

CACHE COUNTY COUNCIL MEETING

April 10, 2007

The Cache County Council convened in a regular session on April 10, 2007 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Lawrence Allen, Michelle Allen, Peter Brunson, Leesa Cooper, Attorney George Daines, Nate Gnehm, Vern Gnehm, Todd Hallock, Ron Harmon, Sharon L. Hoth, Brad Humphreys, Don Linton, Mayor Ruth P. Maughan, Mike Moore, Wendell Morse, David Nielsen, Sharon Nielsen, Pat Parker, Richard Reeve, Josh Runhaar, Jim Smith, Auditor Tamra Stones, Gary VanPowell, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen & Ryan Yonk (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with Item 11b - May Tax Sale Report - removed.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Vice Chairman Hansen to approve the minutes of the March 27, 2007, Council meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: The warrants for the periods 12-10-2006, 12-13-2006, 02-23-2007 to 03-01-2007, 03-16-2007 to 03-22-2007 and 03-23-2007 to 03-29-2007 were given to the clerk for filing.

OTHER ITEMS

- **Highway 30 Improvements** - Executive Lemon indicated there will be a major road project on Highway 30 west of Highway 23 and into Box Elder County. There are two options: A six-month period of time with delays of 45 minutes or more *or* a two-month

closure requiring motorists to take alternate routes. Brad Humphreys, UDOT, said the two-month closure is more cost effective.

Yeates asked in what months the closure would occur? Humphreys replied it would probably be August to September or September to October.

Zilles expressed concern about the condition of alternate roads. Gibbons and Lemon said the roads on the Cache County side are paved or double chipped and sealed.

Gibbons stated a significant number of Cache residents commute to work on Highway 30 and asked if they will be made aware of the project. Humphreys responded UDOT has hired a consultant for public involvement to be sure people are informed.

- **Forest Service Road Closure Plans** - Lemon said that last year the Forest Service had closed the High Creek Road and the Smithfield Canyon Road. These roads were to remain closed, but High Creek has been opened and Smithfield Canyon will be opened as soon as it is dry enough. Lemon told Council member Yeates that on April 20, 2007, the Forest Service will be looking at Millville Canyon and the Maple Bench roads .

Attorney Daines said he has received a draft of the agreement proposing Cache County take over the maintenance of several roads and noted the Forest Service has added many additional roads to the proposed list.

- **Air Pollution Control Fee** - Lemon said that when this fee was enacted it was to be imposed on all vehicles. The State Motor Pool has asked if exempt vehicles are included? The Council indicated all vehicles are to pay the fee.
- **North American Weather Consultants Report** - The snow pack is at 57% and water is at 79%.

ITEMS OF SPECIAL INTEREST

- ▶ **Proclamation - National County Government Week** - Chairman Gibbons asked Vice Chairman Hansen to read the proclamation to the Council.

(Attachment 1)

ACTION: Motion by Council member Yeates to approve the proclamation establishing April 22-28, 2007, as National County Government Week. Hansen seconded the motion. The vote was unanimous, 7-0.

- ▶ **Employee of the Month** for the month of April was presented to Don Linton of the County Attorney's office by Jim Smith.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfer**
Senior Citizens

Transfer \$62,849.00 from	
Nutrition-Meals	\$40,000.00
Center-Temp Employees	22,149.00
Access-Office Supplies	700.00
to	
Nutrition-Temp Employees	\$19,500.00
Nutrition-Food Supplements	40,000.00
Center-Employee Benefits	1,649.00
Center-Supplies	700.00
Access-Temp Employees	1,000.00

(Attachment 2)

ACTION: Motion by Council member Chambers to approve the intra-departmental transfer for Senior Citizens. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

Chairman Gibbons indicated that he and Zilles will be visiting Sunshine Terrace and Logan Regional Hospital tomorrow afternoon.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2007-04 - Imposing 1% Tourism, Recreation, Cultural, and Convention Tax and providing for the performance by the State Tax Division of all functions incident to the Administration, Operation, and Collection of the tax and for the use of the revenues from this tax** - Gibbons explained that this is the restaurant tax that is adopted annually.

(Attachment 3)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2007-04-Imposing 1% Tourism, Recreation, Cultural, and Convention Tax and providing for the performance by the State Tax Division of all functions incident to the Administration, Operation, and Collection of the tax and for the use of the revenues from this tax. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2007-10-Approving the Allocation of Revenue from the Tourism, Recreation, Cultural, and Convention Tax to Logan City for Application to the**

Ellen Eccles Theater and Bullen Center - Gibbons said this authorizes the allocation of revenue to pay the bond for the theater.

(Attachment 4)

ACTION: Motion by Council member Chambers to waive the rules and approve Resolution No. 2007-10-Approving the Allocation of Revenue from the Tourism, Recreation, Cultural, and Convention Tax to Logan City for Application to the Ellen Eccles Theater and Bullen Center. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Motion on Residential Facilities** - Lemon said the county has been considering how to deal with residential facilities. There are two residential facilities within one mile of each other between Wellsville and Mendon. There is a proposal before the county for a third such facility to be located between the existing two. Lemon said that if something changes the general character of the neighborhood, it needs to be reviewed. Based on that Lemon read a memo from the Council directing Planning staff to not issue the permit for the application made by Uinta Academy for a facility proposed to be located at 3869 S. Highway 23 near Wellsville and cited Utah State Code 17-27a-508(1)(a)(i) and Utah State Code 17-27a-519(3)(b).

Attorney Daines said this motion would put this request on hold until county Planning Office can review the issue and decide if there is a compelling reason to deny the permit.

Runhaar noted there will be a public hearing held by the Planning Commission on this request on May 3, 2007, at 5:35 p.m.

(Attachment 5)

ACTION: Motion by Council member Zilles to delay the approval of the Uinta Academy request for a facility to be located at 3869 S. Highway 23 near Wellsville to allow time for Planning and Zoning to do a review to determine if there is a compelling reason to deny the permit and then return the request to the Council for action. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Jurisdictional Transfer of 1000 West and 2500 North to UDOT** -Lemon explained that CMPO and the cities and the county have been working with UDOT and have a general agreement to exchange 2500 North and 1000 West and make them UDOT roads in exchange for roads that are currently in Logan City, Hyde Park and North Logan. The exchange would be for the same number of miles of road. Lemon believes it is to the county's advantage for UDOT to make improvements on 1000 West and 2500 North. The transfer needs the approval of the Council. The Transportation Commission is meeting in April and Lemon said the entities involved with the exchange wanted to

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send a letter to the Commission saying that all parties the exchange affects would agree to it.

Petersen said he feels that UDOT taking over 1000 West and 2500 North is very good, but expressed concerns that if roads that are collector/commuter roads, such as 800 East, are turned over to a city in the exchange, then the city can control the speed limit, etc. on the road. Petersen also noted that UDOT expenditures in Cache County are already lower than in other counties.

Council members concurred with Petersen's concern and after much discussion felt that the county should reserve the right to have control over the state roads UDOT wants to exchange for 1000 West and 2500 North.

(Attachment 6)

ACTION: Motion by Council member Yeates to accept the proposed jurisdictional transfer of certain State Roads to county or local ownership in exchange for UDOT accepting 1000 West and 2500 North. Chambers seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: APRIL 10, 2007-6:00 P.M. - OPEN 2007 BUDGET

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

Chairman Gibbons asked Auditor Stones to review the budget for the Council. (*See Attachment 7 to Resolution No. 2007-11 for details.*) In reference to the \$163,636.00 received from Sahara by the Sheriff's Office in conjunction with the mitigation over floor and other problems at the jail, Attorney Daines said the Sheriff has the option of what to do with the money, but Daines feels an accounting needs to be kept of it. Council members agreed that the \$163,636.00 received from Sahara will be used for floor and other repairs/maintenance at the jail and a detailed accounting of expenditures from this award will be required. Stones said she will make an annotation in the budget program detailing the amount, when it was received, and what the county's intentions are regarding the funds and recommended calling these monies the Floor Mitigation Funds for accounting and tracking purposes.

Lemon explained that \$100,000.00 is for the document scanning project and \$60,000.00 is for aerial photography and noted that there is \$125,000.00 left in the Capital Projects fund which is earmarked for the parking lot project. If additional funds are needed for the parking lot, they will have to be appropriated from the fund reserve.

Chairman Gibbons asked if there was any other public comment? There was none.

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2007-11-Adjustments to 2007 Budget**

(Attachment 7)

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2007-11, Adjustments to 2007 Budget. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Discussion-Natural Barriers** - Runhaar indicated he has placed on the May Planning Commission agenda an item to set a Public Hearing in June on the natural barrier subject. Multiple approaches to the issue are being looked at. There are very few natural barriers of issue and concern so an ordinance can be crafted to specifically address those few at issue. Rather than specify the number of lots the other option is to outline general parameters and allow the Board of Adjustments to look at each circumstance individually. In answer to Zilles' question of how many parties have natural barrier concerns due to the county's ordinance change, Runhaar said there are four to six who have expressed concerns. An approximate time line for resolution of these is two to two and-a-half months.

Daines said he and the Planning Office will craft an ordinance that will specifically address the natural barrier problems at issue and bring it to the Council for review and approval.

Runhaar said it is important to determine whether the request was actually "in process" prior to the county changing the ordinance on natural barriers. If it was "in process" that party's request will be reviewed and adjustments made as deemed necessary. Gibbons said that if a party has met every criteria so they can make application except one, the Council believes that party was "in process." Council members concurred.

COUNCIL MEMBER REPORTS

Brian Chambers asked when the meeting will be with those people who have land access problems in the airport area? Lemon said it will be scheduled for next week or the week after.

Kathy Robison reported there will be fifteen high school students touring the jail, etc. and possibly attend the County Council meeting on April 24, 2007.

John Hansen asked Lemon if the signs Mr. McDonald was concerned about have been taken care of. Lemon said he will follow up on it.

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Craig Petersen said the Council was given a packet to study on the AG zone and asked when that will be discussed? Gibbons asked if the Council will make a recommendation to the Planning Commission or should the Planning Commission discuss it and send it to the Council? Daines indicated the Planning Commission wants a decision from the Council.

Petersen asked about the progress of the Regional Landfill. Gibbons said bylaws have been adopted and the engineering studies are moving forward. Gibbons thinks the current Box Elder landfill will be expanded and used for approximately 100 years.

Petersen asked about the status of the comprehensive plan which was to be reviewed by the Planning Office to create a smaller set of goals? Runhaar said the Council had indicated that Planning should work on ordinances first, so the comprehensive plan has not been addressed. Gibbons asked if Planning staff can work on ordinances and the comprehensive plan simultaneously? Runhaar said they can try.

Lemon reminded the Council that the county has to address residential facilities and gravel pit enforcement also.

Gordon Zilles said the Planning Commission has indicated some concerns relating to the Paradise subdivision request that was remanded to the Planning Commission for the applicant to revise the request to be compliant with Paradise City standards. The Commission members said the property is not in Paradise, the property residents will not be voting in Paradise and Commission members feel the county should not impose Paradise City ordinances on them.

Darrel Gibbons reported that Mr. Godfrey in Clarkston has contacted him again and would like to sit down with the Mayor and set up some priority on which roads in Clarkston to address.

Pat Parker asked Council members to contact her by April 11, 2007, if they want to register for the April Western Region Conference in Fairbanks, Alaska or the annual convention in Richmond, Virginia.

Chairman Gibbons asked Vice Chairman Hansen what had been done about a Council social? Hansen suggested having a social following a future Council meeting. Gibbons asked Parker to inform him of a future agenda that is relatively short and they will plan the social then.

ADJOURNMENT

The Council meeting adjourned at 6:47 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Darrel Gibbons
Council Chairman

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN
LOGAN, UTAH 84321
Tel 435-755-1850
Fax 435-755-1981

COUNTY COUNCIL
DARREL L. GIBBONS
JOHN A. HANSEN
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBISON
BRIAN CHAMBERS
GORDON A. ZILLES

PROCLAMATION

WHEREAS, Americans place a great faith in the county form of government, which traces its roots to the earliest days of the republic; and

WHEREAS, counties take seriously their responsibility to protect and enhance the health, welfare and safety of its citizens in sensible and cost-effective ways; and

WHEREAS, county government's primary concern is to assure that county leaders provide citizens with an environment that encourages all people to build strong families and strong communities; and

WHEREAS, by providing county citizens with safe, healthy communities, which are necessary to ensure a high quality of life for all, counties across the nation will continue to thrive and prosper; and

WHEREAS, community leaders, county leaders and all citizens should take steps to recognize all that is good within the county, and praise those programs and individuals who have made progress and innovation available to all within the community.

THEREFORE, be it resolved that the Cache County Council, County of Cache, State of Utah hereby proclaims April 22-28, 2007 as

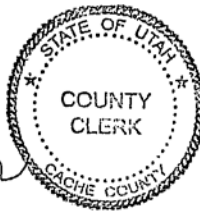
NATIONAL COUNTY GOVERNMENT WEEK

and urges all citizens to become more aware of the important role of county government.

In witness thereof, as Chairman of the Cache County Council, I have hereunto set my hand this 10th day of April, 2007.

Attest:

Jill N. Zollinger
Jill N. Zollinger, County Clerk



Cache County Council

Darrel L. Gibbons

Darrel L. Gibbons, Chairman

REQUEST FOR INTER-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Senior Citizens

DATE: 23-Mar-07

Amount to be transferred -- (rounded to the nearest dollar) \$62,849

Transfer From ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
24-4970-381	Nutrition - Meals	\$ 82,000		\$ (40,000)	\$ 42,000
24-4971-120	Center - Temp Employees	\$ 22,149		\$ (22,149)	\$ -
24-4974-240	Access - Office Supplies	\$ 2,000		\$ (700)	\$ 1,300

Transfer To ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
24-4970-120	Nutrition - Temp Employees	\$ 13,272	\$ 19,500		\$ 32,772
24-4970-382	Nutrition - Food Supplements	\$ 13,000	\$ 40,000		\$ 53,000
24-4971-130	Center - Employee Benefits	\$ 24,199	\$ 1,649		\$ 25,848
24-4971-240	Center - Supplies	\$ 5,000	\$ 700		\$ 5,700
24-4974-120	Access - Temp Employees	\$ 5,369	\$ 1,000		\$ 6,369

Totals \$ 62,849 \$ (62,849)

Net adjustment \$ -

Description of needs and purpose of transfer ---

Transfer to cover temporary employee and benefit expense, food supplement expense not accurately reflected in budgeting process, and estimated supply expense.

Thomas D. Hagan
Department Head

Recommendation: Approval [] Disapproval

Date: 23-Mar-07

Janna Stones
Cache County Auditor

Recommendation: Approval [] Disapproval

Date: 4/10/07

M. Suzanne Lemmon
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 10th day of April, 2007.

Justin Zollinger
Cache County Clerk

CACHE COUNTY, UTAH
ORDINANCE NO. 2007-04

AN ORDINANCE IMPOSING A 1% TOURISM, RECREATION, CULTURAL, AND CONVENTION TAX AND PROVIDING FOR THE PERFORMANCE BY THE STATE TAX DIVISION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION, AND COLLECTION OF THE TAX AND FOR THE USE OF THE REVENUES FROM THIS TAX.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that Section 59-12-603, Utah Code Annotated, 1953 as amended, enables the County Council, as the legislative body of Cache County, to impose a tourism, recreation, cultural, and convention tax not to exceed 1% of all sales of prepared foods and beverages that are sold by restaurants and to apply the revenue there from, in whole or in part, to tourism promotion and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined in Section 59-12-602, Utah Code Annotated, 1953 as amended. The County Council finds that it is in the best interest of Cache County and its citizens that a tourism, recreation, cultural and convention tax be imposed.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL FOR CACHE COUNTY, UTAH, AS FOLLOWS:

SECTION 1: TITLE

This ordinance shall be known as the "Tourism, Recreation, Cultural, and Convention Tax Ordinance of Cache County."

SECTION 2: PURPOSE

It is the purpose of this ordinance to impose a tourism, recreation, cultural, and convention tax for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined in Section 59-12-602, Utah Code Annotated, 1953 as amended.

SECTION 3: DEFINITIONS

As used in this ordinance:

(1) "CONVENTION FACILITY" means any publicly owned or operated Convention center, sports arena, or other facility at which conventions, Conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

(2) "CULTURAL FACILITY" means any publicly-owned or operated museum,

theater, art center, music hall, or other cultural or arts facility.

(3) "RECREATION FACILITY" or "TOURIST FACILITY" means any publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism-related facility.

(4) "RESTAURANT" includes any coffee shop, cafeteria, luncheonette, soda fountain, or fast-food service where food is prepared for immediate consumption. In accordance with the provisions of Tax Bulletin No. 8-91, effective July 1, 1991, as promulgated by the Utah State Tax Commission, a "restaurant" is any retail establishment whose primary business is the sale of foods and beverages prepared for immediate consumption. Examples include full-service restaurants, fast-food restaurants, and their drive-in windows, concession stands at malls or fairs, and employee or school cafeterias.

SECTION 4: IMPOSITION OF TAX

There is hereby levied for collection a tourism, recreation, cultural, and convention tax on all restaurants, as defined herein, in Cache County, Utah, at the rate of 1% on all sales of prepared foods and beverages that are sold by restaurants for the period October 1, 2006 to September 30, 2007.

SECTION 5: USE OF REVENUES

The revenues received from the tourism, recreation, cultural, and convention tax shall be used solely for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined herein.

SECTION 6: COLLECTION

All taxes collected hereunder shall be collected by the Utah State Tax Commission pursuant to Chapter 12, Title 59, Utah Code Annotated, 1953 as amended, as and in the manner for other state and local sales and use taxes. The County Executive is authorized and directed to negotiate with the Utah State Tax Commission for and to execute the necessary contracts for the provision of such services by the Utah State Tax Commission. Taxes imposed under this ordinance shall be levied at the same time and collected in the same manner as provided for other state and local sales and use taxes in Chapter 12, Title 59, Utah Code Annotated, 1953 as amended.

SECTION 7: LICENSURE

All persons, companies, corporations or other similar persons, groups, or organizations engaged in or doing business as a restaurant or restaurants shall obtain from the Utah State Tax Commission a tourism, recreation, cultural or convention tax license; provided however, that no such additional license shall be required if the person, company, corporation, group, or organization has

already obtained and maintains a license pursuant to Section 59-12-106, Utah Code Annotated, 1953 as amended.

SECTION 8: ADVISORY BOARD

The Cache County Executive may establish an advisory board for the purposes of making recommendations for the allocation and application of revenues derived from the tourism, recreation, cultural, and convention tax. The board shall be advisory in nature only. The County Executive shall determine the composition of the advisory board; provided, however, that all appointments to that board shall be upon and with the advice and consent of the Cache County Council.

SECTION 9: ALLOCATION AND APPLICATION OF REVENUES

The Cache County Executive shall submit recommendations to the Cache County Council for the allocation and application of the revenues derived from the tourism, recreation, cultural, and convention tax. Acting upon such recommendations, the Cache County Council then, by resolution, shall approve the allocation and application of such revenues.

SECTION 10: EFFECTIVE DATE

This ordinance shall become effective upon approval and publication in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 10 day of April 2007, upon the following vote:

	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>CHAMBERS</u>	X			
<u>GIBBONS</u>	X			
<u>HANSEN</u>	X			
<u>PETERSEN</u>	X			
<u>ROBISON</u>	X			
<u>YEATES</u>	X			
<u>ZILLES</u>	X			
<u>TOTAL</u>	7	0	0	0

CACHE COUNTY COUNCIL

By: 
Darrel L. Gibbons, Chairman

ATTESTED BY:


Jill N. Zollinger
Cache County Clerk

Publication Date: April 25, 2007



CACHE COUNTY
RESOLUTION NO. 2007-10

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

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that Section 9 of Ordinance No. 96-01 authorizes the County Council, acting upon the recommendation of the Cache County Executive, to approve the allocation and application of revenues derived from the 1% tourism, recreation, and cultural and convention tax; that the Cache County Executive has recommended the allocation to Logan City of an amount not exceeding \$76,820.00 for application thereof to the Ellen Eccles Theater and Bullen Center, a public facility as defined by state law and Ordinance No. 96-01, and that this is an acceptable and appropriate allocation and application of revenues derived from that Tax.

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

BE IT RESOLVED that:

Section 1: Allocation of Tax to Logan City

The allocation of an amount equal to the principal and interest accruing on the P.C.I.B. loan as of July 2006, not to exceed \$76,820.00 from the 1% tourism, recreation, cultural and convention tax collected for the period October 1, 2006 to September 30, 2007, to Logan City for its exclusive application thereof to the Ellen Eccles Theater and Bullen Center which are under the management of the Capitol Arts Alliance (aka Cache Valley Center for the Arts) is hereby approved.

Section 2: Effective Date:

This resolution shall become effective immediately upon adoption.


This resolution was adopted by the Cache County Council on the 10th day of April, 2007.

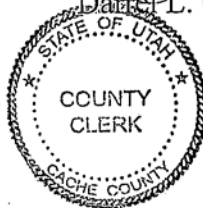
CACHE COUNTY COUNCIL

By 

Daniel L. Gibbons, Chairman

ATTEST TO:

By: 
Jill N. Zollinger, County Clerk



CACHE COUNTY CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN
LOGAN, UTAH 84321
Tel 435-755-1850
Fax 435-755-1981

COUNTY COUNCIL
DARREL L. GIBBONS
JOHN A. HANSEN
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBISON
BRIAN CHAMBERS
GORDON A. ZILLES

TO: County Council
FROM: M. Lynn Lemon
SUBJECT: Residential Facilities

Staff is recommending that the Cache County Council review the following request based on Utah Code:

**17-27a-508. When a land use applicant is entitled to approval -- Exception -
- County may not impose unexpressed requirements -- County required to
comply with land use ordinances.**

(1) (a) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the county's land use maps, zoning map, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application;

On the record, the County Executive and staff are requesting that the Cache County Council pass a motion to direct staff to not issue permits for the following uses until a review of the ordinance dealing with these uses can be reviewed and acted upon by the County Council:

- a) Residential Facility for Elderly Persons
- b) Residential Facility for Persons with a Disability
- c) Residential Treatment Facility/Program
- d) Residential Support Facility/Program

Specifically, the County Council is directing staff to not issue a permit for the application made by Unita Academy for a facility proposed to be located at 3869 S. Hwy 23 near Wellsville Tax ID# 11-068-0026.

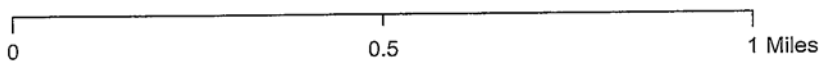
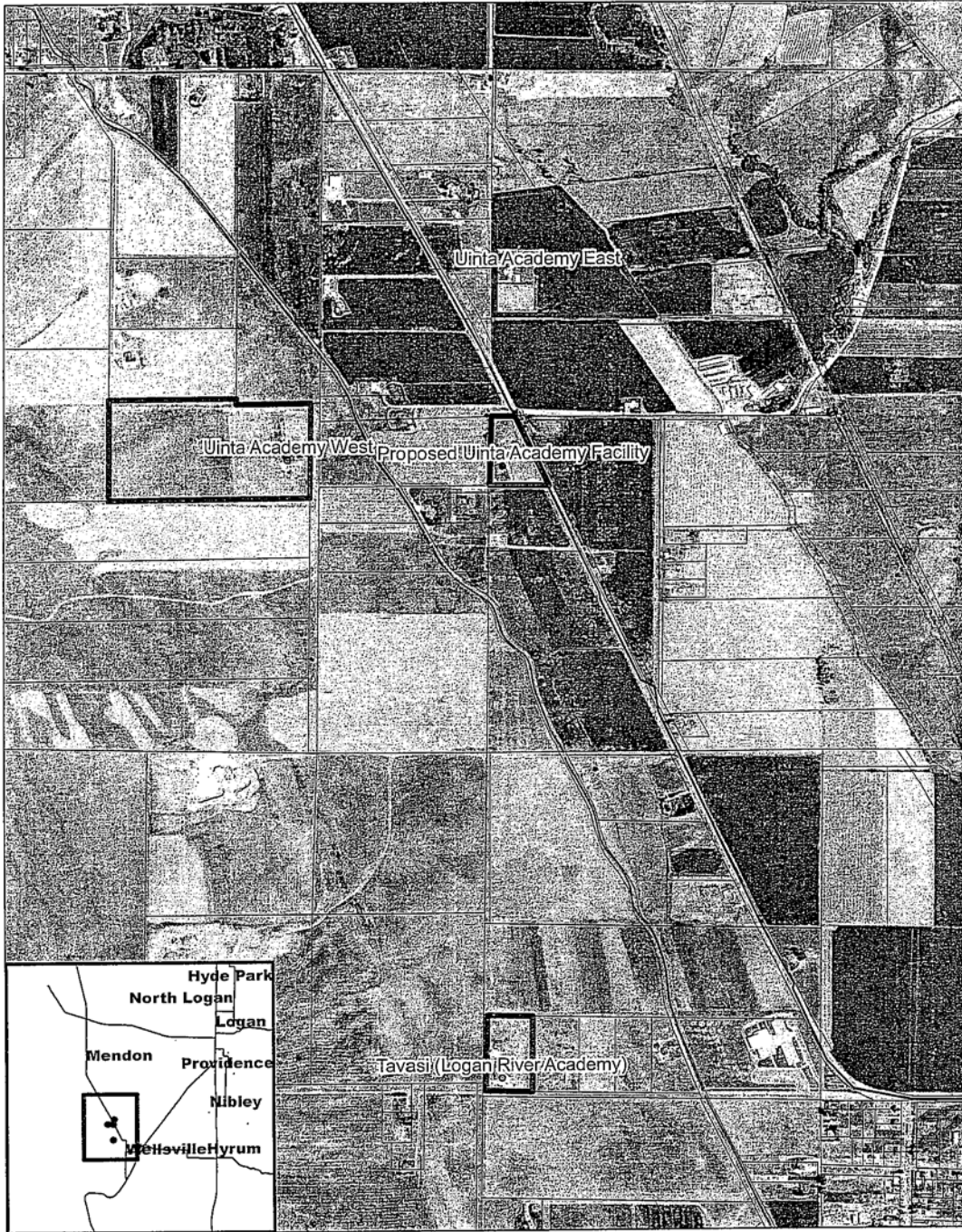
This decision is made in compliance with Utah Code §17-27a-508.(1)(a)(i) with the following findings of fact:

- 1) While some of these uses are required to be located within Commercial or Industrial Zones, others are permitted within agricultural zones based upon the premise that these facilities create a home-like atmosphere for the residents.

The issuance of further permits for these uses within the unincorporated County limits, most specifically in the area located between Mendon and Wellsville, have the potential to create a concentrated density of these types of uses, which is inconsistent with the purpose of the intent of the Zoning regulations dealing with these uses. (See Exhibit A)

- 2) The further issuance of permits for these facilities is in conflict with the public interest as it will create a fundamental change in the character of a residential neighborhood, most specifically within the area between Mendon and Wellsville. [Utah State Code §17-27a-519.(3)(b)]

Exhibit A



Legend

- State_Roads
- Properties**
- Parcel Lines
- Existing Facilities
- Proposed Facility



Notes



Mike Johnson, Chair
Cary Watkins, Vice Chair
James P. Gass, Executive Director

Cache Metropolitan Planning Organization

179 North Main Street, Rm. 305 Logan, Utah 84321 Phone: 435-755-1634 Fax: 435-755-1987

April 4, 2007

Glen E. Brown, Chair
Utah Transportation Commission
P.O. Box 143600
Salt Lake City, UT 84119

DRAFT

*Replacement
Letter
Coming*

Dear Chairman Brown:

In cooperation with UDOT Region One, the undersigned are in full support of the ^{County} ~~jurisdictional~~ transfer of the following State Roads to local ownership: SR 239 (1400 North, Logan), SR 237 (800 East, North Logan & Logan), SR 288 (portions of 1000 North & 1200 East, Logan). As worked out with the UDOT region office, these transfers would be contingent on the transfer of 1000 West from Highway 89-91 to 2500 North and 2500 North from 1000 West to Highway 91 to the State of Utah.

1000 West and 2500 North are important regional roads that currently meet the eligibility criteria for what constitute a State Highway. This arrangement will facilitate UDOT removing from the state system roads that presently do not meet this criteria.

Further, 1000 West and 2500 North are significant contributors to Cache Valley's regional mobility needs now and into the future. This is especially true for the movement of freight. In the future, 1000 west and 2500 North will be critical to meeting the transportation demands of Cache Valley. Any improvement on these roads will encourage alternative north-south travel options for Highway 89-91 and help relieve congestion on Main Street Logan.

Thank you for your consideration of this important matter.

Sincerely,

Lynn Lemon, County Executive
Cache County

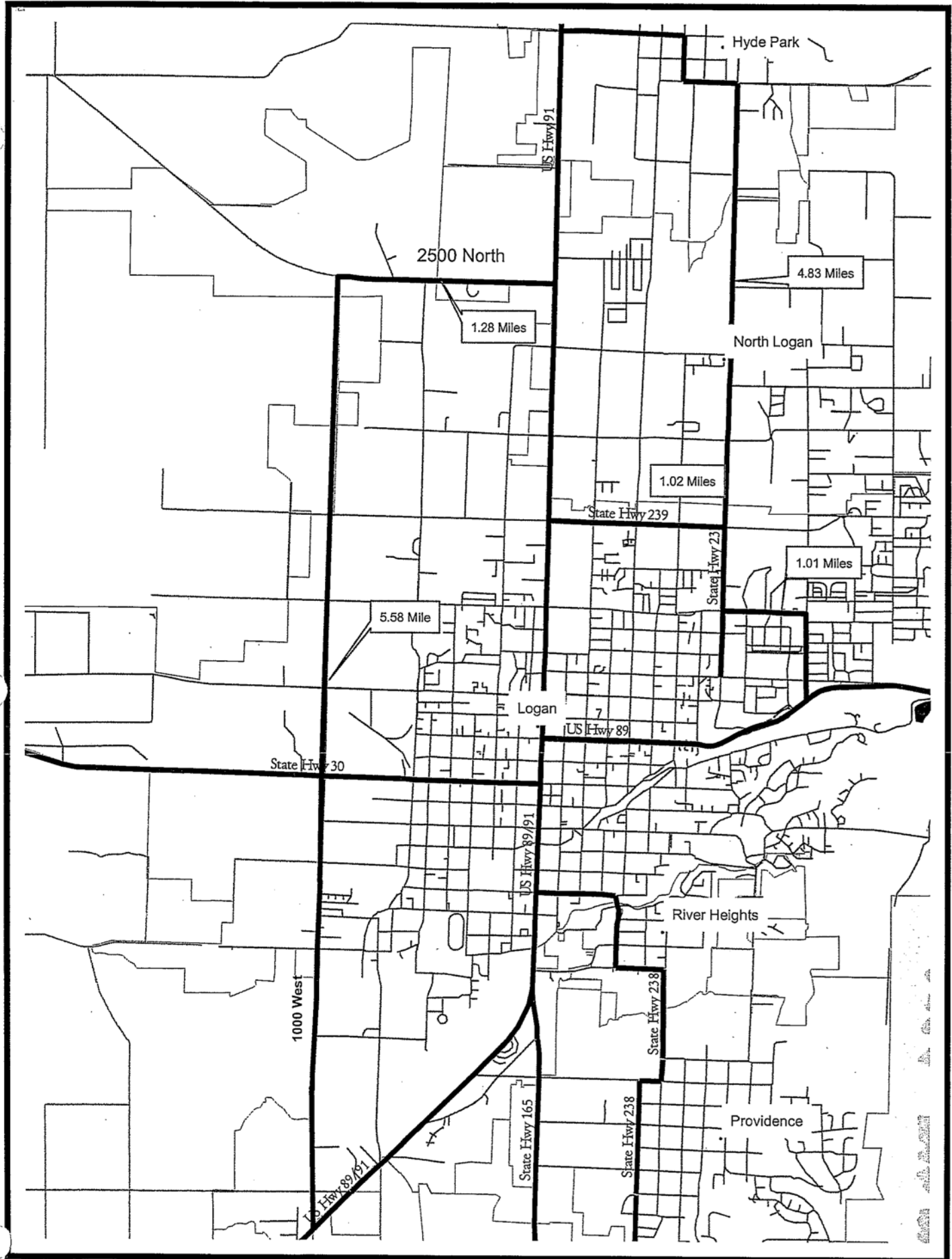
David Kooyman, Mayor
Hyde Park City

Cary Watkins, Mayor
North Logan City

Randy Watts, Mayor
Logan City

Executive Council:
Mayors: David Kooyman, Hyde Park; Dean Howard, Hyrum City; William Baker, River Heights; Cary Watkins, North Logan; Mike Johnson, Millville; Randy Simmons, Providence; Gerald Knight, Nibley; Randy Watts, Logan City; Chad Downs, Smithfield; Ruth Maughan, Wellsville.
Other Members: Steven J. Bodily, Utah Transportation Commission; Lynn Lemon, Cache County Executive; Ron Bushman, Logan Transit District; Laraine Swenson, Logan City Council

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State Highway Jurisdictional Transfer Map



RESOLUTION NO. 07- 11

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 2007 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 on April 11, 2007 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 2007 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 10th day of April 2007.

ATTESTED TO:



CACHE COUNTY COUNCIL

Jill N. Zollinger

Jill N. Zollinger
Cache County Clerk

Darrel L. Gibbons

Darrel L. Gibbons, Chairman

FUND 10 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
10-33-70104	Grants - Other	-	-	(500)	(500)	Utah Assn of Fair & Events grant award
10-36-90000	Sundry Revenue	(30,000)	-	(53,636)	(83,636)	Settlements from ABS & Sahara
10-36-95000	Lease Proceeds	(825,000)	112,000	-	(713,000)	reduce for loose equip & meet actual bid amt
10-38-75000	Transfers from other funds	-	-	(197,469)	(197,469)	close out jail & Hist crthse furniture accts
10-38-90000	Appropriated Surplus	(14,800)	-	(90,000)	(104,800)	appropriation to buy loose fire eq w/o financing
10-38-90000	Appropriated Surplus	(104,800)	-	(271,562)	(376,362)	appropriation for carry over purchase orders
10-38-90000	Totals	-	112,000	(613,167)	(501,167)	
	Net Adjustment					

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
10-4115-620	MISC SERVICES	44,500	34,750	-	79,250	carryover purchase orders from 2006
10-4135-620	MISC SERVICES	1,000	7,655	-	8,655	carryover purchase orders from 2006
10-4136-251	NON-CAPITALIZED EQUIPMENT	7,700	1,316	-	9,016	carryover purchase orders from 2006
10-4141-251	NON-CAPITALIZED EQUIPMENT	2,000	2,591	-	4,591	carryover purchase orders from 2006
10-4141-311	SOFTWARE PACKAGES	20,000	4,500	-	24,500	carryover purchase orders from 2006
10-4141-610	MISC SUPPLIES	-	597	-	597	carryover purchase orders from 2006
10-4144-250	EQUIPMENT SUPPLIES & MAINT	4,800	1,080	-	5,880	carryover purchase orders from 2006
10-4145-251	NON-CAPITALIZED EQUIPMENT	4,574	2,747	-	7,321	carryover purchase orders from 2006
10-4150-620	OTHER MISC SERVICES	-	125,883	-	125,883	carryover purchase orders from 2006
10-4160-251	NON-CAPITALIZED EQUIPMENT	1,390	3,448	-	4,838	carryover purchase orders from 2006
10-4210-200	ANIMAL CONT MAT, SUPP & SERV	7,174	2,000	-	9,174	carryover purchase orders from 2006
10-4210-251	NON-CAPITALIZED EQUIPMENT	39,074	6,683	-	45,757	carryover purchase orders from 2006
10-4210-740	CAPITALIZED EQUIPMENT	41,000	5,202	-	46,202	carryover purchase orders from 2006
10-4211-140	UNIFORM ALLOWANCE	17,000	2,205	-	19,205	carryover purchase orders from 2006
10-4211-251	NON-CAPITALIZED EQUIPMENT	39,000	4,025	-	43,025	carryover purchase orders from 2006
10-4216-250	EQUIPMENT SUPPLIES & MAINT	6,000	3,493	-	9,493	carryover purchase orders from 2006
10-4217-610	MISC SUPPLIES	773	1,020	-	1,793	carryover purchase orders from 2006
10-4220-250	EQUIPMENT SUPPLIES & MAINT	39,000	5,957	-	44,957	carryover purchase orders from 2006
10-4220-251	NON-CAPITALIZED EQUIPMENT	10,000	2,424	-	12,424	carryover purchase orders from 2006
10-4220-480	SPECIAL GRANT EXPENSE -LEPC	2,500	673	-	3,173	carryover purchase orders from 2006
10-4220-990	HLS GRANT -CONTRIB OTHER UNIT	19,000	542	-	19,542	carryover purchase orders from 2006
10-4230-251	NON-CAPITALIZED EQUIPMENT	20,867	6,455	-	27,322	carryover purchase orders from 2006
10-4230-260	Jail - Bldg & Grounds	57,000	3,925	-	60,925	carryover purchase orders from 2006
10-4230-315	Jail - Medical Expense	88,278	2,602	-	90,880	carryover purchase orders from 2006
10-4230-450	SPECIAL JAIL SUPPLIES	20,286	5,531	-	25,817	carryover purchase orders from 2006
10-4230-620	MISC SERVICES	21,833	6,480	-	28,313	carryover purchase orders from 2006
10-4230-741	CAPITALIZED EQUIP-WORK RELEASE	5,100	19,700	-	24,800	carryover purchase orders from 2006
10-4255-250	EQUIPMENT SUPPLIES & MAINT	4,000	78	-	4,078	carryover purchase orders from 2006
10-4630-586	WEATHER MODIFICATION	46,625	8,000	-	54,625	carryover purchase orders from 2006

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
10-4220-740	Fire - Capital Equipment	895,000		(22,000)	873,000	reduce approp to actual
10-4135-110	GIS - salary	29,577		(3,800)	25,777	transfer to temp & non capitalized
10-4135-120	GIS - temporary employees	18,460	5,000		23,460	transfer to temp & non capitalized
10-4135-130	GIS - employee benefits	16,906		(900)	16,006	transfer to temp & non capitalized
10-4135-251	GIS - non-capitalized equipment	1,250	700		1,950	transfer to temp & non capitalized
10-4135-620	GIS - misc services	1,000		(1,000)	-	transfer to buy phone
10-4160-741	Bldg & Grds - Capitalized Equip	-	87,469		87,469	transfer closed hist crthse furniture acct in C/P le
10-4211-251	Support Svcs - Non-Capitalized Equipment	39,000	7,920		46,920	to cover taser purchase
10-4211-740	Support Svcs - Capitalized Equipment	41,000		(7,920)	33,080	transfer to non-capitalized equipment
10-4230-720	Jail - Bldg (floor mitigation funds)	-	163,636		163,636	for settlement costs of Jail building project & balance of funds withheld from Sahara Contract to purchase building fans
10-4620-250	County Fair - Equipment Supplies & Maint	17,600	500		18,100	
	Totals		536,787	(35,620)		
	Net Adjustment				501,167	

FUND 15 ASSESSING & COLLECTING FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
15-38-90000	Appropriated Surplus	-		(88,848)	(88,848)	appropriation for carryover 2006 puichase orders
	Totals			(88,848)		
	Net Adjustment				(88,848)	

FUND 15 ASSESSING & COLLECTING FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
15-4135-620	MISC SERVICES	1,000	24,000		25,000	carry over 2006 purchase orders
15-4141-251	NON-CAPITALIZED EQUIPMENT	2,000	2,185		4,185	carry over 2006 purchase orders
15-4141-610	MISC SUPPLIES	9,000	504		9,504	carry over 2006 purchase orders
15-4144-251	NON-CAPITALIZED EQUIPMENT	-	1,500		1,500	carry over 2006 purchase orders
15-4146-310	PROFESSIONAL & TECHNICAL	13,523	32,000		45,523	carry over 2006 purchase orders
15-4160-251	NON-CAPITALIZED EQUIPMENT	620	1,544		2,164	carry over 2006 purchase orders
15-4135-110	GIS - salary	29,577		(3,800)	25,777	transfer to temp & non capitalized
15-4135-120	GIS - temporary employees	18,460	5,000		23,460	transfer to temp & non capitalized
15-4135-130	GIS - employee benefits	16,906		(900)	16,006	transfer to temp & non capitalized
15-4135-251	GIS - non-capitalized equipment	1,250	700		1,950	transfer to temp & non capitalized
15-4135-620	GIS - misc services	1,000		(1,000)	-	transfer to buy phone & balance to temp employ
15-4160-741	Bldg & Grds - Capitalized Equipment	-	27,115		27,115	Hist Crthse furnishings split
	Totals		94,548	(5,700)		
	Net Adjustment				88,848	

FUND 20 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
20-38-90000	Appropriated surplus	(1,150)		(60,996)	(62,146)	carryover 2006 purchase orders
	Totals			(60,996)		
	Net Adjustment				(60,996)	

FUND 20 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
20-4180-310	PROF & TECHNICAL	9,500	13,000		22,500	carryover 2006 purchase orders
20-4210-251	NON CAPITALIZED EQUIPMENT	3,384	639		4,023	carryover 2006 purchase orders
20-4210-740	CAPITALIZED EQUIPMENT	20,022	12,196		32,218	carryover 2006 purchase orders
20-4415-250	EQUIPMENT SUPPLIES & MAINT	200,000	10,006		210,006	carryover 2006 purchase orders
20-4415-310	PROF & TECH -ENGINEER. & ADMIN	12,000	11,000		23,000	carryover 2006 purchase orders
20-4415-410	ROAD MAINTENANCE	350,000	5,290		355,290	carryover 2006 purchase orders
20-4415-740	CAPITALIZED EQUIPMENT	354,000	8,865		362,865	carryover 2006 purchase orders
	Totals		60,996			
	Net Adjustment				60,996	

FUND 23 CACHE VALLEY VISITORS BUREAU FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
23-34-94000	Items Sold - taxable sales	(7,500)		(3,600)	(11,100)	estimated revenue from book sales
23-38-90000	Appropriated Surplus	(66,291)		(11,395)	(77,686)	to cover expenses
	Totals			(14,995)		
	Net Adjustment				(14,995)	

FUND 23 CACHE VALLEY VISITORS BUREAU FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
23-4780-241	Postage	7,000	5,000		12,000	to cover expenses
23-4780-490	ADVERTISING & PROMOTIONS	122,518	3,645		126,163	carryover 2006 purchase orders
23-4780-490	Advertising & Promotions	126,163		(3,000)	123,163	transfer to cover expenses
23-4780-650	Event Development	10,000	1,250		11,250	to cover expenses
23-4780-660	LOCAL MATCHING PROGRAM	6,350	1,500		7,850	carryover 2006 purchase orders
23-4780-670	Items for Resale	6,000	6,600		12,600	to purchase Nat. Geog. Books
	Totals		17,995	(3,000)		
	Net Adjustment				14,995	

FUND 24 COUNCIL ON AGING FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
24-38-90000	Appropriated surplus	(4,929)	-	(8,315)	(13,244)	carryover 2006 purchase orders
	Totals			(8,315)	(8,315)	
	Net Adjustment					

FUND 24 COUNCIL ON AGING FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
24-4970-740	CAPITALIZED EQUIPMENT	-	8,315	-	8,315	carryover 2006 purchase orders
	Totals		8,315		8,315	
	Net Adjustment					(0)

FUND 26 RESTAURANT TAX FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
24-38-90000	Appropriated surplus	-	-	(640,686)	(640,686)	carryover 2006 purchase orders
	Totals			(640,686)	(640,686)	
	Net Adjustment					

FUND 26 RESTAURANT TAX FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
26-4780-620	MISC SERVICES		636,173	-	636,173	carryover 2006 purchase orders
26-4810-100	TRANSFERS OUT		4,512	-	4,512	carryover 2006 purchase orders
	Totals		640,686		640,686	
	Net Adjustment					(0)

FUND 27 CACHE PLANNING & DEVELOPMENT REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
27-38-90000	Appropriated surplus	(695)	-	(5,000)	(5,695)	carryover 2006 purchase orders
	Totals			(5,000)	(5,000)	
	Net Adjustment					(5,000)

FUND 27 CACHE PLANNING & DEVELOPMENT EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
27-4181-486	TRAILS COORDINATOR AGREEMENT		5,000		5,000	carryover 2006 purchase orders
	Totals		5,000		5,000	
	Net Adjustment					

FUND 40 CAPITAL PROJECTS -PROJECT LENGTH FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
40-4983-741	HISTORIC CRTHOUSE - FURNISHINGS	323,500		(87,469)	236,031	close project length budget transfer balance to gen fund
40-4981-720	BUILDING JAIL COMPLEX	13,111,237		(110,000)	13,001,237	CLOSE PROJ & TRANSFER BALANCE TO GEN FUND
40-4800-990	TRANSFER TO GENERAL FUND		197,469		197,469	TRANSFER BAL. JAIL PROJ & CRT HSE FURNISHING TO GEN FUND
	Totals		197,469	(197,469)		
	Net Adjustment					

FUND 62 RAPZ TAX FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
62-38-70000	Appropriated surplus			(580,362)	(580,362)	carryover 2006 purchase orders
	Totals			(580,362)	(580,362)	
	Net Adjustment					

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	879,884	545,362		1,425,246	carryover 2006 purchase orders
62-4810-100	TRANSFERS OUT		35,000		35,000	carryover 2006 purchase orders
	Totals		580,362		580,362	
	Net Adjustment					(0)

FUND 74 AMBULANCE FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
74-38-70000	Appropriated surplus	-	-	(3,000)	(3,000)	carryover 2006 purchase orders
	Totals			(3,000)		
	Net Adjustment				(3,000)	

FUND 74 AMBULANCE FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
74-4262-292	RENT	24,000	3,000	-		carryover 2006 purchase orders
	Net Adjustment		3,000		3,000	