

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
24 APRIL 2001**

**COUNTY COUNCIL MEETING
MINUTES INDEX**

24 April 2001

ADMINISTRATION BUILDING: DISCUSSION	6
AGRICULTURAL PROTECTION AREA - HIIBNER: PUBLIC HEARING SET	5
ALLEN, GERALD: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
AMBULANCE:	3
ANHDER, LARRY: APPOINTMENT - RESTAURANT TAX ADVISORY BRD.	2
APPOINTMENT: ALLEN, GERALD - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: ANHDER, LARRY - RESTAURANT TAX ADVISORY BRD.	2
APPOINTMENT: ARNOLD, MIKE - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: BECK, LAYNE - RESTAURANT TAX ADVISORY BRD.	2
APPOINTMENT: BRAY, VERN - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: CHAMBER, JOE - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: CORAY, CHRIS - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: DAINES, GEORGE - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: EDWARDS, AMANDA - DEPUTY AUDITOR	2
APPOINTMENT: GORDON, DAVID - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: HANSEN, JOHN - RESTAURANT TAX ADVISORY BRD.	2
APPOINTMENT: HAWKES, LEONA - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: HERZBERG, ROBERTA - COMMITTEE CONSOLIDATION/PUBLIC WORKS .	2
APPOINTMENT: ISRAELSEN, DEE - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: JENKINS, JIM - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: KARTCHNER, GENE - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: NELSON, LYNN - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: OLSEN, HERM - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: PALLEY, MARY - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: PERRY, DAVID - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: SIMMONS, RANDY - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: SMITH, LAVAR - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: SORENSEN, DAVID - COMMITTEE-DISTRICT ATTORNEY	2
APPOINTMENT: SWENSON, LARRAINE - COMMITTEE CONSOLIDATION/PUBLIC WORKS .	2
APPOINTMENT: WABEL, TARA ANDERSEN - DEPUTY AUDITOR	2
APPOINTMENT: WESTON, RANDY - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
APPOINTMENT: YEATES, CORY - RESTAURANT TAX ADVISORY BRD.	2
ARNOLD, MIKE: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
BECK, LAYNE: APPOINTMENT - RESTAURANT TAX ADVISORY BRD.	2
BOARD OF EQUALIZATION: IHC REGIONAL HOSPITAL	6
BRAY, VERN: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
CHAMBERS, JOE: APPOINTMENT - COMMITTEE-DISTRICT ATTORNEY	2
CORAY, CHRIS: APPOINTMENT - COMMITTEE-DISTRICT ATTORNEY	2
DAINES, GEORGE: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2
EDWARDS, AMANDA: APPOINTMENT - DEPUTY AUDITOR	2
GORDON, DAVID: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS	2

24 April 2001
INDEX CONTINUED

HANSEN, JOHN: APPOINTMENT - RESTAURANT TAX ADVISORY BRD. 2
HAWKES, LEONA: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS 2
HERZBERG, ROBERTA: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS . 2
IHC REGIONAL HOSPITAL-FINDINGS OF FACT 6
ISRAELSEN, DEE: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS 2
JAIL: DISCUSSION 7
JENKINS, JIM: APPOINTMENT - COMMITTEE-DISTRICT ATTORNEY 2
KARTCHNER, GENE: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS 2
NIBLEY CITY-AG. PROTECTION JOINT HEARING 9
NELSON, LYNN: APPOINTMENT - COMMITTEE-DISTRICT ATTORNEY 2
OLSEN, HERM: APPOINTMENT - COMMITTEE-DISTRICT ATTORNEY 2
ORDINANCE NO. 2001-01 - ADOPTING CACHE COUNTY CODE 9
PALLEY, MARY: APPOINTMENT - COMMITTEE-DISTRICT ATTORNEY 2
PARADE: SMITHFIELD HEALTH DAYS 20
PUBLIC HEARING: CACHE COUNTY & AGRICULUTURAL PROTECTION BRD .. 9
PUBLIC HEARING SET: AGRICULTRUAL PROTECTION AREA - HIIBNER 5
PUBLIC HEARING SET: DECLARE SURPLUS LAND 5
PROCLAMATION: SAFE KIDS WEEK 3
RS2477 ROADS 2
ROPELATO-AG. PROTECTION JOINT HEARING 9
RESOLUTION NO. 2001-19: DECLARING CERTAIN ROADWAYS PROVIDING ACCESS TO UNITED STATES
DEPARTMENT OF AGRICULTURE, NATIONAL FOREST SYSTEM LANDS TO BE PUBLIC ROADS 8
ROAD CLOSURE - 3700 NORTH CLOSURE 3
ROADS - RS2477 2
SAFE KIDS WEEK - PROCLAMATION 3
SMITH, LAVAR: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS 2
SMITHFIELD HEALTH DAYS PARADE 20
SORENSEN, DAVID: APPOINTMENT - COMMITTEE-DISTRICT ATTORNEY 2
SURPLUS LAND: PUBLIC HEARING SET 5
SWENSON, LARRAINE: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS . 2
WABEL, TARA ANDERSEN: APPOINTMENT - DEPUTY AUDITOR 2
WESTON, RANDY: APPOINTMENT - COMMITTEE CONSOLIDATION/PUBLIC WORKS 2
WYATT, SCOTT - DEPARTMENT REPORT 3
YEATES, CORY: APPOINTMENT - RESTAURANT TAX ADVISORY BRD. 2

CACHE COUNTY COUNCIL MINUTES

April 24, 2001

The Cache County Council met in a regular session on 24 April 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 (*Vice Chairman Beck arrived at 6:00 p.m.*)

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

Executive: M. Lynn Lemon

County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Pat Parker, Tamra Stones, Scott Wyatt, Jim Smith, Mayor Doug Thompson, Sheriff Lynn Nelson, Dick Collins, Mike Gleed, George Daines, Newel Daines, Kelly Pitcher, George Whitney, Glen Jay Thornley, Jim Jenson, Roy Ropelato, Mayor Jay Nelson, Paul Leishman, Jerry Alder, Penny Trinca, Gordon Zilles, Brian Cannell, Todd Hallock, Ed Nelson, Bruce Karren, Wes Roundy, Paul Allen (Herald Journal) Jennie Christensen (KVNU).

CALL TO ORDER:

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

INVOCATION:

The invocation was given by Lynn Lemon.

REVIEW AND APPROVAL OF AGENDA:

The agenda was amended to included under "Item 6" Proclamation - Safe Kids. There were no other changes to the agenda and it was approved as amended.

REVIEW AND APPROVAL O F MINUTES:

The minutes of the regular Council meeting held on April 10, 2001 were approved as written.

Council Meeting
24 April 2001

REPORT OF COUNTY EXECUTIVE: LYNN LEMON

County Executive Lemon reported on the following:

1. Appointments: **Consolidation of Elected Offices/Formation of Public Works Department Committee** - Roberta Herzberg, Lorraine Swenson, Gene Kartchner, Leona Hawkes, Mike Arnold, Dee Israelsen, David Gordon, Randy Weston, George Daines, Vern Bray, Randy Simmons, Gerald Allen, LaVar Smith.

Creation of a separate District Attorney/County Attorney Office Committee - David Sorensen, David Perry, Jim Jenkins, Joe Chambers, Herm Olsen, Mary Palley, Chris Coray, Lynn Nelson.

Council member Robison moved to approve the above appointments. Council member Yeates seconded the motion and it carried unanimously. (Beck & Anhder absent)

Appointments: Tara Andersen Wabel - Deputy Auditor
Amanda Edwards - Deputy Auditor

Council member Yeates moved to approve the appointments. Council member Hansen seconded the motion and it carried unanimously. (Beck absent)

Appointments: **Restaurant Tax Advisory Board** - Larry Anhder, Layne Beck, John Hansen, Cory Yeates.

Council member Robison moved to approve the appointments. Council member Hansen seconded the motion and it carried unanimously. (Beck absent)

2. Warrants for the periods of April 9th to the 12th and April 16th to the 19th 2001 were presented to the County Clerk for filing.

OTHER ITEMS:

1. The County has been involved in litigation related to RS2477 road issues. The County had selected and submitted 10 roads for that purpose. The Bureau of Land Management, Forest Service and the State are working to resolve these road issues without going through litigation, but they are keeping the option of litigation open. The County will proceed with getting as much history as possible on these roads. Governor Leavitt would like the County to form a Volunteer Committee to work to resolve these RS2477 road issues.

Council Meeting
24 April 2001

2. In a prior Council meeting held in December 2000 the Council passed a motion to close 3700 North. This road will be official closed this week for the Airport runway expansion. The Airport Authority is making arrangements to give notice of the road closure.

3. The County has been working for more than 18 months trying to resolve the Ambulance issue as it relates to the County's contract with Logan City. About a month ago an Ambulance proposal was made to the County Council. This same proposal has been made to the Fire Chiefs, the Mayors and also to the EMS and First Responders. Kelly Pitcher and Executive Lemon have also met with a number of these individuals trying to garner support for that proposal. They have not been able to get that support. Executive Lemon has met with Paul Patrick from the State EMS Council and they will work toward bringing a new proposal to the Council by the next Council meeting.

ITEMS OF SPECIAL INTEREST:

Chairman Gibbons asked Council member Hansen to read a proclamation declaring May 5-12, 2001 as **SAFE KIDS WEEK** in Cache County.

(See Attachment #1)

Council member Hansen moved to approve the proclamation. Council member Anhder seconded the motion and it carried unanimously. (Beck absent)

DEPARTMENT REPORT - CACHE COUNTY ATTORNEY: SCOTT WYATT

Attorney Scott Wyatt explained to the Council that since 1995 when he started in the County Attorney's office their case load has increased in Criminal cases by 79.8%. They have one additional attorney which is a staff increase of about 20%. Of the 29 counties in the State, Cache County ranks at the bottom in terms of Attorneys per capita. With a 79.8% increase in cases and a 20% increase staff and being dead last in the State in terms of Attorneys per capita, this provides a way of looking at what the Attorney's office has accomplished.

In the area of sexual assaults Attorney Wyatt pointed out an article that appeared in the magazine Glamour in 1994. Glamour highlighted Cache County as one of the worst offices in the Country to prosecute crimes against women. Since that time the County Attorney's office was awarded a grant. They have produced a Crisis Rape video with KSL that was aired on Prime Time television. This video has been distributed all over the world and has received a number of awards. They are also receiving a Special Recognition Award from the Justice Department.

Council Meeting
24 April 2001

Utah has more meth labs per capita than any State in the Union. Meth labs tend to move out to rural areas. Cache County along with another rural County prosecuted one of the first meth lab cases in Utah under the new Meth Lab laws. Results of the aggressive drug prosecution used in Cache County, meth labs have been reduced.

Cache County is one of 6 Counties in Utah that has a Drug Court. This is an intensive project that requires extra work on behalf of the Judge, Prosecutors and Defense Attorneys. It is a very successful program.

Three years ago the Council funded an additional Prosecutor for Juvenile Court. Attorney Wyatt believes a far better job is being done in Juvenile Court. The case load in Juvenile Court is increasing with more serious crimes.

The Victim's Advocacy Program in the County which was begun only five years ago, is one of the top grant recipients. They have received \$141,000.00 in grants. This program has been highlighted to Congress as one of the top six programs in the Country.

Attorney Wyatt also informed the Council that the Ordinances of the County have been codified and he has those now for the Council to review.

Council member Hansen complimented the Attorney's office on work well done.

DISCUSSION:

Council member Hansen: Why couldn't someone in your office assume the roll of the District Attorney responsibilities?

Attorney Wyatt: Up until Pat Nolan's departure he was a full time Civil deputy. Don Linton and Wyatt now share those responsibilities. Instead of having one person we have two people working on that together. The real advantage to us in terms of people, you can have one person whose soul dedication is civil and other people whose soul dedication is criminal. The criminal world is very deadline specific where you have ten days to do this, fifteen days to do this, five days to do this and a trial to prepare. And it ends up in a small office overwhelming the civil. On the other hand if Wyatt has the responsibility for overseeing criminal and civil matters. Then he has to have training to keep current on all the laws that are criminal and civil to satisfy his responsibilities. If there are two separate offices then Wyatt can go to less training and he can be current on fewer legal matters. He can specialize and focus. Even when Pat Nolan was a full time Civil deputy Wyatt still had a lot of Civil requirements. So for manpower, training efficiencies and specialization it works better. There are other reasons to do it as well. Some of those are conflicts of interest. For example on the Stacy Waggoner criminal prosecution that cost the County a fair amount of money in criminal defense fees. Attorney Wyatt appeared before Judge Hadfield explaining that the fees were getting beyond reason. Judge Hadfield told Wyatt that he had a conflict of interest.

Council member Petersen: What would be the additional costs of a District Attorneys office?

Wyatt: We would propose hiring one more Attorney.

Council member Anhder: What about secretarial staff?

Wyatt: I think we can probably work that out in the office.

Anhder: That is if we have a District and County Attorney office.

Wyatt: What happens is you set it up and then there is an Election and someone is elected.

Executive Lemon: So Scott you are saying that you could share secretarial staff ?

Council Meeting
24 April 2001

Wyatt: Yes, but it would mean one additional Attorney and some other little additions.

Petersen: Would there be someone in your office that would work exclusively for that person?

Wyatt: One person would be the County Attorney and four or five would be District Attorneys.

Council member Robison: Scott you mentioned before that there might be a chance of sharing some of that cost with Rich County. Is that a possibility?

Wyatt: The Sheriff in Rich County has contacted us and asked if the County decides to create a District Attorneys office. Would you consider doing it with Rich County? If the two Counties could agree to it, Wyatt would be willing.

Petersen: There is no statutory problem with that?

Wyatt: We can create a District Attorney. This would be a Judicial District, which in our case is three counties.

Anhder: Is there any provision for hiring or appointing the County Attorney?

Wyatt: Only for a time period before the next election.

Anhder: Which means that if we have an elected County Attorney that represents the Council and their actions. We have no control over that person and the way that they would represent us. We would basically have a Doug Short situation.

Wyatt: You have 29 counties and there is only one Doug Short and that is in Salt Lake County. He came in and went bizarre on everybody, but there were 28 other County Attorneys that were functioning well. There are two types of Attorneys those who like criminal and those who like civil and they are really different in a lot of ways. When there was a election 5 or 6 years ago and the public were given a choice of a criminal verse a civil. They picked a criminal and they probably will every time.

Lemon: Is there a District Attorney in any other County in the State? They used to have one in Salt Lake and they did away with that. Is that correct?

Wyatt: They consolidated the two offices and they are trying to figure a way to de-consolidate now.

Lemon: We don't have one anywhere that you are aware of?

Wyatt: There are a lot of Counties that have thought about it.

Chairman Gibbons: If the Council makes the decision not to change the status of your office. If you have had 80% increase in case load and a 20% increase in staff and you are the lowest staffed to population in the State. What is your moral like in your office?

Wyatt: We have a philosophy in the office that this is an Elected Office/Leadership Office this is not a management office. And I think this has made morale better.

PUBLIC HEARING SET: AGRICULTURAL PROTECTION AREA - HIIBNER

It was moved by Council member Yeates to set the Public Hearing on May 8, 2001 at 6:00 p.m.. It was seconded and carried unanimously. (Beck absent)

PUBLIC HEARING SET: DECLARE SURPLUS LAND - Clarkston TV Translator

It was moved by Council member Anhder to set the Public Hearing on May 8, 2001 at 6:05 p.m.. It was seconded and carried unanimously. (Beck absent)

Council Meeting
24 April 2001

BOARD OF EQUALIZATION: Findings of Fact - IHC Regional Hospital

Council member Yeates made the motion for the Council to move into a Board of Equalization. Council member Hansen seconded the motion and it carried unanimously. (Beck absent)

(See Attachment #2)

Council member Anhder moved to accept the findings and determination for Tax Year 2001. Council member Robison seconded the motion and it carried unanimously. (Beck absent)

PROPOSAL COUNTY ADMINISTRATION BUILDING: George and Newel Daines

George Daines reviewed with the Council a map of the Courthouse block. County Offices could be sited in this block. Daines explained the area of the Wilkinson Building and the parking lot adjacent to it. The slot ends up being 83 feet by 137 feet. It matches the back end to the existing buildings. As I talked to Lynn and understood what the proposal would be, we would essentially replace the access that the businesses lose by having access from the West, and then you'll also have more access on 100 North and off 200 North. All of the offices would have windows facing the North looking out over to the Courthouse. That grassy-treed area would be adjacent to both buildings. The size is large enough to accommodate about 34,000 square feet that you could put 3 floors in. It was thought that the building would actually look better if it was slightly higher than the Needham Building; so that would be about 42 Feet high. That would give us 3 floors with 10 foot high ceiling, 2 or 3 foot between floors for mechanic. You could put drop-in ceilings. You could put elevators in it, and then have a main entry to the North and a centered entry to the West and a centered entry to the East.

The Wilkinson Building would be torn down and a new building would be put in. We thought it would be a good idea to imitate the brickwork so that it matches downtown. We would like to build a historical red-brick building and actually make the building look period so that it doesn't clash with the Courthouse. Essentially it is all symmetrical. The front to the East almost squares up perfectly with the old post office across the street. You could really do a lot that would enhance downtown Logan.

Discussion:

Lemon: We are in a historical district. Do we have to have the historical group approve this? Do we have any idea what their attitude toward this is?

Newel Daines: Absolutely. We have already had this building approved to be 24 feet wide and have been through all of the appeals process and everything. All we are doing is we are making it even better.

George Daines: We are just making it a bit wider, but it is the same design that we would put through. We need a commitment because we are interested in our bank building access. If we are to close the main street access, we

Council Meeting
24 April 2001

have got to have that access off of 100 West. If we don't do that the businesses really lose the accesses that they need, but they would be better served with these other accesses.

George Daines: You own all of the land except what the Wilkinson building is on. So you really don't have a cost there. So, the estimate figures would be somewhere between \$80 to \$100 per square foot. That would be about 3.5 Million dollars and then it go up 4.2 if you are up to \$100 per square foot. For actual costs you would need plans drawn up and get a bid. The price paid for the Wilkinson Building was \$250,000. There are some holding costs and some money has been put into it. We are roughly guessing around \$300,000 depending on what our costs are. We are not looking for a profit. In order to sell, we have to replace it with another facility.

George Daines: After this building is completed, you could renovate the Courthouse.

Petersen: You seem to have three requirements:

1. You want to recover your costs of selling
2. You want to have some assurance that the style is compatible with the block.
3. You want some access in the back.

George Daines: There is a 4th. We would like the other businesses to agree. We would like to see the old Courthouse restored. This could be a real anchor in downtown Logan. The core of that building is a beautiful old building.

If you decided to do this we would be very happy to assist you provided that you understand our needs. And that is that we have to get our other site for the Mortgage Company.

Lemon: The challenge is that the Daines are ready to move on the Wilkinson building; so, we need to make a decision on this as quickly as possible.

Chairman Gibbons thanked the Daines' for their proposal and will put this item on the next agenda for further action.

VICE CHAIRMAN BECK ARRIVED

CACHE COUNTY JAIL: Discussion

Chairman Gibbons called the Council's attention to a letter from the State Legislature regarding the Legislative position of funding county jail contracts.

(See Attachment #3)

Chairman Gibbons asked Executive Lemon if he had any additional information on the Jail. Executive Lemon referred to information sent to the Council regarding comparisons for the different alternatives on the Jail proposal.

Tamra Stones gave some estimates on a \$150,000.00 home a GO bond would raise property tax \$44.02 based on 2000 final values; a sales-tax bond would be \$44.50; and a lease-revenue bond would be \$55.94. These are subject to change based on the values of the last equalized year when we determine the payment. For a business valued at \$150,000.00 a GO bond would be \$80.00; sales-tax bond \$81.00; lease-revenue bond \$150.00 a year. The most cost effective would be a GO bond.

Council Meeting
24 April 2001

Gibbons asked the Council how they would like to continue with respect to the jail?

DISCUSSION:

Anhder: In view of the letter from the Legislature and an article that appeared in the paper maybe we should just put it on auto-pilot for a while.

Robison: I think that we should at least wait until their June 20th meeting, to see what their further notice will entail.

Anhder: Maybe we should do some more investigations and re-think our position.

Lemon: Asked the Sheriff his opinion on the letter?

Sheriff Nelson: My impression on this letter is no different than all of the discussions we have been in. This letter encourages the legislation side of the whole argument that we have been hearing from corrections. He thought the plan is still in place, and Corrections were still in the process of developing their 5-year plan. At this point the legislature might feel they have over-extended themselves to some degree. They have lost some trust or confidence in what is being reported from our impressions, and they just want to bring that back into balance this year. For anything different to happen, they've got to wither enter into a building-project mode and build additional space onto the prison whether it is at the Point of the Mountain, or Gunnison or a whole new prison. There is not much in the drawings except for some small additions onto Gunnison that could potentially happen.

Chairman Gibbons will keep this item on future agendas for further discussion.

Discussion:

Beck: Asked the Sheriff his opinion of what the Legislature will do for us after the June 20 meeting? Would the legislation be more prepared to either say yes counties we'll do something with you or we won't?

Nelson: That was my impression. I think that they have that goal in place so that is where they were headed. That is basically what the Legislature did this year. They said these are the hoops that we want the Counties to jump through. So we jumped through those hoops this year, and we are basically on track with what they had in mind. There was three or four other counties that were in the background said they might be interested in having that in their future too. That's what got the legislature nervous. These other counties were jumping on this bandwagon without jumping through the hoops that they were trying to identify.

Beck: So these hoops were created by the Legislature for Counties to go through to obtain contracting from Corrections?

Sheriff: That's right. Millard County was going ahead with their construction. Beaver County has put theirs off for a year, which is exactly in line of what we have been talking about this whole year since the Legislature ended. It still leaves us up in the air as to what is going to happen in the future and whether it's going to handle our future growth.

RESOLUTION NO. 2001-19: - Declaring Certain Roadways Providing Access to United State Department of Agriculture, National Forest System Lands to be Public Roads

Executive Lemon told the Council that he would develop an "Exhibit A" to go along with this resolution listing any roads that may have been used for at least 10 years to access the National Forest. Yeates interjected that we needed to list all of the roads. Lemon re-affirmed that and clarified that this proposal was just for the purpose of initially looking at it. There will also be a committee formed to address this issue.

There was no action taken at this time.

Council Meeting
24 April 2001

ORDINANCE NO. 2001-01 - Adopting the Cache County Code

Chairman Gibbons explained that this ordinance deals with codification. The ordinance will be put on the agenda for pending action for the next meeting.

No action taken.

REQUEST FOR FULL TIME BAILIFF FOR FIRST JUDICIAL DISTRICT JUVENILE COURT

According to Executive Lemon initially \$35,000 had been proposed for part-time Bailiff help. The agreement was that if the Court would agree to increasing their rent, then the County would agree to use that funding to help them with bailiff service. The Sheriff's Offices, Civil Division, are now asking to have an additional full-time employee rather than having part-time help.

Dick Collins affirmed this. He said Juvenile court crime is increasing and puts a workload in excess on the Juvenile system as far as bailiffs. There are now two Juvenile Court Judges were before there was only one; therefore the workload has increased. It is really tough to find enough part-time people.

Lemon is not opposed to this idea but he feels that the State needs to help with the funding for court security.

Chairman Gibbons assigned Executive Lemon to bring a formal proposal to the next meeting for action to be taken either to accept or to reject this issue.

JOINT PUBLIC HEARING: Cache County Council and Agricultural Protection Advisory Board - to receive public input on the Notice of Condemnation by Nibley City - Ropelato Properties, L. C. (Affected property - Parcel Tax I. D. No. 03-045-0001)

Chairman Gibbons explained that in a previous Council meeting the Council had approved the Ropelato Agricultural Protection Area. The reason for the meeting tonight is that Nibley City has made a request for condemnation of easement of the Ropelato property. The request has now been appealed to the Cache County Council and also the Agricultural Protection Advisory Board. It is our responsibility to hold a public hearing for the affected parties and concerned citizens.

A letter from Hallock & Hallock, a professional corporation, was received by the Council. The purpose of this letter was two fold:

1. The first purpose was to object to the participation of Larry Anhder in the process and to ask that Mr. Anhder be recused.

Council Meeting
24 April 2001

2. The second purpose was to set forth that it is the position of Ropelato Properties, L.C. that Nibley has not met the requirement of Utah Code Annotated Section 17-41-405.

(See Attachment #4)

Scott Wyatt, was asked to give counsel as to Larry Anhder's participation in this process.

Wyatt spoke to the legal aspects of the Utah State Code. The first section, 67-64 really talks about a former employee who has specialized information, controlled, tried, or protected information that he/she had acquired as a result of the hiring process and the use of. There is no secret or protected confidential information being used personal benefits at this time. The other section, sub-section 9, talks about no public officer or public employee shall have personal investments in empathy which creates substantial conflict. He did not think that an employee of an agency creates a personal investment that is really a financial investment. He did not feel that there was a conflict. If there was a conflict, what it would require is a disclosure of the conflict and then the person would make a decision as to whether or not he wants to participate in this action. The discussion here probably constitutes the disclosure in effect in this case.

Gibbons asked Council member Anhder his feelings on the matter and what he would like to do.

Anhder: What the County Attorney said basically sums my understanding of, it and that there is not a conflict. I don't stand to gain personally from this at all. My salary is not based on it or by what discussion is made here or anything like that; but probably in the interest of appearance,

Gibbons asked Attorney Wyatt to also address the role that each of the two bodies would display.

Wyatt: The way the Statute reads for in the domain a municipality such as Nibley City can not exercise their powers unless after this public hearing, both bodies, that is the Advisory Council and the County Council, affirmatively vote to allow condemnation. The Council and the Advisory Board has the same by-laws, which are to uphold or to defend or to improve something. For example: the Council votes to approve the condemnation, and the Advisory Board votes to not approve it, then it can't be done. In order to vote in favor of doing it, each board need to find that there is not reasonable and prudent alternative for the use of the land. If you don't make a vote within 60 days of the pursuit of the notice of condemnation, it would be a no vote.

Gibbons asked if any members of either body wanted to ask questions of the attorney?

DISCUSSION:

Petersen: When did the clock start?

Lemon: The letter is dated March 16th and we received it March 19th.

Hansen: Scott, I have a question. I'm a property owner down West of this proposed sewer; and from your definition, it could be that I would be a question mark because I would have something to gain. I need clarification.

Wyatt: In terms of conflicts of interest or in terms of what?

Hansen: In terms of this hearing and what we are about.

Wyatt: If your vote on the Council will work to create some type of financial benefit for you or for someone that you are connected to closely, some investment that you've got, or your wife, or a business that you owned interest in and if this will work to create a financial benefit for you, then you need to disclose that; and then you make a decision as to whether or not you want to excuse yourself of functioning on the Council.

Gordon Zilles: I've got exactly the same question for you because I farm right beside of John. I think we need to look this because if the sewer doesn't go through it makes a difference, but I don't think that's the case because we're talking about a very particular part of the project, aren't we?

Wyatt: Let's say that one of you works for a company that will financially benefit by this project as it is instructed, and you are voting on who is going to do the instruction.

Zilles: What our benefit would be would be increase in land value.

Wyatt: I think that you could argue that every present value will go up.

Zilles: What I am saying is is it a legitimate concern?

Scott: I would think that being a member of the municipality to enter a sewer project to raise a conflict that you could vote on a dozen different alternatives to put in a sewer, and none of them would create any benefit to you personally except for the fact that any one of a dozen proposals would increase your value to have a sewer. Even though everybody understands that conflict, it is still your decision. There are legal conflicts and there are proceed conflicts. From what you told me, I don't see that either one of those are a legal conflict.

Zilles: Elected to stay.

Bruce Karren: The questions I've had in our board meetings is that if we vote to say let eminent domain pass, does that weaken today's legislation.

Wyatt: No. They have gone through the process. The statute that creates the agriculture-protection says right in the middle of it this is the process. You could make an equal argument on the other side.

Beck: It would set a president in future Ag-protection like this. If a municipality was attempting to create through condemnation an easement through an Ag-protection zone, we would then have precedence set that is what we have done in the past. Each case can be considered individually, and it should be. The statute is very clear about that because you are supposed to do a finding of fact.

Wyatt: I think I can argue with that with equal energy. If you allow one to create precedence for adding more on the one hand; and on the other hand if you never allow it at all, the statute that allows for these things becomes meaningless; the legislature might want to change it.

Hansen: Scott, Is this Ag-protection Law so new on the books that it has never been challenged at this point?

Wyatt: That would be correct.

Beck: Has it only been in place three years?

Lemon: It was first initiated in 1995.

Hansen: When was the first one done in Cache County?

Lemon: About 1997.

Chairman Gibbons determined that with that information it would be appropriate to hear from Nibley first to present their proposal and their concerns. Following that presentation it would be appropriate to hear from the Ropelatos and then from any other interested parties.

Nibley City's Proposal and Concerns:

Attorney Brian Cannell spoke for Nibley City. His partner and associate, Herm Olsen, from the Law Firm of Hillyard, Anderson, and Olsen sent the letter dated March 16, 2001.

Cannell first spoke about the statute and that it does allow for eminent domain powers to be utilized by condemning if they can show special needs. The legal standard cited by Mr. Wyatt was annotated in Utah Code Section 17-41-405, sub 4-a is not believed have specific application in this matter because that is not being done; this ground is not being used as a highway, or being used a storage site for solid or liquid waste or to dispose of waste. There is a difference here. It is believed that the appropriate standard is under sub 4-b. That was the standard sighted by Mr. Hallock in his letter outlining the standard that you have to follow tonight.

(See Attachment #5)

The understanding of the standard is that sub-b applies in which it requires an "either or" not an "and." Mr. Hallock sighted an "and." If "and is used, one element must be defined and then the other; but if there is an "or" in the statute, one or the other.

The statute was sighted as follows: It says that the proposed condemnation would not have a adverse effect upon the preservation enhancement of agricultural protection area, **or** there is no reasonable and prudent alternative use of the land for the protection area for the project.

So, that's that standard we submit tonight as we outline the specific project, and the fact that the project is for an easement and not for a permanent fixture above ground; and that it is actually going to be a sub-surface utility line that there is no unreasonable effect. We submit that close condemnation would not have an unreasonably adverse effect on the preservation and enhancement of agriculture. The following will happen if we obtain this deed by way of condemnation: We will go in, and we will place the sewer line; we will recover it, and we'll re-seed the area. Again, we don't believe that this is with adverse effect.

As we present that tonight, I want you to keep that standard in mind. Mr. Wyatt may have a different opinion as to that standard.

DISCUSSION:

Scott Wyatt: When I read this, I included an easement for moving liquid waste material included in their definition of disposal of solid liquid waste materials. Condemnation for highway purposes or for the disposal of solid or liquid waste materials. I assume that an easement to run a pipe through is for a that purpose. I didn't read it as requiring ponds of the project. I just read it for that purpose, and that is what the purpose is for to dispose of solid or liquid waste. I would be happy to look back again.

Council Meeting
24 April 2001

Cannell: We have looked at the annotation, and there is nothing further that clarifies the impression that we lack with the site. In talking with Mr. Hillyard, that would include an easement were you would include looking at the fact that that would include an easement where you are pulling the waste through and would actually be a disposal site for that material. We have liquid waste material and solid materials that directly impact that property because there have been those substances stored on that site. We can approach it with both of those requirements in mind and maybe have the board make a specific finding as to each. Depending tonight on how the bodies approach the question.

Mayor Nelson of Nibley City outlined the specific proposal for this new sewer system.

(See Attachment #6)

Background information:

In 1980 Nibley experienced very little growth, and was considered an agricultural area. However in the late 1980's and 1990 area we have experienced a tremendous amount of growth. Nibley experienced being one of the fastest growing communities in the Valley. Initially as I assumed office in 1993; the first phone call was from Representative Evan Olsen of College Ward requesting that Nibley initiate action to determine if septic tanks could contaminate the ground water. Shortly before 1990 the State of Utah placed Nibley high on the priority list for installation of a sewer system by the Division of Environmental Quality. In 1994 Nibley had several large subdivisions started, and growth has continued. Recently we were considered in the last Census as 75% growth increase. In 1996 based on these circumstances the Council decided to find some method in providing the services for the City. The Council was able to solicit financial assistance from water quality, and an engineering firm was selected. It has taken us three years to design and obtain financing to complete an eight-and-a-half million dollar project. Bids have been accepted and or awarded of the contract that's depending the outcome of our easements. The Ropelato property in question is necessary to service a subdivision that can not gravity feed into the main trunk line. A engineering design has placed a line on the bank of an existing irrigation company that should resolve in a very low impact to the property upon completion. Also, land holes will be buried to allow the property to be farmed without obstruction.

Improvements of the City concerned him; however, he could not dictate how his neighbors develop their property. Proposed condemnation in the mayor's opinion would not have an unreasonable adverse effect upon the preservation and the enhancement of the agricultural area that is in question. There is 660 feet in this trunk line that has been requested to be obtained for those reasons.

Discussion:

Gibbons: You're saying there will be no surface structures?

Nelson: Manholes will be buried 2 feet below the surface.

Paul Leishman: You have all the other easement in line?

Nelson: Yes.

Leishman: Including the ones that are on the highway?

Nelson: We don't have the easements on the lower sections on this trunk line.

Leishman: Okay, then you don't have all the easements in place.

Nelson: On this trunk line; this is the preferred route. There isn't an alternative path. There is grade level. We drop off at the trunk. It is not feasible for us to gravity other than through this area.

Council Meeting
24 April 2001

Leishman: But there is a way to do it if you can't get the easement. There is another alternative. You're just thinking that gravity-feed now is the only way to go? There is not another alternative other than gravity-feed?

Nelson: Gravity-feed is the preferred route. Possibly pumping could be accommodated, but that would be very costly to maintain and to service.

Leishman: But that is a possibility.

Nelson: Yes.

Gordon Zilles: I'm assuming as I look at this map familiar with the area where we are trying to put a sewer system in for the Scott-Farm Subdivision. After it leaves the subdivision on the handout where you've got the "u" right at the top of the page, it goes down through Mr. Ropelato's through Mr. Rigg's land. Apparently it must hit the bottom road and then follows the road. There are no other homes or anything below that is there?

Nelson: That's true. That is the growth situation. We're just trying to be available for a 50-year growth, and that's what the sewer is designed for.

Todd Hallock: I'm here on behalf of Mr. Ropelato's properties.

Nibley City has proposed to condemn the Ropelato property. It has been in an agricultural protection area since back in 1999. I also want to mention that at the same time, Mr. Ropelato sought to include all of his other properties which happened to be inside Nibley City into a agricultural protection area. He was informed at that time that the County did not have jurisdiction over the properties that were within Nibley City as well as in Millville City, and that they would need to talk to those cities about that. Mr. Ropelato did approach Nibley City and was told that Nibley City does not have a program for allowing agricultural protection area in their City limits.

It was felt that the overall intent of Nibley City in this process is to push the farmers in the agricultural industry out of the City limits and to promote residential and other types of development within the City. Clearly under the State law, it was required at least for Mr. Ropelato to be provided the opportunity to have had a hearing on that. The relevancy is shown by the overall intent of Nibley City and by where they are going with this sewer project.

Back in March of this year, a notice of condemnation was filed. There was no indication that notice had been given to Mr. Ropelato, and he hadn't received a notice until the actual published notice in the paper of this hearing. The notice in the paper is sufficient, but it is a procedural matter. While the statute itself doesn't flush it out, the notice should include at a minimum the amount of the area that's proposed to be condemned and also the requirements of meeting the statute of the area.

I have to respectfully disagree with Mr. Wyatt's interpretation of the statute. I don't believe that sub-section A applies and that there is not going to be any type of storage of waste or disposal of waste on his properties but merely a transportation of wastes across the properties. The provision Sub-section B actually applies, and Mr. Cannell did point out that within that section the word "or." is included and does apply. They have to show the proposed condemnation would not have an unreasonably adverse affect upon the preservation and enhancement upon the agriculture

Council Meeting
24 April 2001

within the agricultural protection area, or that there is no reasonable and prudent alternative to the use of the land within the agricultural protection area for the project.”

(See Utah Code No. 17-41-405, Section 4-b.)

In a sense that section is actually more favorable to Mr. Ropelato in that he is not required to establish that both of these are met. It was the belief of Mr. Hallock that the burden to met this requirement rests with the City in this instance. In their notices of condemnation they do not provide indication of any type of studies that they have done. Nor have they shown tonight that there won't be any type of adverse effect as a result of this condemnation or that there is not a reasonable alternative.

Upon looking at the map it was evident that 3200 South comes off the main highway going into Nibley. To get to 640 West you have the Scott-farm subdivision, which is about 7 or 8 homes. From this plan for the sewer, they are coming down this street all the way across his property to hit these 7 or 8 homes. They already have a line that is actually coming on 640 North that is already planned. It would be very reasonable and very prudent to just extend this line a little further down to service this subdivision. There is already a line in the event that future development occurs. The concern about the cost of a pumping station seems a little bit strange since if you look at the overall project that Nibley City is putting in, there are pumping stations throughout. That is part of what Mr. Hansen's situation is. Part of his plan includes the purchase and the use of a pumping station. Therefore, there is no support here tonight for Nibley City's argument that a pumping station is too costly. They haven't brought any facts or figures in to demonstrate to either of the boards that in fact that's true and that they have even studied any other alternatives.

The reality of this situation gets back to my earlier comment regarding Mr. Ropelato's attempt to have his Nibley property and Millville property placed in the agricultural protection area. That is a desire maybe self-founded by Nibley City in their minds to promote residential and other developments in the City as it moves farming operations outside the city limits. This is really nothing more than an attempt as they go down through the middle of Mr. Ropelato's property to insure that in the future development can occur on his property despite the fact that it has been given agricultural protection status. They've failed to address the adverse affects that this will have on Mr. Ropelato's property, and this is there burden.

It is uncertain as to how long they will be using his property and when they will be coming on. He is going to be planting corn on his property, and are they going to come after his crop is in? Is he going to loose part of his crop? Mr. Ropelato is concerned that there is going to be a longer term affect than simply months. The ground that they tare up will be unusable for a certain amount of time. We are talking about 15 feet on either side of the center line for the construction and ultimately a 7-foot easement. He sought the protection of the agricultural protection zone to

Council Meeting
24 April 2001

protect this land from future development and problems associated with that. This is exactly what he is starting to face.

It appears that what Nibley City is trying to do here is to set this property up for future development and possible future condemnation. The road on the Scott-farm subdivision stops right on the edge of Mr. Ropelato's property, and there has been expressed the intent to extend that road across that property. That is the clear intent: Nibley City wants to force Mr. Ropelato into terminating his farming operation and moving forward with development of some kind or selling off to a developer allowing the road to go through and allowing the sewer to go through. What effect does this statue in protection really afford somebody who goes to the trouble of having their property put in the agricultural protection area if the Cities can simply come in really with absolutely no evidence at all presented other than their statements that we don't see a problem here? Have they somehow met their burden with just stating that it will be more expensive to put in a pumping station?

Other problems that we raise as far as adverse affects: The canal system. It is a concern that as this trench goes in, the sewer, that water is naturally is going to start to flow towards that trench as opposed to continuing on down the canals, and there is going to be parts of his land that he becomes incapable of irrigating. It seems reasonable and prudent that they can simply go a few feet further on 640 West hooking right there without the need to traverse Mr. Ropelato's property. Mayor Nelson stated earlier that he could not dictate how his neighbors use their property; however, in this situation it is really being dictated as to how Mr. Ropelato uses his property. They are attempting to take away his property for no other purpose than to benefit the Scott-farm Subdivision. The only people that are going to benefit from this condemnation is the Scott-farm Subdivision.

Mr. Ropelato: My big concern is I put my land in this zone for the very reason that Nibley is trying to take it out, to protect my farm. I made myself clear years ago that I don't want to sell, but it is getting harder and harder; and the ag-protection is the only avenue of protection that we as farmers have who are on the outskirts of a big city like I am. We can't haul manure, we can't hardly do anything without being turned in to the police department or the health department. If the land can be taken out of the ag-protection this easily, as far as I am concerned, I wasted my \$200 to put my ground in because it offers no protection for me or for any of my neighbors. This thing is going down passed me through a couple of other neighbors before it even gets to another home.

Discussion:

Zilles: How much was Nibley City going to reimburse you for that easement?

Ropelato: If I remember right the construction portion of it outside of the easement was probably \$19 or something total because they only figure they are going to be there 30 days. There is nothing that says whether it is going to be in June when I'm farming, or October. All the thing says is 30 days. I've never been given a map or how far it is or anything.

Council Meeting
24 April 2001

Hallock: There was never a formal offer made, but the value including the easement was something of an offer was \$1,200.

Ropelato: That's with the worksheet that Mr. Owens, who made the appraisal of the land for Nibley City. I just don't think it's right.

Zilles: Where they made reference that this is going to go right smack down the middle of your piece, is that correct?

Ropelato: No. I've got three pieces of land that Nibley City is going through that is doing the same thing. They haven't given me any information or whatever, and one of these pieces the mayor talked to me in person, and it was something like a few hundred feet up from the farm. Then later we discussed maybe going along the farm. That was a discussion, and after I realized what was going to happen. I think if I take it out of the protection zone, it is no good to me.

Zilles: This trunk line when it leaves Logan City will it go down the side of your piece of property then?

Ropelato: It will go down the side to the South and hit the irrigation ditch and then go West according to what the Mayor proposed.

Hallock: Part of our problem is not knowing exactly where it was going to be. There has been several different oral conversations of what might be going here or there. What they presented to you in their notes of condemnation indicated 35.77 feet from the South end to the South-west corner of the property.

Cannell: It takes into account where you've got the road that is on-going to the West and doesn't stay within that roadway. The property for the canal bank and then goes directly West of that along the bank of the canal.

Leishman: Now, I have a concern with the canal. It's like with all of the hydrology problems up there and the underground water, it is going to affect people downstream. That brings up whole other issue. Being on the Board of Directors of that Ditch Company, that's an issue that I feel strongly about and needs to be discussed, probably not at this time.

Nelson: The State Water Quality says that we need 10 feet away from the water line. I have a letter from the irrigation company that says that they have an easement between 16 feet on the side of that ditch.

Leishman: That's correct.

Nelson: So we will be within the 16-foot easement the irrigation company claims.

Zilles: I was involved in the Scot-farm subdivision. That particular land out there when you drop off the gravel bar it becomes quicksand, and that's about 2½ feet. The community had a really hard time getting the water lines in there. In fact it is so wet that for the Board of Health to approve that they had to drain the property into the irrigation ditch. We had some real concerns over that. It was obvious, and the Health Department finally had to admit that those homes should have never went in there at a septic system. The concern that is being expressed here is there is no question that if you take a line through this particular property it will affect Mr. Ropelato for at least 5 years with settling and what naught with this irrigation project. He is there on flood irrigation and you disrupt the soil, it takes several years for that to settle. After the 5 years he is going to have to back in and maybe leave it or level it to make it back to the way the water will flow. So, there will be definitely some concern that has been expressed. He will be fighting that trench for a number of years. It is surmised that his claim is legitimate in that fact.

Nelson: The contract required that dikes would be put in the trench so that it would not cause the drainage as far as water is concerned? It is true there will probably be some settlement, and it would be our intent that to have that taken care of within a year, but it is not known if that will continue or not.

Gibbons asked for other comments and noted that at the public hearing anyone could comment that might in some way be affected.

Mayor Nelson: Part of the Problem in regards to some of the comments that have been made is as follows:

1. Nibley City does not have a ag-protection zone; however, we recognize agricultural practices. All of our subdivisions have a agricultural protective statements on the lot saying it lies in an agricultural protection

Council Meeting
24 April 2001

division; so anybody that buys a lot is aware that there is agricultural protection in that area. We recognize the agriculture.

2. I would like to address comments that have been made in regards to the Scotts-Farm road. The road was not put there for the intent of Mr. Ropelato's property being developed; however, if you are in a business zone, planning a city, you don't fill up all your accesses so that you can't access the property behind the front. This road was left there with the intention that if ever that it happened to be developed there would be an access to it.

3. Another point I would like to make at this time is that we can not run a trunk line for those 16 homes off of that elevation which drops off a good 16 to 18 feet.

Gibbons: One of the questions that has been raised is there an alternative? This deserves an answer.

Nelson: If we chose to go to a pumping station, we haven't evaluated the cost, it would be considerably more to the City to maintain a pumping station. Additionally the pumping station may not cost much more than the trunk line, but over the years it would be a lot more costly for the City.

Penny Trinca: a staff person for the Ag protection Area Advisory Board and a resident in Nibley. She as been reluctant to speak because of her dual role, but as a resident of Nibley, she would like to take a quick opportunity to let the Mayor know that agriculture in Nibley is still very important to a number of residents who have been there for a number of years, and the residents feel very threatened by subdivisions coming in and bringing various problems. To ask the residents who have been there before and who depend on agriculture to pay the way for debtors with their livelihood and with their ability to make a living is not a good way to make this happen. She felt that it would be better to come up with a more creative way to route that sewer line so the subdivision might be able to pay its way and not take away another's land.

Gibbons asked Scott Wyatt to address the concern of the Ropelatos with the appropriateness of the Notice of Condemnation filed by the City in order to determine the 60 day trial period and to determine where the Council was in regards to that.

Wyatt: If this is not a legal notice then they would have to re-notice and that would give an additional 60 days.

Gibbons: If it was legal, we would have until May 16.

Beck: That would be the case, or a non-vote would mean a no vote.

Gibbons: I guess where I'm going is as a legislative body of the Council, do we want to have some discussion prior to making a vote? As a conservation Ag Protection Advisory Board, Gordon, do you want to have some discussion among your board before making a vote; or are you prepared to make a vote tonight?

Zilles: We would really like to investigate a little further and then discuss it with the other Board members.

Beck: I think it would be appropriate for us in this circumstance for us to have a findings of fact before we take a vote on it.

Gibbons: Do you have a recommendation as to how to arrive at those findings?

Beck : We could assign some staff and have them put some information together for us and create a findings of fact for us to review.

Lemon: Or do you want to go through the points that have been made and make some decision about it? For example, I am just think, if you were sitting as the planning commission, and you were asked to find findings of fact; and you could say did they comply or not comply on this issue?

Gibbons: I think we need to address whether or not Mr. Ropelato is going to be adversely affected based on the time of the year this project may take place, how many seasons it may take for proper settling to occur so that he is not affected more than during one year. I think the canal issue is an issue that needs to be addressed. We need to address the difference in costs that Nibley may have to incur by considering a different alternative. Are there other areas that need to be addressed in the form of findings of fact?

Lemon: Those are your most critical ones. A survey to say that the post-condemnation would not have an unreasonable adverse affect--That's one where you ought to make a decision one way or the other--and that there is no reasonable alternative.

Council Meeting
24 April 2001

Petersen: We also ought to concur where the statutes apply whether it is "and" or "or."

Wyatt: I don't know why in my right mind I'd argue when both of the parties agreed, and that is the end of it. When I look at sub-section a, it talks about the condemnation for the purpose of disposal of solid waste materials. I thought that was what they were doing--was condemning the land for the purpose of disposing of liquid wastes.

Gibbons: Gordon, do you have staff that could help assess the impact on the property? **Answer:** Yes. If we could ask you to provide that information, and then if we could ask Nibley City to provide us the information with respect to costs for an alternative approach. That would address those two issues.

Zilles: Okay, we could make that happen.

Gibbons: How soon could we get that information?

Gordon: I think we could do it within a few weeks.

Petersen: To determine this we need to make our decision by the next meeting.

Cannell: I noticed on Statute 5, it requires a percent whether the notice is legal, or Statute Sub-2 which requires an endeavor to print the legislative body a notice that says that the buyers were on notice. I would submit that by these discussion, they were aware that a clear proceeding on that had been filed and addition action associated. There is no specific part of this statute or provision that says at the same time simultaneously you have to supply Mr. Ropelato with a written notice. Also it would include that any provision within the State to identify the property, to identify the landowner and to identify the property to be condemned. That is what is required of the Statute.

Haddock: The statute also requires that the city has established that there is no adverse in that county and that there is no alternative. The notice within itself doesn't discuss anything in itself what should be included in the context of that notice. I think if you read the statute as a whole those factors should be met and included with that notice of what this proceeding is about.

Gibbons: We would feel comfortable in referring that decision to your office, Scott; and you give us your opinion.

Petersen: The decision on proper notice is made by Scott. You folks are going to give us some assessment on alternative and facts. Nibley is going to give us some information on costs, and that comes back to us in two weeks.

Gibbons asked that information on those three issues need to be submitted by the Thursday prior to the following Tuesday which would be May 3. **Gibbons** invited the Advisory Board to meet with the Council in two weeks. The public hearing was then closed.

COUNCIL MEMBER PETERSEN LEFT THE MEETING AT 8:07 P.M..

OTHER BUSINESS:

Sections 11a and b of the agenda pertaining to Citizen's committees had previously been discussed, but Executive Lemon asked if a Chair person should be selected for those committees.

**Council member Layne Beck moved to appoint Gerald Allen as the Chairman of the Committee to study Consolidated Offices/Public Works Department. Council member Hansen seconded the motion. Motion carried all members voting in favor.
(Petersen and Anhder absent)**

Council Meeting
24 April 2001

Council member Yeates moved to appoint Joe Chambers as the Chairman of the Committee to Study the Creation of a District Attorney Office in Cache County. Beck seconded the motion and it carried unanimously. (Petersen and Anhder Absent)

RECOMMENDATIONS FOR INDIVIDUALS TO SERVE ON THE ADVISORY BOARD FOR RESTAURANT TAX ALLOCATIONS

The Council discussed several individuals to serve on the Advisory Board. Executive Lemon will contact the individuals.

EMPLOYEE AWARDS AND RECOGNITION RECOMMENDATION

Gibbons requested that the 10-d discussion on employee awards and recognitions be carried to the next agenda.

SMITHFIELD HEALTH DAYS PARADE - May 12, 2001 commencing at 10:00 a.m.
Health Days parade

COUNCIL MEMBER REPORTS

KATHY ROBISON: The selection committee for Jean Alder's position replacement met today, and we are interview the four candidates on May 17.

COREY YEATES: I just want to make sure that we get all the roads selected. We have the blessing of the Forest Service to go ahead with our cooperative effort declaring roads in or outside the exterior boundaries of our National Forests to be more serviceable. Lemon suggested getting a committee together and have them identify a list of these road that have been used for at least 10 years and have subsequently been closed off , and get an Exhibit A developed.

JOHN HANSEN: Apparently the Council went out and looked at a road in terms of maybe alleviating some traffic with the big trucks. Lemon commented that there was still one property owner to commit and he would find out with Preston Ward were we're at on that.

LAYNE BECK: A few weeks ago we were talking about business licenses. Has Kim Hutchison renewed his license? Lemon said that Mr. Hutchison had met with the Business License Committee and that he is working towards getting his license.

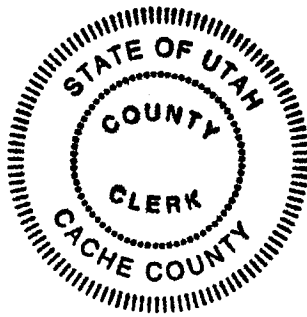
LYNN LEMON: The Utah Association of County Councils and Commissions are having a Summer workshop on July 27, and the Fall conference in Ogden will be on September 17, 18, and 19.

Council Meeting
24 April 2001

ADJOURNMENT:

Chairman Gibbons adjourned the meeting at 8:23 p.m..

Jill N. Zollinger
ATTEST: Jill N. Zollinger
Cache County Clerk



Darrel L. Gibbons
APPROVAL: Darrel L. Gibbons
Council Chairman



Proclamation

WHEREAS, unintentional injury is the number one killer of children ages 14 and under; and

WHEREAS, each year, nearly 6,000 children ages 14 and under die from unintentional injuries in the United States; and

WHEREAS, each year, nearly 120,000 children are permanently disabled and one out of every four children is hurt requiring emergency medical attention; and

Lead Agency

Bear River Health Dept
655 E. 1300 N.
Logan, Utah 84341
(435)752-3730 ext 220

Chairperson

Julie Hunter
Logan Regional Hospital

Member Organizations:

- Axtell-Taylor Chevrolet
- Bear River Head Start
- Cache County 4H
- Cache District PTA
- Cache School District
- Cache Sheriff's Office
- Cache Valley's Promise
- Cache Valley Radio Group
- KUTN TV12
- Logan City Fire Dept
- Logan City Police Dept
- Logan City School District
- Logan Regional Hospital
A Service of IHC
- NorthPark Police Dept
- Utah Highway Patrol
- Utah State University

WHEREAS, 90 percent of these are preventable; and

WHEREAS, 41 percent of these occur during "trauma season" — the months of May, June, July and August; and

WHEREAS, America's emergency rooms experience nearly 3 million visits from children ages 14 and under each summer; and

WHEREAS, the National SAFE KIDS Campaign promotes childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

WHEREAS, the National SAFE KIDS Campaign recognizes May 5-12, 2001, as National Safe Kids Week; and

WHEREAS, the Bear River SAFE KIDS Coalition, the local arm of the National SAFE KIDS Campaign, has a SAFE KIDS Fair planned from 10 a.m. to 2 p.m. on Saturday, May 5, at Axtell-Taylor Chevrolet, 1475 N. Main, Logan;

NOW, THEREFORE, We, M. Lynn Hanson, Cache County Executive, and Marcel L. Hubbard, Cache County Council Chairman, do hereby proclaim May 5-12, 2001, as

SAFE KIDS WEEK

in Cache County, and call upon all the residents of the county to join with me in supporting the efforts and activities of the Bear River SAFE KIDS Coalition to help prevent childhood injuries.



CACHE VALLEY RADIO GROUP

BEFORE THE BOARD OF EQUALIZATION
OF CACHE COUNTY

IN RE:	The matter of the Application for exemption from property taxation of IHC HEALTH SERVICES, INC., for the LOGAN REGIONAL HOSPITAL.)))))))	FINDINGS AND DETERMINATION FOR TAX YEAR 2001
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This matter came before the Board of Equalization of Cache County, Utah on March 13, 2001 and April 10, 2001 upon the verified application for property tax exemption submitted by IHC HEALTH SERVICES, INC., for the LOGAN REGIONAL HOSPITAL.

FINDINGS

Based upon the verified application and matters presented to the Board of Equalization at its hearing on March 13, 2001 and April 10, 2001 and other materials presented to it, the Board of Equalization finds that:

1. IHC HEALTH SERVICES, INC., is the owner of record of the Logan Regional Hospital which is located on the real property described in the attached "Exhibit A" and other parcels of property described therein.
2. John Hansen and Kathy Robison, members of the Board of Equalization, met with the owner's representatives on March 27, 2001 and reviewed the application of the owners and relevant facts and standards. The County Auditor, Tamra Stones and County Assessor, Kathleen Howell, attended also to clarify real and personal property issues. Sarah Ann Skanchy, previous member of the Board of

Equalization also attended to help clarify past procedures.

3. It was recommended that some exemption be granted to the applicant for the Tax Year 2001 on the basis that IHC HEALTH SERVICES, INC., and the Logan Regional Hospital property qualify for exemption from the property tax under Standards I, II, III, IV, V, and VI as promulgated by the Utah State Tax Commission on December 18, 1990, and as delineated by the Utah Supreme Court in its decision dated September 1, 1994, in a case appealed to that Court by the Cache County Assessor and the Salt Lake County Assessor from decisions of the Board of Equalization of their respective counties.
4. The Budge Clinic Building has been constructed on a portion of Parcel No. 05-016-0028 which currently is the site of Logan Regional Hospital. Parcel No. 05-016-0028 was re-surveyed and the Budge Clinic and a portion of the new parking lots were included in a new parcel of land, Parcel No. 05-016-111 and designated not tax exempt.
5. There has been a reallocation of space within the building located on Parcel No. 05-016-0029 and designated the Medical Office Building-Surgical Center, and the exempt property is increased from 38% of value to 41% of value.
6. Parcel No. 05-016-0001 is the parcel on which the Day Care Center is located. The new parking lots are now part of Parcel No. 05-016-111 and are not tax exempt. The value attributable to the Day Care Center is deemed to be exempt.
7. The Board of Equalization in a public meeting held April 10, 2001, upon lawful notice, met with a representative of the owner and approved the amended requests for tax exemption as contained in these findings.

DETERMINATION

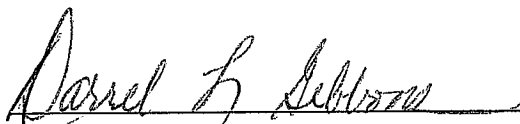
The Board of Equalization of Cache County, Utah, determines that:

IHC HEALTH SERVICES, INC., is hereby granted an exemption from property taxes for portions of the real property described in the attached "Exhibit A" which is used for the Logan Regional Hospital, its Medical Office Building-Surgical Center, its Home Health Agency, its Day Care Center and the personal property listed therein for the Tax Year 2001.

The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 24, 2001.

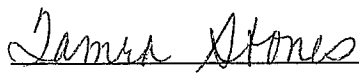
<u>COUNCIL MEMBER</u>	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Larry Anhder	X		
Layne Beck			X
Darrel Gibbons	X		
John Hansen	X		
Craig Petersen	X		
Kathy Robison	X		
Cory Yeates	X		

These findings and determination are approved as written this April 24, 2001.



Darrel L. Gibbons, Chairman Board of Equalization

Attested To:



Tamra Stones, Clerk of Board of Equalization

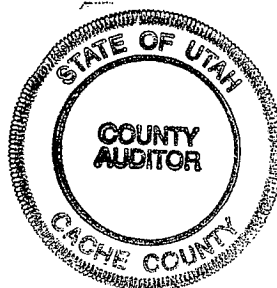


EXHIBIT A

(Amended March 27, 2001)

AFFIDAVIT
TAX YEAR
2001

LOGAN REGIONAL HOSPITAL
CACHE COUNTY

REAL PROPERTY PARCEL NO.	SITE OR COMPLEX (HOSPITAL) NAME	NAME OR IDENTITY OF BUILDING	REAL PROPERTY CURRENT VALUE	TAX	DESCRIPTION BLDG USE	EXEMPT %	PERSONAL PROP VALUATION	EXEMPT BASIS STC STANDARDS
04-083-0018	Logan	Land - Agricultural 18th-20th N (Greenbelt) 40 ac. 4t (20,000/21,000)* [215.68/218.75]*	650,496	210.06		0%	BU-27-3045	ABCDS
05-016-0001	Logan	Day Care Center	546,380		Day Care for benefit of Hospital employees	100%	11,753	ABCDS
05-016-0111	Logan	Budge Clinic & Parking	5,469,800		Clinic and parking	0%	Supp 580,358 Equip 5,365,295	ABCDE
05-016-0028	Logan	Hospital and Land	Exempt	Exempt	A medical office building has been constructed on the Hospital Campus (Budge Clinic) **	100%	BU-27-3048 111,130	ABCDE
05-016-0029	Logan	Home Care Services - MESS 500 East 1300 North, Suite 140 (Leased)	5,051,950	41,771.07		40.7%	BU-27-3045 10,967	ABCDE
05-016-0029	Logan	Home Care Services - MESS 500 East 1300 North, Suite 140 (Leased)	Exempt	Exempt		100%	BU-27-3045 10,967	ABCDE
05-016-0043	Logan	Vacant Land - Held for Hospital Expansion	535,800	3,879.29	Vacant Land - Held for Hospital Expansion	0%	BU-27-3046 10,967	ABCDE
05-016-0086	Home Health Agency acquired 11/14/94	Unit G, Logan Medical Center Condominiums		Exempt		100%	BU-27-3386	ABCDE
New	Pediatric Rehab Services	246 E. 1260 N., Logan, Utah		Personal Prop. Only		100%?		ABCDE
TOTALS			12,254,426	45,860.42				

* Value per 2000 greenbelt assessment
** The Hospital reserves the right to identify the taxable portion of the Hospital Campus

LEGEND: F = FORTIFICATION BASIS
A = INDIGENOUS RE
B = COMMUNITY MED. SERVICE
C = MEDICAL DISCOUNTS

D = DONATION OF TIME
E = DONATION OF MONEY
S = SATURDAY

187
4/13/2001

VEHICLES
TAX YEAR
2001

EXHIBIT B
LOGAN REGIONAL HOSPITAL
CACHE COUNTY

In addition to the real and personal property described, the following described vehicles are owned by and used for the support and accomplishment of the exempt function described in the Affidavit and are, therefore, exempt from personal

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE I.D. NO.</u>	<u>LICENSE NO.</u>
1997	Chevrolet Truck	1GCEK14MUTT7217215	754 JZP
1991	Toyota Camry (1)	JT2SV21E8M3441243	281 EAS
1991	Toyota Camry (4)	4T1SV21EXMU304947	704 EAR
1991	Toyota Camry (5)	4T1SZ21E9MU355047	079 ELJ
1989	Toyota Camry (3)	4T1SV21E8K4095768	501 DAK
1989	Toyota Camry (2)	4T1SV21E2KU097399	502 DAK
1986	Chevrolet Celebrity Sedan	1G4AW19R8G405294	934 AEF
1985	Chevrolet Celebrity Wagon	1G1AW35X5F6258782	BDP 851
1983	Chevrolet K10	1GCEK14H4DF307325	9681 BA
1991	Ford Van	1FMHE21HMH14452	829 GVZ
1995	Ford F-20	2FTHF26H35CA18921	178 HJP
1995	Ford Van	1FTJE34H5SHA87860	415 HNK
1994	Ford Taurus (1)	1FALP52U2RA153160	765 GML
1997	Ford Taurus (2)	1FALP52U8VG150450	741 JYZ
1996	Ford Taurus (3)	1FALP52U4TA233440	879 JGK
1997	Ford Taurus (4)	1FALP52U9VA137581	770 JWY



Utah State Legislature

Senate • 319 State Capitol • Salt Lake City, Utah 84114
(801) 538-1035 • Fax: (801) 538-1414

House of Representatives • 318 State Capitol • Salt Lake City, Utah 84114
(801) 538-1029 • Fax: (801) 538-1908

April 23, 2001

Sheriff Ed Phillips
Utah Association of Sheriffs
765 South Hwy. 99
Fillmore, Utah 84631

Sheriff Phillips,

As you are aware, last week the Executive Appropriations Committee passed a resolution that re-stated the Legislative position of funding county jail contracts to the extent that funds are available. The motion passed as follows:

Motion: The Executive Appropriations Committee does not encourage any further construction of county jails for state use until further notice.

We take very seriously the state's obligation to fund those persons sentenced to prison, but as stewards of taxpayer funds we must not pay for more inmates than we actually have.

Therefore, we believe it is important to reiterate that those counties building new facilities should not consider state funds as a guarantee to operate and maintain the facilities. We have directed our staff to provide policy options by the middle of June and expect to provide "further notice" following our meeting on June 20. If a county must proceed before then, it will do so at its own risk.


We trust that you will forward this letter to the other 28 sheriffs that are part of your association along with a request that they provide this letter to their county commissioners.

Thank you for your time. Please feel free to contact us regarding this matter.

Sincerely,



Senator Leonard Blackham
Co Chair, Executive Appropriations



Representative Jeff Alexander
Co Chair, Executive Appropriations



Hallock & Hallock
a Professional Corporation

CACHE COUNTY

APR 23 2001

EXECUTIVE

April 20, 2001

Cache County Council/Executive
c/o Mr. Darrel Gibbons
Mr. Lynn Lemon
120 North 100 West
Logan, Utah 84321

Cache County Agriculture Protection Area Advisory Board
Attn: Ms. Penny Trinca
Utah Association of Conservation Districts
1860 North 100 East
North Logan, Utah 84341

Re: Ropelato Properties, L.C.

Dear Mr. Gibbons, Mr. Lemon, and Ms. Trinca:

This firm represents Ropelato Properties, L.C., in condemnation actions filed by Nibley City. I am writing this letter in response to the request for approval to condemn property owned by Ropelato Properties, L.C. that is currently in an agricultural protection area. The purpose of this letter is two-fold. The first purpose is to object to the participation of Larry Anhder in this process and to ask that Mr. Andher be recused. We are concerned about reports that he has attempted to discuss this matter with other members of the County Council and Agriculture Protection Advisory Board and to use his influence in a fashion that violates Utah Code Annotated Section 67-16-4(1)(c)(ii) inasmuch as he appears to be using or attempting to use his official position with the County to secure special privileges or exemptions for himself or others, to-wit his employer, Nibley City. There also appears to be a conflict of interest under Section 67-16-9 in that as an employee of Nibley City and advocate of the sewer project, Mr. Andher clearly has a personal investment in the outcome of this matter. Therefore, we make demand that Mr. Anhder recuse himself from these proceedings along with all others who feel they may have been improperly influenced by his ex parte contact.

In regards to the specific matters before the Council and Board, it is the position of Ropelato Properties, L.C. that Nibley City has not met the requirements of Utah Code Annotated Section 17-41-405. That section states that if the condemnation is not for a highway or disposal of solid or liquid waste materials, the Council and Board may only approve the condemnation: (1) if there are no other reasonable and prudent alternatives, and (2) the proposed condemnation would not have an unreasonably adverse affect upon the preservation enhancement of the agriculture within the agricultural protection area. It is the burden of Nibley City to establish that these requirements have been fulfilled. They are not able to do so.

April 20, 2001

Page 2

There are much more reasonable alternatives to traversing the Ropelato properties. The City has not met its burden and therefore their request should be denied. Thank you for your attention to this matter.

Sincerely,
Hallock & Hallock,
a Professional Corporation



Todd N. Hallock
Attorney at Law

TNH/bh

cc: Roy Ropelato
Herm Olsen

HILLYARD, ANDERSON & OLSEN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

175 EAST FIRST NORTH

LOGAN, UTAH 84321

TELEPHONE (435) 752-2610

TELEFAX (435) 753-8895

GARY N. ANDERSON
BRIAN G. CANNELL
LYLE W. HILLYARD
HERM OLSEN
DALE G. SILER
RICHARD B. REYNOLDS

March 16, 2001

CACHE COUNTY

MAR 19 2001

EXECUTIVE

Cache County Council/Executive

Attn: Mr. Darrel Gibbons

Mr. Lynn Lemon *MHL 3/17/2001*

120 North 100 West

Logan, Utah 84321

*Pat
Please copy
for Darrel
Done
3/19/01*

Cache County Agriculture Protection Area Advisory Board

Attn: Ms. Penny Trinca

Utah Association of Conservation Districts

1860 North 100 East

N. Logan, Utah 84341

Re: *Notice of Condemnation by Nibley City - ROPELATO PROPERTIES, L.C.
(Affected Property - Parcel Tax I.D. No. 03-045-0001)*

To Whom It May Concern:

Our law firm represents the interests of Nibley City relative to the creation and maintenance of the Nibley City Municipal Sewer System. The Nibley City Council has determined there is a need for a Municipal Sewer System and all related facilities to service the residents of Nibley City. The City has sought and obtained funding commitments from the State of Utah acting through the Utah Water Quality Board, which Board has agreed to purchase the City's bonds, the proceeds of which will be used to finance the design and construction of the sewer system and related facilities.

The City's engineer has surveyed, determined and provided the legal descriptions of certain easements which must necessarily be obtained from the owners of private property in which the sewer collection lines and other related facilities and equipment necessary for the City's sewer system are to be constructed.

To accomplish the construction of the City's proposed sewer system, an Easement Deed was prepared and presented to Ropelato Properties, L.C., an owner of private property, for signature affecting Parcel Tax I.D. No. 03-045-0001 located within the Cache County Agriculture Protection Area, which was rejected. *See attached Easement Deed.*

HILLYARD, ANDERSON & OLSEN

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Cache County Council/Executive
Cache County Agriculture Protection Area Advisory Board
March 16, 2001
Page 2

Notice of Condemnation is hereby given as required by Utah Code Ann. § 17-41-405 that Nibley City shall commence with filing an eminent domain complaint thirty (30) days from the date of this letter to obtain real property consistent with the attached Easement Deed necessary to construct the Nibley City Municipal Sewer System.

Please direct all communications regarding this matter to the undersigned.

Sincerely,

HILLYARD, ANDERSON & OLSEN, P.C.



Herm Olsen
Attorney at Law

Enclosure

cc: Nibley City

G:\BGCLITIGAT\Nibley City-Ropelato\Notice-Council-Ag-Protect-Bd-3-16-01.ltr.doc

When recorded return to:
NIBLEY CITY CORPORATION
625 West 3200 South
Nibley, Utah 84321

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to

ROY J. ROPELATO & IVA LOU ROPELATO, managing members
ROPELATO PROPERTIES, L.C.

03-045-0001

hereinafter referred to as GRANTOR, by NIBLEY CITY CORPORATION, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successor and assigns, a construction easement and a perpetual easement as hereinafter described over, across, under and through land of the GRANTOR situated in Cache County, State of Utah:

The easements may partially or completely lie within GRANTOR's property. The construction easement shall be 25 feet in width granted for the time of original installation of the facilities hereinafter described, 12.5 feet on each side of the as-constructed center line of said facilities. The perpetual easement shall be 15 feet in width, 7.5 feet on each side of the as-constructed center line of said facilities.

Centerline Description

COMMENCING AT A POINT ON THE WEST LINE OF THE GRANTORS PARCEL (RAX ID NO 03-045-0001) BEING 35.77 FEET NORTH FROM THE SOUTHWEST CORNER OF SAID PARCEL AND RUNNING THENCE SOUTH 89°13'12" EAST A DISTANCE OF 251.77 FEET TO A MANHOLE; THENCE SOUTH 89°13'12" EAST A DISTANCE OF 354.29 FEET TO A MANHOLE; THENCE NORTH 02°59'45" EAST A DISTANCE OF 134.12 FEET TO A MANHOLE; THENCE SOUTH 88°25'34" EAST A DISTANCE OF 38.56 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL.

Description of Easement(s)

Easement(s) shall be for pipelines, manholes, and appurtenances to be constructed as part of the Nibley Sewer Collection Project to be constructed beginning Fall 2000. The alignment of the pipe is shown as part of the plans for construction of the said facilities.

Purpose and Conditions

TO HAVE AND TO HOLD the same unto the GRANTEE, the easements as follows:

A construction easement with the right to install and inspect pipelines, valves, and other associated structures and appurtenances, (herein collectively called "facilities") over, across, under and through the easement; and

A perpetual easement with the right to inspect, maintain, operate, repair, protect, remove and replace pipelines, valves, and other associated structures and appurtenances, (herein collectively called "facilities") over, across, under and through the easement.

So long as such facilities shall be maintained, with the right of ingress and egress to and from said right-of-way for the purpose described in the construction and perpetual easements. During temporary periods, the GRANTEE may use such portion of the property 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. The GRANTEE shall notify GRANTOR prior to entering the easements for purposes of initial construction.

GRANTEE as a condition to the granting of the easements shall pay damages, restore or replace in kind, at the GRANTOR's discretion and at GRANTEE's expense, fences, crops, underground pipes, and other improvements in the event such are damaged by the construction, maintenance, repair, replacement, or removal of the facilities.

The GRANTOR shall not build or construct, nor permit to be built or constructed, any building or other similar improvement over, across, or under the said right-of-way, nor change the contour thereof without written consent of the GRANTEE. This right-of-way grant shall be binding upon GRANTOR, his successors and assigns, and shall inure to the benefit of GRANTEE, its successors and assigns, and may be assigned in whole or in part by the GRANTEE.

It is hereby understood that any party securing this grant on behalf of the GRANTEE is without authority to make any representations, covenants, or agreements not herein expressed.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this _____

day of _____, 19_____.

GRANTOR

STATE OF _____)
: SS.
COUNTY OF _____)

On the _____ day of _____, 19_____, personally appeared before me _____ the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC

by or operation within an agriculture protection area conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety.

(2) In a civil action for nuisance involving agricultural activities, it is a complete defense if:

(a) the agricultural activities were conducted within an agriculture protection area; and

(b) the agricultural activities were not in violation of any federal, state, or local law or regulation relating to the alleged nuisance or were conducted according to sound agricultural practices.

(3) For any new subdivision development located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities." 1997

17-41-404. Policy of state agencies.

Each state agency shall encourage the continuity, development, and viability of agriculture within agriculture protection areas by:

(1) not enacting rules that would impose unreasonable restrictions on farm structures or farm practices within the area unless those laws, ordinances, or regulations bear a direct relationship to public health or safety or are required by federal law; and

(2) modifying existing rules that would impose unreasonable restrictions on farm structures or farm practices within the area unless those laws, ordinances, or regulations bear a direct relationship to public health or safety or are required by federal law. 1994

17-41-405. Eminent domain restrictions.

(1) A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agriculture protection area that is being used for agricultural production unless it has obtained approval, according to the procedures and requirements of this section, from the applicable legislative body and the advisory board.

(2) Any condemnor wishing to condemn property within an agriculture protection area shall file a notice of condemnation with the applicable legislative body and the agriculture protection area's advisory board at least 30 days before filing an eminent domain complaint.

(3) The applicable legislative body and the advisory board shall:

(a) hold a joint public hearing on the proposed condemnation at a location within the county in which the agriculture protection area is located;

(b) publish notice of the time, date, place, and purpose of the public hearing in a newspaper of general circulation within the agriculture protection area; and

(c) post notice of the time, date, place, and purpose of the public hearing in five conspicuous public places, designated by the applicable legislative body, within or near the agriculture protection area.

(4) (a) If the condemnation is for highway purposes or for the disposal of solid or liquid waste materials, the appli-

cable legislative body and the advisory board may approve the condemnation only if there is no reasonable and prudent alternative to the use of the land within the agriculture protection area for the project.

(b) If the condemnation is for any other purpose, the applicable legislative body and the advisory board may approve the condemnation only if:

(i) the proposed condemnation would not have an unreasonably adverse effect upon the preservation and enhancement of agriculture within the agriculture protection area; or

(ii) there is no reasonable and prudent alternative to the use of the land within the agriculture protection area for the project.

(5) (a) Within 60 days of receipt of the notice of condemnation, the applicable legislative body and the advisory board shall approve or reject the proposed condemnation.

(b) If the applicable legislative body and the advisory board fail to act within the 60 days or such further time as the applicable legislative body establishes, the condemnation shall be considered rejected.

(6) The applicable legislative body or the advisory board may request the county or municipal attorney to bring an action to enjoin any condemnor from violating any provisions of this section. 1998

17-41-406. Restrictions on state development projects.

(1) Each state agency that plans any development project that might affect land within an agriculture protection area shall submit its development plan to the commissioner of agriculture and food and the agriculture protection area's advisory board for their review.

(2) The commissioner of agriculture and food and the agriculture protection area's advisory board shall:

(a) review the state agency's proposed development plan; and

(b) recommend any modifications to the development project that would protect the integrity of the agriculture protection area or that would protect the agriculture protection area from nonfarm encroachment. 1997

CHAPTER 42

COUNTY ANIMAL SHELTER PET STERILIZATION ACT

Section .	Title.
17-42-101.	Definitions.
17-42-102.	Animal shelters shall transfer only sterilized animals, or shall require sterilization deposit.
17-42-103.	Sterilization deposit.
17-42-104.	Failure to comply with sterilization agreement.
17-42-105.	Sterilization deposit — When required for redemption by owner of impounded animal.
17-42-106.	Penalties.
17-42-107.	Local ordinances may be no less restrictive

17-42-101. Title.

This chapter is known as the "County Animal Shelter Pet Sterilization Act." 1998

17-42-102. Definitions.

As used in this chapter:

(1) "Animal" means a cat or dog.

(2) "Animal shelter" means (a) providing services for animals, including holding for adoption, but does not include conducting research on animals; 26-26-1; and

(b) operated by:

(i) a first or second class county

(ii) a municipality or greater;

(iii) a first or second class county shelter jointly with

(iv) a private human welfare organization;

(v) a second class county with a population of 40,000 or more.

(3) "Person" means an individual or an entity.

(4) "Proof of sterilization" means a certificate signed by a veterinarian licensed under Chapter 28, Veterinary Practice Act.

(a) a specified animal;

(b) the date on which the sterilization was performed; and

(c) the location where the sterilization was performed.

(5) "Recipient" means the person to whom an animal shelter transfers an animal.

(6) "Sterilization deposit" means a sum of money charged by an animal shelter to a person who transfers an unsterilized animal to the shelter in accordance with the terms of a sterilization agreement with the recipient or the claimant.

(7) "Sterilized" means an animal that has been surgically altered either by the neutering of a male animal or by the removal of the ovaries of a female animal so that it cannot reproduce.

(8) "Transfer" means the act of moving an animal away, places for adoption, or to a recipient.

17-42-103. Animal shelter sterilization deposit.

(1) An animal shelter may not transfer an animal that has not been sterilized, except as provided in Section 17-42-105.5.

(2) An animal shelter may not transfer an animal that has not been sterilized unless:

(a) establishes a sterilization agreement with the recipient, stating the terms of the agreement and the recipient agrees in writing to the terms of the agreement;

(i) within 30 days after the animal is sterilized;

(ii) if the animal is less than 30 days of age; and

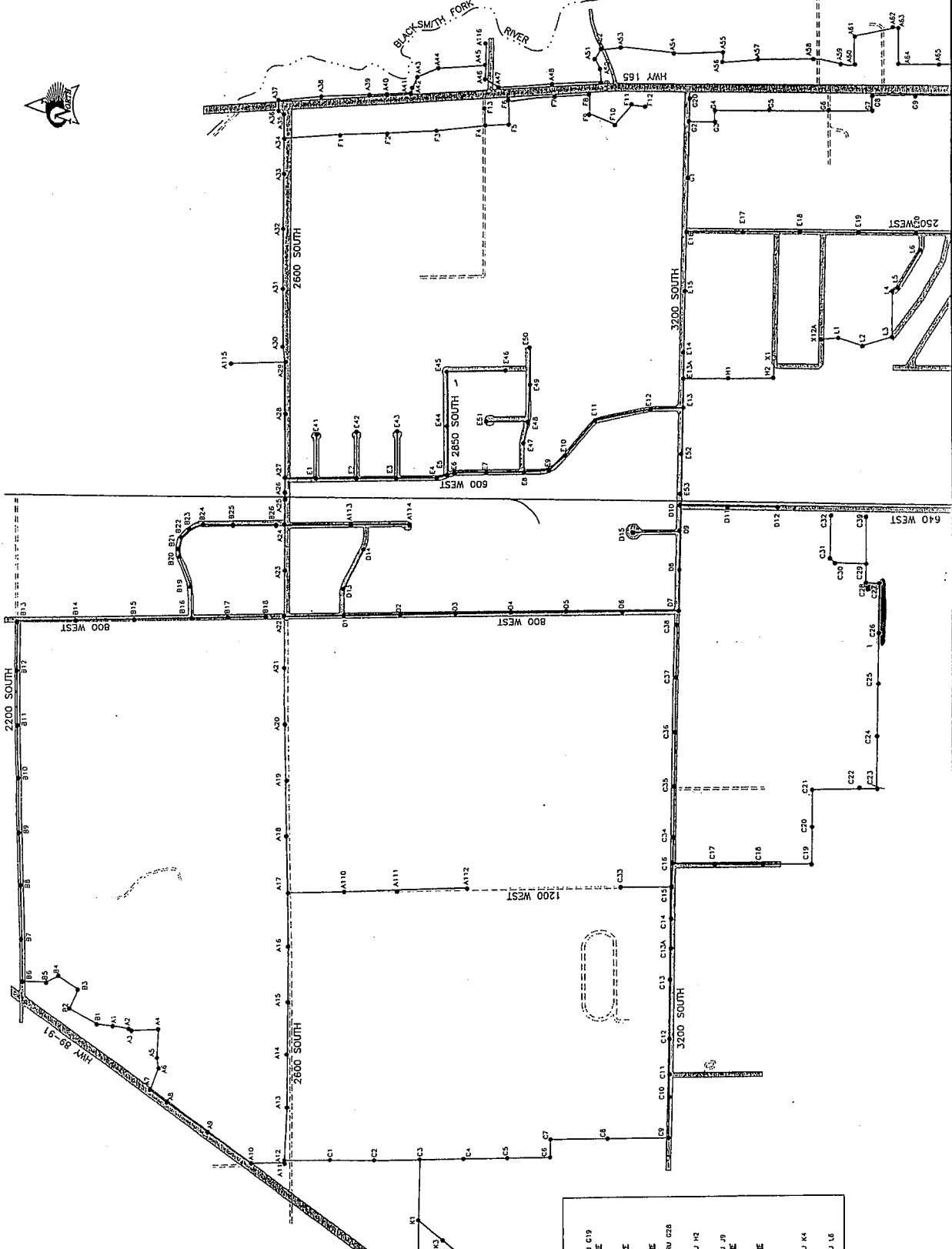
(b) receives from the recipient a sum of money provided under Section 17-42-105.5 as part of the written agreement under this section.

17-42-104. Sterilization deposit.

(1) A sterilization deposit is a sum of money:

(a) a portion of the fee for the sterilization of a pet, which will be applied to the cost of the sterilization to a recipient;

(b) a sum of money deposited by a recipient with an animal shelter to secure the return of the animal to the recipient.

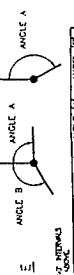


DATE	BY	CHKD	APP'D
11-1-00			
SCALE: 1" = 500'			

NIBLEY CITY
WASTEWATER COLLECTION PROJECT, 2000
INTERCEPTOR ALIGNMENT MAP AND CONSTRUCTION NOTES



SUNRISE ENGINEERS & LAND SURVEYORS, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
1927 E. BUSINESS PARK DRIVE, SUITE 220
DRAPER, UTAH 84020 (801) 523-0100



LINE	START	END	ANGLE	ANGLE
B	B1	B2	155°	
B	B2	B3	100°	
B	B3	B4	122°	
B	B4	B5	131°	
B	B5	B6	131°	
B	B6	B7	153°	
B	B7	B8	180°	
B	B8	B9	153°	
B	B9	B10	153°	
B	B10	B11	153°	
B	B11	B12	153°	
B	B12	B13	153°	
B	B13	B14	153°	
B	B14	B15	153°	
B	B15	B16	153°	
B	B16	B17	153°	
C	C1	C2	108°	
C	C2	C3	108°	
C	C3	C4	108°	
C	C4	C5	108°	
C	C5	C6	108°	
C	C6	C7	108°	
C	C7	C8	108°	
C	C8	C9	108°	
C	C9	C10	108°	
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C	C34	C35	108°	
C	C35	C36	108°	
C	C36	C37	108°	
D	D1	D2	108°	
D	D2	D3	108°	
D	D3	D4	108°	
D	D4	D5	108°	
D	D5	D6	108°	
D	D6	D7	108°	
D	D7	D8	108°	
D	D8	D9	108°	
D	D9	D10	108°	
D	D10	D11	108°	
D	D11	D12	108°	
E	E1	E2	108°	
E	E2	E3	108°	
E	E3	E4	108°	
E	E4	E5	108°	
E	E5	E6	108°	
E	E6	E7	108°	
E	E7	E8	108°	
E	E8	E9	108°	
E	E9	E10	108°	
E	E10	E11	108°	
E	E11	E12	108°	
E	E12	E13	108°	
E	E13	E14	108°	
E	E14	E15	108°	
F	F1	F2	108°	
F	F2	F3	108°	
F	F3	F4	108°	
F	F4	F5	108°	
F	F5	F6	108°	
F	F6	F7	108°	
G	G1	G2	108°	
G	G2	G3	108°	
G	G3	G4	108°	
H	H1	H2	108°	
I	I1	I2	108°	
I	I2	I3	108°	
J	J1	J2	108°	
J	J2	J3	108°	
J	J3	J4	108°	
K	K1	K2	108°	
K	K2	K3	108°	

MANHOLE SEQUENCE TABLE

LINE	START	END	LINE	START	END
B	B1	B17	A	A1	A15
C	C1	C37	D	D1	D12
E	E1	E15	F	F1	F7
G	G1	G4	H	H1	H2
I	I1	I3	J	J1	J4
K	K1	K3			