

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
13 MARCH 2001**

**COUNTY COUNCIL MEETING
MINUTES INDEX**

13 MARCH 2001

ABBOTT, TONY: SPORTSMAN FOR FISH & WILDLIFE PRESENTATION	3
AUBREE HEIGHTS MINOR SUBDIVISION - FINAL PLAT APPROVAL	7
ADMINISTRATION BUILDING	6
ADVISORY BRD RESTAURANT TAX ALLOCATION: RESOLUTION NO. 2001-10 ...	3
ANDERSON, CARVIN: APPOINTMENT - WEED BOARD	2
APPOINTMENT: ANDERSON, CARVIN - WEED BOARD	2
BEAR RIVER HEALTH DEPARTMENT UPDATE: WEIBEL, MIKE	2
BOARD OF EQUALIZATION - TAX EXEMPTION REQUESTS	8
CLOUD SEEDING REPORT	2
COTTONWOOD GROVE ESTATES MINOR SUB - FINAL PLAT APPROVAL	7
EASEMENT AGREEMENT - CACHE COUNTY/RIVER HEIGHTS CITY	8
FINAL PLAT APPROVAL - AUBREE HEIGHTS MINOR SUBDIVISION	7
FINAL PLAT APPROVAL - COTTONWOOD GROVE ESTATES MINOR SUB	7
FINAL PLAT APPROVAL - SPRING CREEK MINOR SUBDIVISION	7
GREENHALGH, LORENE: PROPOSED ZONING FEE CHANGES	4
POLICY ON SURPLUS COMPUTERS	9
POLICY ON SURPLUS FIREARMS	9
RESOLUTION NO. 2001-10: ADVISORY BRD FOR RESTAURANT TAX ALLOCATION ..	3
RESOLUTION NO. 2001-11: AUTHORIZING EXECUTIVE TO EXECUTE EASEMENT AGREEMENT .	8
RESOLUTION NO. 2001-12: FORMATION OF COMMITTEE TO STUDY CONSOLIDATION OF ELECTED OFFICES AND THE CREATION OF A PUBLIC WORKS DEPARTMENT	5
RESOLUTION NO. 2001-13: FORMATION OF COMMITTEE TO STUDY CREATION OF DISTRICT ATTORNEYS OFFICE IN CACHE COUNTY	6
REVIEW OF ELECTED OFFICIALS	5
RIVER HEIGHTS CITY/CACHE COUNTY - EASEMENT AGREEMENT	8
SPRING CREEK MINOR SUBDIVISION - FINAL PLAT APPROVAL	7
SPORTSMAN FOR FISH & WILDLIFE PRESENTATION: ABBOTT, TONY	3
TAX EXEMPTION REQUESTS - BOARD OF EQUALIZATION	8
WEED BOARD APPOINTMENT: ANDERSEN, CARVIN	2
WEIBEL, MIKE: BEAR RIVER HEALTH DEPARTMENT UPDATE	2
ZONING FEE CHANGES (PROPOSED): GREENHALGH, LORENE	4

CACHE COUNTY COUNCIL MINUTES

13 March 2001

The Cache County Council met in a regular session on 13 March 2001 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

Council Chairman: Darrel L. Gibbons

Council Vice-Chairman: Layne M. Beck

Council Members: John Hansen, H. Craig Petersen, Kathy Robison, Cory Yeates.

(Council member Anhder arrived at 5:10 p.m.)

Executive: M. Lynn Lemon

County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Pat Parker, Tamra Stones, Evelyn Palmer, Scott Wyatt, Mike Gleed, Mark Teuscher, Jim Smith, Lorene Greenhalgh, Byron Bateman, Tony Abbott, Kevin Blotter, Jim Blotter, Zan Summers, Mayor Doug Thompson, Mike Weibel Jennie Christensen(KVNU), Paul Allen (Herald Journal).

CALL TO ORDER:

Chairman Gibbons called the meeting to order at 5:03 p.m..

INVOCATION:

Council member Kathy Robison offered the invocation.

REVIEW AND APPROVAL OF AGENDA:

Item 9b on the agenda was amended to read Proposed Zoning *Fee* Changes.

REVIEW AND APPROVAL OF MINUTES:

The minutes of 27 February were discussed, corrected and approved.

Council Meeting
13 March 2001

REPORT OF COUNTY EXECUTIVE:

County Executive Lemon reported on the following:

1. Appointments:

Appointment: Carvin Anderson - Weed Board

Executive Lemon expressed appreciation to Larry Parker who has served on the Weed Board for more than 20 years. Carvin Anderson will be replacing Mr. Parker.

Council member Yeates moved to approve the appointment. Council member Hansen seconded the motion. All members in favor. Council member Anhder absent.

2. Warrants: The County Warrants for the periods of February 6th to 8th, February 18th to 22nd and February 26th to March 5th, 2001 were presented to the County Clerk for filing.

OTHER ITEMS:

1. Forest Service: The Forest Service has a new proposal for Counties to receive their share of the State's payment. Executive Lemon has asked the Forest Service to come and explain their proposal to the Council in a future meeting.

2. Cloud Seeding: The Cloud Seeding Report for the month of February lists the snowpack water content for Cache County at 65% of normal. Executive Lemon asked the Council to consider possibly extending the program into April if there is any funding left over.

3. Water Policy Advisory Board Meeting: The Water Policy Advisory Board will hold a public meeting on March 20 at 7:00 p.m. at the Bridgerland Applied Technology Center in room 303.

4. Protecting Our Agricultural Heritage Conference: The Cache Countywide Planning and Development Office is helping sponsor this important conference on preserving our agricultural heritage. It will be held on April 3, 2001 at the American West Heritage Center, 4025 South Highway 89/91, Wellsville, Utah. Executive Lemon encouraged Council members to attend.

BEAR RIVER HEALTH DEPARTMENT UPDATE: MIKE WEIBEL

Mike Weibel, Bear River Health Department's public information officer came before the Council to review the time table for their annual report. Mr. Weibel explained to the Council that the report would be coming out in October. They hope that the report can be a guide for

Council Meeting
13 March 2001

Governmental entities that are in the budget process at that time.

Executive Lemon questioned Mr. Weibel concerning a new Immunization Policy which will raise the costs of immunizations? Mr. Weibel confirmed that the rates would increase around the first part of April. Individuals that are under-insured or uninsured will still receive a reduced rate. Those who have insurance will pay full price. Mr. Weibel stated that this just exemplifies what Dr. Bailey has told the Council a number of times. That there is an alarming trend towards Public Health becoming a fee for service rather than a public service.

The Health Department will be celebrating Public Health Week from April 2 to April 6, 2001. Mr. Weibel explained that this provides an opportunity for health departments across the nation to remind people of the important role public health plays in protecting the community's health every day.

SPORTSMAN FOR FISH AND WILDLIFE PRESENTATION: TONY ABBOTT

Tony Abbott appeared before the Council to explain cost-share funding for County-sponsored Predator Control Programs. Mr. Abbott outlined two general approaches which counties may choose to use in predator control programs. In order to qualify for the matching funds, counties will need to apply to the Utah Department of Agriculture and Food with proof that they have appropriated money for qualifying predator programs. Council member Anhder suggested that the program be done in conjunction with neighboring counties. Council member Beck suggested Mr. Abbott meet with the BRAG board. Chairman Gibbons will contact the BRAG board and set up a time for Mr. Abbott to give his presentation. This item will also be placed on the next Council agenda for further discussion.

(See attachment #1A)

RESOLUTION NO: 2001-10: ADVISORY BOARD FOR RESTAURANT TAX ALLOCATION

Council member Petersen moved to adopt the resolution. Council member Yeates seconded the motion.

Chairman Gibbons lead the discussion on the resolution. Council member Beck questioned the removal of the Executive from the Advisory Board. Council member Anhder suggested having the board set up to receive the Executive's recommendations for allocation and use of the tax. Language will be added to Section 1. to include recommendations from the County Executive.

Chairman Gibbons asked if the Council members were ready to vote on the adoption of Resolution 2001-10 with the approved changes. All members voted in favor.

(See attachment #1)

PROPOSED ZONING FEE CHANGES: LORENE GREENHALGH

Lorene Greenhalgh, County Zoning Administrator appeared before the Council to discuss proposed Zoning Fee changes. Ms. Greenhalgh told the council that the County Planning Commission met on March 5, 2001. They discussed the proposed fee schedule changes. The vote was 4 in favor and 2 against the proposal as presented. The two dissenting votes were in favor of the proposed changes except for the single family dwelling zoning clearance fee. At present the fee for a single family dwelling zoning clearance is \$30.00. They proposed that an increase of \$20.00 to make the fee \$50.00 would be enough. However, the majority vote was to recommend approval of the \$75.00 proposed fee.

Ms. Greenhalgh contacted the following cities for their Zoning Fee schedules: Hyrum, Hyde Park, Logan, Nibley, North Logan, Providence, River Heights, Smithfield and Wellsville. In reviewing these fee schedules most of the cities in the County charge an impact fee which the County does not charge. Chairman Gibbons went through the information submitted by the cities to come up with some of the common fees that are charged in comparison with the proposed County fee increases.

Executive Lemon asked Ms. Greenhalgh about the expenses and revenues of the Zoning office. Ms. Greenhalgh responded that the Zoning Office took in \$22,004.90 in fees. The total budget of the department was \$136,366.00. The fees taken in were only about 17% of the total budget. Ms. Greenhalgh said that it would be helpful to increase the user cost of services from the office to produce more of the actual costs of running the office. With the changes being made in the subdivision ordinance there will not be the number of applicants who will be required to meet with the Planning Commission. A heavier burden will be placed on the Zoning Office Staff for increased services but there will not be as much opportunity to collect fees for those services. Ms. Greenhalgh is doubtful that the increase in fees will bring the total to more than 20% of the total budget.

Executive Lemon also questioned the costs of the appeal fee? The appeal fee would raise from \$30.00 to \$150.00. The Council questioned whether this was fair to the innocent adjacent property owner. Who maybe discouraged to appeal because of the cost. Mark Teuscher commented that there is more work administratively for Ms. Greenhalgh's office in an appeal. Council-member Yeates suggested possibly having the petitioner pay a one time refundable appeal fee. If there are no appeals the fee would be refunded. Executive Lemon would rather see the appeal fee lowered. Council-member Anhder commented that most cities charge an impact fee which the County does not charge. He believes that the County's fees should cover more than 17% of the costs of the Zoning office.

Council-member Anhder recommended that the fee for a Conditional Use Permit for Commercial Use be raised from \$250.00 to \$300.00. That the appeal to the Board of Adjustments be left at

Council Meeting
13 March 2001

\$30.00 and Photocopies fee be left at 10 cents. Council-member Yeates recommended that the fee for Conditional Use Permit for Commercial Use be raised from \$250.00 to \$350.00. That the appeal to the Board of Adjustments be raised to \$50.00.

Council-member Petersen made a motion for approval of the proposed Fee Schedule. Council-member Anhder seconded the motion and then moved for an amendment to the motion. He proposed that a Conditional Use Permit for Commercial Use be \$350.00, appeal to the Board of Adjustments be \$30.00 and photocopies 10 cents. Council-member Hansen seconded the amendment. The vote was 3 yes to 4 no. The amendment failed. Gibbons, Petersen, Robison and Yeates voting no.

Council-member Yeates moved to amend the proposed fee schedule as follows: Conditional Use Permit for Commercial Use set at \$350.00, appeal to the Board of Adjustments \$50.00, Zoning Clearance for Single Family Dwellings at \$50.00 and photocopies 25 cents. Robison seconded the motion and it passed. 6 yes to 1 no. Anhder voting no.

The Zoning Fee Resolution will be on the next agenda for further action.

REVIEW OF ELECTED OFFICIALS

The Council reviewed some questions which were compiled by Council members' Anhder and Hansen along with Human Resource Director, Jim Smith. Council-member Robison questioned whether the questions would be limited to the list? Chairman Gibbons suggested that other appropriate questions may be asked. Council-member Petersen questioned Attorney Scott Wyatt as to the individuals right to privacy? Attorney Wyatt commented that the outlined questions were appropriate. Chairman Gibbons recommended that the review would begin with the first meeting in April. Petersen suggested having one official per meeting for review. Gibbons will select the officials for review in a random drawing.

(See Attachment #2)

RESOLUTION NO. 2001-12: FORMATION OF A CITIZEN COMMITTEE TO STUDY CONSOLIDATION OF ELECTED, ADMINISTRATIVE OFFICES AND THE ADVISABILITY OF THE CREATION OF A PUBLIC WORKS DEPARTMENT.

Council-member Robison read the proposed Resolution. Robison stated that her intentions were not to include the consolidation of elected offices. Robison is interested in public input for the creation of a Public Works Department. Robison cited three reasons for her interest in the Public Works Department: 1. Federal guide lines that the county will need to be in compliance with as far as storm-water management regulations by 2003. 2. The County Road Department has expressed the need for an Engineer. 3. Lighten the work load of the County Executive. Council

Council Meeting
13 March 2001

member Petersen questioned Robison as to why consolidation of elected offices was included in the resolution? Robison sited a miss communication. Robison then introduced a substitute resolution excluding the consolidation of elected offices.

Council-member Beck moved to adopt Resolution No. 2001-12. For lack of a second the motion died.

Council-member Petersen moved to adopt the substitute Resolution. Yeates seconded the motion.

Chairman Gibbons expressed the need for public input on the two issues.

Chairman Gibbons then asked for a vote on the previous motion. The vote was 3 yes 4 no. Hansen, Beck, Gibbons and Anhder voted no.

Council-member Anhder moved to adopt Resolution No. 2001-12. It was seconded by Council-member Beck and passed. 5 yes 2 no. Petersen and Yeates voted no.

Chairman Gibbons encouraged the Council members to bring names of individuals to serve on the committee to the next Council meeting.

(See Attachment #3)

RESOLUTION NO. 2001-13 FORMATION OF A CITIZEN COMMITTEE TO STUDY ISSUE OF CREATION OF A DISTRICT ATTORNEY OFFICE IN CACHE COUNTY.

Council-member Robison read a portion of the proposed resolution. Council-member Beck questioned whether the division of the Attorney's office would provide for an elected District Attorney? Attorney Wyatt stated that the offices by current statute would be elected. Wyatt also expressed that this creation would resolve a conflict of interest in the Attorney's office. The Council discussed the make up of the committee. Chairman Gibbons asked the council to come prepared with names of individuals to serve for the next Council meeting.

Council-member Robison moved for the adoption of Resolution No. 2001-13. Council member Anhder seconded the motion. The motion passed unanimously.

(See attachment #4)

PROCESS FOR A NEW COUNTY ADMINISTRATION BUILDING

Chairman Gibbons asked Executive Lemon to update the Council concerning the status of the State Courts building. Lemon stated that the goal of the State is to be out of the County Building

Council Meeting
13 March 2001

within two years. Lemon discussed several options concerning a new administration building. Council-member Petersen asked Logan Mayor, Doug Thompson about the City's proposal to share an administration building? Mayor Thompson is in favor of the proposal and would like to discuss it further in the near future. It was the consensus of the Council to hold off on further discussion until the report of the Jail Committee is completed.

COUNCIL MEMBER ANHDER LEFT THE MEETING AT 7:10 P.M..

FINAL PLAT APPROVAL - SPRING CREEK MINOR SUBDIVISION

The County Zoning Administrator, Lorene Greenhalgh, reviewed a final plat of the Spring Creek Minor Subdivision with one existing single family dwelling located at 2231 South 1600 West and for the addition of a single family dwelling on each of the two new lots to be located at 2225 South and 2215 South 1600 West, College Ward. Greenhalgh said that the College/Young Township Planning Commission has approved the subdivision and the owner has met all the necessary requirements. The Council reviewed the plat and the location of the subdivision.

A motion to waive the rules and approve the subdivision plat was made by Council-member Petersen. Beck seconded the motion. The vote was 4 "yes" 2 "abstained". Robison and Yeates abstaining. Anhder absent.

FINAL PLAT APPROVAL - AUBREE HEIGHTS MINOR SUBDIVISION

Zan Summers, agent for S. Craig Adams, is requesting final plat approval of a five-lot minor subdivision to be called Aubree Heights Minor Subdivision on 38.48 acres of property in the Agricultural Zone located at 7169 North, 7168 North, 7050 North and 7116 North 550 West (a private road), east of Newton. The Planning Commission reviewed the request for preliminary plat approval and approved the request. The Council reviewed the plat and the location of the subdivision.

A motion to waive the rules and approve the subdivision was made by Council-member Petersen. The motion was seconded. The vote was 5 "yes" 1 "abstained". Yeates abstained. Anhder absent.

FINAL PLAT APPROVAL - COTTONWOOD GROVE ESTATES MINOR SUBDIVISION

James and Jill Blotter, agents for P. Thomas & Jill Blotter, Robert T. & Madalyn L. Newswander, Michael L. Debloois, and Martha J. Adams, are requesting final plat approval of a 3-lot minor subdivision on approximately 17.01 acres of property in the Agricultural Zone. The subdivision is to be called Cottonwood Grove Estates Minor Subdivision. It will have two remaining parcels not eligible for residential development and two lots each with an existing single family dwelling and the remaining lot located at 1290 East 3400 North, south of Hyde Park. The preliminary plat

Council Meeting
13 March 2001

was reviewed by the Planning Commission and approved as presented. The Council reviewed the plat and the location of the subdivision.

Council member Hansen moved to waive the rules and approve the subdivision. Beck seconded the motion and it passed. 5 "yes" 1 "abstained". Yeates abstained. Anhder absent.

APPROVAL OF EASEMENT AGREEMENT - CACHE COUNTY/RIVER HEIGHTS CITY

Executive Lemon told the Council that River Heights City would like the County to grant a 33- foot utility easement. The property is located in the 800 South right of way of the unincorporated County.

RESOLUTION NO. 2001-11: AUTHORIZING EXECUTIVE TO EXECUTE EASEMENT AGREEMENT

Resolution No. 2001-11 would authorize the County Executive to execute the easement agreement granting a 33-foot wide utility easement across its properties along 800 South Street for purposes of installation, operation, and maintenance of underground public utilities with appurtenances.

Council member Petersen moved to waive the rules and adopt the Resolution. Yeates seconded the motion. All members voted in favor. Anhder absent.

(See attachment #5)

COUNCIL MEMBER PETERSEN LEFT THE MEETING AT 7:40 P.M.

BOARD OF EQUALIZATION

The Council moved into a Board of Equalization.

TAX EXEMPTION REQUEST:

The following applications were considered for tax exemption.

Logan Church of Christ
Corporation of Episcopal Church in Utah
Prince of Peace Lutheran Church
Holy Trinity Lutheran Church
Faith and Fellowship Center
The North American Islamic Trust, Inc.
Church of Jesus Christ of Latter-day Saints

Council Meeting
13 March 2001

(See attachment #6)

Council member Yeates moved to waive the rules and approve the requests. Council member Hansen seconded the motion. The motion was approved unanimously. Anhder and Petersen absent.

The Council adjourned from the Board of Equalization.

COUNCIL MEETING CONTINUED

POLICY ON SURPLUS FIREARMS

This item was brought before the Council because of concerns in the Sheriff's Office on the disposal of surplus firearms. Chairman Gibbons suggested having an officer bring some of the firearms for the Council to examine. Executive Lemon will ask an officer to meet with the Council.

POLICY ON SURPLUS COMPUTERS

Executive Lemon would like the Council to consider a policy to donate the County's surplus computers to a local school. The Council was in agreement with the recommendation.

COUNCIL-MEMBER REPORTS

Council member Beck reported that the Fire board has been meeting with the Fire chiefs from the various cities. They have visited Trenton, Paradise, Mendon, and Clarkston examining their new fire trucks and facilities.

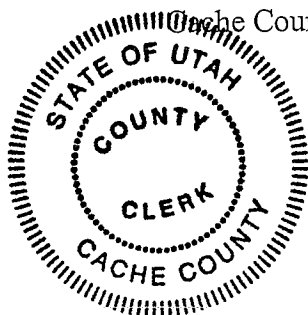
Council member Yeates reported that the Area Forrester will bring to a future meeting some examples of what other Counties have done to preserve their public roads.

ADJOURNED

Chairman Gibbons adjourned the meeting at 7:50 p.m..



ATTEST: Jill N. Zollinger
Cache County Clerk





APPROVAL: Darrel L. Gibbons
Chairman

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email: Michael.J.Bodenchuk@usda.gov

Wednesday, October 4, 2000

Councilmembers
Cache Co Executive
120 N. 100 W.
Logan, UT 84321

Dear : Councilmembers,

As you may know, the 2000 Utah Legislature provided for cost:share funding for county sponsored predator control programs. The money is actually general fund money which has been sent from the Utah Division of Wildlife Resources to the Utah Department of Agriculture and Food (UDAF). The Agriculture and Wildlife Damage Prevention Board recently met to discuss how they wanted UDAF to address county sponsored projects. As the Executive Administrator for the Board I have been instructed to work with the counties in getting cost-share dollars appropriated.

There are two general approaches which counties may choose to use in predator control programs. Several counties already put money into the cooperative USDA-UDAF program to increase predator management, primarily through aerial hunting. These dollars are put into the Predator Damage Control Fund (PDCF) where they are earmarked for work in those counties. Since producers also put money into the PDCF, it is possible for a county to enter into an agreement with a producer group to use those funds for the county matching portion of the program (thereby decreasing the need for county general fund dollars for the match). These funds would be available for a match under this program.

Other counties have opted to re-create the bounty system for predator control. While the Board has a policy which "generally" discourages bounty as a predator management program, a county sponsored bounty program would qualify for matching funds if certain requirements are met. A sample of the types of requirements is enclosed with this letter. While these may vary from county to county, the Board did believe that rules to reduce fraud were important.

In order to qualify for the matching funds, counties will need to apply to the UDAF with proof that they have appropriated money for qualifying predator programs. Those counties that received money last year will be asked to provide proof of expenditures as well. A contract will be signed between UDAF and the county for

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funding for the current year. If livestock groups are funding a portion of the county match, a separate agreement may need to be arranged there.

We recognize that this may be complicated, and are willing to meet with any County Commission interested in the program to explain the process and expedite the contracts. Please feel free to contact either myself (at the address and number above) or Mr. Seth Winterton at (801) 538-7141. We are both anticipating traveling to county meetings throughout October and November to expedite this process.

Sincerely,



Michael J. Bodenchuk
State Director

cc: Cary Peterson, Commissioner
John Kimbal, UDWR

Resolution No. 2001-10

A Resolution Establishing the Cache County Tourism, Recreation, Cultural and Convention Facilities Advisory Board.

Whereas, pursuant to Section 59-12-603, of the Utah Code, the Cache County Council has imposed a tourism, recreational, cultural, and convention tax on restaurant facilities within Cache County; and

Whereas, the Cache County Council of Cache County desires to establish an Advisory Board to advise and comment on the recommendations of the Cache County Executive to the County Council in the allocation and use of the tax for tourism, recreation, cultural and conventional facilities for Cache County.

NOW, THEREFORE, be it resolved by the Cache County Council of Cache County as follows:

Section 1: There is hereby created a Cache County Tourism, Recreation, Cultural and Conventional facilities Advisory Board for the purpose of advising and commenting on the recommendations of the Cache County Executive to the Cache County Council in the allocation and use of the tax for tourism, recreation, cultural and convention facilities for Cache County.

Section 2: The Board shall consist of seven (7) members with four (4) members being from the Cache County Council, one (1) member each representing: (a) the tourist industry; (b) the recreation community; and (c) cultural attractions. All members of the Board shall be appointed by the Cache County Council.

Section 3: The term of a member of the Board will be four (4) years with terms being staggered. Members of the Board may be reappointed. The initial Board shall draw lots to determine which will serve for a term of two (2) years and which shall serve for a term of three (3) years, and which shall serve for four (4) years.

Section 4: A vacancy on the Board shall be deemed to exist in the case of death, resignation, expiration of term, removal of any member, or, in the case of a member who is also a member of the County Council, when that member's term on the County Council or Board Expires, which ever occurs first. Any such vacancy shall be filled by appointment by the Cache County Council.

Section 5: Any Board member may be removed from the Board by a majority vote of the

Cache County Council.

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Section 6: Regular or special meetings of the Board shall occur as called by the Chairperson.

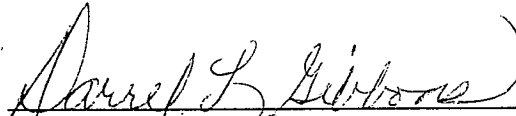
Section 7: A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board. A simple majority of the Board present at a regularly called Board meeting may act on any pre-listed agenda items.

Section 8: The officers of the Board shall consist of a Chair and Vice-Chair, each of whom shall be elected by the majority of members of the Board for a term of one (1) year. Officers may be re-elected.

Section 9: The Board may appoint such committees as the Board may deem necessary. Any committee appointed by the Board shall be chaired by a Board members.

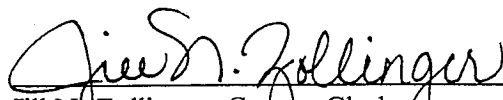
APPROVED AND ORDERED this 13^d Day of March, 2001.

CACHE COUNTY COUNCIL

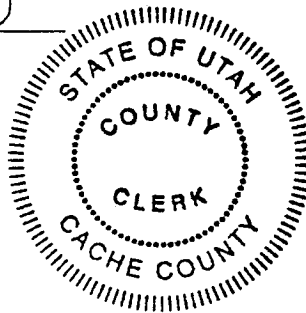


Darrel L. Gibbons, Chairman

ATTEST:



Jill N. Zollinger, County Clerk



Proposed Questions for County Council to ask of Elected Officials
2 March 2001

- What is your primary obligation to Cache County?
- What measurements or standards are available to understand the volume of work or the overall workload of your office?
 - How many employees do you have in your office to assist with the current workload?
- In what way has the workload changed over the past five years? Over the past 10 years?
- Tell us what a typical day in your office is like. When does your work day typically start and end?
- How much time off did you take during the last year?
- Share with us two or three achievements your office experienced in the last year?
- What do you believe to be the biggest issue facing your office today and how do you propose to solve it?
- We appreciate your service and all that you are doing for Cache County. When the time eventually comes for you to leave your elected office, what one thing do you want the citizens of Cache County to remember most about your years of service?

RESOLUTION NO. 2001-12

CACHE COUNTY, UTAH

WHEREAS: In the 1984 general election the people of Cache County voted to change the County's form of government from a three-member Commission form to a seven-member council and executive form of government; and

WHEREAS: Prior to the 1984 election and subsequent change in the form of county government, a citizen-committee reviewed the matter and made recommendations to the Commissioners to assist them and the public in the formal consideration of the proposed change of the form of government; and

WHEREAS: Subsequent to 1984 there has been a continuing dialogue between County policy makers, political leaders and other interested persons in the County about the advisability of consolidating certain elected, administrative offices; and

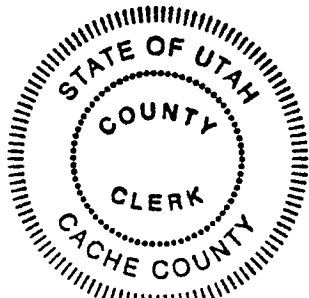
WHEREAS: In 1994 the offices of County Executive and County Surveyor were consolidated; and

WHEREAS: In addition to the possibility of consolidating certain elected, administrative offices, an additional proposal has been raised to create a public works department; and

WHEREAS: There have been discussions by the County Council relative to the merits of these possible changes, and the council has had the benefit of limited community input, but no citizen-committee has been established to formally study the issues and offer recommendations to the Council and public for consideration.

THEREFORE BE IT RESOLVED: By the Cache County Council, State of Utah, that a citizen-committee be established to study the issues set forth above and present recommendations to the Council; that this committee be appointed by the Council; and that the committee focus its efforts on the following two matters generally: (1) the advisability of further consolidation of elected, administrative offices, and (2) the advisability of the creation of a public works department.

BE IT FURTHER RESOLVED: That the committee, established herein, provide their recommendations, in writing, along with specific proposals, if any, prior to June 1, 2001.



ATTEST:

Jill N. Zollinger
Jill N. Zollinger, County Clerk

CACHE COUNTY COUNCIL

By:

Darrel L. Gibbons
Darrel L. Gibbons
Chairman

RESOLUTION NO. 2001-13

CACHE COUNTY, UTAH

WHEREAS: The 1993 Utah State Legislature provided the opportunity for county legislative bodies to separate the duties of a County Attorney into two areas of focused specialization by creating an office of District Attorney; and

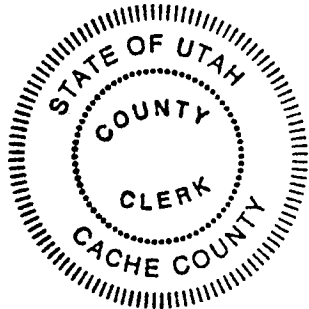
WHEREAS: If a county legislative body created an office of District Attorney for their county, the District Attorney would be a full-time, elected, county official with the charge to prosecute in the name of the state all violations of state criminal statutes, that occur within the county, all other representation would be the responsibility of the County Attorney, who would remain an elected, county official; and

WHEREAS: Certain County policy makers, political leaders and other interested people in the County have expressed an opinion on the advisability of the creation of an office of District Attorney but the issues related thereto have never been formally studied; and

WHEREAS: The County Council would be benefitted by recommendations of a citizen-committee empowered to formally study the issues and offer recommendations to the Council for consideration.

THEREFORE BE IT RESOLVED: By the Cache County Council, State of Utah, that a citizen-committee be established to study the issues set forth above and present recommendations to the Council; that this committee be appointed by the Council; and that the committee focus its efforts on the advisability of creating a Cache County District Attorney's Office.

BE IT FURTHER RESOLVED: That the committee, established herein, provide their recommendations, in writing, along with specific proposals, if any, prior to June 1, 2001.



ATTEST:

Jill N. Zollinger
Jill N. Zollinger, County Clerk

CACHE COUNTY COUNCIL

By: *Darrel L. Gibbons*
Darrel L. Gibbons
Chairman

CACHE COUNTY
RESOLUTION NO. 2001-11

A RESOLUTION APPROVING THE GRANTING OF A 33 FOOT WIDE UTILITY EASEMENT TO RIVER HEIGHTS CITY FOR THE PURPOSE OF UNDERGROUND PUBLIC UTILITIES WITH APPURTENANT FIXTURES TO BE LOCATED IN THE PERMANENT EASEMENT.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to grant to the City of River Heights a 33 foot wide utility easement for the purpose of underground public utilities with appurtenant fixtures to be located in the permanent easement. Said easement will be located along 800 South Street in Cache County, Utah.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the easement agreement granting a 33 foot wide utility easement across its properties along 800 South Street for purposes of installation, operation, and maintenance of underground public utilities with appurtenances.

This Resolution shall take effect immediately upon adoption.

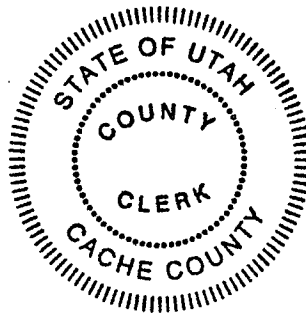
DATED this 13 day of March, 2001.

CACHE COUNTY COUNCIL

By: *Darrel L. Gibbons*
Darrel L. Gibbons, Chairman

ATTEST:

Jill N. Zollinger
By Jill N. Zollinger
Cache County Clerk



Easement Agreement
River Heights City, Utah

THIS AGREEMENT, made this 2nd day of March 2001, by and between Cache County who owns Right of Way along 800 South in Cache County, Utah and hereinafter are referred to as "Grantor," and River Heights City, hereinafter referred to as "Grantee."

WHEREAS, Grantee desires to acquire certain easements from Grantor, which easements are described as:

33 FOOT UTILITY EASEMENT

A 33 FOOT UTILITY EASEMENT LOCATED IN THE 800 SOUTH RIGHT OF WAY. THE EASEMENT BEING DESCRIBED AS THE 33 FEET NORTH OF THE FOLLOWING LINE:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9, BLOCK 34, PLAT "A" PROVIDENCE FRAM PLAT SURVEY AND RUNNING THENCE; WESTERLY 676.29 FEET ALONG SAIND LOT LINE.

Said easement is for the purpose of underground public utilities with appurtenant fixtures to be located in the permanent easement.

NOW, THEREFORE,

1. It is agreed that Grantor hereby grants to Grantee a 33 foot-wide utility easement across its properties as described above for purposes of installation, operation, and maintenance of underground public utilities with appurtenances.
2. Grantor also further grants to the Grantee the right to maintain said easement which maintenance shall be at Grantee's sole cost and expense.
3. The easement herein granted is subject to all existing covenants, conditions, reservations, contracts, leases, including agricultural licenses, easements, liens, encumbrances, restrictions, and rights-of-way of record and appurtenant thereto, and the use of the word "grant" shall not constitute any warranty on the part of the Grantor.
4. Grantor and Grantee shall comply with all regulatory, environmental, and safety requirements and shall not use, deposit, or permit the use or deposit of any hazardous or toxic waste or material or other harmful substances on Grantor's land.
5. Grantee shall be responsible for any damage to the adjoining lands of Grantor resulting from installation, operation, and maintenance of the rights herein granted. Grantee shall repair and restore to original condition of the Grantor's property, including, but not limited to crops, roads, utilities, buildings, and fences that may be damaged or destroyed in connection with the exercise of the easement herein granted.
6. Grantee shall pay all escrow and recording fees incurred in this transaction.

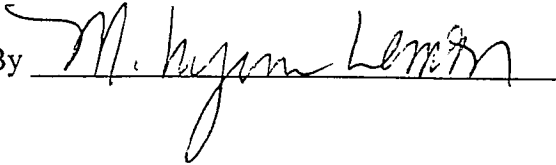
7. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral presentations or modifications concerning this instrument shall be of no force or effect except in a subsequent modification in writing, signed by both parties.

8. This instrument shall bind and insure to the benefit of the respective successors of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

GRANTOR: **Cache County**

GRANTEE: **River Heights City**

By 

By _____
Ralph Degn, Mayor

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: March 2, 2001
SUBJECT: Continuation of Tax Exemption Application -2001

Affidavit: Logan Church of Christ - 06-022-0029 - 240 West 200 North, Logan, UT 84321
06-022-0022 - Parsonage, 258 West 200 North, Logan, UT 84321
(Contact person: Kevin Skidmore, Minister 512-5578)

This application has been reviewed and is complete. This organization serves religious purposes. All real and personal property is used by the church for religious services and activities.

FINDINGS OF FACT - UCA 59-2-1101

The Board finds this organization serves religious purposes and that the land and personal property affidavit as submitted, be granted a tax exemption status for the year 2001. The parsonage (06-022-0022), used exclusively for religious purposes during 2000 and 1999, and included on the exemption affidavits each year, was inadvertently excluded from the memo submitted to the Board. Recommend exemption for 1999, 2000, 2001.

DETERMINATION

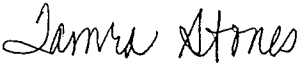
APPROVED TABLED INTENT TO DENY



Cache County Council Chairman

3/13/01

Date

Attested:


Tamra Stones, BOE Clerk

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: March 2, 2001
SUBJECT: Continuation of Tax Exemption Application -2001

Affidavit: Corporation of Episcopal Church in Utah - 06-018-0037 - (Church) 85 East 100 North, 06-018-0001 - 69 East 100 North, 07-048-0007 - 1247 East 300 North, Residence of the Vicar of St. John's, Logan, UT 84321. (Contact Person: Kathleen Evans Daly; President of Corp.; 801-322-4131)

This application has been reviewed. This organization serves religious purposes. All real and personal property is used by the church for religious services and activities.

FINDINGS OF FACT - UCA 59-2-1101

The Board finds this organization serves religious purposes and that the land and the personal property affidavit as submitted, be granted a tax exemption status for the year 2001.

DETERMINATION

APPROVED TABLED INTENT TO DENY

Darrel L. Giddens
Cache County Council Chairman

3/13/01
Date

Attested:

Tamra Stones
Tamra Stones, BOE Clerk

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: March 2, 2001
SUBJECT: Continuation of Tax Exemption Application -2001

Affidavit: Prince of Peace Lutheran Church -04-084-0017 - 2045 North 800 East North Logan, UT 84341. (Contact Person: Pr. Barry Neese, 752-7753)

This application has been reviewed. This organization serves religious purposes. All real and personal property is used by the church for religious services and activities.

FINDINGS OF FACT - UCA 59-2-1101

The Board finds this organization serves religious purposes and that the land and the personal property affidavit as submitted, be granted a tax exemption status for the year 2001.

DETERMINATION

APPROVED TABLED INTENT TO DENY



Cache County Council Chairman

3/13/01

Date

Attested:



Tamra Stones, BOE Clerk

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: March 2, 2001
SUBJECT: Continuation of Tax Exemption Application -2001

Affidavit: Holy Trinity Lutheran Church, MS - 06-084-0017 - 581 North 700 East, Logan, UT 84341. (Contact Person: Chip Anderson, trustee; 750-6805)

This application has been reviewed. This organization serves religious purposes. All real and personal property is used by the church for religious services and activities.

FINDINGS OF FACT - UCA 59-2-1101

The Board finds this organization serves religious purposes and that the land and the personal property affidavit as submitted, be granted a tax exemption status for the year 2001.

DETERMINATION



APPROVED

TABLED

INTENT TO DENY



Carol L. Giddens
Cache County Council Chairman

3/13/01

Date

Attested:



Tamra Stones, BOE Clerk

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: March 2, 2001
SUBJECT: Continuation of Tax Exemption Application -2001

Affidavit: Faith and Fellowship Center -07-007-0009 - 1315 East 700 North, Logan, UT 84341. (Contact Person: Ruth Elizabeth Conine, FFC program director; 753-0002)

This application has been reviewed. This organization serves religious purposes. All real and personal property is used by the church for religious services and activities.

FINDINGS OF FACT - UCA 59-2-1101

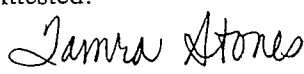
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DETERMINATION

APPROVED TABLED INTENT TO DENY


Cache County Council Chairman

3/13/01
Date

Attested:

Tamra Stones, BOE Clerk

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: March 2, 2001
SUBJECT: Continuation of Tax Exemption Application -2001

Affidavit: The North American Islamic Trust, Inc. - 05-039-0013 - 748 North 600 East, Logan, UT 84321. (Contact Person: Mohammad Almarsri; President of Corp.; 753-2491)

This application has been reviewed. This organization serves religious purposes. All real and personal property is used by the church for religious services and activities.

FINDINGS OF FACT - UCA 59-2-1101

The Board finds this organization serves religious purposes and that the land and the personal property affidavit as submitted, be granted a tax exemption status for the year 2001.

DETERMINATION

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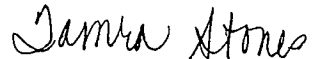


Cache County Council Chairman

3/13/01

Date

Attested:



Tamra Stones, BOE Clerk

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: March 2, 2001
SUBJECT: Continuation of Tax Exemption Application -2001

Affidavit: Church of Jesus Christ of Latter-day Saints - see attached list - (Contact Person: Dale R. Jones; Tax Manager, Appraiser; 801-240-3843)

This application has been reviewed. This organization serves religious purposes. All real and personal property is used by the church for religious services and activities.

FINDINGS OF FACT - UCA 59-2-1101

The Board finds this organization serves religious purposes and that the land and the personal property affidavit as submitted, be granted a tax exemption status for the year 2001.

DETERMINATION

APPROVED TABLED INTENT TO DENY



Cache County Council Chairman

3/13/01

Date

Attested:


Tamra Stones, BOE Clerk