

CACHE COUNTY COUNCIL MEETING

April 24, 2007

The Cache County Council convened in a regular session on April 24, 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, absent**
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Larry Anderson, Garth Barker, Gary Bingham, Koral Bingham, Wally Bloss, Steve Bower, Pete Brunson, Attorney George Daines, Bart Esplin, Nicol Gagstetter, Eric Gunnerson, Todd Hallock, Cameron Jensen, Shauna Kerr, Wendell Morse, Dave Nielsen, Rodney G. Pack, Shaun Peck, Dave Rayfield, Josh Runhaar, Laura Selman, Sara Sinclair, Auditor Tamra Stones, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Chambers gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the agenda. Robison seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the April 10, 2007, Council meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON (Pat Parker gave the report for Executive Lemon who was attending the Utah Department of Transportation meeting.)

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS

- **UDOT Annual Visit - Wednesday, May 9, 2007** from 9:00 to 11:00 a.m. in the County Council Chambers. Federal aid transportation funding and programs will be discussed

as well as upcoming state route projects in Cache County. Parker invited Council members to attend.

- **Budget Letter** - Executive Lemon requests departments to update their projected revenue and estimated expenses year to date. This information is needed to consider requests for moving part-time employees to full-time status.
- **Box Elder County Commissioner Hardy** called the Cache County Executive's office to express appreciation for Council member Yeates' attendance at the Box Elder County Commissioner's meeting. Yeates' knowledge of the history of Three Mile Road was very helpful to the Commissioners.

ITEMS OF SPECIAL INTEREST

- ▶ **Proclamation - September 24, 2007 - Family Day - A Day to Eat Dinner with Your Children** - 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 September 24, 2007, as Family Day-A Day to Eat Dinner with Your Children. Robison seconded the motion. The vote was unanimous, 7-0.

- ▶ **Critical Lands Presentation - Shauna Kerr** reviewed the contents of the feasibility report from the Trust for Public Lands noting that it sets forth the state of the county with regard to critical land issues, the opportunity for conservation finance and the legal parameters within which the county would be operating if it chose to move forward. It also sets forth the legal mechanisms for funding, past data for growth rates in Cache County, and concludes that the property tax and/or general obligation bond present the best options for Cache County to fund the acquisition and preservation of parks, open space and agricultural lands. Kerr said the next step will be to survey the community to find out exactly how the residents of Cache County feel on these issues.

Kerr said Cache County could create a special service area or a recreation district. This approach has been successful in other parts of Utah. Past election data didn't have off-year election information and Kerr asked that the county review the report and forward lacking information to her. Kerr asked if a critical lands question could be added to the February 5, 2008, Presidential Primary ballot?

Petersen said he had spoken with Lieutenant Governor Herbert about this and Herbert indicated the school voucher issue will probably be on the February 5th ballot, but will require special legislation and it would be possible to create language that could include other items for the ballot. Petersen asked Clerk Zollinger about the off-year voter turnout figures.

Zollinger said her office has data for municipal elections and the voter turnout for the previous Western States Presidential Primary was eight percent.

Chambers observed that if the school voucher issue is on the February 5th ballot, voter interest should increase and asked if Zollinger knew how much of an increase that would produce? Zollinger did not know.

Kerr turned the time to Nicol Gagstetter for a power point presentation. Gagstetter said the definition they have arrived at for critical lands is lands that help protect Cache County's quality of life and provide clean air, clean water and food to the County's human and natural residents. Gagstetter reviewed maps detailing Cache County's existing municipalities, important or critical wildlife habitat, agricultural lands, water resources and view sheds.

Petersen expressed appreciation for the GIS mapping and the visual overview it provides. Petersen asked about the status of the Memo of Agreement between the critical lands task force and Cache County? Gagstetter said that has not yet been signed.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

SET PUBLIC HEARING - MAY 8, 2007 - 6:00 P.M. - GARLAND ACRES SUBDIVISION

ACTION: Motion by Vice Chairman Hansen to set a Public Hearing for May 8, 2007 at 6:00 p.m.-Garland Acres Subdivision. Robison seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Yeates to convene as a Board of Equalization. Hansen seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

Chairman Gibbons said he, Council member Zilles, Auditor Stones and Assessor Howell had met with the Sunshine Terrace for a presentation of why Sunshine Terrace was requesting tax exempt status. Gibbons said the findings of fact were before the Council and the Hearing Board has determined that Sunshine Terrace meets the criteria necessary for tax exempt status for the year 2007. The recommendation of the Hearing Officers is that the Council grant tax exempt status to the Sunshine Terrace.

(Attachment 2)

ACTION: Motion by Council member Zilles to accept the recommendation of the Hearing Officers and grant tax exempt status to the Sunshine Terrace. Hansen seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Zilles to adjourn from the Board of Equalization. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PENDING ACTION

- ❑ **May Tax Sale** - Auditor Stones reported there were originally twenty-five or six properties on the tax sale list. There are ten parcels left that will be advertised on the tax sale list. Gibbons asked if any were personal residential properties? Stones said some are, but most of those have agreed to pay by the end of April.

(Attachment 3)

- ❑ **Discussion - Gravel Pits Alleged Violations and Enforcement** - Gibbons said he, Executive Lemon and Josh Runhaar had met and discussed potential gravel pit violations and enforcement. Gibbons said he has received complaints from residents in the Cove area.

Runhaar said his office is working with the County Attorney's office to compile information on junkyards. His office has received gravel pit complaints about pits between Mendon and Wellsville. The pits in the Nibley/Hyrum areas are important because Nibley's primary source water protection area is covered by those gravel pits. Runhaar said each gravel pit file is being pulled to review requirements.

The mineral extraction overlay zone previously approved by the Council requires rezoning within twenty-four months of that approval and there are large tracts of land that need to be rezoned to be compliant. Cache County has numerous gravel pits in the county that need to be rezoned as well. Runhaar said his office will probably begin in the Cove area to check pits and implement enforcement.

Runhaar said business licensing is another area requiring enforcement county wide.

Gibbons expressed concern that the county gives permits for pits and makes promises to area residents and then, when the operators don't comply, what does the County do? Runhaar noted that within one year 99% of parties with conditional use permits are not in compliance.

Runhaar said the same problem exists with subdivisions and some delays are being experienced until conditions are met.

Zilles asked how many old pits have not been restored appropriately? Daines said most of the gravel pits in Cache County did not have a restoration stipulation.

Morse reminded Council members there are complaint forms available in the planning office. If calls are received, a form should be completed so action can be taken. Names of parties registering the complaint are confidential. It may take some time, because of workload and a lack of staff dedicated to enforcement.

Gibbons said the county has had one operator set up a hot mix plant illegally and run asphalt to supply the highway. The County designated specific routing for some of the Cove permits and that was ignored. Those are the kind of complaints Gibbons is receiving.

Daines asked the planning office to provide complaint forms to Council members and asked for copies of complaints already received. These will be reviewed and the most troublesome ones will be addressed first. Robison suggested the complaint forms be posted on the county website.

Zilles asked what can be done about old pits that didn't have to be restored and are now eyesores? Daines noted that Cache County has old abandoned pits that have not been restored. Morse said Cache County needs to step up and be the example. Morse also said additional regulations are needed on gravel pits.

Gibbons asked Runhaar for a status report regarding natural barriers.

Runhaar reported that a Public Hearing will be set at the Planning Commission meeting May 3, 2007. The Public Hearing will be the first meeting in June 2007. Runhaar said draft language addressing natural barriers will be available next week for Daines' review.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2007-05 - Agricultural Subdivisions** - Chairman Gibbons said two meetings ago the Council received a document similar to the one before them tonight which reflects the motions by the Planning Commission regarding the agricultural subdivision ordinance.

Daines said last September the Planning Commission sent to the Council a revised AG zone ordinance which divides the zone into five different types of AG zones. The five motions approved by the Planning Commission were:

1. Recommended the county be divided into multiple zones
2. Recommended the AG Estate 10 zone be the default zone
3. Recommended keeping small subdivisions at five lots'
4. Recommended instituting a policy of no rezones except at the owner's or city's request
5. Recommended reducing the maximum density from one unit per 5 ½ acres to one unit per 4 acres

Daines noted that the present ordinance enacted after the moratorium is 5-lot subdivisions only - no major subdivisions.

Daines recommended addressing each motion individually for discussion and decision.

Gibbons said he wanted to begin with the third motion recommending the definition of a small subdivision remain at five lots.

Zilles asked if the Council wants to make a change or leave it as is?

Gibbons said his concern is that if you have a 1970 parcel, you can have five lots regardless of the size of the parcel, and that creates inequities. Gibbons said he favors a three-lot subdivision.

Zilles said he would like to see options for encouraging clustering.

Robison said the determination of whether to have multiple zones should be addressed first.

Daines referred the Council to the definitions of the zones, specifically Item C - AE-10 Zone. The last paragraph reads "Major subdivisions allowed with minimum lot size of 10 acres and/or density of 10 acres per residential unit." That language is followed on each zone definition so, essentially, clustering could be utilized. Daines also told the Council they will decide what kinds of uses will be in which of the multiple zones.

Petersen noted that the motion from the Planning Commission only allows the owner or the city to make the rezone request. Petersen said if owners and cities are the only ones who may request a rezone, zones may develop without any plan. Daines said that is correct and the Council must decide if it wants to change that or agree to it.

Zilles said the reason that 1970 parcels in the south are smaller than in the north end of the county is because it developed earlier and properties have divided more often.

Runhaar noted that one problem with the current ordinance is there is no point to clustering. A density cap is needed as an incentive for people to consider clustering. Visual quality, agricultural quality, cost of services also need to be considered. Runhaar says the county cannot say "one size fits all" in relation to an agricultural subdivision ordinance.

Gibbons asked if it is unreasonable to suggest that the default zone be the three-lot subdivision? Then you have to address the zone as you consider anything beyond three lots. Gibbons said he is reluctant to make a decision regarding multiple zones up front and would prefer to make the determination as requests come in.

Zilles noted that density zoning would allow for future expansion.

Petersen asked if a Public Hearing is required to move ahead on the Planning Commission's motions? Runhaar said the Planning Commission had a public meeting, but a Public Hearing would be done on the Council level.

Daines agreed the Council is the level at which a Public Hearing should be held and expressed a desire for the Council to move ahead on these motions while continuing to work on the comprehensive plan.

Gibbons said some members of the Planning Commission feel the same way.

Morse suggested the Council give input on the five motions from the Planning Commission and have the planning office draft the Council's wishes in regard to the motions, then hold a Public Hearing relative to those points. Morse said he strongly disagrees with only owners or cities being able to request rezones. The county needs to have that power also.

Daines said if Public Hearings are held, they should be the first meeting in June, the second meeting in June and the first meeting in July and then a decision is made.

After further discussion, the Council decided to hold a Public Hearing/Hearings to address the five motions made by the Planning Commission with a clustering incentive option added. Advertising should be aggressive so the public is aware of what will be discussed and when. The planning office will prepare a draft outlining the questions related to the five motions. Runhaar invited Council members to participate in the writing of the draft on April 30 or May 1, 2007. Gibbons, Petersen and Zilles will meet with Runhaar. Chairman Gibbons directed Pat Parker to place on the May 8, 2007, Council meeting agenda an item to set the first Public Hearing for the five motions related to Ordinance 2007-05.

- **Approving Extension of Powder Mountain Development Agreement to October 31, 2007** - Gibbons referred the Council members to their packets which had copies of the minutes from September 2006 where the Council granted an extension to Powder Mountain for their development agreement. That extension expires April 30, 2007. Powder Mountain has requested a second six-month extension. Runhaar said the parties have not provided the information the county has requested.

Daines told the Council that because Powder Mountain's request was originally submitted prior to the fee schedule change, they are not subject to the new fees and recommends making the requested extension contingent upon Powder Mountain agreeing to come into compliance with the present fee structure. They will not have to pay the fee for initiating the request, but from this time forward the fees will apply.

Vice Chairman Hansen asked if there was a legitimate reason for the request?

Parker said Executive Lemon had been in contact with the parties and is supportive of approving the request.

Runhaar said this has been going for two and a half years or more and the county is still requesting the same information and receives no answer.

Gibbons suggested the County Attorney and Planning Office draft a document outlining the needed information and the contingency of imposing fees.

Runhaar said his office sent them the document two months ago reminding them of the time frame of their present extension and sent them a courtesy notice about a week and a half ago. No reply has been received. Morse said the letter to them was very specific and fees should be a condition of the second extension.

ACTION: Motion by Council member Yeates to extend the development agreement with Powder Mountain for a six-month period on the condition that new fees be imposed and all existing concerns, including financials, be addressed over this period of six months; otherwise, at which time there will not be any additional extensions.

Discussion on the motion

Petersen questioned the six months' time to address the requested information.

Zilles and Robison said they would vote against the extension, then Powder Mountain would have to start over.

Vice Chairman Hansen agreed with Zilles and Robison and said a year and a half was spent four or five years ago discussing and working through the details of the project and if they (the developers) don't want to proceed with the project, the county should stop them by not granting the extension.

Morse said the Council needs to understand that starting over would require much time on the part of the planning office because everything would have to be looked at again as a new request. The rezone would remain, but water, conditional use permit, etc. would all have to be addressed again.

Chairman Gibbons asked for a second to the motion. There was none.

The motion died for lack of a second.

Gibbons and other Council members said they would vote in favor of the extension so the expensive and time-consuming rezone and conditional use permit processes would not have to be repeated.

Council member Yeates submitted his original motion again.

ACTION: Motion by Council member Yeates to extend the development agreement with Powder Mountain for a six-month period on the condition that new fees be imposed and all existing concerns, including financials, be addressed over this period of six months; otherwise, at which time there will not be any additional extensions. Petersen seconded the motion. The motion passed, 4 aye - Chambers, Gibbons, Petersen & Yeates and 3 nay - Hansen, Robison & Zilles.

- **Resolution No. 2007-12 - A Resolution of Cache County Council, Cache County, State of Utah, setting forth the manner in which that certain road commonly referred to as "The Rocky Dugway Road" or "Three Mile Road" will be preserved, maintained, controlled and managed by Cache County** - Gibbons asked Yeates to update the Council on this issue. Yeates said this is the reason he attended the Box Elder County Commission meeting this morning. This road crosses the county lines and Box Elder has been contacted by the Selman family who owns property in the area asking that the road be closed. Cache County previously abandoned Four Mile Road because it accessed the same public land that Three Mile Road does and were told by the Selman family that they would not oppose the Three Mile Road remaining open. The Box Elder County Commission passed a resolution identifying Three Mile Road as a county road of significant importance to Box Elder and Cache County that should not be gated, etc. and should be maintained as a road and brought up to Class B certification.

Yeates said he gave the Box Elder Commission information concerning the history of the road from 1876 forward which was instrumental in the forming of their final opinion. Yeates said it is critical to keep the road open and maintain it in order to receive Class B funding.

Attorney Shaun Peck, representing the Selman family, stated the issue needs public comment before the Cache County Council makes a decision.

Gibbons said extensive public comment was taken on this issue earlier when the decision to abandon Four Mile Road was made.

Daines concurred and added that the Selman position was represented at that time.

Daines said if there was a motion to vacate the road, a Public Hearing would be required, but as it stands, this is a road on a road map and has been since 1876.

Gibbons directed Parker to place this item on the next agenda for final action and twenty minutes will be allowed for public comment.

(Attachment 4)

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

SET PUBLIC HEARING - MAY 8, 2007 - 5:40 P.M. - RESOLUTION NO. 2007-12-A
RESOLUTION OF CACHE COUNTY COUNCIL, CACHE COUNTY, STATE OF UTAH,
SETTING FORTH THE MANNER IN WHICH THAT CERTAIN ROAD COMMONLY
REFERRED TO AS "THE ROCKY DUGWAY ROAD" OR "THREE MILE ROAD" WILL BE
PRESERVED, MAINTAINED, CONTROLLED AND MANAGED BY CACHE COUNTY.

ACTION: Motion by Vice Chairman Hansen to set a Public Hearing for May 8, 2007 at 5:40 p.m. to receive public comment on Resolution No., 2007-12 - A Resolution of Cache County Council, Cache County, State of Utah, setting forth the manner in which that certain road commonly referred to as "The Rocky Dugway Road" or "Three Mile Road" will be preserved, maintained, controlled and managed by Cache County. Zilles seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2007-06-Granting to Questar Gas Company a Franchise for the construction, operation and maintenance of a gas distribution system in Cache County, State of Utah** - Petersen explained that the franchise must be periodically re-authorized.

(Attachment 5)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2007-06-Granting to Questar Gas Company a Franchise for the construction, operation and maintenance of a gas distribution system in Cache County, State of Utah. Hansen seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2007-06: The vote was 7-0.

	<u>CHAMBERS</u>	<u>ZILLES</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>VOTES CAST</u>
AYE	X	X	x	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **RAPZ/Restaurant Tax Committee Recommendations** - Cameron Jensen reviewed the recommendations and explained the scoring method used. There were sixty-nine applications and most were partially funded.

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Petersen said this was Jensen's first year as the RAPZ/Restaurant Tax Coordinator and he did a great job.

Gibbons asked Council members to look over the recommendations and be prepared to bring any concerns to the May 8, 2007, Council meeting. Gibbons complimented the committee on its work and said the recommendations would be released to the public.

COUNCIL MEMBER REPORTS

Cory Yeates said the Forest Service has requested permission to gate Maple Ridge and Millville Canyon Roads to prevent damage during the spring months. The closure would be date specific with the opening date left open ended depending on how soon the roads are dry. The Forest Service gate would be constructed to allow snowmobile access. Yeates is supportive.

Rob Cruz, Forest Service, has indicated UDOT is worried about The Logan Canyon Gateway Trail project being done in phases because people will be crossing the highway so UDOT is trying to find some additional funding to complete the tunnel at the outset.

Yeates asked Daines if the Schedule A is ready to be signed by the Forest Service? Daines said it is very close to being done. Yeates reminded the Council that the county had accepted the roads on the travel plan as county roads last fall. The next step in the process is to get a maintenance agreement signed with the Forest Service. When the agreement came back from the Forest Service, there were many additional roads listed, so a new resolution may need to be brought before the Council to accept these additional roads as county roads.

Daines suggested doing that as part of next week's Public Hearing on Three Mile Road.

Yeates said Rob Cruz has accepted another position and his last day will be May 25, 2007. Starting over with another Forest Service representative would set the whole project back considerably and Yeates feels it is to the benefit of the county to move quickly.

Yeates said he will be out of town when UDOT has its annual meeting here on May 8, 2007, and would like raising the speed limit on Highway 91 north of Smithfield to the Idaho border to be discussed.

John Hansen said he and Petersen had met with the auditors and the audit is going well.

Kathy Robison reminded the Council that the Western Interstate Regional Conference will be in St. George next year on May 21-23. Robison asked the Clerk to keep the Council updated on how additional items on the February, 2008, Presidential Primary ballot will affect election costs. The high school tour of the Sheriff's complex and the county offices went well.

Brian Chambers reported that the county will know next month if Frontier Airlines is coming to the airport by June. The Instrument Landing System will start functioning in August. The Fire

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Board will finish visiting with all of the fire departments in the valley Friday night. Chambers said the Council received invitations to the Eccles Ice Center for the Cache Valley Figure Skating program Saturday evening, April 28, 2007, and encouraged their attendance.

ADJOURNMENT

The Council meeting adjourned at 7:44 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, *Family Day* is a national effort to promote family dinners as a natural effective way to reduce teen substance abuse risk and is meant to remind Americans of the value of parental engagement and encourage them to make family dinners a regular part of their lives.

Whereas, *Family Day* is an initiative that helps to reduce substance abuse among children and teens throughout America.

Whereas, research by Center on Addiction and Substance Abuse has consistently found that the more often children eat dinner with their parents, the less likely they are to smoke, use illegal drugs or abuse alcohol.

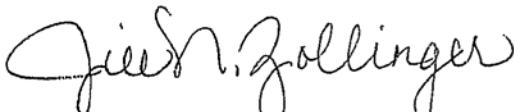
NOW THEREFORE, in recognition of the efforts being made by our nation to promote family dinners as a natural, effective way to reduce teen substance abuse risk, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah hereby proclaims September 24, 2007 as

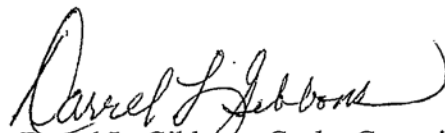
FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN

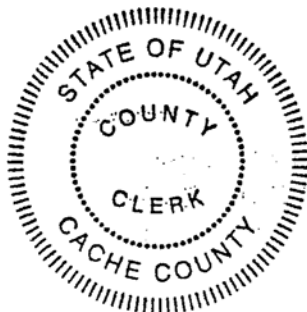
and encourages all citizens to make family dinners a regular part of their lives.

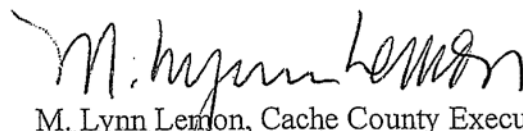
In witness thereof, as Chairman of the Cache County Council and Cache County Executive, we have hereunto set our hand this 14th day of April, 2007.

Attest:


Jill N. Zollinger, County Clerk


Darrel L. Gibbons, Cache Council Chairman




M. Lynn Lemon, Cache County Executive

BEFORE THE BOARD OF EQUALIZATION
OF CACHE COUNTY

IN RE: The matter of Application)
For exemption from property) FINDINGS AND DETERMINATION
taxation of SUNSHINE) FOR TAX YEAR 2007
TERRACE FOUNDATION,)
INC.)

This matter came before the Board of Equalization of Cache County, Utah on April 11, 2007 upon the verified application for property tax exemption submitted by SUNSHINE TERRACE FOUNDATION, INC.

FINDINGS

Based upon the verified application and matters presented to the Board of Equalization at its hearing on April 11, 2007 and other materials presented to it, the Board of Equalization finds that;

1. SUNSHINE TERRACE FOUNDATION, INC. is the owner of record of the Sunshine Terrace, the Terrace Grove and Adult Care Facility which is located on the real property described in "Exhibit A" attached hereto and made a part hereof.
2. Darrel L. Gibbons and Gordon Zilles, members of the Board of Equalization, met with the owner's representatives on April 11, 2007 and reviewed the application

of the owners and relevant facts and standards. The County Auditor, Tamra Stones and County Assessor, Kathleen Howell, attended also to clarify real and personal property issues.

3. It was recommended that exemption be granted to the applicant for the Tax Year 2007 on the basis that SUNSHINE TERRACE FOUNDATION, INC qualify for exemption from the property tax under Standards I, II, III, IV, V, and VI as promulgated by the Utah State Tax Commission on December 18, 1990.
4. The Board of Equalization in a public meeting held April 24, 2007 upon lawful notice, met and approved the requests for tax exemption as contained in these findings.

DETERMINATION

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

SUNSHINE TERRACE FOUNDATION, INC., is hereby granted an exemption from property taxes for portions of the real property described in "Exhibit A" attached hereto and made a part hereof which is used for the Sunshine Terrace, Adult Care Center and Terrace Grove and the personal property listed therein for the Tax Year 2007.

The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 24, 2007.

COUNCIL MEMBER

IN FAVOR

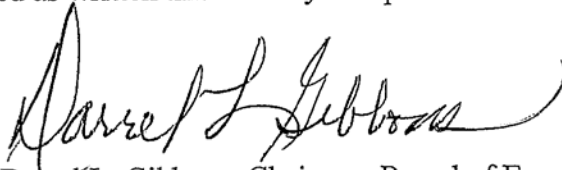
AGAINST

ABSENT

S. Brian Chambers
Darrel L. Gibbons
John A. Hansen
H. Craig Petersen
Kathy Robison
Cory Yeates
Gordon A. Zilles

✓
✓
✓
✓
✓
✓
✓

These findings and determination are approved as written this 24th day of April 2007.



Darrel L. Gibbons, Chairman Board of Equalization

Attested To:



Tamra Stones, Clerk of the Board of Equalization



Tax Sale List for Cache County Council

4/18/2007

MONTOUR, MARY ANN
365 N 800 E
HYRUM, UT 84319
\$1,072.51 plus administrative costs
01-012-0027

Property Address:

Title report received

BEG ON W LN OF ST ROAD 50 FT W & S 0*41'30" W 525.36 FT FROM NE COR SEC 4 T 10N R 1E & TH S 0*41'30" W 100 FT ALG ROAD TO NE COR OF LT 1 PAN-O-RAMA PARK TH ALG SD SUBD-N 88*19' W 130 FT TH N 0*41'30" E 100 FT TH S 88*19' E PARALLEL TO N LN OF SD SUBD 130 FT TO BEG CONT 0.30 AC
LV 22,000

ARQUETTE, THOMAS G & ANNA L
210 PARK AVE
HYRUM, UT 84319-1112
\$1,591.16 plus administrative costs
01-013-0011

Property Address: 210 PARK AVENUE
HYRUM.

Party contacted will pay prior to sale.

BEG AT PT 500 FT N OF PLT 12.30 CHS N & 13.20 CHS W OF SE COR OF NE/4 SEC 4 T 10N R 1E, TH W 100 FT N 115 FT E 100 FT S 115 FT TO BEG

BR 100,900
LR 22,000

KING, DAVID V & VICKIE H
340 W 200 S
HYRUM, UT 84319
\$329.08 plus administrative costs
01-046-0041

Property Address: 340 W 0200 S
HYRUM

Owner making payments

BEG 247.5 FT W OF SE COR LT 1 BLK 1 PLT C HYRUM CITY SVY & TH N 145 FT TH W 82.5 FT TH S 145 FT TH E 82.5 FT TO BEG CONT 0.27 AC M/B

BR 78,600
LR 22,000

VAN FLEET, DANNY W
1072 265TH AVE
GERLAW, IL 61435-9612
\$97.13 plus administrative costs
01-095-0061

Property Address:

Title report received.

R/W ACCESS: BEG 130 FT N OF SE COR SW/4 SEC 28 & TH W 30 RDS TO PARADISE CORP LIMITS TH N 33 FT TH E 30 RDS TH S 33 FT TO BEG CONT 0.38 AC

LV 5,320

Tax Sale List for Cache County Council

4/18/2007

HALE, A RODERICK
8237 PARADISE WEST DR
PARADISE, UT 84328
\$3,581.75 plus administrative costs
01-130-0009

Property Address: 8237 PARADISE WEST DRIVE
PARADISE

Title report received.

LOT 9 PARADISE WEST SUBDIVISION CONT 2.82 AC

LV 89,690

ANDERSON, BRIAN A & NHORA V
100 QUARTER CIRCLE DR
NIBLEY, UT 84321
\$649.81 plus administrative costs
02-027-0037

Property Address:

Title report received.

BEG 10 RDS S OF PT ON S LN OF STREET 239.25 FT W OF PT BR ON N BANK OF OLD DITCH 10.02 CHS S OF NE COR LT 7
BLK 8 PLT C PROVIDENCE FARM SVY & TH S 205 FT TH E 179.25 FT TH N 138.8 FT TH W 84 FT TH N 66.2 FT TH WEST 95.25
FT TO BEG

WITH R/W BEG 144 FT W OF NE COR LT 4 SD BLK 8 & TH W 30 FT TH S 10 RDS TH E 30 FT TH N 10 RDS TO BEG
SUBJ TO R/W BEG 144 FT BR 145.5 FT MEAS W OF NE COR LT 4 SD BLK & TH S 231.2 FT TH W 15 FT TH N 231.2 FT TH E 15
FT TO BEG (378/309) CONT 0.72 AC M/L

LV 13,068

HALL, BRAD H DBA
BRAD HALL & ASSOCIATES
2840 SUNNYBROOK LANE

Property Address: 78 W 0100 S
LOGAN

Title report received. Bank of Utah will pay.

IDAHO FALLS, ID 83404
\$10,014.42 plus administrative costs
02-046-0015

BEG IN THE N LINE OF BLK 5 PLAT D LOGAN CITY SVY 351.75 FT S & 71*48' W OF A PT N 88*42' W 94 FT OF THE NE COR
BLK 5 TH S 2*05' W 159.70 FT S 18*53' W 100 FT M/L TO RT BANK OF N BRANCH OF LOGAN RIVER FOL RT BANK OF SD
RIVER TO A PT 75 FT E OF THE E LINE OF 100 W ST N 266 FT M/L TO A PT IN N LINE OF SD BLK 5 N 71*48' E IN N LINE OF
SD BLK 5, 100 FT M/L TO BEG SE/4 SEC 33 T 11N R 1E
SUBJ TO 2 FT R/W GRANTED TO THATCHER IRRIG CO IN BK 833 PG 457

BC 76,000
LC 88,864

HALL, BRAD H DBA
BRAD HALL & ASSOCIATES
2840 SUNNYBROOK LANE

Property Address: 78 W 0100 S
LOGAN

Title report received. Bank of Utah will pay.

IDAHO FALLS, ID 83404
\$4,079.43 plus administrative costs
02-046-0016

BEG 319 FT DUE S FROM NW COR LOT 4 BLK 3 PLAT A LOGAN CITY SVY E 75 FT S 228.76 FT TO PT 15 FT N OF N EDGE OF
N FORK OF RIVER SWLY TO PT 250.6 FT S OF BEG N 250.6 FT TO BEG
ALSO: BEG AT NW COR BLK 5 PLAT D LGN CTY SVY ELY 75 FT N TO S SIDE OF 1ST S ST SWLY TO BEG SUBJ TO R/W IN
NE/4 SEC 4 T 11N R 1E D1714A TO RTS OF WYS IN NE/4 SEC 4 T 11N R 1E

Tax Sale List for Cache County Council

4/18/2007

LV 74,924

CHAMBERS, JOSEPH TR
31 FEDERAL AVE
LOGAN, UT 84321
\$117.35 plus administrative costs
02-107-0014

Property Address:

Owner contacted.

BEG IN N LN OF BLK 15 PLT B PROVIDENCE CITY SVY AT PT 65 FT E OF PT 11.53 CHS N & 1.56 CHS W BR OF SW COR E/2 NW/4 SEC 11 T 11N R 1E & TH S 146.5 FT TH E 18 FT TH N 146.5 FT TH W 18 FT TO BEG SUBJ TO R/W FOR DITCH ALG S PT OF ABOVE TRACT CONT 0.06 AC

LV 1,670

ADAMS, CRAIG & TAMARA J
1929 S 2000 W
WELLSVILLE, UT 84339
\$650.42 plus administrative costs
03-009-0085

Property Address: 1929 S 2000 W
WELLSVILLE

BANKRUPTCY

BEG 1 RD W & 753 FT S OF N/4 COR OF SEC 18 T 11N R 1E & TH W 155.57 FT TH N 140 FT TH E 155.57 FT TO THE W LN OF 2000 W ST TH S ALG ST TO BEG CONT 0.50 AC WITH EASEMENT FOR WELL IN BK 876 PG 106

BR 82,800
LR 24,750

FLOYD, JAMES W & GAIL R
1271 W 3200 S
LOGAN, UT 84321-6343
\$693.03 plus administrative costs
03-017-0015

Property Address: 1271 W 3200 S
NIBLEY

Party will pay.

BEG S 1122.46 FT & N 89*02' W 416.5 FT FROM THE NE COR OF THE SW/4 SEC 20 T 11N R 1E TH N 200 FT N 89*02' W 300 FT TH S 200 FT TH S 89*02' E IN THE N LN OF ST 300 FT TO BEG SUBJ TO UTIL ESMNT ON PLAT OF FLOYD MINOR SUBD 2002-1605

BC 21,615
BR 13,245
LC 18,207
LR 33,000

GARNER, KEITH J TRUSTEE
% LARSEN, KENT
645 N 600 E

Property Address:

Title report received.

HYRUM, UT 84319-1147
\$77.19 plus administrative costs
03-063-0017

BEG NE COR OF THE W/2 OF THE SE/4 SEC 33 11N R 1E N 8.5 RDS E 9.5 RDS S 8 RDS W 9.5 RDS TO BEG .50 AC

LG 1,936

Tax Sale List for Cache County Council

4/18/2007

SOSA, BENITO
503 S STATE ST #1
OREM, UT 84058
\$2,528.20 plus administrative costs
03-080-0023

Property Address: 293 W 0550 S
LOGAN

Title report received. Party will pay prior to sale.

LOT 23 FAIRWAY SUBDIV SE/4 SEC 4 T 11N R 1E D2060'23

BR	91,600
LR	24,750

C JENSEN PROPERTIES LLC,
347 W 2500 N
NORTH LOGAN, UT 84341
\$2,422.17 plus administrative costs
04-062-0023

Property Address: 347 W 2500 N
NORTH LOGAN

Party contacted, paying balance before sale.

BEG 52.933 RDS W OF SE COR LT 29 OF SEC 16 T 12N R 1E & TH N 122 FT TH W 80.55 FT TH N 293.25 FT TO N LN SD LT 29 TH W 30 FT TH S 25 1/6 RDSTH E 6.7 RDS TO BEG SUBJ TO & WITH R/W ON DEED
NET 0.52 AC

BC	67,290
LC	31,200

TNT LLC,
1101 E 1625 N
NORTH LOGAN, UT 84341
\$7,905.05 plus administrative costs
04-149-0007

Property Address: 3915 NORTH HWY 91
HYDE PARK

Owner contacted and making payments.

LOT 7 HYDE PARK BUSINESS PARK PHASE 1 CONT 4.43 AC
LESS: BEG S 0°52'50" E 230.26 FT FROM NW COR SD LT 7 & TH S 88°36'15" E 40.31 FT ALG FENCE TH S 0°20'50" E 70.29 FT ALG FENCE TH N 89°00'36" W 39.65 FT ALG FENCE TH N 0°52'50" W 70.6 FT ALG W LN LT 7 TO BEG CONT 0.06 AC M/B NET 4.37 AC

BC	259,800
LC	290,824

CASTLE HILLS INC,
LARRY JARDINE
PO BOX 248

Property Address:

Lynn Lemon requested not to publish.
Will contact owner for quit claim deed.
(private road)

LOGAN, UT 84323-0248
\$131.12 plus administrative costs
05-009-0015

PT OF THE W/2 OF THE SE/4 OF THE NW/4 OF SEC 25 T 12N R 1E DESC AS FOLLOWS: BEG AT NE COR LT 4 CASTLE HILLS PHASE 2 & TH N TO N LN OF S/2 OF SD NW/4 OF SEC 25 TH E ALG SD N LN 50 FT TH S TO NW COR LOT 5 SD SUBD TH N 89°46'13" W 50 FT TO BEG CONT 0.03 AC

LV	1,210
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Tax Sale List for Cache County Council

4/18/2007

WILKINSON, DIANE
290 N 300 W
LOGAN, UT 84321
\$1,498.23 plus administrative costs
06-014-0016

Property Address: 290 N 0300 W
LOGAN

Council approved deferral.

BEG AT SW COR LOT 5 BLK 28 PLAT A LGN CITY SVY N 4 RD E 6 RD S 4 RD W 6 RD TO BEG NE/4 SEC 33 T 12N R 1E D615C

BR 88,000
LR 23,595

RIVERS EDGE LC,
% ROBERT H POTTER
1318 N HIDDEN QUAIL COVE

Property Address:

Owner making payments. Will pay off by 4/20/07.

FARMINGTON, UT 84025
\$1,626.17 plus administrative costs
06-094-0024

BEG N 78*30' E 95 FT FROM NE COR LT 1 ISLAND DRIVE SUBD & TH N 78*30' E 95 FT TH S 11*30' E 90 FT ALG BNDRY LN
607/206 TO N BANK OF LOGAN RIVER TH W'LY ALG RIVER TO PT S OF BEG TH N 2*51' E 53 FT TO BEG NE/4 SEC 35 T 12N R
1E CONT 0.16 AC M/L

LV 29,766

RIVERS EDGE LC,
% ROBERT POTTER
1318 HIDDEN QUAIL COVE

Property Address: 1461 SUMAC DRIVE
LOGAN

Owner making payments. Will pay off by 4/20/07.

FARMINGTON, UT 84025
\$7,674.91 plus administrative costs
07-051-0004

LOTS 3, 4 & 5 HIDDEN VILLAGE UNIT 6 ALSO BEG AT W'LY COR SD LT 3 & TH N52*54'30" W 12 FT TO S BANK OF LGN
RIVER TH NE'LY ALG RIVER TO PT N13*23'40" W 21 FT FROM NE COR SD LT 5 TH S 13*23'40" E 21 FT TO NE COR SD LT 5
TH S 78*14'20" W 105 FT TH N 67*45' W 81.62 FT TH S 39*30' WEST 168.02 FT TH S 24*28'30" W 40 FT TO BEG ALSO BEG NW
COR LT 22 HIDDEN VILLAGE UNIT 7 & TH N 78*03' E 9 FT TH N 13*23'40" W TO S BANK OF LOGAN RIVER TH SW'LY ALG
RIVER TO PT N 13*23'40" W OF BEG TH S 13*23'40" E TO BEG 1.12 AC IN ALL

BR 200,054
LA 1,452
LR 44,770

JENSEN FAMILY TRUST,
1798 E 1850 N
NORTH LOGAN, UT 84341
\$6,338.20 plus administrative costs
07-167-0080

Property Address: 1798 E 1850 N
NORTH LOGAN

Council approved deferral.

LOT 80 GREEN CANYON COVE PHASE 3 CONT 0.29 AC

BR 187,400
LR 33,880

Tax Sale List for Cache County Council

4/18/2007

GITTINS, WAYNE & ISABELL
277 W 300 S
SMITHFIELD, UT 84335-2125
\$704.20 plus administrative costs
08-087-0032

Property Address: 277 W 0300 S
SMITHFIELD

Owner contacted will pay prior to sale.

BEG AT SE COR LOT 4 BLK 5 PLAT A SMITHFIELD CITY SVY & TH N 10 RDS TH W 174 FT TH S 10 RDS TH E 174 FT TO BEG
CONT 0.66 AC

BR	42,000
LR	37,070

RIVAS, RAVONA A AKA VONI
P.O. BOX 103
LEWISTON, UT 84320-0103
\$1,176.92 plus administrative costs
09-021-0016

Property Address: 55 W 0200 S
LEWISTON

Title report received.

BEG NW COR LOT 6 BLK 8 PLAT A LEWISTON TOWN SVY E 4 RDS S 20 RDS W 4 RDS N 20 RDS TO BEG NE/4 SEC 8 T 14N R
1E F58A

BS	690
LS	16,940

RIVAS, RAVONA AKA VONI
PO BOX 103
LEWISTON, UT 84320-0103
\$1,652.84 plus administrative costs
09-021-0017

Property Address: 55 W 0200 S
LEWISTON

Title report received pay prior to sale.

BEG 4 RDS E OF NW COR LOT 6 BLK 8 PLAT A LEWISTON TOWN SVY E 6 RDS S 20 RDW 6 RDS N 20 RDS TO BEG F57

BR	51,724
LR	19,360

LEISHMAN, JEFFERY
PO BOX 305
WELLSVILLE, UT 84339
\$2,492.90 plus administrative costs
11-082-0049

Property Address: 99 E 0200 N
WELLSVILLE

BANKRUPTCY

BEG SE COR LT 1 BLK 30 PLT A WELLS-VILLE CITY SVY & TH N 65 FT TH WEST 140 FT TH S 65 FT TH E 140 FT TO PT OF
BEG CONT 0.21 AC

BR	48,000
LR	48,900

Tax Sale List for Cache County Council

4/18/2007

BRADY, RICHARD LYNN
2891 OAKWOOD
BOUNTIFUL, UT 84010
\$762.33 plus administrative costs
19-006-0007

Property Address:

Title report received.

SUMMER HOME IN LOGAN CANYON, LOT 4 BLK E BIRCH GLEN G626

BS

13,063

RESOLUTION NO. 07-05

A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION, BOX ELDER COUNTY, STATE OF UTAH, SETTING FORTH THE MANNER IN WHICH THAT CERTAIN ROAD COMMONLY REFERRED TO AS "THE ROCKY DUGWAY ROAD" WILL BE PRESERVED, MAINTAINED, CONTROLLED AND MANAGED BY BOX ELDER COUNTY.

WHEREAS, Box Elder County is responsible for the preservation, maintenance, control and management of all county roads within its jurisdiction; and

WHEREAS, that certain road commonly referred to as the "Rocky Dugway Road" more specifically identified and designated in Exhibit "A" attached hereto, is a county road located within Box Elder County and Cache County; and

WHEREAS, various conflicting claims have been made with respect to the use, ownership, access and control of said Rocky Dugway Road; and

WHEREAS, both Box Elder County and Cache County have an interest in working together to preserve, maintain, control and manage those portions of the Rocky Dugway Road located within each of their respective counties; and

WHEREAS, it would be in the best interests and promote the general health, safety and welfare of the residents of Box Elder County to know the manner in which the Rocky Dugway will be preserved, maintained, controlled and managed by Box Elder County;

NOW THEREFORE, BE IT RESOLVED by the County Commission of Box Elder County, State of Utah, with 3 members present and 3 members voting in favor thereof, as follows:

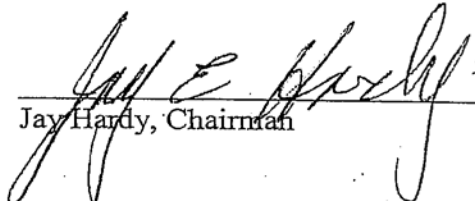
SECTION 1: The portion of that certain road located within Box Elder County and commonly known as Rocky Dugway Road, more specifically identified and designated in Exhibit "A" attached hereto, is a county road and subject to the maintenance, control and management of Box Elder County.

SECTION 2: The Rocky Dugway Road is located within both Box Elder County and Cache County, and of significant importance to both counties. Accordingly, Box Elder County shall cooperate and work closely with Cache County in the maintenance, control and management of the Rocky Dugway Road.

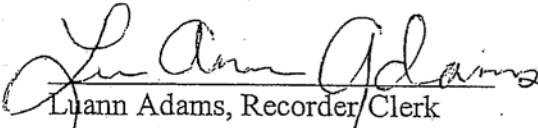
SECTION 3: The Rocky Dugway Road shall be improved and thereafter maintained to those specifications and requirements necessary to return it to the status of a Class B road. Such improvements and maintenance shall be accomplished in conjunction with Cache County in the manner agreed upon by both Box Elder County and Cache County. Such improvements and maintenance shall include, but not be limited to the following:

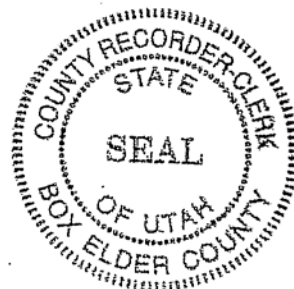
- A. Removal of all existing gates upon the road.
- B. Installation of cattle guards where necessary.
- C. Grading and improvements to the existing road surface.
- D. Installation of any reasonably necessary signage to inform the general public of private landowners property rights.
- E. Increasing the presence of law enforcement upon the road in an effort to better enforce trespassing, criminal mischief and other violations of the law.
- F. Seasonal closures of the road to protect the integrity of the road, at the discretion of Box Elder County and Cache County.
- G. Any other improvements reasonably necessary to return the road to Class B status.

ADOPTED AND APPROVED in regular session this 24 day of April, 2007.


Jay Hardy, Chairman

ATTEST:


Luann Adams, Recorder/Clerk



ORDINANCE NO. 2007-06

DATE April 24, 2007

AN ORDINANCE GRANTING TO QUESTAR GAS COMPANY A FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS DISTRIBUTION SYSTEM IN CACHE COUNTY, STATE OF UTAH.

Questar Gas Company, a Utah corporation, (Questar Gas) desires to construct, maintain and operate a gas distribution system within the unincorporated area of Cache County; and

The Cache County Council has determined that it is in the best interest of the citizens of the Cache County to grant a franchise to Questar Gas to use the roads and streets within Cache County for such purpose;

NOW, THEREFORE, the Cache County Council ordains as follows:

1. **Grant of Franchise.** The County grants to Questar Gas a nonexclusive franchise (Franchise) to construct, maintain and operate in the present and future roads, streets, alleys, highways and other public rights-of-way within Cache County unincorporated limits, including any property annexed or otherwise acquired by the Cache County after the effective date of this Franchise, (collectively, Streets) a distribution system for furnishing natural and manufactured gas to the County and its inhabitants for heating and other purposes. Questar Gas shall have the right to erect, construct, equip and maintain along, over and under the Streets a system of mains, pipes, laterals and related equipment (Facilities) as are reasonably necessary for supplying gas service in accordance with this Franchise.

2. **Consideration.** In consideration of this Franchise, Questar Gas shall pay to County the sum of \$50.00 upon acceptance of this Franchise and shall provide gas service in accordance with the terms of this Franchise.

3. **Term.** This Franchise is granted for an initial term of twenty (20) years. At the expiration of the initial term, the Franchise shall continue in effect upon the same terms and conditions for up to two additional terms (each of which is a renewal period) of fifteen (15) years each. The County may terminate the Franchise at the end of the initial term, or any renewal period, by giving Questar Gas written notice of the County's intent to so terminate not less than ninety (90) calendar days before the expiration of the initial term or any renewal period.

4. **Acceptance.** Within sixty (60) days after the passage of this ordinance, Questar Gas shall file with the County an unconditional written acceptance of the Franchise declaring its acceptance of the Franchise and its intention to be bound by the terms and conditions of the Franchise.

5. **Construction and Maintenance of Facilities.** All Facilities shall be constructed and installed so as to interfere as little as possible with traffic over and public use of the Streets and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the Streets. All Facilities shall be constructed in accordance with established gas distribution construction practices and in a manner which protects the Facilities from all traffic loads. All Facilities that are installed during the term of the Franchise shall be sited without unreasonable additional cost to Questar Gas to be visually unobtrusive and to preserve the natural beauty and neighborhood aesthetics within the unincorporated County limits.

Questar Gas shall repair or replace, at its own expense, any and all rights of way, pavements, sidewalks, street improvements, excavations, other facilities, landscaping, or other improvements, public or private, that it damages in the Franchise operations.

6. **Compliance with Ordinances--Conflict.** Questar Gas shall comply with all County ordinances, regulations and requirements and shall pay all applicable excavation fees and charges that are or may be prescribed by the County with respect to the construction, maintenance and operation of all Facilities. However, these obligations shall apply only as long as such ordinances, regulations, requirements or fees are not preempted by or otherwise in conflict with any applicable statutory or constitutional law, rule or regulation, or the tariffs approved by regulatory bodies having jurisdiction over Questar Gas, including this Franchise and any lawful revisions made and accepted by Questar Gas during the term of the Franchise.

The County shall have the right to inspect the construction, operation and maintenance of the Facilities to ensure the proper compliance with applicable County ordinances, regulations and requirements. In the event Questar Gas should fail to comply with the terms of any County ordinance, regulation or requirement, the County shall give Questar Gas written notice of such non-compliance and the time for correction provided by ordinance or a reasonable time for correction if there is no applicable ordinance. After written notice and failure of Questar Gas to make correction, the County may, at its sole risk, make such correction itself and charge the cost to Questar Gas including any minimum cost provided by ordinance. Nothing in this Franchise limits Questar Gas' right to oppose any ordinance, either existing, proposed, or adopted from and after the effective date of this Franchise.

7. **Information Exchange.** Upon request by either the County or Questar Gas, as reasonably necessary, Questar Gas and the County shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the unincorporated County limits, with a view towards coordinating their respective activities in those areas where such coordination may prove mutually beneficial. Any information regarding future capital improvements that may involve land acquisition shall be treated with confidentiality upon request to the extent that the County may lawfully do so.

8. **Relocation.** Upon written notice to Questar Gas, the County may require the relocation and removal or reinstallation (collectively, Relocation) of any Facilities located in, on, along, over, across, through, or under any of the Streets. After receipt of such written notice, Questar Gas shall diligently begin such Relocation of its Facilities as may be reasonably necessary to meet the County's requirements. The Relocation of Facilities by Questar Gas shall be at no cost to the County if (i) such request is for the protection of the public health, safety and welfare pursuant to lawful authority delegated to the County; (ii) the Facilities have been installed pursuant to this or any other Questar Gas franchise and not pursuant to a property or other similar right, including, but not limited to, a right-of-way, grant, permit, or license from a state, federal, municipal or private entity; and (iii) the County provides a new location for the Facilities. Otherwise, a Relocation required by the County pursuant to such written notice shall be at the County's expense. Following Relocation of any Facilities, Questar Gas may maintain and operate such Facilities in a new location within County limits without additional payment. If a County project is funded by federal or state monies that include an amount allocated to defray the expenses of Relocation of Facilities, then the County shall compensate Questar Gas up to the extent of

such amount for any Relocation costs mandated by the project to the extent that the County actually receives such federal or state funds.

Notwithstanding the preceding paragraph, Questar Gas shall not be responsible for any costs associated with an authorized County project that are not attributable to Questar Gas' Facilities in the Streets. Further, all such costs shall be allocated among all utilities or other persons whose facilities or property are subject to Relocation due to an authorized County project.

9. **Terms of Service.** Questar Gas shall furnish gas service without preference or discrimination among customers of the same service class at reasonable rates, in accordance with all applicable tariffs approved by and on file with regulatory bodies having jurisdiction over Questar Gas, including revisions to such tariffs made during the term of the Franchise, and in conformity with all applicable constitutional and statutory requirements. Questar Gas may make and enforce reasonable rules and regulations in the conduct of its business, may require its customers to execute a gas service agreement as a condition to receiving service, and shall have the right to contract with its customers regarding the installation and operation of its Facilities. To secure safe and reliable service to the customers, and in the public interest, Questar Gas shall have the right to prescribe the sizes and kinds of pipes and related Facilities to be used and shall have the right to refuse service to any customer who refuses to comply with Questar Gas' rules and regulations.

10. **Indemnification.** Questar Gas shall indemnify, defend and hold the County, its officers and employees, harmless from and against any and all claims, demands, liens, liabilities, damages, actions and proceedings arising from the exercise by Questar Gas of its rights under this Franchise, including its operations within County

unincorporated limits, and Questar Gas shall pay the reasonable cost of defense plus the City's reasonable attorneys' fees. Notwithstanding any provision to the contrary, Questar Gas shall not be obligated to indemnify, defend or hold the County harmless to the extent that any underlying claim, demand, lien, liability, damage, action and proceeding arises out of or in connection with any act or omission of the County or any of its agents, officers or employees.

11. **Assignment.** Questar Gas may assign or transfer its rights and obligations under the Franchise to any parent, affiliate, or subsidiary of Questar Gas, to any entity having fifty percent (50%) or more direct or indirect common ownership with Questar Gas, or to any successor-in-interest or transferee of Questar Gas having all necessary approvals, including those from the Utah Public Service Commission or its successor, to provide utility service within the County unincorporated limits. Otherwise, Questar Gas shall not transfer, assign or delegate any of its rights or obligations under the Franchise to another entity without the County's prior written approval, which approval shall not be unreasonably withheld or delayed. Inclusion of the Franchise as an asset of Questar Gas subject to the liens and mortgages of Questar Gas shall not constitute a transfer or assignment requiring the County's prior written consent.

12. **Effect of Invalidity.** If any portion of this Franchise is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of any remaining portions of this Franchise.

13. **Amendment.** This ordinance shall not be altered or amended without the prior written consent of Questar Gas.

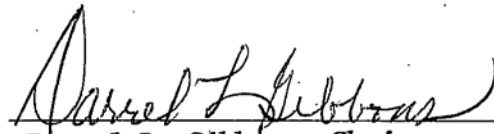
14. **Effective Date.** This ordinance shall become effective upon the date of acceptance by Questar Gas as established above.

Section: This Ordinance shall become effective immediately upon publication, in the manner required by law.

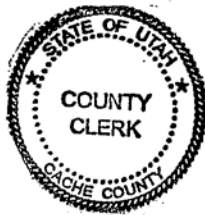
This Ordinance was adopted by the County Council, Cache County, Utah on the 24th day of April, upon the following vote:

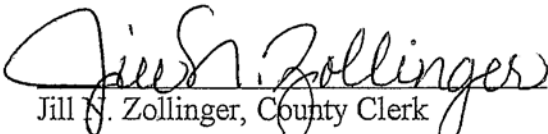
	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons	X			
John H. Hansen	X			
Kathy Robison	X			
Cory Yeates	X			
Gordon Zilles	X			

Cache County Council


Darrel L. Gibbons, Chairman

ATTEST:




Jill N. Zollinger, County Clerk

Publication Date: May 10, 2007