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MINUTES 7/11/95

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THE CACHE COUNTY COUNCIL MEETING MINUTES

July 11, 1995

The Cache County Council met in regular session on the 11th day of July, 1995 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

Council members present: Chairman Sarah Ann Skanchy; Vice Chairman C. Larry Anhder; Council members present were Guy Ray Pulsipher, H. Craig Petersen, Jerry L. Allen and Darrel L. Gibbons. Councilman Layne M. Beck was absent and excused.

Others present: Cache County Executive M. Lynn Lemon; Cache County Clerk Stephen M. Erickson; Cache County Attorney Scott Wyatt; Cache/Rich Tourist Council Director Maridene Alexander; Cache Chamber of Commerce President Doug Thompson; Hyrum City Library Board member Theodore J. Kindred; Representatives from the local news media and other interested citizens.

CALL TO ORDER

Council Chairman Sarah Ann Skanchy called the meeting to order at 5:00 p.m. and welcomed all who were in attendance.

INVOCATION

The invocation was given by Vice Chairman C. Larry Anhder.

KINDRED, THEODORE: HYRUM CITY'S OUTSTANDING CITIZEN

The Council recognized Ted Kindred as the 1995 outstanding Hyrum City citizen.

AGENDA & MINUTES

The agenda for the meeting was discussed adjusted and approved.

The minutes of the regular Council meeting held on June 27, 1995 and sent to all Council members were corrected and approved. ...

REPORT OF THE COUNTY EXECUTIVE

The County Executive M. Lynn Lemon reported on the follow items:

*Corrected  
minutes*

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1. Appointments: The following individuals were recommended for appointment.

Eggleston, Kenneth LaMar: Deputy Sheriff

A motion to approve the appointment was made by Councilman Gibbons. It was seconded by Councilman Allen and passed unanimously.

Donald G. Linton: Deputy County Attorney

Attorney Linton was introduced to the Council by County Attorney Scott Wyatt. Wyatt reported that the County now has 4 full time attorneys. Linton told of his past experience and said that he was happy to be with the County. He has been a past prosecuting attorney for Logan City.

A motion to approve Lintons appointment was made by Vice Chairman Anhder. It was seconded by Councilman Allen and passed unanimously.

2. Public Hearing: CDBG Emergency Funds

Executive Lemon convened a public hearing at 5:15 p.m. to discuss and receive public input on CDBG Emergency Funds for Cache Industries. Lemon explained that an additional \$10,000.00 was granted to Cache Industries because of construction problems at their new facility. Members of the audience were asked for comment? Hearing no comments Lemon closed the public hearing. Lemon said that the purpose of the hearing was to inform the public and to give them opportunity to express concerns about the matter.

3. Resolution No. 95-23: Air Quality's Proposal

Executive Lemon said that the State Air Quality Board is meeting to discuss a revision of the air standards in the State. They want to do away with any burning period in the fall. The adoption of Resolution No. 95-23 will state the County's opinion on the matter.

(See attachment #1)

A motion to adopting Resolution No. 95-23 was made by Councilman Pulsipher. It was properly seconded and carried unanimously.

4. Substance Abuse Contract:

The Substance Abuse Advisory Board is recommending that a

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portion of the program financing come from the DUI fund. The Council, who is the Substance Abuse Authority, discussed the contract and services provided by the state. It was recommended that since the county contracts with the state to provide substance abuse services, the county should have a say in what the services are.

5. New State Transportation Plan:

The State has presented a new transportation improvement plan for the state. That is nearly the same as before. The BRAG Governing Board is recommending that the State Transportation Commission & UDOT continue the plan to build new bridges and to place the portion of highway from Tony Grove to Franklin Basin in 1997. The plan is in the Executive's office and Council members were invited to come in and review if they want.

6. Solid Waste Fee's:

Cache By Products are complaining about the new disposal fee they are being charged to dump dead animals in the landfill. They now want to double their pickup costs to pay for it. Some Mayors have also complained about the added cost to them. Councilman Gibbons suggested that to encourage the proper disposal of dead animals in the County that the fee should be dropped. Chairman Skanchy suggested that the cities maybe charged and not Cache By Products. No decision was made on the issue and Executive Lemon will continue to investigate the problem and will make recommendations to the Council in a future meeting.

7. Warrants: The county warrants were presented to the County Clerk for filing.

TOURIST COUNCIL REPORT: MARIDENE ALEXANDER

The Director of the Cache/Rich Tourist Council Maridene Alexander reported on information concerning tourism in the County. The room tax and occupancy percentage were reviewed. Alexander said that a new sign advertising the area has been installed on I 15 in Salt Lake. A new brochure draft was shown to the Council. The Tourist Council will be hosting a convention, in May of 96, for the Governors Council on State Tourism. Council members were invited to sit on a committee that will organize the event. Recommended needs for county infrastructure on tourism was discussed.

(See attachment #2)

Alexander reported that it has been hard getting the matching

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funds from the Utah Tourist Council. Possible Hotel/Motel and convention center construction was discussed. The Council discussed ways that the room tax could be used. Alexander was asked to research how other counties were using the room tax.

**BUDGETARY MATTERS: INTRA-DEPARTMENTAL TRANSFERS**

The following intra-departmental budget transfer was discussed and presented to the Council for approval:

1. Building & Grounds: \$4,000.00

(See attachment #3)

A motion to approve the transfer was made by Councilman Allen. It was seconded by Councilman Gibbons and passed unanimously.

**PUBLIC HEARING: SURPLUS PROPERTY-MAY TAX SALE-HYRUM, UTAH**

Chairman Skanchy convened a scheduled public hearing at 6:00 p.m. to receive input on a proposal to declare a parcel of property as surplus. The County took possession of the property at the May tax sale. The property was actually sold at auction to a bidder but the Council denied the sale because of legal description problems and neighbor complaints.

The audience was asked for comment. Hearing none a motion to close the public hearing was asked for.

A motion to close the public hearing was made by Councilman Allen. It was seconded by Councilman Pulsipher and it passed unanimously.

Councilman Gibbons moved to declare the property as surplus. It was properly seconded and carried unanimously.

**RESOLUTION NO. 95-24: SURPLUS PROPERTY-HYRUM**

Resolution No. 95-24 will if adopted allow the sale of the above surplus property. The Resolution will be drafted after negotiations concerning the price of the property which will be done by Executive Lemon.

**PUBLIC HEARING SET: BUDGET OPENING-1995**

Chairman Skanchy explained the need to set a public hearing to receive public input on proposed changes in the 1995 budget.

A motion to set a public hearing on July 25, 1995 at 6:00 p.m.

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to make adjustments in the 1995 budget was made by Councilman Gibbons. It was properly seconded and carried unanimously.

TAX ABATEMENT: HARDSHIP REQUESTS

Chairman Skanchy reported that the Carolyn Wuthrich application that had been tabled in the previous Council meeting has been denied by the County Auditor. A letter has been sent to her explaining that her application did not meet the necessary requirements for tax abatement.

The Council discussed a request for tax abatement from Kathleen Flannery who qualifies for a \$270.97 abatement.

A motion to approve the request was made by Councilman Gibbons. It was seconded by Councilman Pulsipher and passed unanimously.

(See attachment #4)

RESOLUTION NO. 95-25: ECCLES THEATER RESTAURANT TAX GRANT

A resolution granting the Eccles Theater restaurant tax allocation was presented to the Council as first reading.

(See attachment #5)

A motion to waive the rules of first and second reading and adopt Resolution No. 95-25 was made by Vice Chairman Anhder. It was properly seconded and carried unanimously.

SUBDIVISION PLAT APPROVAL: DENNIS SORENSEN

Executive Lemon presented a mylar copy of a minor subdivision for Dennis Sorensen. Lemon said that the County Planning Commission has approved the subdivision with certain conditions. Lemon was asked to read the conditions written on the plat. It is a three lot subdivision in the College Ward area.

It was moved by Vice Chairman Anhder to approve the subdivision. It was seconded and carried unanimously.

COUNTY BOUNDARY LINE:WEBER/CACHE-PLAT APPROVAL

A mylar plat describing a boundary line between Weber & Cache County was presented to the Council by Executive Lemon for approval. Lemon explained that the line between the two counties

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in this area has been a problem for some time. The Weber County Surveyor and Cache County Chief Deputy Surveyor have now agreed on where the line is. A ski resort on the Weber County side is trying to expand and some of that expansion will be on the Cache County side. The resort can't get a building permit from Cache County until the boundary line problem has been solved. The Council expressed concern about road and tax problems. Executive Lemon will follow up on the concerns.

A motion to approve the plat was made by Councilman Gibbons. It was properly seconded and carried unanimously.

**PUBLIC HEARING SET: CONDITIONAL USE PERMIT APPEAL PROCESS**

Chairman Skanchy told the Council that since the Council had changed the appeal process last winter to having the County Executive hear the appeals a number of complaints have come about. Some think that more than one person should hear the appeals. The County Planning Commission is recommending that a group of individuals hear the appeals. Chairman Skanchy is recommending that a public hearing be scheduled to receive public input on the issue.

It was moved by Councilman Gibbons and seconded by Vice Chairman Anhder to set a public hearing on August 22, 1995 at 6:00 p.m. in the Council Chambers. The motion passed unanimously.

**RESOLUTION NO. 95-26: COVE-UTAH POWER EASEMENT**

Utah Power & Light Company is asking the County to grant them an easement to extend their power lines in the Cove area. Resolution No. 95-26 as drafted would grant the requested easement.

(See attachment #6)

Councilman Gibbons moved that the rules of first and second reading be waived and that the resolution be adopted. It was properly seconded and passed unanimously.

**RESTAURANT TAX GUIDELINES:DISCUSSION**

The Council reviewed the present policy regarding the allocation of the collected restaurant tax. Areas of concern were discussed such as what the grant money would be used for, the type of projects that should receive the grants etc.

Theodore Kindred, a member of Hyrum city's Library Board was given permission to speak. Kindred said that the State Library Board will not be giving any grants next year. He feels that

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something needs to be done to support the libraries in the County even to use the restaurant tax if necessary. Councilman Petersen said that the law is not clear on how restaurant tax money is to be spent regarding libraries and as of now the tax can't be used for libraries. Kindred said that the state legislature should clarify the law and include libraries. The County Attorney Scott Wyatt was asked to write his opinion on the law. Chairman Skanchy will list items concerning the restaurant tax policy for future discussion in a Council meeting.

COUNCIL MEMBER REPORTS


Councilman Pulsipher: He is concerned about the County road system. He mentioned that the road North of the USU Historical Farm should have a speed limit of 25 mile per hour. The Council discussed the current road chipping policy. Councilman Gibbons pointed out that chipping the roads saves money in the long run because it cost less to maintain after they have been oiled and chipped. Pulsipher also expressed concern about the 3 blocks of road through Paradise. Apparently it is part of the highway but the state, county or city doesn't take care of it.

Vice Chairman Anhder: Anhder said that the Planning and Zoning meetings that have started meeting in the afternoons should move back to an evening meeting. He feels that the public would be better served if the meetings were held at night.

Councilman Allen: Allen said that the State Legislature is not helping the Counties as it was originally set up to do. It was suggested that those who represent the County in the state legislature be asked to attend the council meetings to update the Council on their activities.

ADJOURNMENT

Chairman Sarah Ann Skanchy adjourned the Council meeting at 7:30 p.m..

  
**ATTEST:** Stephen M. Erickson  
Cache County Clerk

  
**APPROVED:** Sarah Ann Skanchy  
Council Chairman

CACHE COUNTY  
RESOLUTION NO. 95-23

A RESOLUTION IN OPPOSITION TO THE DIVISION OF AIR QUALITY'S PROPOSAL TO DISCONTINUE THE FALL BURNING PERIOD.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the interest of the citizens of the County to oppose the proposed cancellation of the fall burning period as proposed by the Division of Air Quality.

THEREFORE, the Cache County Council hereby adopts the following resolution:

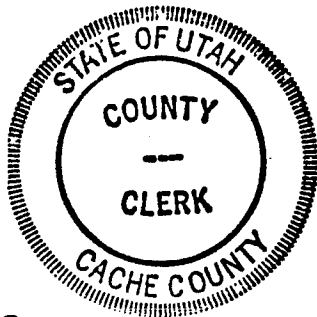
BE IT RESOLVED that

Section 1: The proposed cancellation of the fall burning period.

Cache County opposes the proposed cancellation of the fall burning period by the Division of Air Quality.

This resolution shall become effective immediately upon adoption

This resolution was adopted by the Cache County Council on the 11th day of July, 1995.



CACHE COUNTY COUNCIL

By: Sarah Ann Skanchy  
Sarah Ann Skanchy, Chairman

ATTEST TO:

Stephen M. Erickson  
Cache County Clerk

**ROCKY MOUNTAIN LODGING REPORT  
UTAH EDITION  
LOGAN**

<u>ROOM NIGHTS</u>						
	<u>1994</u>		<u>1995</u>		<u>Chng In</u>	<u>Chng In</u>
	<u>Available</u>	<u>Occupied</u>	<u>Available</u>	<u>Occupied</u>	<u>Occupied</u>	<u>Occupied</u>
January	9,114	4,476	9,114	5,265	789	17.6%
February	8,232	4,597	8,232	5,265	668	14.5%
March	<u>9,114</u>	<u>6,323</u>	<u>9,114</u>	<u>5,763</u>	<u>(560)</u>	<u>-8.9%</u>
TOTAL	26,460	15,396	26,460	16,293	897	5.8%
<u>OCCUPANCY RATE FOR THE QUARTER</u>						
	<u>1994</u>		<u>1995</u>		<u>INCREASE</u>	
	58.2%		61.6%		3.4%	
<u>OCCUPANY PERCENTAGE</u>						
	<u>1994</u>	<u>1995</u>	<u>CHANGE</u>			
January	49.1%	57.8%	8.7%			
February	55.8%	64.0%	8.2%			
March	69.4%	63.2%	-6.2%			

<u>AVERAGE ROOM RATE</u>				
	<u>1994</u>	<u>1995</u>	<u>\$ CHNG</u>	<u>% CHNG</u>
January	\$34.64	\$37.88	\$3.24	9.4%
February	\$36.43	\$40.30	\$3.87	10.6%
March	\$37.80	\$40.59	\$2.79	7.4%
AVERAGE	\$36.29	\$39.59	\$3.30	9.1%

<u>REVENUE</u>				
	<u>1994</u>	<u>1995</u>	<u>\$ CHNG</u>	<u>% CHNG</u>
January	\$155,049	\$199,438	\$44,390	28.6%
February	\$167,469	\$212,180	\$44,711	26.7%
March	<u>\$239,009</u>	<u>\$233,920</u>	<u>(\$5,089)</u>	<u>-2.1%</u>
TOTAL	\$561,527	\$645,538	\$84,011	15.0%

This data does not represent all of Cache County, only those properties which report.  
The identity of reporting properties is proprietary.  
Data by Rocky Mountain Lodging Report  
Analysis by Cache Chamber of Commerce

# Cache County Infrastructure Needs

↔ **Major attractions in Bridgerland:**

- # 1 BEAR LAKE
- # 2 LOGAN CANYON
- # 3 Various Festivals and Local Events

↔ Are any taxes collected from top two attractions? Some, in the form of restaurant tax and gas tax on individual tourists in cars and recreational vehicles, as well as from overnight stays in campgrounds and motels. But not as much as we could collect!

↔ **Bus Tour Groups:** Number of buses through Logan Canyon each summer include:

Tauck Tours: 2 buses/day

Globus Gateway: 2 buses/day

Other bus companies: 42 buses/day (5 buses/hour)

↔ Summer tour days =  $105 \times 46$  buses/day = **4,830 bus groups per summer**

↔ **Question:** How much money do we generate from bus tour groups?

**Answer:** Not much! Only some local restaurants benefit:

Hardees

McDonalds

Albertsons

Bluebird Cafe

And now ... JJ North's

↔ **Convention Business:** Ask anyone how they like Logan, and your answer is positive, they enjoy visiting and conducting business in Logan. Cache County is a prime candidate to become a popular convention area. Since Cache County is only 80 miles from the major population base of Salt Lake City, we are already attracting a large number of convention groups that return year after year (Small Satellite, Tole Painters, etc.). We have so much to offer convention participants: a large selection of activities, recreation, food factories and quaint art and souvenir shops. This valley could fill a convention facility that could accommodate a group up to 500. Conferencing would help fill empty motel rooms during March, April, October, and November. The question is, does Cache County build a convention facility, or will it be built by a new hotel group.

☛ Suggested infrastructure attractions to stop tourists and increase taxes collected from tourists passing through Cache County:

- Permanent site for Festival of the American West
- Tourist stop near Hwy. 89 to feature plenty of restrooms, nice, large souvenir shop and a Dutch-oven cookout lunch/dinner option.
- Tourist-oriented RV Park
- IMAX Theatre: Mountainmen, early pioneer theme.
- Outlet Shopping Center
- Right kind of Museums
- Convention facilities

◆ **Definition of restaurant tax:**

Foster development of tourism, recreation, cultural and convention facilities in Cache County in order to further the welfare of the citizens of the County and its economic growth. The projects should be directed to further the economic development of the county.

★ **Congrats on existing infrastructure projects:** Ellen Eccles Theatre and Willow Park Complex.

**The Question is:** Where can we go from here? Where do we want tourism and economic development to be five years from now? Is **NOW** the time to build for the future?

# REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

Department: Buildings & Grounds  
Date: July 7, 1995

Amount to be transferred --- (rounded to the nearest dollar) \$ 4,000.00

Transfer from ---

Line Item No.	<u>10 - 4160 - 730</u>	
Fund Designation:	<u>Improvements</u>	
Original Budget:	\$ <u>25,900.00</u>	\$ _____
Current Budget:	\$ <u>40,076.00</u>	\$ _____
Expenditures to date	\$ <u>2,709.92</u>	\$ _____
Balance before transfer	\$ <u>37,366.08</u>	\$ _____
Balance after transfer	\$ <u>33,366.08</u>	\$ _____

Transfer to ---

Line Item No.	<u>10 - 4160 - 120</u>	
Fund Designation:	<u>Temporary Employees</u>	
Original Budget:	\$ <u>-0-</u>	\$ _____
Current Budget:	\$ <u>5,120.00</u>	\$ _____
Expenditures to date	\$ <u>3,965.00</u>	\$ _____
Balance before transfer	\$ <u>1,155.00</u>	\$ _____
Balance after transfer	\$ <u>5,155.00</u>	\$ _____

Description of needs and purpose of transfer ---

To pay painters for additional work. ie. Bathrooms in Clerks office, hallways in executive/county attorney area.

Michael K. Nelson  
Department Head

Recommendation:  Approval      [ ] Disapproval  
Comments:

Date: 7/11/95

James Stones  
Cache County Auditor

Recommendation:  Approval      [ ] Disapproval  
Comments:

Date: 7/11/95

M. Bryan Lendon  
Cache County Executive

Consented by the Cache County Board of Commissioners meeting in regular session on the 11th day of July, 1995.



Stephen M. Erickson  
Cache County Clerk

CACHE COUNTY

RESOLUTION NO. 95-<sup>25</sup>

A RESOLUTION APPROVING THE ALLOCATION OF REVENUES FROM THE TOURISM, RECREATION, CULTURAL AND CONVENTION TAX TO LOGAN CITY FOR APPLICATION TO THE ELLEN ECCLES THEATER AND BULLEN CENTER.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that Section 9 of Ordinance No. 94-12 authorizes the County Council, acting upon the recommendation of the Cache County Executive, to approve the allocation and application of revenues derived from the 1% tourism, recreation, and cultural and convention tax; that the Cache County Executive has recommended the allocation to Logan City of an amount not exceeding \$77,075.00 for application thereof to the Ellen Eccles Theater and Bullen Center, a public facility as defined by state law and Ordinance No. 94-12, and that this is an acceptable and appropriate allocation and application of revenues derived from that Tax.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that:

Section 1: Allocation of Tax to Logan City

The allocation of an amount equal to the principal and interest accruing on the P.C.I.B. loan as of July 1, 1995, not to exceed \$77,075.00 from the 1% tourism, recreation, cultural and convention tax collected for the period October 1, 1994 to September 30, 1995, to Logan City for its exclusive application thereof to the Ellen Eccles Theater and Bullen Center which are under the management of the Capitol Arts Alliance is hereby approved.

Section 2: Effective Date

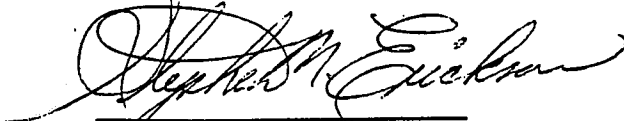
This resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the 11<sup>th</sup> day of July, 1995.

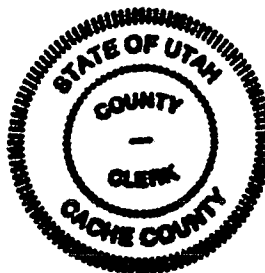
CACHE COUNTY COUNCIL

By Sarah Ann Skanchy  
Sarah Ann Skanchy, Chairman

ATTEST TO:



Stephen M. Erickson  
Cache County Clerk



CACHE COUNTY

RESOLUTION 95-26

A RESOLUTION APPROVING THE GRANTING OF AN EASEMENT FOR A FIVE FOOT RIGHT-OF-WAY TO PACIFICORP, dba UTAH POWER & LIGHT COMPANY AND AUTHORIZING THE COUNTY CLERK TO EXECUTE THE EASEMENT GRANT.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interest of Cache County to approve the granting of a 5 foot right-of-way to Pacificorp, dba Utah Power & Light for power lines, related transmission and distribution facilities.

Now therefore, the Cache County Council adopts the following resolution:

BE IT RESOLVED that

SECTION 1: APPROVAL

The Cache County Council approves the granting of a non-exclusive easement for a 5 foot right-of-way to PACIFICORP dba UTAH POWER & LIGHT COMPANY, across real property located in Cache County, Utah. The center line of the right-of-way is described as follows:

Over the north 5 feet of the Grantor's land, being 5 feet south of and adjacent to the following described north boundary line of said Grantor's land:

Beginning at the northwest corner of the Grantor's land at a point 50 feet south and 230 feet west, more or less, from the northeast corner of Section 14, T.14 N., R.1 E., S.L.M., thence East 230 feet, more or less, along the Grantor's north boundary line to the northeast corner on said land and being in the NE 1/4 of the NE 1/4 of said Section 14.

Except from the above that portion of line over, across and/or upon 12600 North Street right of way.

SECTION 2: AUTHORIZATION TO EXECUTE EASEMENT GRANT

The Cache County Clerk is hereby authorized and directed to execute an easement grant of the said 5 foot right-of-way to PACIFICORP dba UTAH POWER & LIGHT COMPANY.



SECTION 3: EFFECTIVE DATE

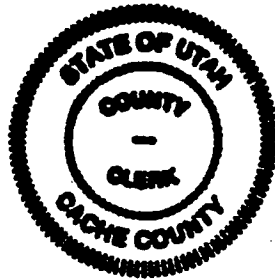
This resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the 11th day of July, 1995.

CACHE COUNTY COUNCIL

By: Sarah Ann Skanchy  
Sarah Ann Skanchy  
Chairman

ATTEST TO:



Stephen M. Erickson  
Stephen M. Erickson  
Cache County Clerk

## EASEMENT GRANT

CACHE COUNTY, a municipal corporation, a body politic of the State of Utah, as Grantor, does hereby convey to PACIFICORP dba UTAH POWER & LIGHT COMPANY, a corporation of the State of Utah, as Grantee, and its successors and assigns, for the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive easement for a right-of-way 5 feet in width for the erection, operation, maintenance, repair, alteration, enlargement, inspection, relocation and replacement of electric transmission and distribution lines, communication circuits, fiber optic cables and associated facilities, and no poles and no guy anchors, with the necessary stubs, crossarms, craces and other attachments affixed thereto, for the support of said lines and circuits, (hereinafter collectively called "facilities") on, over, under and across real property of the Grantor located in Cache County. The centerline of said right-of-way is described as follows:

Over the north 5 feet of the Grantor's land, being 5 feet south of and adjacent to the following described north boundary line of said Grantor's land:

Beginning at the northwest corner of the Grantor's land at a point 50 feet south and 230 feet west, more or less, from the northwest corner of Section 14, T.14 N., R.1 E., S.L.M., thence East 230 feet, more or less, along the Grantor's north boundary line to the northeast corner on said land and being in the NE 1/4 of the NE 1/4 of said Section 14.

Except from the above that portion of line over, across and/or upon 12600 North Street right of way.

(See attached plat)

Grantee, and its successors and assigns, shall have and hold the said right-of-way as long as such facilities shall be maintained. Grantee shall have the right of ingress and egress to and from said right-of-way from adjacent properties of the Grantor, at a point and in a manner approved in advance by the Grantor, to maintain, operate, repair, inspect, protect, remove and replace the same. During temporary periods, but only with the prior consent of the Grantor, Grantee may use such portion of the property of the Grantor along and adjacent to said right-of-way as may be reasonably necessary in connection with the construction, maintenance, repair, removal or replacement of the facilities.

Grantor reserves the right to use said premises and to grant rights-of-way to other parties through and across the same premises for ingress and egress and for the installation, maintenance, operation, and repair of utility lines with

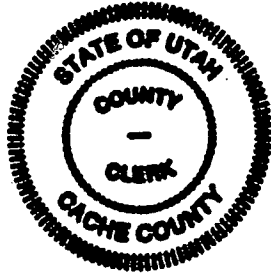
or without the consent of the Grantee, provided that such use or other rights-of-way do not interfere with the facilities or other rights granted to Grantee by this easement grant.

Neither Grantor nor any party to whom the Grantor shall grant an easement shall build or construct, nor permit to be built or constructed, any building or other improvement over or across said right-of-way, nor change the contour thereof, without the prior written consent of the Grantee.

This easement grant shall be binding upon and inure to the benefits of the successors and assigns of both the Grantor and Grantee. Grantee shall have the right to assign this easement in whole or in part.

IN WITNESS WHEREOF, Grantor has executed this easement grant this 11th day of July, 1995.

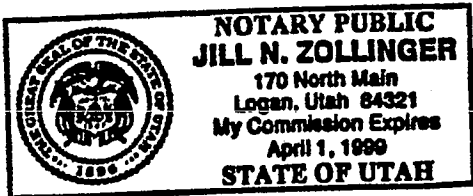
CACHE COUNTY



By: Stephen M. Erickson  
Stephen M. Erickson  
Cache County Clerk

STATE OF UTAH     )  
                          ) ss,  
COUNTY OF CACHE )

The foregoing easement grant was acknowledged before me this 12th day of July, 1995, by Stephen M. Erickson, Cache County Clerk, as an act of and by Cache County pursuant to law.



Jill N. Zollinger  
Notary Public