

APPROVED MINUTES

CACHE COUNTY COUNCIL

February 22, 2022 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair Barbara Tidwell; Vice Chair Paul R. Borup; Councilmembers: David L. Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles

MEMEBERS EXCUSED: Karl B. Ward

STAFF PRESENT: Clerk/Auditor Jess Bradfield, County Attorney John Luthy, HR Director Amy Adams, , Economic Development Director Shawn Milne, IT Director Bart Nelson, Executive Admin Janeen Allen, Development Services Director Chris Harrild

OTHER ATTENDENCE: Regan Wheeler, Grant White, Levi Larsen, Cindy Maughan, Josh Bingham, Deb Phillips, Fred Christensen, Jamie Buttars, JoAnn Bennett

Executive Session: Utah Code 52-4-205(1)(c) – Discussion of pending or reasonably imminent litigation Utah Code 52-4-205(1)(d)

Action: Motion made by Councilmember Worthen to enter Executive Session; Seconded by Councilmember Erickson
Motion passes.

Aye: 5 Barbara Tidwell, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles,

Absent: Karl B. Ward, Paul R. Borup (Arrived 5mins after meeting had started)

Action: Motion made by Councilmember Zilles to exit Executive Session; Seconded Councilmember Tidwell

Motion passes

Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles

Nay: 0

Absent: Karl B. Ward

Council Meeting

1. **Call to Order 5:00p.m.** – Chair Barbara Tidwell

2. **Opening Remarks and Pledge of Allegiance** –Councilmember Nolan Gunnell [0:55](#)

3. **Review and Approval of Agenda APPROVED** [3:33](#)

Action: Motion made by Councilmember Zilles to approve the agenda; Seconded by Councilmember Erickson

Motion passes.

Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles

Nay: 0

Absent: Karl B. Ward

4. **Review and Approval of Minutes APPROVED** [5:26](#)

Action: Motion made by Councilmember Worthen to approve the minutes from February 8th with proposed amendments; Seconded by Councilmember Borup.

Motion passes.

Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles

Nay: 0

Absent: Karl B. Ward

5. **Report of the County Executive**

6. **Items of Special Interest** [6:43](#)

a. **Tax Cancellation Request- Letter from Kathleen Howell, County Assessor APPROVED ATTACHMENT 1**

Action: Motion made by Councilmember Erickson to approve the request; Seconded by Councilmember Worthen.

Motion passes.

Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles

Nay: 0

Absent: Karl B. Ward

- b. **Hyrum City Request for Extension of RAPZ Funded Project** [38:24](#)
Discussion: Jami Van Huss and Craig Rasmussen of Hyrum City Council discussed the exterior renovation of Elite Hall and the timeline of events regarding the renovation from 2019 to present. Discussion of proposal to keep 2019 RAPZ funding applied to the renovation for County approval.
Action: Motion made and seconded to give the request for extension of RAPZ funded project to Hyrum City
Motion passes.
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles
Nay: 0
Absent: Karl B. Ward
- c. **Discussion regarding Countywide Solid Waste Collection** [8:25](#)
Discussion: Logan City Mayor Holly Daines and Cache County Council discussed the upcoming plan from Logan City to suspend garbage pickup for the county and other municipalities.
- d. **Discussion regarding March Council meeting conflict with Party Caucuses** [31:50](#)
Discussion: The Council discussed scheduling the March County Council meetings for March 15 and March 29, 2022, due to the party caucuses taking place on March 8.
Action: Motion made by Councilmember Erickson to move the County Council meeting for March 8 to March 15 and to move the meeting for March 22 to March 29; Seconded by Councilmember Zilles.
Motion passes. [33:23](#)
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles
Nay: 0
Absent: Karl B. Ward

7. Department or Committee Reports

8. Board of Equalization Matters

9. Public Hearings [30:40](#)

- a. **Reset Public Hearing for March 15, 2022 – Resolution 2022-03 A resolution declaring the County’s interest in the Real Property located in Lewiston, Utah, described as the portion of tax identification parcel number 14-029-0018 that is north of 2000 South Street in Lewiston as surplus Property and approving the disposition thereof** [32:24](#)
Action: Motion made by Councilmember Erickson to reset a public hearing for Resolution 2022-03; Seconded by Councilmember Borup.
Motion passes.
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles
Nay: 0
Absent: Karl B. Ward
- b. **Set Public Hearing for March 15, 2022– Ordinance 2022-12 – Cutler Valley Rezone** [32:24](#)
Action: Motion made by Councilmember Erickson to set a public hearing for Resolution 2022-04 Seconded by Councilmember Borup.
Motion passes.
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles
Nay: 0
Absent: Karl B. Ward
- c. **Resolution 2022-04 Applicants for Cache Water District Board of Trustees** [34:30](#)
Applicant Regan Wheeler briefly addressed the Council. [35:22](#)
Applicant Grant White briefly addressed the Council. [36:45](#)
Action: Motion made by Councilmember Erickson to close the public hearing; Seconded by Councilmember Zilles.
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles
Nay: 0
Absent: Karl B. Ward

10. Pending Action [54:05](#)

- a. **Ordinance 2022-05 - An ordinance amending section 2.12.200 of the Cache County Code to update and correct the meeting place of the County Council** [54:16](#) ATTACHMENT 2

Action: Motion made by Councilmember Worthen to approve ordinance 2022-05 to amend section 2.12.200 of the Cache County Code to update and correct the meeting place of the County Council; Seconded by councilmember Erickson
Motion passes.

Aye: 7 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles

Nay: 0

Absent: Karl B. Ward

- b. **Ordinance 2022-06 - An ordinance amending section 3.40.030 of the Cache County Code to update the Utah Code section referenced therein [55:28](#)**
Discussion: County Attorney John Luthy presented on Ordinance 2022-06, 07, 08, 09 and 10.
- c. **Ordinance 2022-07 An ordinance amending section 3.40.040 of the Cache County Code to update the Utah Code section referenced therein. [57:43](#)**
- d. **Ordinance 2022-08 - An ordinance amending section 2.56.010 of the Cache County Code to update the Utah Code section referenced therein. [57:59](#)**
- e. **Ordinance 2022-09 - An ordinance amending sections 15.24.010 and 15.24.020 of the Cache County Code to update a Utah Code section referenced therein and omit provisions related to a Utah Code section that no longer exists. [58:26](#)**
- f. **Ordinance 2022-10 - An ordinance amending section 9.17.010 of the Cache County Code to update the Utah Code sections referenced therein. [59:07](#) ATTACHMENT 3**
Action: Motion made by Councilmember Erickson to approve Ordinance 2022-06, 07, 08, 09 and 10 Seconded by councilmember Zilles
Motion passes.
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles
Nay: 0
Absent: Karl B. Ward

11. Initial Proposals for Consideration of Action [1:00:00](#)

- a. **Ordinance 2022-11 - An ordinance amending Title 3 of the Cache County Code regarding revenue and finance to bring it into harmony with State Code and current County practices**
Action: To be discussed at the next Council meeting.
- b. **Resolution 2022-05 - A resolution amending the Cache County Corporation Personnel Policy and Procedure Manual regarding Travelling on County Business [1:00:43](#)**
Action: Council agreed to move item to the March 15th meeting.
- c. **Request for Approval – Enforcement Officer Position Reclassification [1:04:01](#)**
Discussion: Chris Harrild reported on the enforcement officer position reclassification and addressed council's concerns.
Action: Motion made by Councilmember Worthen to approve the request but would like to see how it affects the budget at the budget opening; Seconded by Councilmember Gunnell.
Motion passes.
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Karl B. Ward, Gordon A. Zilles
Nay: 0
Abstain: 1 Gina H. Worthen
- d. **Request for Approval – Trail Operations and Position Reclassification [1:20:57](#)**
Discussion: Chris Harrild reported on the position reclassification and addressed councils concerns.
Action: Motion made by Councilmember Zilles to approve the request to move part time to full time for an assistant trails coordinator as well as looking to using RAPZ Tax to fund the position; Seconded by Councilmember Worthen
Motion passes.
Aye: 6 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Karl B. Ward, Gordon A. Zilles
Nay: 0

Abstain: 1 Gina H. Worthen

- e. **Discussion– Contract for County Lobbyist [1:43:39](#)**
Discussion: County Attorney John Luthy spoke to the contract of the county lobbyist while council presented their concerns regarding the contract.
- d. **Discussion– Special Joint Meeting with the Cache County Planning Commission [2:21:21](#)**
Discussion: Chris Harrild discussed the upcoming joint meeting(s) about topics and meeting quarterly.
- d. **Discussion– Special Meeting with Non-profit Executives [2:24:31](#)**
Discussion: Council discussed on having a special meeting scheduled to meet with county area Non-Profit executives. On March 15th at 3:00PM as a workshop.


12. Other Business

- a. County Day on the Hill 02/23/2022.
- b. UAC Building Utah Conference 03/23 - 03/25/2022
- c. UAC Management Conference 04/26 - 04/28/2022


13. Councilmember Reports [2:29:16](#)

David Erickson – Question on the financial report that council received. (Left Early)
Gordon Zilles – Asking what will be discussed with meeting with the Non-Profit executives.
Karl Ward – Absent
Barbara Tidwell – No report
Paul Borup – No Report
Nolan Gunnell – Looking forward to the joint meeting with the planning commission.
Gina Worthen – No Report

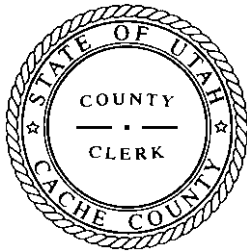
Adjourn: 7:30 PM



ATTEST: Jess W. Bradfield
County Clerk/Auditor



APPROVAL: Barbara Tidwell
Chair



**CACHE COUNTY COUNCIL MEETING
FEBRUARY 22, 2022**

ATTACHMENT 1



CACHE COUNTY

Office of the County Assessor

179 NORTH MAIN • LOGAN, UTAH 84321

(435) 755-1590 • Fax (435) 755-1989

KATHLEEN C. HOWELL

February 10, 2022

To Whom It May Concern:

We are writing this letter asking that the taxes on TSA Stores Inc/Sports Authority #319 be cancelled. The Sports Authority store has been closed for several years. This account has been protected by a bankruptcy case. We have recently been informed by the attorney's office the bankruptcy was settled and terminated 3-24-2021. All distributions that will be made, that are associated with this case, have already been made. Cache County did not receive any payment regarding this matter. According to the attorney's office, it is likely there was not enough money in the bankruptcy settlement to cover all outstanding bills. This is for the 2016 tax year. The account number is BU-27-3035.

At this time we are asking that the tax amount of \$1,728.79, as well as, \$172.88 in fees/penalty, and \$681.78 in interest be cancelled. That equals a total amount of \$2,583.45.

Thank you for your time and consideration in this matter.

Kathleen Howell
Cache County Assessor

2016 TAX NOTICE

Cache County Assessor's Office
 179 North Main Suite 205
 Logan, Utah 84321
 (435) 755-1590

Account Number
BU-27-3035

Due Date
PAST DUE

Make all checks payable to: CACHE COUNTY ASSESSOR

TAX NOTICE

BUSINESS PERSONAL PROPERTY TAX FOR THE TAX YEAR 2016

Printed: 2/10/2022

TSA STORES INC
 SPORTS AUTHORITY #319
 1050 WEST HAMPDEN AVE
 ATTN TAX DEPT
 ENGLEWOOD, CO 80110

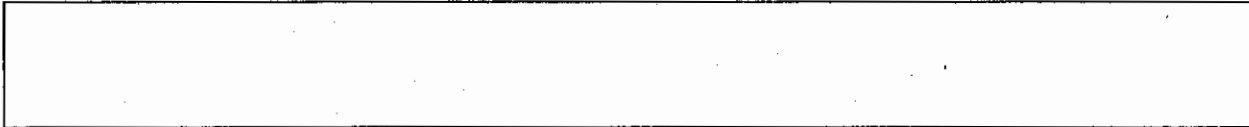
If this property is involved in bankruptcy, this notice is for information only and not an attempt to collect taxes.
--

Taxing District: **627 LOGAN NORTH RETAIL RDA A-6**

Market Value:	119,260
Taxable Value:	119,260
Taxes Due:	1,728.79

District Breakdown By Taxing Unit (Apportionment)

Entity Code	Entity Description	Tax Rate	Tax Amount
27	LOGAN CITY	0.002194	261.66
28	CACHE CO GENERAL FUND	0.001771	211.21
29	LOGAN SCHOOL DISTRICT	0.008203	978.29
38	CACHE CO HEALTH FUND	0.000139	16.58
48	MULTI-CO A & C	0.000012	1.43
58	CACHE CO A & C	0.000441	52.59
69	LOGAN SCHOOL STATE LEVY	0.001736	207.04
75	CVTD	0.000000	0.00



(Cut along this line)

Please return this portion of the notice with your check remittance. DO NOT send cash.

TAX NOTICE

Account Number
BU-27-3035

Due Date
PAST DUE

TSA STORES INC
 1050 WEST HAMPDEN AVE
 ATTN TAX DEPT
 ENGLEWOOD, CO 80110

Taxing District: **627 LOGAN NORTH RETAIL RDA A-6**

TOTAL TAXES	1,728.79
EXEMPTIONS	(0.00)
FEE & PENALTY	172.88
FEE & PENALTY PAID	(0.00)
INTEREST	681.78
INTEREST PAID	(0.00)
PRINCIPLE PAID	(0.00)
AMOUNT DUE	2,583.45

Interest will be charged at 6% per annum above the current federal discount rate on all past due accounts. (Minimum 7%)

2/10/2022

**CACHE COUNTY COUNCIL MEETING
FEBRUARY 22, 2022**

ATTACHMENT 2



**CACHE COUNTY
ORDINANCE NO. 2022-05**

**AN ORDINANCE AMENDING SECTION 2.12.200 OF THE CACHE COUNTY CODE
TO UPDATE AND CORRECT THE MEETING PLACE OF THE COUNTY COUNCIL**

- (A) WHEREAS, Utah Code section 52-4-102 requires the Cache County Council to:
- a. take its actions openly; and
 - b. conduct its deliberations openly; and
- (B) WHEREAS, it is in the public interest to conduct regular County Council meetings at a designated place; and
- (C) WHEREAS, the current Cache County Code assigns a meeting place that is no longer used;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Section 2.12.200 of the Cache County Code is amended to read in full as follows:

2.12.200: REGULAR MEETINGS:

- A. Monthly: Regular meetings shall be held not less than twice per month as established by ordinance.
- B. Notice: Public notice of each meeting shall be given in accordance with state law.
- C. Place and Date: The regular meetings of the county council of Cache County, Utah, will be held in the Cache County council chambers in the Historic County Courthouse at 199 Main, Logan, Utah, on the second and fourth Tuesday of each and every month, except that during December the regular meetings of the county council will be on the first and second Tuesday of the month.
- D. Time: Regular meetings shall commence at five o'clock (5:00) P.M., or as soon thereafter as reasonably possible.
- E. Exception: If the day for which a regular meeting of the county council is scheduled falls upon a legal holiday or if the county council determines that there is good cause to reschedule any regular meeting, any regular meeting may be held at such other time and place as may be determined by the county council; provided, however, that lawful notice thereof is given.



F. Unless determined otherwise by a majority of council members present at the meeting, the order of business for a regular meeting shall be as follows:

1. Call to order;
2. Opening Remarks;
3. Review and approval of agenda;
4. Review and approval of minutes;
5. Report of county executive;
6. Items of special interest;
7. Budgetary matters;
8. Public hearings, appeals and board of equalization matters;
9. Pending action;
10. Initial proposals for consideration of action;
11. Other business;
12. Council member reports;
13. Adjournment.

SECTION 2:

This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS 22nd DAY OF FEBRUARY 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6			1

CACHE COUNTY COUNCIL:

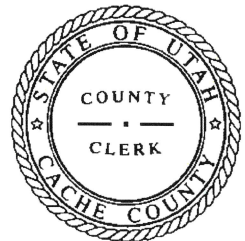


 Barbara Y. Tidwell, Chair

ATTEST:



 Jess Bradfield, County Clerk / Auditor





ACTION OF COUNTY EXECUTIVE:

- Approved
- Disapproved (written statement of objection attached)



David Zook, County Executive

3.14.22

Date



Redline version of Section 2.12.200 to show proposed changes:

2.12.200: REGULAR MEETINGS:

- A. Monthly: Regular meetings shall be held not less than twice per month as established by ordinance.
- B. Notice: Public notice of each meeting shall be given in accordance with state law.
- C. Place ~~and~~ Date: The regular meetings of the county council of Cache County, Utah, will be held in the Cache County council chambers ~~in the Historic County Courthouse at 120 North 100 West~~ 199 Main Street, Logan, Utah, on the second and fourth Tuesday of each and every month, ~~except that during December the regular meetings of the county council will be on the first and second Tuesday of the month.~~
- D. Time: Regular meetings shall commence at five o'clock (5:00) P.M., or as soon thereafter as reasonably possible.
- E. Exception: If the day for which a regular meeting of the county council is scheduled falls upon a legal holiday or if the county council determines that there is good cause to reschedule any regular meeting, any regular meeting may be held at such other time and place as may be determined by the county council; provided, however, that lawful notice thereof is given.
- F. Unless determined otherwise by a majority of council members present at the meeting, the order of business for a regular meeting shall be as follows:
 - 1. Call to order;
 - 2. ~~Invocation~~ Opening Remarks;
 - 3. Review and approval of agenda;
 - 4. Review and approval of minutes;
 - 5. Report of county executive;
 - 6. Items of special interest;
 - 7. Budgetary matters;
 - 8. Public hearings, appeals and board of equalization matters;
 - 9. Pending action;
 - 10. Initial proposals for consideration of action;
 - 11. Other business;
 - 12. Council member reports;
 - 13. Adjournment.



Redline version of Section **2.12.200** to show proposed changes:

2.12.200: REGULAR MEETINGS:

- A. Monthly: Regular meetings shall be held not less than twice per month as established by ordinance.
- B. Notice: Public notice of each meeting shall be given in accordance with state law.
- C. Place ~~and~~ Date: The regular meetings of the county council of Cache County, Utah, will be held in the Cache County council chambers **in the Historic County Courthouse at ~~120 North 100 West~~ 199 Main Street**, Logan, Utah, on the second and fourth Tuesday of each and every month, **except that during December the regular meetings of the county council will be on the first and second Tuesday of the month.**
- D. Time: Regular meetings shall commence at five o'clock (5:00) P.M., or as soon thereafter as reasonably possible.
- E. Exception: If the day for which a regular meeting of the county council is scheduled falls upon a legal holiday or if the county council determines that there is good cause to reschedule any regular meeting, any regular meeting may be held at such other time and place as may be determined by the county council; provided, however, that lawful notice thereof is given.
- F. Unless determined otherwise by a majority of council members present at the meeting, the order of business for a regular meeting shall be as follows:
 - 1. Call to order;
 - 2. ~~Invocation~~ **Opening Remarks**;
 - 3. Review and approval of agenda;
 - 4. Review and approval of minutes;
 - 5. Report of county executive;
 - 6. Items of special interest;
 - 7. Budgetary matters;
 - 8. Public hearings, appeals and board of equalization matters;
 - 9. Pending action;
 - 10. Initial proposals for consideration of action;
 - 11. Other business;
 - 12. Council member reports;
 - 13. Adjournment.

**CACHE COUNTY COUNCIL MEETING
FEBRUARY 22, 2022**

ATTACHMENT 3



**CACHE COUNTY
ORDINANCE NO. 2022-06**

**AN ORDINANCE AMENDING SECTION 3.40.030 OF THE CACHE COUNTY CODE
TO UPDATE THE UTAH CODE SECTION REFERENCED THEREIN**

- (A) WHEREAS, Cache County Code section 3.40.030 currently references an outdated and renumbered provision of the Utah Code; and
- (B) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Subsection G of Section 3.40.030 of the Cache County Code is amended to read in full as follows:

3.40.030: DISPOSAL OF PERSONAL PROPERTY:

- G. The following tangible personal property shall be exempt from the procedures set forth in this chapter:
 - 1. Property which is of a unique nature and for which there is a limited market, if any.
 - 2. Property disposed of in accordance with the provisions of Utah Code sections 24-2-101 through 24-4-119 (the Forfeiture and Disposition of Property Act); Utah Code sections 77-24a-1 through -5 (regarding the disposition of lost or mislaid property); and Utah Code sections 67-4a-101 through -1504 (the Revised Uniform Unclaimed Property Act).
 - 3. Property that has a value of less than two hundred dollars (\$200).

SECTION 2:

This ordinance takes effect 15 days following its passage and approval by the County Council.



PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS 22nd DAY OF FEBRUARY 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6			1

CACHE COUNTY COUNCIL:

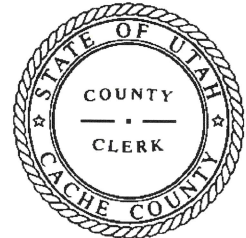
ATTEST:

Barbara Y. Tidwell
Barbara Y. Tidwell, Chair

Jess W. Bradfield
Jess Bradfield, County Clerk / Auditor

ACTION OF COUNTY EXECUTIVE:

Approved
 Disapproved (written statement of objection attached)



David Zook
David Zook, County Executive

3.14.22
Date



Redline version of Subsection G of Section 3.40.030 to show proposed changes:

3.40.030: DISPOSAL OF PERSONAL PROPERTY:

G. The following tangible personal property shall be exempt from the procedures set forth in this chapter:

1. Property which is of a unique nature and for which there is a limited market, if any.
2. Property ~~obtained by the Cache County sheriff's office~~ disposed of in accordance with the provisions of Utah Code ~~Annotated~~ sections ~~76-10-525~~ 24-2-101 through 24-4-119 (the Forfeiture and Disposition of Property Act ~~regarding disposition of weapons~~); Utah Code ~~Annotated~~ sections ~~77-24-4~~ 77-24a-1 through -5 (regarding the disposition ~~sale~~ of lost or mislaid ~~unclaimed~~ property); ~~Utah Code Annotated section 77-24a-5 (regarding disposition of certain unclaimed property)~~; and Utah Code ~~Annotated~~ sections 67-4a-101 through -1504 ~~et seq.~~, (the Revised Uniform ~~u~~Unclaimed ~~p~~Property ~~a~~Act).
3. Property that has a value of less than two hundred dollars (\$200.00).



**CACHE COUNTY
ORDINANCE NO. 2022-07**

**AN ORDINANCE AMENDING SECTION 3.40.040 OF THE CACHE COUNTY CODE
TO UPDATE THE UTAH CODE SECTION REFERENCED THEREIN**

- (A) WHEREAS, Cache County Code section 3.40.040 currently references an outdated and renumbered provision of the Utah Code; and
- (B) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Section 3.40.040 of the Cache County Code is amended to read in full as follows:

3.40.040: DISPOSAL OF SURPLUS REAL PROPERTY:

- A. In accordance with Utah Code section 17-50-312, no real property acquired after July 1, 1983, may be sold on the open market unless the following conditions are met:
 - 1. The real property is not property acquired by condemnation or by the threat of condemnation.
 - 2. The real property has been offered for sale to the person or entity from whom the county acquired the property at the highest offer with first right of refusal; and the person or entity failed to accept the offer within ninety (90) days after notification by registered mail to their last known address.
 - 3. The county has not rezoned the property or been involved in the rezoning of the property or the acquisition of additional property to enhance the value of the real property to be sold.
- B. No real property may be disposed of unless the county council has:
 - 1. Held a public hearing regarding the proposed declaration of the subject property to be surplus;
 - 2. By motion, subsequent to the public hearing, declared the property to be surplus; and
 - 3. By resolution, approved the disposition of the subject property.



C. Upon the adoption of a resolution of approval by the county council, the county clerk shall, at the request of the county executive, execute and deliver to the county executive any deed or other legal instrument required for the conveyance of the title to the real property.

SECTION 2:

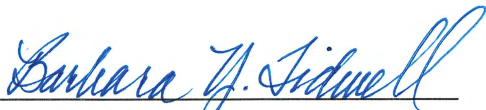
This ordinance takes effect 15 days following its passage and approval by the County Council.

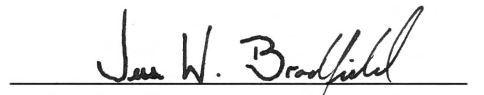
PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS 22nd DAY OF FEBRUARY 2022.

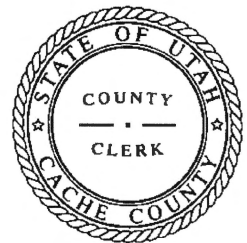
	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6			1

CACHE COUNTY COUNCIL:

ATTEST:


Barbara Y. Tidwell, Chair


Jess Bradford, County Clerk / Auditor



ACTION OF COUNTY EXECUTIVE:

___ Approved
___ Disapproved (written statement of objection attached)


David Zook, County Executive

3.14.22
Date



Redline version of Section 3.40.040 to show proposed change:

3.40.040: DISPOSAL OF SURPLUS REAL PROPERTY:

- A. In accordance with Utah Code ~~Annotated~~ section ~~78-34-20-17-50-312~~, ~~as amended~~, no real property acquired after July 1, 1983, may be sold on the open market unless the following conditions are met:
1. The real property is not property acquired by condemnation or by the threat of condemnation.
 2. The real property has been offered for sale to the person or entity from whom the county acquired the property at the highest offer with first right of refusal; and the person or entity failed to accept the offer within ninety (90) days after notification by registered mail to their last known address.
 3. The county has not rezoned the property or been involved in the rezoning of the property or the acquisition of additional property to enhance the value of the real property to be sold.
- B. No real property may be disposed of unless the county council has:
1. Held a public hearing regarding the proposed declaration of the subject property to be surplus;
 2. By motion, subsequent to the public hearing, declared the property to be surplus; and
 3. By resolution, approved the disposition of the subject property.
- C. Upon the adoption of a resolution of approval by the county council, the county clerk shall, at the request of the county executive, execute and deliver to the county executive any deed or other legal instrument required for the conveyance of the title to the real property.



**CACHE COUNTY
ORDINANCE NO. 2022-08**

**AN ORDINANCE AMENDING SECTION 2.56.010 OF THE CACHE COUNTY CODE
TO UPDATE THE UTAH CODE SECTION REFERENCED THEREIN**

- (A) WHEREAS, Cache County Code section 2.56.010 currently references an outdated and renumbered provision of the Utah Code; and
- (B) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Section 2.56.010 of the Cache County Code is amended to read in full as follows:

2.56.010: DEFINITIONS:

For the purposes of this chapter, “emergency” or “disaster” means any situation causing or threatening to cause widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomena, or technological hazard, and includes a disaster as defined by Utah Code section 53-2a-102(5); a state of emergency as defined by Utah Code section 53-2a-102(17); a local emergency as defined by Utah Code section 53-2a-203(5); or any other situation in which there exists a threat to public health, safety, welfare or property under emergency conditions.

SECTION 2:

This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS 22nd DAY OF FEBRUARY 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6			1

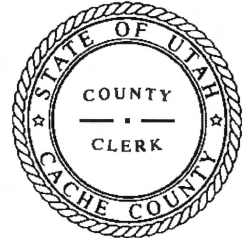


CACHE COUNTY COUNCIL:

ATTEST:

Barbara Y. Tidwell
Barbara Y. Tidwell, Chair

Jess W. Bradfield
Jess Bradfield, County Clerk / Auditor



ACTION OF COUNTY EXECUTIVE:

Approved
 Disapproved (written statement of objection attached)

David Zook
David Zook, County Executive

3.14.22
Date

Redline version of Section 2.56.010 to show proposed change:

2.56.010: DEFINITIONS:

For the purposes of this chapter, “emergency” or “disaster” means any situation causing or threatening to cause widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomena, or technological hazard, and includes ~~a localized disaster as defined by Utah Code Annotated section 63-5a-2~~; a disaster as defined by Utah Code ~~Annotated~~ sections ~~53-2a-102(5) 63-5-2(1) and 63-5a-2(1)~~; a state of emergency as defined by Utah Code ~~Annotated~~ section ~~63-5a-2(6) 53-2a-102(17)~~; a local emergency as defined by Utah Code ~~Annotated~~ section ~~63-5a-2(7) 53-2a-203(5)~~; or any other situation in which there exists a threat to public health, safety, welfare or property under emergency conditions.



**CACHE COUNTY
ORDINANCE NO. 2022-09**

AN ORDINANCE AMENDING SECTIONS 15.24.010 AND 15.24.020 OF THE CACHE COUNTY CODE TO UPDATE A UTAH CODE SECTION REFERENCED THEREIN AND OMIT PROVISIONS RELATED TO A UTAH CODE SECTION THAT NO LONGER EXISTS

- (A) WHEREAS, Cache County Code Section 15.24.010 currently references an outdated and renumbered provision of the Utah Code; and
- (B) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Sections 15.24.010 and 15.24.020 of the Cache County Code are amended to read in full as follows:

15.24.010: LAWFUL FENCE DEFINED:

A lawful fence shall be not less than four feet (4') in height, and may be constructed of barbed or other fencing wire with not less than four (4) wires, and good, substantial posts not more than one rod apart. Corner posts, where the inside angle is less than one hundred thirty five degrees (135°) shall be substantially braced or counterweighted. Gates in such fences need not be constructed of wire, but shall, in all cases, provide equal protection to ingress and egress as such lawful fence, and if constructed of wire, shall conform to specifications above set out for such lawful fence.

15.24.020: LEGAL FENCE DEFINED:

Pursuant to Utah Code section 4-25-204, the Cache County council declares that a lawful fence in Cache County, Utah, is defined as:

- A. An electrified fence existing on a single or multiple wires attached to a fence post by insulators so that the same may carry an electric charge; or
- B. A fence consisting of three (3) or more barbed wires, boards or poles attached to posts not more than one rod apart.

SECTION 2:

This ordinance takes effect 15 days following its passage and approval by the County Council.



PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS 22nd DAY OF FEBRUARY 2022.

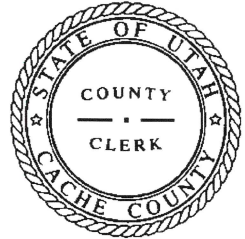
	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6			1

CACHE COUNTY COUNCIL:

ATTEST:

Barbara Y. Tidwell
Barbara Y. Tidwell, Chair

Jess W. Bradfield
Jess Bradfield, County Clerk / Auditor



ACTION OF COUNTY EXECUTIVE:

Approved
 Disapproved (written statement of objection attached)

David Zook
David Zook, County Executive

3.14.22
Date



Redline version of Sections 15.24.010 and 15.24.020 to show proposed changes:

15.24.010: LAWFUL FENCE DEFINED:

~~A. Defined: Such~~ A lawful fence shall be not less than four feet (4') in height, and may be constructed of barbed or other fencing wire with not less than four (4) wires, and good, substantial posts not more than one rod apart. Corner posts, where the inside angle is less than one hundred thirty five degrees (135°) shall be substantially braced or counterweighted. Gates in such fences need not be constructed of wire, but shall, in all cases, provide equal protection to ingress and egress as such lawful fence, and if constructed of wire, shall conform to specifications above set out for such lawful fence.

~~B. Territorial Restriction For Operation Of This Section: Nothing contained in this section shall be construed to affect Cache County, Utah, nor any precinct therein until the provisions of Utah Code Annotated section 3-5-77, as amended from time to time, shall have been fully complied with.~~

15.24.020: LEGAL FENCE DEFINED:

Pursuant to Utah Code ~~Annotated~~ section ~~4-25-7~~ 4-25-204, ~~as amended~~, the Cache County council declares that a lawful fence in Cache County, Utah, is defined as follows:

- A. ~~Electric Fence~~: An electrified fence existing on a single or multiple wires attached to a fence post by insulators so that the same may carry an electric charge; ~~or~~
- B. ~~Regular Fence~~: A fence consisting of three (3) or more barbed wires, boards or poles attached to posts not more than one rod apart.



**CACHE COUNTY
ORDINANCE NO. 2022-10**

**AN ORDINANCE AMENDING SECTION 9.17.010 OF THE CACHE COUNTY CODE
TO UPDATE THE UTAH CODE SECTIONS REFERENCED THEREIN**

- (A) WHEREAS, Cache County Code section 9.17.010 currently references an outdated and renumbered provision of the Utah Code; and
- (B) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Section 9.17.010 of the Cache County Code is amended to read in full as follows:

9.17.010: DEFINITIONS:

For the purposes of this chapter the following terms have the meanings indicated:

COMPULSORY SCHOOL AGE MINOR: A person between the ages of six (6) and eighteen (18) years of age who is not exempted, and must be attending public school or regularly established private school during the school year of the district in which the minor resides pursuant to the compulsory education requirements set forth in Utah Code sections 53G-6-201 to 53G-6-211.

EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent bodily injury or loss of life.

ESTABLISHMENT: Any privately owned place of business, whether nonprofit or operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN:

- A. A person who, under court order, is the guardian of the person of minor, or
- B. A public or private agency with whom a minor has been placed by a court.

MINOR: Any person under eighteen (18) years of age.

OPEN CAMPUS: When a compulsory school age minor is allowed by school officials to leave school for lunch purposes.



OPERATOR: Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes members or partners of any association or partnership and the officers of a corporation.

PARENT: A person who is:

- A. A natural parent, adoptive parent, or stepparent of another person, or
- B. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, sidewalks, the common areas of schools, hospitals, apartment houses, office buildings, stores and shops.

SERIOUS BODILY INJURY: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the functions of any bodily member or organ.

TRUANCY HOURS: Those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school.

SECTION 2:

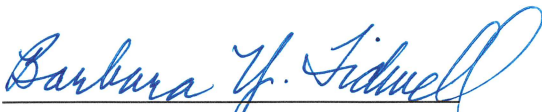
This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS 22nd DAY OF FEBRUARY 2022.

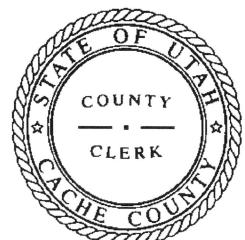
	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6			1

CACHE COUNTY COUNCIL:

ATTEST:


 Barbara Y. Tidwell, Chair


 Jess Bradfield, County Clerk / Auditor





ACTION OF COUNTY EXECUTIVE:

Approved
 Disapproved (written statement of objection attached)

David Zook
David Zook, County Executive

3.14.22
Date



Redline version of Section 9.17.010 to show proposed changes:

9.17.010: DEFINITIONS:

For the purposes of this chapter **the following terms have the meanings indicated:**

COMPULSORY SCHOOL AGE MINOR: A person between the ages of six (6) and eighteen (18) years of age who is not exempted, and must be attending public school or regularly established private school during the school year of the district in which the minor resides pursuant to **the Utah** compulsory education requirements, **set forth in Utah Code Annotated sections ~~53A-11-101 to 53A-11-106~~ 53G-6-201 to 53G-6-211.**

EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent bodily injury or loss of life.

ESTABLISHMENT: Any privately owned place of business, whether nonprofit or operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN:

- A. A person who, under court order, is the guardian of the person of minor, or
- B. A public or private agency with whom a minor has been placed by a court.

MINOR: Any person under eighteen (18) years of age.

OPEN CAMPUS: When a compulsory school age minor is allowed by school officials to leave school for lunch purposes.

OPERATOR: Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes members or partners of any association or partnership and the officers of a corporation.

PARENT: A person who is:

- A. A natural parent, adoptive parent, or stepparent of another person, or
- B. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, sidewalks, the common areas of schools, hospitals, apartment houses, office buildings, stores and shops.

SERIOUS BODILY INJURY: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the functions of any bodily member or organ.

TRUANCY HOURS: Those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school.