

# **CACHE COUNTY COUNCIL MEETING**

## **December 12, 2006**

The Cache County Council convened in a regular session on December 12, 2006 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

### **ATTENDANCE:**

**Chairman:** Cory Yeates.  
**Vice Chairman:** John Hansen  
**Council Members:** Brian Chambers, Darrel Gibbons, John Hansen, H. Craig Petersen, Kathy Robison & Gordon Zilles.  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger

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**The following individuals were also in attendance:** John Borg, Larry Brunson, Peter Brunson, Alex Buxton, LaMar Clements, Rob Cruz, Ernest Dean, Sharon Dean, Bryan Dixon, Sharon L. Hoth, Bruce Kidman, Janna Kidman, Attorney Don Linton, Dan Miller, Dave Nielson, Pat Parker, Stu Reynolds, Chief Gary Roberts, Josh Runhaar, Bret Selman, Fred Selman, Laura Selman, Michelle Selman, Auditor Tamra Stones, Wes Thompson **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune).

### **OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Executive Lemon gave the opening remarks and led those present in the Pledge of Allegiance.

### **REVIEW AND APPROVAL OF AGENDA**

The agenda was approved with the addition of Item 11d - Approval of 2007 meeting schedule for the Cache County Planning Commission, the Benson Planning District and the Board of Adjustments

**ACTION: Motion by Vice Chairman John Hansen to approve the addition of Item 11d - Approval of 2007 meeting schedule for the Cache County Planning Commission, the Benson Planning District and the Board of Adjustments - to the agenda. Zilles seconded the motion. The vote was unanimous, 7-0.**

### **REVIEW AND APPROVAL OF MINUTES**

**ACTION: Motion by Council member Robison to approve the minutes of the December 05, 2006, Council meeting as written. Zilles seconded the motion. The vote was unanimous, 7-0.**

### **REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

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**APPOINTMENTS:**

Cache County AG Advisory Board	Wes Roundy	3 years
	Christopher Sands	3 years
	Martin James	1 year
	Sherwood Hirschi	1 year
	Daniel Dygert	2 years
	Garr Morrison	3 years
	Joe Fuhriman	3 years
	Lane Parker	2 years
	Don Baldwin	1 year

**ACTION: Motion by Council member Gibbons to approve the recommended appointments to the Cache County AG Advisory Board. Hansen seconded the motion. The vote was unanimous, 7-0.**

Cache Valley Visitors Bureau Board	Mike Ewell	2 years
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**ACTION: Motion by Council member Zilles to approve the recommended appointment to the Cache Valley Visitors Bureau Board. Gibbons seconded the motion. The vote was unanimous, 7-0.**

Cache County Planning Commission	Lee Nelson	3 years
	Leslie Larson	3 years
	LaMar Clements	3 years

Executive Lemon also noted that the recommended replacement for Jack Draxler's unexpired term will be presented to the Council at the January 9, 2007, Council meeting.

**ACTION: Motion by Council member Chambers to adjourn to an Executive Session to discuss matters pertaining to the Planning Commission appointments. Zilles seconded the motion. The vote was unanimous, 7-0.**

**The Council adjourned to Executive Session at 5:10 p.m.**

**The Council adjourned from Executive Session at 5:40 p.m.**

**Executive Lemon withdrew the recommendation for Planning Commission appointments at this time and will present them at the end of the Council meeting.**

Richmond Cemetery District	Kip E. Panter
	Albert Purser

**ACTION: Motion by Council member Gibbons to approve the recommended appointments for the Richmond Cemetery District. Robison seconded the motion. The vote was unanimous, 7-0.**

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**WARRANTS:** There were no warrants.

**OTHER ITEMS**

- **Ritewood Eggs** - Executive Lemon said Ritewood Eggs has reached a revised settlement agreement. If the Council wants to take a position on the revised agreement it must have a statement on this matter sent to the state by January 8, 2007. Gibbons noted that because the penalty Ritewood will have to pay remains the same and only the approach to the payment has changed, Cache County will not issue any statement.
- **Chamber of Commerce Building** - Lemon said that the contributor who was to help the Chamber of Commerce pay for the note on the building will not be able to make the promised payment; therefore, the Chamber of Commerce has deeded one-fifth of the building back to Cache County. With improvements that have been made, the building is valued at approximately \$500,000.00.

**PENDING ACTION**

- **Approval of Cache County Capital Improvements Plan for 2007/2008** - Chairman Yeates indicated this plan was reviewed at the December 5, 2006, Council meeting.

(Attachment 1)

**ACTION: Motion by Council member Robison to approve the Cache County Capital Improvements Plan for 2007/2008. Hansen seconded the motion. The vote was unanimous, 7-0.**

- **Resolution No. 2006-31 - A Resolution of the County Council of Cache County, Utah, Declaring Certain R.S. 2477 Roadways as Public Roads** - Chairman Yeates told the Council that the maps attached to the resolution indicate the first roads proposed to be Class B roads. Attorney Don Linton, in County Attorney George Daines' absence, explained that this resolution accepts the Wasatch/Cache National Forest Ogden and Logan Ranger District 2005 Travel Plan in its entirety. This action is recommended by the Attorney General's office in order for Cache County to present resolutions at a later date listing specific roads as Class B roads. The Attorney General's office also suggested the Council prepare a County Ordinance regarding a county transportation plan.

Rob Cruz, U. S. Forest Service, responded that the Forest Service is supportive of working with the County to provide good roads for the public to use. Cruz gave the Council a letter outlining the Forest Service's stance on the R.S. 2477 roads.

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Petersen asked Bryan Dixon, who had submitted questions to the County Attorney on this matter if he was satisfied with the answers. Dixon said he appreciated the reply, but still had other concerns.

Petersen asked how many miles of the roads to be submitted for Class B status would be challenged by the Forest Service. Yeates replied that none of the 148 miles of roads presently being considered for Class B status are in dispute.

**(Attachments 2 & 3)**

**ACTION: Motion by Council member Gibbons to approve Resolution No. 2006-31-A Resolution of the County Council of Cache County, Utah, Declaring Certain R.S. 2477 Roadways as Public Roads. Zilles seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**PUBLIC HEARING:** DECEMBER 12, 2006 - 6:00 P.M. - OPEN 2006 BUDGET - Auditor Stones explained changes to the 2006 Budget and recommended approval. (See Attachment 5 to Resolution No. 2006-37-Adjustments to 2006 Budget-for details.)

Chairman Yeates opened the Public Hearing and invited public comment. There was none.

**ACTION: Motion by Vice Chairman Hansen to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 7-0.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2006-37 - Adjustments to 2006 Budget**

**(Attachment 4)**

**ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2006-37-Adjustments to 2006 Budget. Robison seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- **Resolution No. 2006-34 - Authorizing the issuance and sale of up to \$8,000,000.00 aggregate principal amount of Sales Tax Revenue Refunding Bonds of Cache County, Utah, and providing for related matters** - Yeates said this is to allow the county to take advantage of interest rates, if they are in a favorable position after the first of the year.

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Alex Buxton, Zions Bank, said that current rates would provide a 3.3% savings, or \$300,000.00, to the county. A 3% savings is considered an indication to move forward with refunding and recommended approval of Resolution No. 2006-34.

**(Attachment 5)**

**ACTION: Motion by Council member Gibbons to approve Resolution No. 2006-34 - Authorizing the issuance and sale of up to \$8,000,000.00 aggregate principal amount of Sales Tax Revenue Refunding Bonds of Cache County, Utah, and providing for related matters. Hansen seconded the motion. The vote was unanimous, 7-0.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2006-36 - Amending the Cache County Personnel Policies and Procedures Manual Section 5.27.3** - Lemon said this would change the travel policy to allow Council members to be reimbursed for the cost of their spouses' meals at the UAC Annual Convention.

**ACTION: Motion by Council member Gibbons to table Resolution No. 2006-36-Amending the Cache County Personnel Policies and Procedures Manual Section 5.27.3. Petersen seconded the motion. The vote was unanimous, 7-0.**

- **Final Plat Approval - Ernest Dean Subdivision** - A 4-lot subdivision on an original 1970 parcel in order to obtain a single building lot. Runhaar said the Benson Planning District has no concerns with this application.

**(Attachment 6)**

**ACTION: Motion by Council member Petersen to waive the rules and approve the Final Plat - Ernest Dean Subdivision. Hansen seconded the motion. The vote was unanimous, 7-0.**

- **Approval of 2007 Meeting Schedule for the Cache County Planning Commission, the Benson Planning District and the Board of Adjustments** - Runhaar explained that the Planning Commission meetings have been changed to the first Thursday at 5:30 p.m. so citizens will not have to take time off of work to attend; however, the January 2007 meeting will be on the second Thursday in order to meet deadlines already imposed.

**(Attachment 7)**

**ACTION: Motion by Council member Petersen to approve the 2007 Meeting Schedule for the Cache County Planning Commission, the Benson Planning District and the Board of Adjustments. Zilles seconded the motion. The vote was unanimous, 7-0.**

### **OTHER BUSINESS**

- ✓ **Election of Council Chairman and Vice Chairman for 2007** - Chairman Yeates opened the floor to nominations for Council Chairman. Council member Robison nominated Darrel Gibbons as the Council Chairman for 2007. Hansen seconded the nomination. The nominations closed. The Council voted 7-0 to accept Darrel Gibbons as Council Chairman.

Yeates opened the floor to nominations for Council Vice Chairman for 2007. Council member Zilles nominated John Hansen as the Council Vice Chairman for 2007. Chambers seconded the nomination. The Council voted 7-0 to accept John Hansen as Council Vice Chairman for 2007.

- ✓ **Council Christmas Social - Sherwood Hills, January 6, 2007 - 6:00 p.m.** - Chairman Yeates reminded Council members that this is on a Saturday night.
- ✓ **Swearing In Ceremony for all newly Elected Officials - January 2, 2007 - 12:00 noon - Historic Courthouse, Council Chambers, 199 North Main, Logan, Utah**

### **COUNCIL MEMBER REPORTS**

**Darrel Gibbons** said he has received two complaints concerning the meals at the Senior Citizens Center. Executive Lemon will investigate the complaints.

Gibbons said he has distributed a draft of the agreement to create the Northern Utah Regional Landfill Authority to the Council for their review and input. Gibbons indicated the meeting in Weber County had been cancelled.

Petersen noted that Logan City is listed on the agreement as the representative for Cache valley. Petersen said some south end mayors in Cache County are concerned that Logan City is the representative rather than Cache County and urged the county's participation.

Gibbons replied this is only a draft and the discussion is still open with regards to Cache County's involvement and participation. Zilles said that if the county is to participate in this, there will be a cost and the Council needs to be willing to accept that.

Lemon reminded the Council the three major concerns of the mayors will be on Council agendas and ownership of the landfill is the first item to be included on an agenda. Petersen said he fears events will have already occurred by the time that item is discussed.

Gibbons suggested a special meeting with Logan City Council as soon as possible. Hansen was supportive of a special meeting.

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Petersen indicated that the Cache Valley Regional Council will meet Monday, December 18, 2006, and Mayor Watts, Laraine Swenson and Issa Hamud will be at that meeting addressing the landfill issue. The Council agreed that Council members should attend if at all possible.

Pat Parker will approach Logan City and request a workshop meeting with Logan City Council and Cache County Council as soon as possible.

**Gordon Zilles** reported he and Petersen had met this date in a Critical Lands Task Force meeting where a January workshop with the County Council was proposed. Petersen said the fourth Tuesday of January was suggested. Petersen also suggested consideration be given to bringing together the Critical Lands Task Force, the AG Advisory Board and the Trails Committee since much of their work is related.

**Craig Petersen** said that the Quality Growth Commission, which allocates LeRay McAllister Funds, has two seats from county government that are vacant and suggested it would be valuable to Cache County to have a representative on that Commission. Lemon will contact Brent Gardner about the possibility of having someone from Cache County fill one of the vacancies.

**Brian Chambers** received a call from one of the property owners of land west of the airport who has an eight-mile round trip to access his land because of airport expansion some years ago. Chambers accompanied him and other property owners in the area on a drive to their lands. The property owners said they thought the county had promised to build an access road for them, but nothing has been done. Chambers asked that the property owners, as well as others who were involved with the Council at that time, be invited to a Council meeting to have this issue resolved.

Lemon said the agreement was that if the property owners would contribute the land, the county would build an agricultural access road for them, but one of the property owners was opposed to it and another property owner who wanted the road through would not give the land.

Chambers said he is sure there are reasons why the road has not been built, but feels the property owners concerned should have the opportunity to have their concerns reviewed and resolution achieved. Chambers suggested inviting the parties to a Council meeting by at least March 2007.

Lemon said this will be placed on a future agenda.

**ACTION: Motion by Council member Gibbons to adjourn to Executive Session to continue the earlier discussion on Planning Commission appointments. Robison seconded the motion. The vote was unanimous, 7-0.**

The Council adjourned to Executive Session at 6:55 p.m.

The Council adjourned from Executive Session at 7:29 p.m.

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**ACTION: Motion by Vice Chairman Hansen to approve the recommended appointments for the Cache County Planning Commission. Gibbons seconded the motion. The vote was unanimous, 7-0.**

**ADJOURNMENT**

The Council meeting adjourned at 7:30 p.m.

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

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**APPROVAL:** Cory Yeates  
Council Chairman



CACHE COUNTY CAPITAL IMPROVEMENT PLAN  
2007 Update

<u>Description of Improvements</u>	<u>Cost</u>	<u>Source of Funds</u>
Year 2007		
Airport-Instrument Landing System	2,000,000	FAA/Authority
Airport-Parallel Taxi-way B	1,008,000	FAA/Authority
Airport-Schedule 2 Apron Reconstruction	650,000	FAA/Authority
Assessor-Equipment	25,000	A&C County
Buildings & Grounds-Improvements East Parking	146,472	County/City/Merchants
Buildings & Grounds-Improvements West Parking	453,926	County/City/Developers
Cache Employment & Training Center, Facility Improvements	95,000	CDBG
CAPSA, Transitional Housing	100,000	CDBG
Common Ground Outdoor Adventures, ADA requirements	30,000	CDBG
Fire-Brush Truck/Captial Equipment	70,000	County
Fire-Fire Trucks/Newton, North Logan & Richmond	825,000	Lease Proceeds/County
Jail-Work Release Equipment	5,100	Work Release Revenue
Multicultural Center of Cache Valley, Vehicle & Equipment	36,600	CDBG
NNHC, Infrastructure Development/Affordable Housing	100,000	CDBG
Road-Building Improvements	70,000	Class B
Road-Equipment(Loader, Truck, Lowboy trailer)	354,000	Class B
Road-Shop Improvements	35,000	Class B
Road-500E, 3000S-3800S-Purchase Right-of-Way	24,000	Property Owners/County
Road-500E, 3000S-3800S-Widen, Double Chip Seal	40,000	Millville City/County/Class B
Road-1600W, 2500S-2600S-Per UDOT Permit	20,000	County/Class B/Property Owner
Road-1600W, 2500S-2600S-Pave & Double Chip	10,000	County/Class B/Spec. Road
Road-2600S, 800W-1600W-Double Chip Seal	50,000	County/Class B/Spec. Road
Road-4400S, 700W-1200W-Double Chip Seal	8,000	County/Class B
Road-600N, 7200W-8000W-Double Chip Seal	12,000	County/Class B
(The next project will be completed over a 2-3 year period)		
Road-4800W, 6200N-7000N-Mill, Base and Resurface	252,000	County/Class B
Road-Porcupine Dam-culverts etc.	10,000	County/Class B
Sheriff-Automobiles & Equipment	192,978	County
Sheriff-Support Services-Automobiles & Equipment	41,000	County
Sheriff-Search & Rescue-Equipment	10,000	County/Search & Rescue
Sheriff-Municipal Services-Automobile & Equipment	20,022	Municipal Services
Year 2008		
Airport-Snow Blower/Sweeper	100,000	FAA/State/Authority
Airport-Construct Helipads	100,000	FAA/State/Authority
Airport-Crack Seal Runway 10/28	150,000	FAA/State/Authority
Airport-Hangar Access Taxilanes	212,000	FAA/State/Authority
Airport-Improvements	26,000	FAA/State/Authority
Assessor-Equipment	52,500	A&C County
Attorney-Equipment	8,500	County
Auditor-Equipment	14,400	County
Buildings & Grounds-Improvements & Equipment	29,000	County
Central Mail & Copy-Equipment	10,500	County
Clerk-Equipment	8,500	County
Fire-Equipment	30,000	County

Information Technology Systems-Computer Equipment	20,600	County
Library-Equipment	9,600	County
Recorder-Equipment	25,600	County
Road-Equipment (Backhoe etc.)	150,000	Class B
Road-Porcupine Dam improvements	10,000	County/Class B
Road-Improvements	200,000	County/Class B
Road-1200S, 5400W-Railroad Tracks-Double Chip	8,000	County/Class B
Road-7800N, 800W-1500W, Double Chip Seal	20,000	County/Class B
Road, 1600W, 6600N-7800N, Double Chip Seal	20,000	County/Class B
Bridge Extensions-4600S, 4700W (Pine Canyon)	52,000	County/Class B
Bridge Extensions-3400S, 5600W (Maple Rise)	52,000	County/Class B
Bridge Extensions-6000S, 3200W (Hawbush)	52,000	County/Class B
Senior Citizens Center-Equipment	34,000	Council on Aging Funds
Sheriff-Automobiles & Equipment	200,000	County
Sheriff-Support Services-Automobiles & Equipment	50,000	County
Sheriff-Emergency Management-Computer Equipment	10,000	County
Sheriff-Municipal Services-Automobile & Equipment	60,000	Municipal Services
Weed-Equipment & Improvements	23,000	County
Weed-Storage Shed for Chemicals	3,000	County

Year 2009

Airport-Apron Reconstruction & Reconfigure Tie Down Area	791,731	FAA/State/Authority
Airport-Improvements	50,000	Authority
Assessor-Equipment	25,000	A&C County
Buildings & Grounds-Improvements & Equipment	15,000	County
Fire-Equipment	30,000	Municipal Services
Jail-Improvements & Equipment	80,000	County
Information Technology Systems-Computer Equipment	26,000	County
Recorder-Equipment	20,000	County
Road-Equipment	150,000	Class B
Road-Ant Flat Road-Base Out	63,000	County/Class B
Road-Porcupine Dam improvements	10,000	County/Class B
Road-Improvements	200,000	County/Class B
Senior Citizens Center-Equipment	7,000	Council on Aging Funds
Sheriff-Automobiles & Equipment	200,000	County
Sheriff-Support Services-Automobiles & Equipment	60,000	County
Sheriff-Municipal Services-Automobile & Equipment	50,000	Municipal Services
Surveyor-Equipment	7,500	County
Weed-Improvements	4,000	County
Weed-Equipment	23,000	County

Year 2010

Airport-Improvements	80,000	FAA/State/Authority
Assessor-Equipment	50,000	County
Attorney-Equipment	10,000	County
Auditor-Equipment	14,000	County
Buildings & Grounds-Improvements & Equipment	14,000	County
Central Mail & Copy-Equipment	9,000	County
Clerk-Equipment	10,000	County
Extension-Equipment	20,000	County
Fire-Equipment	42,000	Municipal Services

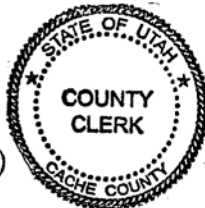
Information Technology Systems-Computer Equipment	28,000	County
Recorder-Equipment	22,000	County
Road-Equipment/Crusher	500,000	Class B
Road-Improvements	200,000	County/Class B
Road-4000S, 3920W-4000W-Double Chip Seal	6,000	County/Class B
Road-2600S, 1800W-2000W-Double Chip Seal	5,500	County/Class B
Road-5900W, South End of Cobblestone	6,000	County/Class B
Road-5600W, 14200N-13400N-Base & Double Chip Seal	20,000	County/Class B
Road-3000W, 3200S-3500S-Double Chip Seal	8,000	County/Class B
Road-7000N, 4800W-4400W-Double Chip Seal	6,000	County/Class B
Road-3800W, 7800S-8100S-Double Chip Seal	10,000	County/Class B
Road-12100N, SR91-800E-Double Chip Seal	6,000	County/Class B
Road-8600S, 2000W-2400W-Widen & Straighten Curves(DC)	10,000	County/Class B
Road-Pisgah, Paradise to Meridian-Double Chip Seal	40,000	County/Class B/Spec. Road
Road-Meridian, 8200S to Pisgah-Double Chip Seal	100,000	County/Class B/Spec. Road
Road-Equipment Storage Shed	50,000	County/Class B
Road-Bridge-2900S, 200E Replacement	300,000	Federal/Class B
Road-SR218 & 6800N-Intersection Improvements	12,000	County/Class B
Sheriff-Automobiles & Equipment	220,000	County
Sheriff-Support Services-Automobiles & Equipment	50,000	County
Sheriff-Municipal Services-Automobile & Equipment	72,000	Municipal Services
Weed-Equipment	23,000	County

Year 2011

Airport-Improvements	2,000,000	FAA/State/Authority
Assessor-Equipment	25,000	County
Extension-Equipment	25,000	County
Fire-Equipment	37,000	County
Information Technology Systems-Computer Equipment	72,000	County
Recorder-Equipment	16,000	County
Road-Equipment (Truck w/sander & plow.)	140,000	Class B
Road-Porcupine Dam improvements	10,000	County/Class B
Road-Improvements	200,000	County/Class B
Senior Citizens Center-Equipment	12,000	Council on Aging Funds
Sheriff-Automobiles & Equipment	230,000	County
Sheriff-Support Services-Automobile	75,000	County
Sheriff-Municipal Services-Automobiles & Equipment	50,000	Municipal Services
Weed-Equipment	8,000	County

ATTEST:

*Jill N. Zollinger*  
 Jill N. Zollinger, County Clerk



RESOLUTION NO. 2006-31

A RESOLUTION OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,  
DECLARING CERTAIN R.S. 2477 ROADWAYS AS PUBLIC ROADS.

WHEREAS, The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds as follows:

- A. There are certain rights-of-ways, and presently existing roads, in the Wasatch-Cache National Forest Ogden and Logan Ranger District 2005 Travel Plan, more particularly described in this Resolution in the Attachments as Exhibit "A";
- B. These rights-of-way were created, pursuant to United States Revised Statutes 2477 ((43 U.S.C. § 932) (repealed October 21, 1976)) and Utah Code Ann. § 72-3-104, *et seq.*, (1953), as amended, attached hereto as Exhibit "A"; and were in use prior to the creation of the Wasatch-Cache National Forest.
- C. The Cache County Council has determined that it is in the public interest to accept the rights-of-way identified in "Exhibit A" as public highways;

NOW THEREFORE, BE IT RESOLVED, by the County Council of Cache County, State of Utah:

1. Districts Identified: The Wasatch-Cache National Forest Ogden and Logan Ranger District 2005 Travel Plan is hereby adopted by the County Council of Cache County, Utah;
2. Public Roads Declaration. The right-of-ways, more particularly described in the attachments to Exhibit "A" are hereby declared to be public highways, pursuant to United States Revised Statutes 2477 ((43 U.S.C. § 932) (repealed October 21, 1976)) and Utah Code Ann. § 72-3-104, *et seq.*, (1953), as amended, by virtue of the continuous use of said rights-of-way as public highways for at least ten (10) years and the presumed dedication of said roads to public use pursuant, as a matter of law, through such public use.

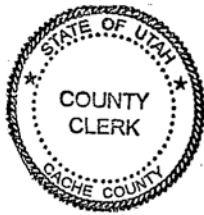
3. Roads Not on Travel Plan: Further, the County Council of Cache County finds that there are additional rights-of-way not identified on the Wasatch-Cache National Forest Ogden and Logan Ranger District 2005 Travel Plan that the Council reserves the right to adopt as public highways in the future, but which are not adopted as public highways by this Resolution.
4. Classification. The right-of-ways declared to be public highways by this resolution shall be classified as part of the "B Road System" for Cache County.
6. Effective Date. This Resolution shall take effect immediately upon adoption.
7. Conflicting Resolutions. To the extent that any prior resolutions adopted by the County Council of Cache County, Utah conflict with this Resolution, this Resolution shall be deemed paramount to and shall supersede such prior action.

DATED This 12<sup>th</sup> of December, 2006.

CACHE COUNTY COUNCIL

By: 

Cory Yeates, Chairman



ATTEST:



By: Jill N. Zollinger

Cache county Clerk

# EXHIBIT A

## Cash County

### Cash County Calculation for FY-06

	Paved Miles	Gravel Miles	Dirt Miles	Total Miles
Miles of Road Maintained	198.50	170.49	73.07	442.06
Weighted Miles of Roads Maintained	992.50	340.98	73.07	1406.55
Weighted Percentage	70.5627%	24.2423%	5.1950%	100%

	Paved Miles	Gravel Miles	Dirt Miles	Total for FY 2006
Total Amount Per Mile	772,723.56	265,474.34	56,889.58	1,095,087.48
Cost Per 1 mile	3,892.81	1,557.13	778.56	6,228.50

Totals	148,982,324.9	Adams Corral Road.dbf	Baxter Saw Mill.dbf	Beaver Creek Road.dbf	Cowley Canyon-Herd Hollow.dbf
Miles	148,982,324.9	6,045,083,495	5,093,793,787	2,112,479,914	8,616,818,005
Distance	239,763,884.87506900	9,281,622,274.6162	3,197,669,004,000.00	3,399,706,930,619.14	13,867,421,724,920.10
Funding Pirt	\$115,991,168	263,399,194,630.00	0,589,624,000.00	705,082,464,702.00	5171,8103,701,000
Frank Basin Days	27,662,314.04	1,194,094,689,450.00	3,721,900,000.00	32,213,933,089.00	513,407,765,121.00
Funding Gravel	\$231,984,85	1,753,964,864.6	3,526,980,000.00	96,927,148,058.70	181,085,948,316.00
Frank Basin Days		728,809,224,623.00	196,763,000,000.00	40,690,829,082.50	132,225,665,740.00
		1222,854,686,310.00	267,749,000,000.00	26,671,787,964.50	1013,750,811,080.00
		5,858,709,842.88	120,260,000,000.00	6,607,087,932.94	506,678,429,342.00
		141,382,527,130.00	571,124,000,000.00	143,591,868,370.00	91,835,610,114.70
		52,135,451,439.30	417,113,000,000.00	129,685,702,019.00	1719,799,530,830.00
		46,284,431,948.70	1264,870,000,000.00	162,323,143,464.00	1876,948,296,780.00
		1582,912,462,210.00	21,407,500,000.00	44,265,440,593.40	52,861,843,732.90
		1483,653,376,500.00	1552,790,000,000.00	240,262,812,910.00	124,213,441,043.00
		1674,657,926,500.00	264,262,000,000.00	4,357,473,796.3	25,547,610,372.50
		732,899,184,167.00	666,692,000,000.00	91,488,661,653.00	540,879,992,534.00
		125,807,668,637.00	2846,800,000,000.00	8,743,900,196.67	1916,3763,889,700.00
		0,741,071,692.68		96,332,838,433.20	
		237,208,271,268.00		673,693,774,966.00	
		187,422,838,120.00		137,765,214,456.00	
		46,747,033,662.60		447,460,876,068.00	
				5,471,364,760.02	
				5,903,452,203.34	
				29,805,818,554.30	
				7,799,252,344.40	
				2,366,287,508.58	
				0,875,648,354.16	
				1,219,208,334.43	
				17,920,819,636.70	
				3,377,496,538.64	
				236,802,751,398.00	



Totals									
Miles	148.9823249	Adams Corral Road.dbf	6045083195	Baxter Saw Mill.dbf	5093793787	Beaver Creek Road.dbf	2112479314	Cowley Canyon.Herd.Hollow.dbf	81616613705
Distance	239763.88487806800	978162234416162	1819766900400000	339970696061911	138674217292010				
Funding	\$115,991,168	263.39919463000	0.58962400000	705.08246470200	5171.81037011000				
6 mo	\$695,950.07	1194.09468945000	3.72190000000	32.21393308900	513.40776512100				
Frank Basin Days	27.66231404	1.75359648846	3.52698000000	96.92714805870	181.08594831600				
Funding Gravel	\$231,984.85	728.80922462300	196.76300000000	40.69082908250	132.22568657400				
6 mo	\$1,391,909.09	1222.85468631000	267.74900000000	26.67187964500	1013.75081108000				
Frank Basin Days	55.32498339	5.85870984288	120.26000000000	6.60708793294	506.67842934200				
		141.38252713000	571.12400000000	143.59186873700	91.83561011470				
		52.13545143930	417.11300000000	129.68570201900	1719.79953083000				
		46.28443194870	1264.87000000000	162.32314346400	1876.94829678000				
		1582.91246221000	21.40750000000	44.26544059340	52.86184373290				
		1483.65337605000	1552.79000000000	240.26281219100	124.21344104300				
		1674.65792650000	264.26200000000	4.35747737963	25.54761037250				
		732.89918416700	666.69200000000	91.48856165300	540.87999253400				
		125.80766663700	2846.80000000000	8.743900019667	1916.37638897000				
		0.74107169268		96.33283843320					
		237.20827126800		673.69377496600					
		187.42283811200		137.76521445600					
		46.74703366260		447.46087606800					
				5.47136476002					
				5.90345220334					
				29.80581855430					
				7.79925234440					
				2.36628750858					
				0.87564835416					
				1.21920833443					
				17.92081963670					
				3.37749653864					
				236.80275139800					

Curtis_Ridge_Road.dbf	Dip_Hollow_Long_Hollow.dbf	Franklin_Basin_Road.dbf	Green_Canyon_Road.dbf	Heils_Hollow-Danish_Dugway.dbf	High_Creek_Road.dbf
9.631254228	9.282245634	6.008357812	3.95884094	1.29464924	5.751693421
1500700600000000	1293833093919680	9669.54758547857	6369.8514089570	18176.98161057300	93046394527.675
2227.260000000000	1526.93553670000	81.55819461100	905.35557940300	87.09410125080	910.59027228400
2411.800000000000	268.06304936700	567.97601109900	706.80126445700	98.71479045410	563.29831130700
942.282000000000	694.44760119400	56.11386303760	1400.99402713000	230.11036646500	459.98571330100
794.111000000000	95.01854495310	915.85452070600	33.14253063700	45.78439349800	2102.50266253000
130.077000000000	1261.81323810000	60.47203129890	31.69701442490	162.27273669100	13.21341677180
57.398900000000	411.44262947900	16.38938812760	24.22900259680	49.75700050050	31.15473001030
1839.690000000000	1228.97473249000	28.87504665570	35.11153621500	211.74782270400	44.16557840140
274.849000000000	1042.54047301000	9.30457807101	251.44974672200	58.0356004500	241.86797602400
402.052000000000	518.20338596700	106.578288867400	819.16357143600	54.84072401850	1717.10388974000
273.880000000000	149.18156356400	19.82774777270	1453.3861611000	100.40919587900	154.52141377300
126.568000000000	22.20298467230	110.00182091500	246.57318951500	4.21707975740	169.39123857200
956.311000000000	660.62332388300	90.48956676930	461.94778531100	1.77217398928	211.20962279600
394.596000000000	613.12493014500	60.77385596290		45.67377263520	668.79341776300
90.596400000000	583.49351935900	160.34571718300		44.46738985880	0.88956244645
147.066000000000	7.01740132331	207.80721117500		7.1778620453	154.55098926500
10.001700000000	933.01603363200	66.09030717770		29.52819668240	13.0865813680
1210.280000000000	1075.67528140000	1.30193320156		2.89818510024	436.13496036800
482.017000000000	142.23322776200	2.17247537101		28.97252760410	493.47441715800
2729.170000000000	124.88847131900	18.38895469100		31.74981292140	214.14250585400
	1100.68397141000	220.13941292400		64.29175975810	704.56215627300
	1070.34753793000	63.27033923780		42.16036621520	
	1185.93963781000	540.92730562900		34.33321806720	
	75.55196862880	263.95349403200		167.93971694700	
	3.33035714302	143.02874936400		8.39272000479	
	140.38837604000	15.14660681190		26.07710529520	
	3.18716191476	160.73926575100		18.83416924370	
		264.47203461200		34.39577283230	
		34.59905011750		21.17470686240	
		105.08217133800		10.76869972890	
		38.69113627250		9.39121856156	
		799.41693890400		75.26872524180	
		56.96733692890		25.08831909670	
		0.32705575599		6.27363485672	



Rock Creek.dbf	Rook Creek Road.dbf	Sinks Road.dbf	Smithfield Canyon Road.dbf	Swan Flat Road.dbf	Temple Fork.dbf	Three Mile Creek.dbf
5699699165	2699997078	6768499199	3279354534	2740692306	1160647093	2525757446
902678430000000	434499890000000	108926694418830	526826249335475	44107480854990	1867881013894490	406481384946050
3375.12000000000	3375.12000000000	418.63636401600	13.21341677180	814.41297014900	122.90456317100	192.90019720900
68.47290000000	68.47290000000	110.58466532000	31.15473001030	3596.30511340000	71.896653462370	457.77968553300
660.52600000000	900.50600000000	19.35911118120	44.16557840140		1426.44253914000	981.91767719600
900.50600000000		18.79094352430	241.86797602400		147.99212918500	82.11346920510
968.47400000000		99.88236367940	1717.10388974000		294.26382374400	24.46029721730
52.56440000000		350.48265994600	154.52141377300		10.65088758040	40.22522878470
407.25700000000		51.55411347870	169.39123857200		63.29339940890	97.35518875840
361.72400000000		174.85587626300	211.20962279800		2169.32329693000	998.27143762500
2241.54000000000		1.70914500786	668.79341776300		95.09609214910	919.65736329500
		38.20119075880	0.88959244645		1132.79385488000	270.13330463700
		331.47969689400	154.55098926600		75.05174499980	
		243.53132664200	13.08658813680		213.41063455500	
		137.22958407700	436.13486036800		2.47645097243	
		152.13453624600	493.47441715800		57.75462843890	
		179.13073500800	214.14250585400		135.00485784700	
		75.84666791550	704.56215627300		74.23680251370	
		294.73458895300			67.56035190460	
		15.06733332910			744.30499251820	
		20.03957287550			53.59054811420	
		84.33531125870			184.70626241900	
		499.37282910200			1398.15886022000	
		79.79766341640			846.22076507500	
		223.75479382600			96.65784721170	
		2.65604610452			1728.59488931000	
		14.58105964610			131.79952962900	
		28.07587456410			77.50478782130	
		76.307588831690			194.98191054100	
		78.99027779320			664.86434067600	
		16.00227097860			42.21305766620	
		7.86043083251			923.30832814100	
		15.04290299760			3475.36129088000	
		22.43044938400			1956.39013668000	
		2.19089965952				



United States  
Department of  
Agriculture

Forest  
Service

Wasatch-Cache  
National  
Forest

Logan Ranger District  
1500 East, Highway 89  
Logan, Utah 84321-4373  
(435) 755-3620

File Code: 5510/2730

Date: December 12, 2006

Cory Yeates  
Chairman County Council  
Cache County Corporation  
199 N. Main  
Logan, UT 84321

Dear Chairman Yeates

We understand that Cache County is proposing to assert that the County owns public highway rights-of-ways on the Wasatch-Cache National Forest. Section 8 of the Act of July 26, 1866, "R.S. 2477," 43 U.S.C. 932 (repealed), provided "[t]hat the right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Even though this law was repealed in 1976 and no new rights-of-way could have been established after that time, rights-of-way for public highways may indeed have been established on National Forest System land prior to the repeal of R.S. 2477, if several conditions were met.

First, as stated in the law, such highway rights-of-way could only have been established on "public lands" that are "not reserved for public uses." National Forest System lands are reserved for public uses at the date of Proclamation, reservation, withdrawal, or other act establishing the National Forest or including land in a National Forest. Accordingly, for any public highway right-of-way to exist under R.S. 2477, it must be shown that the statutory grant of the right-of-way was accepted prior to inclusion of the land in the National Forest System.

In addition, to accept the grant, a highway had to be actually constructed, and dedicated to public use in accordance with applicable laws. Therefore, to demonstrate that a valid public highway right-of-way exists today on National Forest System lands, it must be shown that these requirements were met prior to inclusion of the land into the National Forest System.

Finally, if a valid public highway right-of-way was established prior to the inclusion of the land where it is located in a National Forest, it must be shown that the right-of-way has been continuously used and maintained as a public highway. If not, it may be deemed abandoned by applicable laws.

Since we have not been provided information regarding your proposed claim we cannot evaluate or concur with your potential assertion. Without sufficient evidence of title, the Forest Service cannot recognize any claim of a real property interest in land under its administration.

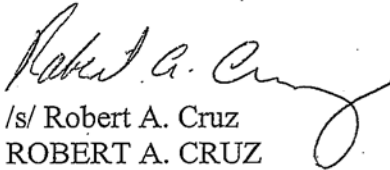
Most importantly, Federal law codified at 16 U.S.C. 551 requires compliance with regulations of the Secretary of Agriculture governing the use and occupancy of NFS lands. Regulations of the Secretary of Agriculture at 36 CFR 251.50 require that authorization be obtained from the Forest Service for all use and occupancy of National Forest System lands. Regulations at 36 CFR 261.10(a) prohibit constructing or maintaining roads or trails across National Forest System lands without appropriate Forest Service authorization.



Even where a valid right-of-way exists on a National Forest under R.S. 2477, the United States retains ownership of the land beneath and adjacent to the right-of-way, "the servient estate." Any use, constructed, reconstruction, or maintenance of roads that may affect that land is subject to regulation by the Forest Service, including requirements for authorizations, to insure that activities are within the scope of the right-of-way and do not unreasonably or unnecessarily degrade Federal property. The assertion of a right-of-way under R.S. 2477 does not exempt the claimant from the application of these regulations.

Where it is logical for a particular road to be part of the state or county transportation system, the Forest Service may consider issuance of permanent easements to a state or county under current authorities. Similarly, where roads are necessary for access to private property within a National Forest, the Forest Service is obligated by law to provide reasonable access, and may issue authorizations to the owners of such property. Seeking easements or other authorizations from the Forest Service under these authorities may be simpler, less costly, and provide more certainty than asserting right-of-way under R.S. 2477. You are encouraged to contact me at 435-755-3620 to explore these options

Sincerely,



/s/ Robert A. Cruz  
ROBERT A. CRUZ  
District Ranger

RESOLUTION NO. 2006- 37

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2006 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2006 budget for Cache County:

**see attached**

Section 2.

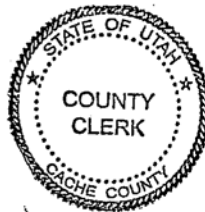
Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

Section 3.

This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Council on the 12th day of December, 2006.

ATTESTED TO:



CACHE COUNTY COUNCIL

*Jill N. Zollinger*  
Jill N. Zollinger, Cache County Clerk

*Cory Yeates*  
Cory Yeates, Chairman



FUND 10 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
10-33-44103	Library Transition Grant	(13,532)	1,402		(12,130)	reduce to actual
10-33-45000	CDBG Grants	(100,000)	100,000		-	reduce to actual
10-34-23000	Jail Fees	(34,000)		(6,000)	(40,000)	adjust to actual estimates
10-34-35000	Weed Fees	(25,000)		(7,295)	(32,295)	adjust to actual estimates
10-38-40000	Admin Fee - Reimb Muni Serv Fd	(386,361)		(30,804)	(417,165)	increase to actual
10-38-76500	Transfer from RAPZ Tax	(35,000)	20,000		(15,000)	adjust to actual
10-38-90000	Appropriated surplus	(2,391,639)		(18,303)	(2,409,942)	to balance gen fund expense budgets
	Totals		121,402	(62,402)		
	Net Adjustment				59,000	

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
10-4135-251	ITS-GIS Dept - Non capitalized equip	2,500		(2,000)	500	transfer to purchase backup server
10-4135-311	ITS-GIS Dept - software	8,200		(6,000)	2,200	transfer to purchase backup server
10-4136-740	ITS Dept - Capitalized Equipment	1,482	8,500		9,982	transfer to purchase backup server
10-4141-230	Auditor - travel	3,037	300		3,337	transfer to meet estimated expenses
10-4141-240	Auditor - office expense	2,983	2,000		4,983	transfer to meet estimated expenses
10-4141-251	Auditor - non capitalized equipment	1,871	2,300		4,171	transfer to noncapitalized equip for
10-4141-311	Auditor - Software	29,832		(2,561)	27,271	transfer to noncapitalized equip for
10-4141-520	Auditor - collection costs	271		(271)	-	transfer to meet estimated expenses
10-4141-610	Auditor - misc supplies	8,950		(1,768)	7,182	transfer to meet estimated expenses
10-4145-230	Atty - Travel	10,538	1,500		12,038	transfer to meet estimated expenses
10-4145-240	Atty - Office Supplies	11,456	3,000		14,456	transfer to meet estimated expenses
10-4145-310	Atty - prof & tech	5,959		(1,500)	4,459	transfer to meet estimated expenses
10-4145-312	Atty - Extraordinary costs	20,537		(3,000)	17,537	transfer to meet estimated expenses
10-4145-483	Atty - Spec Dept Supplies -Jail	2,292	1,800		4,092	transfer from misc supplies
10-4145-610	Atty - Misc Supplies	2,292		(1,800)	492	transfer to jail supplies
10-4147-480	Surveyor - spec dept supplies	4,910	3,500		8,410	autocad expense
10-4150-600	Non-Dept - Ambulance	26,000		(26,000)	-	transfer to correct acct -aerial photography
10-4150-620	Non-Dept - Misc Services	99,884	26,000		125,884	transfer to correct acct -aerial photography
10-4210-250	Sheriff - equip supply & maint	75,836	5,000		80,836	transfer to meet estimated expenses
10-4210-330	Sheriff - education & training	15,855		(5,000)	10,855	transfer to meet estimated expenses
10-4220-250	Fire - Equip Supply & Maint	39,647	5,000		44,647	radios etc cut from 2007 requests



**FUND 10 GENERAL FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
10-4800-915	Transfer to Sr Citizens Fund	82,692	32,000		114,692	To purchase emergency kitchen equipment
10-4800-920	CDBG Pass thru Grants	100,000		(100,000)	-	adjust to actual
Totals			90,900	(149,900)		
Net Adjustment				(59,000)		

**FUND 15 ASSESSING AND COLLECTING FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
15-4135-230	ITS GIS - travel	2,000		(2,000)	-	Transfer for contract for aligning plats with actual sec.
15-4135-250	ITS GIS - equip supplies & maint	2,500		(900)	1,600	Transfer for contract for aligning plats with actual sec.
15-4135-251	ITS GIS - non-capitalized equipment	3,000		(2,000)	1,000	Transfer for contract for aligning plats with actual sec.
15-4135-311	ITS GIS - software	8,200		(8,000)	200	Transfer for contract for aligning plats with actual sec.
15-4135-330	ITS GIS - education & training	1,500		(1,500)	-	Transfer for contract for aligning plats with actual sec.
15-4135-620	ITS GIS - misc services	10,770	13,900		24,670	contract for aligning plats with actual sec cor
15-4141-240	Auditor - office expense	3,292	504		3,796	transfer to meet estimated expenses
15-4141-251	Auditor - non capitalized equipment	2,078	2,600		4,678	transfer to meet estimated expenses
15-4141-310	Auditor - professional & tech	1,144	1,082		2,226	transfer to meet estimated expenses
15-4141-311	Auditor - Software	21,982		(2,000)	19,982	transfer to meet estimated expenses
15-4141-620	Auditor - misc services	2,186		(2,186)	-	transfer to meet estimated expenses
15-4144-251	Recorder - Non capitalized equip	-	12,000		12,000	transfer to meet estimated expenses
15-4144-740	Recorder - Capitalized equip	17,000		(12,000)	5,000	transfer to meet estimated expenses
15-4145-240	Atty - office expense	1,044	300		1,344	transfer to meet estimated expenses
15-4145-250	Atty - misc supply & maint	874	300		1,174	transfer to meet estimated expenses
15-4145-312	Atty - extraordinary costs	1,963		(656)	1,307	transfer to meet estimated expenses
15-4145-483	Atty - spec dept supplies - jail	208	20		228	transfer to meet estimated expenses
15-4145-620	Atty - misc services	251	36		287	transfer to meet estimated expenses
15-4147-250	Surveyor - Equip supplies & maint	203	500		703	increase to meet estimated expenses
Totals			31,242	(31,242)		
Net Adjustment						

**FUND 20 MUNICIPAL SERVICES FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
20-38-76000	Transfer from RAPZ Tax - Population	(12,000)	741		(11,259)	adjust to actual
	Totals		741			
	Net Adjustment				741	

**FUND 20 MUNICIPAL SERVICES FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
20-4415-310	Class B Road - Prof & Tech	12,000	11,000		23,000	Transfer for Concept report Maughan's Corner & 540C
20-4415-410	Class B Road - Road maintenance	292,000	25,000			transfer from new road construction
20-4415-760	Class B Road - New Road Constructic	200,000		(36,000)	164,000	Transfer to meet expenses
20-4560-480	Recreation - RAPZ Tax	12,000		(741)		adjust to actual award
	Totals		36,000	(36,741)		
	Net Adjustment				(741)	

**FUND 21 HEALTH FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
21-34-40000	Air Pollution Control fee			(50,000)	(50,000)	estimated receipts from Sept 2006
	Totals			(50,000)		
	Net Adjustment				(50,000)	

**FUND 21 HEALTH FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
21-4310-620	Health - Air Pollution Control Expense:	19,496	50,000		69,496	Fee collected for Air Pollution Control
	Totals		50,000			
	Net Adjustment				50,000	

**FUND 23 CACHE VALLEY VISITOR'S BUREAU FUND REVENUES**

ACCOUNT	DESCRIPTION	Recommended		Amended		Reason for Change
		Current Budget	Decrease DEBIT	Increase CREDIT	Budget	
23-38-76000	Transfer from Restaurant Tax	-	-	(45,000)	(45,000)	adjust to actual award
23-38-76500	Transfer from RAPZ Tax	(35,000)	-	(45,000)	-	adjust to actual award
	Totals		35,000	(45,000)		
	Net Adjustment				(10,000)	

**FUND 23 CACHE VALLEY VISITOR'S BUREAU FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Recommended		Amended		Reason for Change
		Current Budget	Increase DEBIT	Decrease CREDIT	Budget	
23-4780-490	Advertising & promotions	114,695	10,000	-	124,695	adjust to actual award
	Totals		10,000			
	Net Adjustment				10,000	

**FUND 24 SENIOR CITIZENS FUND REVENUES**

ACCOUNT	DESCRIPTION	Recommended		Amended		Reason for Change
		Current Budget	Decrease DEBIT	Increase CREDIT	Budget	
24-38-75000	Transfers from Other Funds	(26,000)	14,500	(14,500)	(11,500)	adjust to actual
24-38-90000	Appropriated Surplus	(29,654)	-	(14,500)	(44,154)	to balance revenues
	Totals		14,500	(14,500)		
	Net Adjustment				-	

**FUND 26 RECREATION (RESTAURANT TAX) FUND REVENUES**

ACCOUNT	DESCRIPTION	Recommended		Amended		Reason for Change
		Current Budget	Decrease DEBIT	Increase CREDIT	Budget	
26-31-31000	Restaurant Tax	(813,000)	-	(10,000)	(823,000)	increase to estimated receipts
	Totals					
	Net Adjustment				(10,000)	

**FUND 26 RECREATION (RESTAURANT TAX) FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Recommended		Amended Budget	Reason for Change
		Current Budget	Increase DEBIT		
26-4810-100	Transfers Out	74,000	1,500	75,500	adjust to actual
26-4780-620	Misc Services	1,198,414	8,500	1,206,914	adjust to cover expenses
	Totals		10,000		
	Net Adjustment			10,000	

**FUND 27 CACHE PLANNING & DEVELOPMENT FUND REVENUES**

ACCOUNT	DESCRIPTION	Recommended		Amended Budget	Reason for Change
		Current Budget	Decrease DEBIT		
27-38-92000	Appropriated Surplus	(14,999)	(16,550)	(31,549)	Increase for capital equipment
	Totals		(16,550)		
	Net Adjustment			(16,550)	

**FUND 27 CACHE PLANNING & DEVELOPMENT FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Recommended		Amended Budget	Reason for Change
		Current Budget	Increase DEBIT		
27-4181-110	Salary	84,585	14,000	98,585	adjust to cover expenses
27-4181-120	Temporary employees	60,900		54,400	adjust to cover expenses
27-4181-130	Employee Benefits	39,618	6,500	46,118	adjust to cover expenses
27-4181-210	Subscriptions & memberships	1,000	1,000	2,000	adjust to cover expenses
27-4181-251	Non-capitalized equipment	5,000	1,700	6,700	adjust to cover expenses
27-4181-620	Misc Services	7,500	2,100	9,600	adjust to cover expenses
27-4181-311	Software	2,500	(2,250)	250	adjust to cover expenses
	Totals		25,300		
	Net Adjustment		(8,750)	16,550	

**FUND 62 RAPZ TAX FUND REVENUES**

ACCOUNT	DESCRIPTION	Recommended		Amended Budget	Reason for Change
		Current Budget	Decrease DEBIT		
62-31-30000	RAPZ Tax	(1,160,028)	(50,000)	(1,210,028)	Increase to estimated receipts
	Totals		(50,000)		
	Net Adjustment			(50,000)	

**FUND 62 RAPZ TAX FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
62-4780-482	RAPZ Allocations - projects	1,210,467	50,000		1,260,467	increase to meet expected revenues
	Totals		50,000	-	50,000	
	Net Adjustment					

**FUND 10 GENERAL FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
10-36-76000	Contrib Demolition Derby	(50,000)		(4,945)	(54,945)	increase to actual
	Totals			(4,945)	(4,945)	
	Net Adjustment					

budget hearing - 12/12/06 6:00pm

**FUND 10 GENERAL FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
10-4623-220	Demo Derby - Advertising	2,500		(1,243)	1,257	reduce budget to transfer proceeds to S&R/ M/P
10-4623-250	Demo Derby - Equip Supply & Maintenance	8,000		(4,050)	3,950	reduce budget to transfer proceeds to S&R/ M/P
10-4623-480	Demo Derby - special dept supply prizes	7,000		(3,393)	3,607	reduce budget to transfer proceeds to S&R/ M/P
10-4623-610	Demo Derby - Misc supplies	7,000	2,475		9,475	transfer to meet estimated expenses
10-4623-620	Demo Derby - Misc Services	3,000		(2,655)	345	reduce budget to transfer proceeds to S&R/ M/P
10-4623-621	Demo Derby - contract	2,400		(2,400)	-	reduce budget to transfer proceeds to S&R/ M/P
10-4623-622	Demo Derby - Contrib to deputies Associ	-	10,331		10,331	transfer from restricted fund balance
10-4623-623	Demo Derby - Misc. Sales Taxes	-	3,238		3,238	to meet expenses incurred
10-4623-630	Demo Derby - Entertainment	2,100		(20)	2,080	reduce budget to transfer proceeds to S&R/ M/P
10-4623-990	Demo Derby - restricted fund balance	6,000		(6,000)	-	reduce budget to transfer proceeds to S&R/ M/P
10-4623-624	Demo Derby - contrib due to Mounted pos	-	4,331		4,331	reduce budget to transfer proceeds to S&R/ M/P
10-4623-625	Demo Derby - contrib due to Search & Res	-	4,331		4,331	reduce budget to transfer proceeds to S&R/ M/P
	Totals		24,706	(19,761)	4,945	
	Net Adjustment					

RESOLUTION NO. 2006-34

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS OF CACHE COUNTY, UTAH, TO BE ISSUED IN ONE OR MORE SERIES; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE AND THE MAXIMUM INTEREST RATE THAT THE BONDS MAY BEAR; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING THE CIRCULATION OF THE PRELIMINARY OFFICIAL STATEMENT WITH RESPECT THERETO; AND PROVIDING FOR RELATED MATTERS.

\*\*\*                      \*\*\*                      \*\*\*

WHEREAS, the County Council (the "*Council*") of Cache County, Utah (the "*County*") considers it desirable and necessary and for the benefit of the County to issue up to \$8,000,000 principal amount of sales tax revenue refunding bonds (the "*Bonds*"), in one or more series, for the purpose of paying all or part of the cost of (a) refinancing all or a portion of the County's currently outstanding Sales Tax Revenue Bonds, Series 2002 (the "*Refunded Bonds*"), (b) funding any necessary reserves and contingencies in connection with the Bonds, and (c) paying the costs incurred in connection with the issuance and sale of the Bonds and the refunding of the Refunded Bonds;

WHEREAS, in connection with the issuance of the Refunded Bonds and in accordance with the then applicable Section 11-14-17.5 of the Utah Code Annotated 1953, as amended (the "*Utah Code*"), the County, following due, legal and timely notice, held a public hearing on May 14, 2002;

WHEREAS, pursuant to the applicable provisions of Chapter 27 of Title 11 (the "*Act*") of the Utah Code, the County has the authority to issue its sales tax revenue refunding bonds for the foregoing purposes;

WHEREAS, Section 11-27-4 of the Utah Code provides for the publication of a Notice of Refunding Bonds to be Issued (the "Notice") and the running of a 30-day contest period, and the County desires to cause the publication of such Notice at this time in compliance with said section with respect to the Bonds; and

WHEREAS, the County desires to provide for the publication of the Notice;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Cache County, Utah, as follows:

*Section 1. Bonds Authorized; Purpose.* The Council hereby finds and determines that it is in the best interests of the residents of the County for the County to issue the Bonds in an aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000), to bear interest at a rate or rates of not to exceed six percent (6.00%) per annum, to mature over a period not to exceed seventeen (17) years from their date or dates, and to be sold at a discount from par not to exceed two percent (2.00%) of the principal amount thereof, pursuant to a resolution to be adopted and approved by the County in substantially the form attached hereto as *Annex 1* (the "*Final Bond Resolution*"), the General Indenture of Trust, dated as of June 1, 2002, as heretofore amended and supplemented (the "*General Indenture*"), between the County and U.S. Bank, N.A., as trustee, a copy of which is attached hereto as *Annex 2*, and a Third Supplemental Indenture of Trust (the "*Third Supplemental Indenture*") to be entered into at the time of issuance of the Bonds in substantially the form attached hereto as *Annex 3* (collectively with the General Indenture, the "*Indenture*"). The Bonds shall be subject to such optional and mandatory redemption and other provisions as are contained in the final form of the Bonds and the Indenture. Therefore, the County hereby declares its intention to issue the Bonds according to the provisions of this Resolution, the Final Bond Resolution and the Indenture for the purpose of

paying all or part of the cost of (a) refinancing all or a portion of the Refunded Bonds, (b) funding any necessary reserves or contingencies in connection with the Bonds, and (c) paying the costs incurred in connection with the issuance and sale of the Bonds and the refunding of the Refunded Bonds.

*Section 2. Notice of Refunding Bonds to be Issued; Contest Period.* In accordance with the provisions of Section 11-27-4 of the Utah Code, the County Clerk or any Deputy County Clerk shall cause the Notice, in substantially the form attached hereto as *Annex 4*, to be published one time in *The Herald Journal*, a newspaper of general circulation within the County.

For a period of thirty (30) days from and after publication of the Notice, any person in interest shall have the right to contest the legality of this Resolution (including the Final Bond Resolution and the Third Supplemental Indenture attached hereto) or the Bonds hereby authorized or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of this Resolution (including the Final Bond Resolution and the Third Supplemental Indenture) or the Bonds or any provisions made for the security and payment of the Bonds for any cause.

*Section 3. County Clerk to Perform Certain Acts.* The County Clerk is hereby directed to maintain a copy of this Resolution (together with all annexes hereto), the form of the Final Bond Resolution, a copy of the General Indenture and the form of the Third Supplemental Indenture on file in her office during her regular business hours for public examination until at least thirty (30) days from and after the date of publication of the Notice.

*Section 4. Preparation and Distribution of a Preliminary Official Statement.* The preparation and distribution of a Preliminary Official Statement for the Bonds in connection with the sale thereof is hereby authorized.



*Section 5. Severability.* It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution.

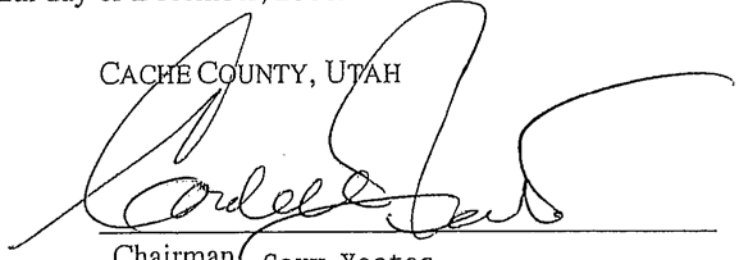
*Section 6. Repealer.* All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

*Section 7. Effective Immediately.* This Resolution shall take effect immediately upon its adoption.

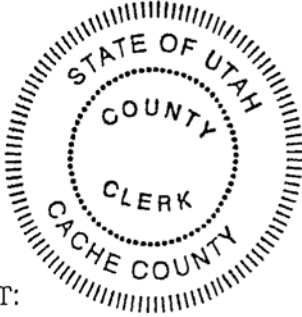
*(Signature page follows.)*

ADOPTED AND APPROVED this 12th day of December, 2006.

CACHE COUNTY, UTAH

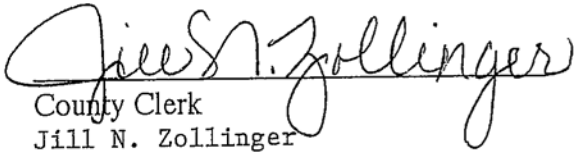


Chairman Cory Yeates  
County Council



[SEAL]

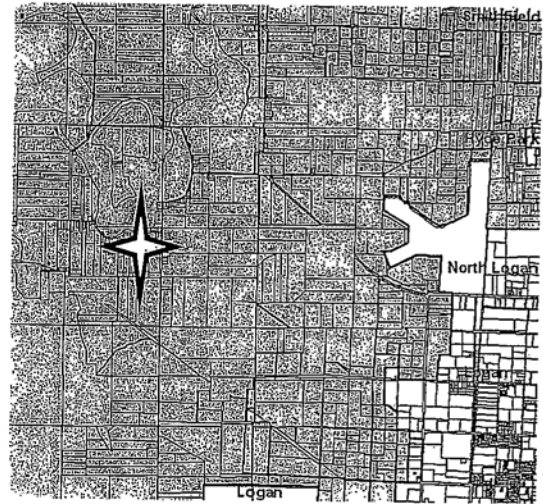
ATTEST:



County Clerk  
Jill N. Zollinger

# Development Services Cache County Corporation

*Project Name:* Ernest Dean Subdivision  
*Agent:* Ernest Dean  
*Request:* Four (4) Lot Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 3385 West 2600 North, Benson  
*Tax ID:* 12-017-0075  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North - Agriculture  
South - Agriculture  
East - Agriculture  
West - Wetlands



Site Location

## PROJECT

*Request:* The applicant is requesting a four (4) lot subdivision on an original 1970 parcel in order to obtain a single building lot. The agent for this subdivision is representing only Lots 1 and 2 within this subdivision. The subdivision contains the two lots to the north because current State and County regulations require that all non-agricultural subdivisions required County legislative approval from the base 1970 parcel. While Lot 4 within this subdivision does not meet the minimum size requirements currently required by ordinance, staff was able to obtain historical records showing that Lot 4 was in the same size and configuration in 1963. This parcel is not located on the 1970 Plat Books, however, staff is recommending that because this parcel can be shown to have existed in the same size and configuration prior to 1970, that it be deemed legal within this subdivision with no restrictions.

*Water & Septic:* The applicant has received permission from the Benson Culinary Water District for water connections for Lot 2, which is the lot being proposed for development. Because water connections are not currently available for Lots 1 and 3, staff is recommending that they be approved as a dry lots and be appropriately labeled as such. The Bear River Health Department has provided a feasibility letter Lots 1 and 2, but septic feasibility has not been determined for Lot 3 and the existing septic system on Lot 4 has not been reviewed.

A portion of the Benson Irrigation Canal is located within the boundaries of this subdivision, and forms the boundary between Lots 1 and 3.

*Access:* Lots 1 and 2 are proposed to access from 2600 North which has a paved surface width of 21 feet.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Lots 1 and 2 are feasible for on-site wastewater disposal systems.

### *Benson Culinary Water*

- Culinary water has been approved for Lot 1 with stipulations from the Benson Culinary Water District.

### *Cache County Road Department:*

- The property is accessed by 2600 North which has a paved surface width of 21 feet.
- The applicant has provided the required right-of-way dedication for 2600 North on the proposed plat.

### *Cache County Fire Department:*

- Subdivision is approved, further review will be required prior to the construction of the home.

### *Cache County School District:*

- Bus stop can be located at 3385 West 2600 North.

*Cache County Service Area #1*

- Residents will be required to locate their containers along 2600 North for collection.

**PUBLIC COMMENTS**

Notices were mailed to 9 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, no written comments had been received by Staff.

**STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Ernest Dean Subdivision, a four (4) lot subdivision for property located at approximately 3385 West 2600 North, Benson, TIN #12-017-0075.

*Stipulations:*

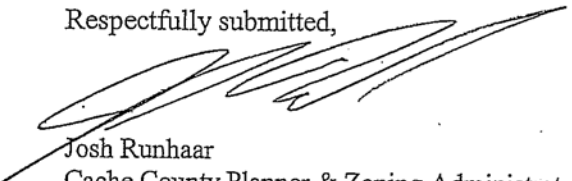
1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.

**RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Ernest Dean Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Ernest Dean Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Ernest Dean Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 2600 North provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,



Josh Runhaar  
Cache County Planner & Zoning Administrator  
Report Published: October 12, 2006

This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

NOT APPROVED

NOT APPROVED

NOT APPROVED

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**Benson Planning Commission**

Minutes for 17 Oct 2006

Present: Tracy Reese, Lanny Ballard, Jerry Toombs, Jason Watterson, Wendell Morse, Shawn Bunnell.

Start Time: 7:30:00 PM

Ballard welcomed.

**Approval of Agenda**

*Reese moved to approve agenda. Toombs seconds; passed 4,0.*

**Approval of Minutes**

*Watterson moved to approve minutes as printed. Toombs seconds; passed 4,0.*

**Item 1: Ernest H. Dean Subdivision**

Morse briefed Benson Planning Commission. He explains how this is a 4 lot subdivision encompassing the 1970 parent parcel. Lot 1 will be farm land, lot 2 will have a home built on it, lot 3 is the Glen Hobbs Property, and lot 4 is owned by the Henrys.

Ryan Merrill was concerned with problems he may face from buying Dell Ray's Ag buildings, and whether a subdivision requires all existing homes to be brought up to code.

Watterson asked Mr. Dean if he's seen this property in the spring. It has high water level.

Dean is aware of the properties water level condition.

Reese raised the concern of irrigation of parcel 1 and how that would increase ground water, and might negatively affects septic tank and field.

Morse said Bear River Health has approved septic for this lot.

*Watterson moved to recommend approval of the Ernest Dean Subdivision to the County Council Reese seconds; passed 4,0.*

*Toombs moved to adjourn the Benson Planning Commission meeting. Watterson seconded; passed 4,0.*

Meeting adjourned at 7:58:00PM

No DVD recording due to technical difficulties.

NOT APPROVED

NOT APPROVED



# Development Services Cache County Corporation

179 North Main, Room 305  
Logan, Utah 84321  
(435) 755-1630

Wendell Morse  
Director/Countywide Planner

Josh Runhaar  
Planner/Zoning Administrator

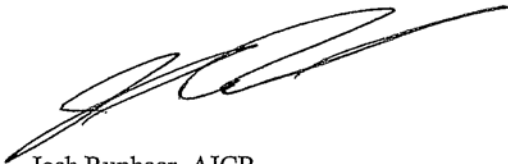
Paul Berntson  
Chief Building Inspector

## Memorandum

To: The Planning Commission  
From: Josh Runhaar, County Planner & Zoning Administrator  
Date: November 21, 2006  
Subject: Meeting Calendar for 2007

In preparing the meeting schedule for 2007, staff has compiled two possible meeting schedules, one which represents the standard 1<sup>st</sup> Monday of the Month at 1pm and an alternative schedule for meetings on the 1<sup>st</sup> Thursday of the Month at 5pm. Staff is recommending that the Planning Commission recommend to the County Council that the regular meeting time be changed to the first Thursday of the month at 5pm to increase the ease for the public and to reduce the number of holiday conflicts.

Over the course of the past 12 months worth of Planning Commission meetings, staff has heard many comments by both applicants and the public in regards to the difficulties involved with the current afternoon meeting time. The difficulty experienced by most is that individuals wishing to comment or even hear about specific projects typically need to take a half day of vacation to do so. The number of holidays that occur on Mondays is also numerous, requiring that the meeting schedule be irregular which reduces deadline and scheduling predictability.



Josh Runhaar, AICP  
Cache County Planner & Zoning Administrator

## 2007 Meeting Dates and Application Deadlines

	<b>Planning Commission</b> 1st Thursday Meeting Date	<b>Benson Planning Commission</b> 3rd Tuesday Meeting Date	<b>Board of Adjustments</b> 3rd Thursday Meeting Date
January	11-Jan	16-Jan	18-Jan
February	1-Feb	20-Feb	15-Feb
March	1-Mar	20-Mar	15-Mar
April	5-Apr	17-Apr	19-Apr
May	3-May	15-May	17-May
June	7-Jun	19-Jun	14-Jun
July	5-Jul	17-Jul	19-Jul
August	2-Aug	21-Aug	16-Aug
September	6-Sep	18-Sep	20-Sep
October	4-Oct	16-Oct	18-Oct
November	1-Nov	20-Nov	15-Nov
December	6-Dec	18-Dec	20-Dec