, association, state, ~~state or federal~~ United States, government agency or entity, ~~municipality~~, commission, or political subdivision of a state.

PROPERTY: Any real property, premises, or structure, ~~whether privately or publicly owned or location on which a nuisance or public nuisance is alleged to exist.~~

Anything that is owned by a person or entity.

~~PUBLIC NUISANCE:~~

~~A. An offense against the order and economy of the Town and consists in unlawfully doing an act or omitting to perform any duty, which act or omission:~~

~~1. Annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons;~~

~~2. Offends public decency;~~

~~3. Unlawfully interferes with, obstructs or renders dangerous for passage any lake, stream, canal, public street, park, square or highway; or~~

~~4. In any way renders three (3) or more persons insecure in life or the use of property.~~

~~B. An act which affects three (3) or more persons in any of the ways specified in this section is still a public nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.~~

~~C. If any condition designated herein as an offense against the order and economy of the Town is determined by the fire authority to constitute a fire hazard, or is determined by the law enforcement authority to constitute a safety hazard, or is determined by the state division of health to be a health hazard, there shall be a rebuttable presumption that such act or omission is within the designations of subsection A of this section.~~

RUBBISH: Means and includes wire, chips, shavings, boxes, barrels, rags, bottles, broken glass, crockery, tin, cast or wooden ware, iron, stumps, tree trunks, paper circulars, handbills, boots, shoes, ashes, trash, or any similar waste material.

allows or aids in creating, maintaining or allowing, or contributes to a ~~nuisance or public nuisance~~, or who supports, continues, or retains a nuisance as proscribed in this chapter ~~or a public nuisance~~, is guilty of a class B misdemeanor. ~~Each day that any violation occurs shall constitute a separate offense for each successive day the nuisance or public nuisance is continued.~~ . Each day's violation of a provision of this chapter constitutes a separate offense. The abatement of a nuisance is not a penalty for violation of this chapter but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

0-2-XX THE FOLLOWING SHALL CONSTITUTE A NUISANCE:

0-2-3. **REFUSE IN PUBLIC STREETS AND OTHER PUBLIC AREAS.** It shall be unlawful for any person ~~intentionally or carelessly~~ to throw, cast, put into, drop or leave in any street, gutter, sidewalk or public place any stones, gravel, sand, dirt, debris, garbage, leaves, lawn or tree clippings, paper material, handbills, ashes, rubbish of any kind, or any other item, material, or ~~similar substance which shall either constitute a nuisance as designated herein, which shall interfere with the free and unobstructed use and movement of either traffic or water on a public street or right of way in the opinion of a police officer, or which shall constitute a fire hazard in the opinion of the Fire District.~~ Should this be covered in littering laws?

Defining nuisances in public areas are less challenging than trying to define a nuisance on private properties and respect the rights of property owners. The condition must clearly cause an offense, damage, and detriment to health, safety, or welfare of others.

0-2-4. **OFFENSIVE CONDITION OR REFUSE ON PRIVATE PROPERTY.** It shall be unlawful for any person to maintain, or allow to be maintained, ~~Whenever there shall be found~~ on or about any lot or parcel of property, whether vacant or occupied, any garbage, refuse, junk, used materials and merchandise, effluvia, kitchen waste, trash, inoperable motor vehicles, broken machinery, or other unsightly or deleterious objects or conditions, such as old tin, aluminum and iron cans and containers, old wood and paper boxes, scrap iron, wire, rope, cordage, bottles, bags and bagging, rubber and rubber tires, scrap vehicle bodies, engines, and parts thereof, paper, wood shavings, and all used and castoff articles or material, including scrap lumber, plaster, concrete, brick, cement, glass, other building materials, branches, leaves, yard trimmings, ~~or similar items or conditions. conditions that are offensive to the order and economy of the Town, they shall~~

~~be deemed a nuisance.~~

0.2.5. ~~**RANK AND NOXIOUS WEEDS. NOXIOUS GROWTH:**~~ It shall be unlawful for any person to permit weeds or other noxious vegetation to grow upon property. It shall be the duty of an owner or person in charge of the property to cut down or to destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or, in the case of weeds or other noxious vegetation, from maturing, or from going to seed. ~~Whenever there shall be found on or about any property, whether vacant or occupied, any rank or noxious weeds, grass or other growth which constitute an existing or potential fire hazard, such growth shall be deemed a nuisance.~~ Any weed listed on the Washington County Weed Abatement list as a noxious weed shall be deemed a nuisance when such is growing on property. ~~Abatement shall be accomplished by discing or plowing the property or by County authorized spraying, or by cutting the weeds to within four (4) inches of the ground, or as otherwise directed by employees of the Washington County Weed Abatement Department. Follow up weed removal shall be conducted as necessary.~~

0.2.6. ~~**DEAD ANIMALS.**~~ It shall be unlawful to allow any dead domestic animal to remain on property unburied or not otherwise disposed more than two (2) days after its death. It is the responsibility of the owner, agent or occupant of property, or other person responsible for ~~such any domestic animal which dies,~~ to bury or otherwise dispose of it ~~within two (2) days after death. If the person shall fail to do so within the time herein provided, such omission shall be deemed a nuisance.~~ If the owner or other person responsible for such an animal cannot be found, ~~it is the duty of the animal control officer to bury the dead animal. In such event,~~ the Town shall take measures to bury or dispose of the animal and shall be entitled to reimbursement from the owner, ~~agent or occupant~~ of the property for all expenses incurred. ~~or the owner of the dead animal.~~

0.2.7. ~~**INFESTATION.**~~ It shall be unlawful for any person to maintain a condition within the Town which unreasonably promotes or encourages ~~the a breeding area for breeding of~~ flies, mosquitos, rats or other form of animal life which may be disease carriers , and the same shall constitute a nuisance.

0.2.8. ~~**NOISES.**~~ ~~It shall be unlawful and constitute a nuisance, for any person~~ It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise, or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, ~~within the limits of the Town.~~ Such prohibited noises include, but are not limited to, ~~The following acts when prolonged, unusual and unnatural in their time, place and use, are deemed a detriment to the public health, comfort, convenience, safety, welfare and prosperity:~~ horns, radios, stereos, loudspeakers, yelling or shouting, exhausts, motor vehicles, drums or musical instruments, construction equipment, airplanes or blasting.

During standard business hours, some of these examples can be normal.

0.2.9. ~~**BARKING DOGS.**~~ It shall be unlawful for any person to keep any dog which by barking, howling or yelping, or by any other action, constitutes a nuisance.

0.2.10. **GARBAGE; IMPROPER PLACEMENT.** It shall be unlawful to place ~~Placement of~~ garbage at curbside or in other than a protected area ~~shall be considered a nuisance within the meaning of this chapter,~~ except during the period of twenty four (24) hours preceding ~~or following~~ scheduled collection of such garbage. On garbage collection days, garbage and waste placed at curbside ~~must shall~~ be contained within bags, cans or other receptacles, unless the trash material is of such size and nature that it would not be practical to fully enclose it.

I cannot support language monitoring garbage can placement time periods.

0.2.11. **TRASH, JUNK, INOPERABLE VEHICLES, VESSELS, AND SIMILAR MATERIALS.** It shall be unlawful for any person to allow ~~No~~ trash, rubbish, ~~noxious growth,~~ weeds or other combustible material ~~shall be allowed~~ to remain on any lot outside of approved containers in any residential zone. ~~Or to allow~~ ~~No~~ junk, debris, abandoned, inoperable, junk or dismantled vehicles or vessels or vehicle or vessel parts or similar materials ~~shall to~~ be stored ~~or allowed~~ to remain on any lot in any residential ~~or commercial~~ zone. ~~Failure to abide by this section constitutes a nuisance.~~

Some of these examples can be problematic in RR and RA zones.

~~0.2.12. DUTY TO LOCATE; RIGHT OF ENTRY.~~ The Mayor shall designate the person or persons to be charged or entrusted with the duty of enforcing this ordinance. ~~Such person(s) shall locate and discover all nuisances and public nuisances which may offend the order and economy of the Town, and they shall have authority, by themselves or by their agents, in the daytime, to enter upon any lot or other premises, or any building or structure, in order to inspect and examine the same for the purpose of determining whether or not any conditions, nuisances, or public nuisances exist which are prohibited by this chapter.~~

0.2.13. **ABATEMENT PROCEDURES.** The following procedure shall be followed by the Town in seeking to abate a nuisance ~~or public nuisance.~~

A. Notice To Abate: The Town shall notify ~~may~~ in writing the owner, ~~agent or occupant of~~ any property within the Town upon which a nuisance ~~or public nuisance~~ may be found, ~~or~~ and it may ~~also~~ notify such other person who causes or permits a nuisance ~~or public nuisance~~ to exist, advising that there is a nuisance ~~or public nuisance~~, describing the same, and requiring the ~~nuisance or public nuisance~~ to be abated in a manner described in the notification within ten (10) days after receipt thereof, unless some other time is specified in the notice. Notice shall be given by personal delivery or by certified mail to the last known address of the owner, ~~agent or occupant~~ of the property. Failure to give notice as provided herein shall not relieve ~~the~~ owner or person responsible for the ~~author of a~~ nuisance ~~or public nuisance~~ from the obligation to abate such nuisance ~~or public nuisance~~, or from the penalty provided herein for violation of this ~~the maintenance of that nuisance or public nuisance~~ ordinance.

B. Publication: If service of such notice is unable to be perfected by any of the methods described in subsection A of this section, a copy of the aforesaid notice shall be published in a newspaper of general circulation in the county, once a week for three (3) consecutive weeks, and a copy of

the aforesaid notice shall be left with the ~~person individual~~, if any, in possession of such property on which it is alleged such nuisance or public nuisance exists, or if there is no ~~individual person~~ in possession thereof, a copy of the notice shall be posted at such property, structure, location or premises.

C. Demand For Hearing: The owner or occupant of the property who has been served with a notice pursuant to this chapter that a nuisance ~~or public nuisance~~ exists and that it must be abated within ten (10) days, may, within seven (7) calendar days after receipt of such notice, make a written demand to the Town Recorder for a hearing on the question of whether a nuisance ~~or public nuisance~~ in fact exists. The hearing shall be held as soon as practicable following receipt by the Town Recorder of the written demand, and at least two (2) days' notice of the hearing shall be given to the ~~individual person~~ who made the written demand for hearing.

D. Conduct Of Hearing: The Town Council shall conduct the hearing. The Town Council may amend or modify the notice and/or extend the time for compliance with the notice by the owner ~~or occupant of the property~~ by such date as ~~the majority of~~ the Town Council may determine.

E. Evidence: The owner, agent of the owner, and occupant, if any, of the subject property shall be given the opportunity to present evidence to the Town Council in the course of the hearing.

F. ~~Refusal Failure~~ To Abate: Upon the failure, neglect or refusal of any person to abate a nuisance ~~or public nuisance~~ after notice in writing has been given, the Town is hereby authorized and empowered to order the ~~disposal abatement~~ of the nuisance ~~or public nuisance~~, or to pay for the ~~disposing abatement~~ of the same. When the Town effects ~~removal abatement~~ of a nuisance ~~or public nuisance~~, or pays for such removal, the actual cost thereof, plus accrued interest at the rate of twelve percent (12%) per annum from the date of the completion of the work, shall be charged to the owner of the property on which the nuisance ~~or public nuisance~~ existed. The Town may cause a sworn statement to be recorded in the office of the county recorder showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. Such recordation of the sworn statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus collection costs, if any, until final payment has been made. A sworn statement recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property ~~designated or~~ described in the statement and that the same is due and collectible as provided by law.

G. Record Owner Responsible: Any person who is the record owner of the property, ~~premises, location or structure~~ at the time a notice is issued pursuant to this chapter, shall be responsible for complying with that notice and liable for any costs incurred by the Town, notwithstanding the fact that ~~he~~ ~~such owner has conveyed~~ ~~conveys his interests in~~ the property to another, ~~whether before or~~ after such notice was issued and served.

H. Collection by Suit: In the event the owner, ~~agent or occupant~~ fails to make payment of the

amount set forth in such statement to the county treasurer within twenty (20) days of the date of mailing of the statement to the owner, ~~agent or occupant~~, the Town may cause suit to be brought in an appropriate court of competent jurisdiction. In the event collection of expenses for the abatement of any nuisance ~~or public nuisance~~ are pursued through the court, the Town shall sue for and be entitled to receive judgment for all expenses for the ~~abatement destruction and removal~~ of the nuisance ~~or public nuisance~~ together with reasonable attorney fees, interest and court costs. The Town may execute upon such judgment in the manner provided by law.

I. Town Not Civilly Liable: Neither the Town, nor its officers, agents, employees or attorneys, shall be civilly liable to any owner or occupant or person having an interest in real property for the ~~removal abatement~~ of a nuisance ~~or public nuisance~~ under the provisions of this chapter.

0.2.14. **LEGAL ACTION TO ABATE NUISANCES.** The Town attorney, upon direction of the Town Council, ~~or by his own volition~~, may institute an action in the name of the Town to abate a nuisance ~~or public nuisance~~. The action shall be brought in the Fifth District Court of the State of Utah, Washington County and shall be in the form prescribed by the Rules of Civil Procedure of the State of Utah for injunctions. No bond is required to be posted with respect to the action. A person who knowingly violates any judgment or order abating or otherwise enjoining a nuisance ~~or public nuisance~~ is guilty of a class B misdemeanor.

0.2.15. **REMEDIES SEPARATE AND CUMULATIVE.** In seeking to abate nuisances ~~or public nuisances~~, the Town may commence a criminal action against the owner, agent or occupant of the property, may give notice to abate as set forth above and thereafter abate the nuisance ~~or public nuisance~~ upon the owner's, agent's or occupant's failure to do so, ~~or and also~~ may commence a civil action for abatement as set forth above. These remedies are ~~separate and cumulative~~, and the Town may pursue any or all of such remedies ~~simultaneously~~.

0.2.XX SUMMARY ABATEMENT

The procedures for abatement provided by this chapter are not exclusive. In addition to procedures provided by this ordinance, the health officer, the Fire Chief, or the Police Chief having jurisdiction over the Town may proceed summarily to abate an existing health, fire or safety nuisance which endangers human life or property.

~~EFFECTIVE DATE. An emergency is hereby declared, the preservation of peace, health and safety of Leeds and the inhabitants thereof so requiring. Immediately after its adoption, this ordinance shall be signed by the Mayor and Town Recorder and shall be recorded in the ordinance book kept for that purpose, This ordinance shall take effect immediately upon its passage and approval.~~

This Ordinance shall be effective _____, 2017.

TOWN OF LEEDS

ATTEST:

Wayne D. Peterson

Kristi Barker
Town Clerk

Mayor

Council Member Elliott Sheltman voted	Aye _____	Nay _____
Council Member Nate Blake voted	Aye _____	Nay _____
Council Member Angela Rohr voted	Aye _____	Nay _____
Council Member Ron Cundick voted	Aye _____	Nay _____
Mayor Wayne D. Peterson voted	Aye _____	Nay _____