

CACHE COUNTY COUNCIL MEETING
October 23, 2007

The Cache County Council convened in a regular session on October 23, 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, 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: Wally Allred, Dar Allsop, Paul Berntson, Todd Beutler, Koral Bingham, Brittanie Blackwell, Alex Buxton, Maura Carabello, John D. Christensen, Jordan Christensen, Robert Coates, JaNae Cochran, Kristie Cook, Blake Cottle, Danielle Cox, McCabe Cox, Lee Daniels, Britny Davis, Ed Dayton, Ty Dewey, Scott Doughman Jaime Ericksen, Sione Fiefia, Andrew Finlayson, David Grange, Issa Hamud, Claudia Harmon, Dirk Henningsen, Jenna Hiatt, Tiffany Hill, Senator Lyle Hillyard, Dan Hogan, Jacob Hogan, Tom Hogan, Sharon L. Hoth, David James, Jamie Johnson, Jason Kartchner, Lauren Kennedy, Bruce Kidman, Janna Kidman, Grant Koford, Jim Lachmar, Tom Lachmar, Jon Laursen, Stephanie Limb, Randy Martin, Ryan Martin, Nate McCarthy, Shalayne Merrill, Mike Meyer, Gavin Mikesell, Josh Mikesell, Benson Miller, Ruben Moore, Todd Morrill, Attorney Paul Morris, Wendell Morse, Gloria Nadauld, Sandy Nield, David Nielsen, James E. Ormsbee, Pat Parker, Stuart Parkinson, Dr. Edward Redd, Chief Gary Roberts, Josh Runhaar, Tim Russ, Steve Russell, David Seria, Karen Stone, Joe Thomas, Callie Videtich, John Wadsworth, Walt Young, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with Item 7b, Introduction of Rich Schuler, Interim District Ranger for Logan District, deleted.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the October 9, 2007 Council meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS

- ❑ **Approval of Polling Places for the Western States Presidential Primary Election – February 5, 2008** – Executive Lemon presented the Council with a list of polling locations to be used for the 2008 Western States Presidential Primary Election.

(Attachment 1)

ACTION: Motion by Vice Chairman Hansen to approve the proposed polling locations for the Western States Presidential Primary Election on February 5, 2008. Chambers seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- **Recognition of Issa Hamud – Director of Logan City Environmental Center-Darrel Gibbons** indicated he had attended a Solid Waste Convention in Reno at the request of Logan City in order to represent the city in receiving an award for the Logan City Environmental Department. Gibbons invited Issa Hamud to come to the podium and presented the award from the Solid Waste Association of North America. The award is in recognition of Logan City’s recycling efforts in Cache County. Gibbons presented the award to Hamud noting that many areas of the country are envious of the arrangement Cache County and Logan City have in terms of solid waste and recycling.
- **Sunshine Terrace Annual Report – David L. Seria, CEO** reviewed the annual report for the Council including: a higher acuity of clientele, the new addition, staffing challenges, rising utility costs, state licensing surveys and a request for \$65,000.00 from Cache County for uncompensated care.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**

NPIC Department	Transfer \$10,000.000 from Contributions to fund Reserve to Capital Improvements for emergency purchase for 3 phase protection and 100 horse soft start.
ITS Department	Transfer \$6,600.00 from Software Subscriptions & Licenses to Subscriptions & Memberships (\$300.00), Software Packages (\$300.00), Subscriptions & Memberships (\$3,000.00) and Software Packages (\$3,000.00) to purchase books for library collection.
Weed Department	Transfer \$3,300.00 from Chemical to Non-Capitalized Equipment to fix air conditioning units in the weed building.

(Attachment 2)

ACTION: Motion by Council member Yeates to approve the budget transfers of \$10,000.000, \$6,600.00 and \$3,300.00. Petersen seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARINGS SET:

NOVEMBER 27, 2007 – 6:15 P.M. – REZONE OF 96.35 ACRES FROM AGRICULTURAL TO INDUSTRIAL/MANUFACTURING LOCATED AT APPROXIMATELY 3000 NORTH AND STATE HIGHWAY 23, CACHE JUNCTION.

NOVEMBER 27, 2007 – 6:30 P.M.-REZONE OF 9.75 ACRES FROM AGRICULTURAL TO COMMERCIAL LOCATED AT APPROXIMATELY 3950 SOUTH 1200 WEST, NIBLEY.

NOVEMBER 27, 2007 – 6:45 P.M. – AMENDMENT TO TITLE 16.02.020 – NAUTRAL BARRIERS.

ACTION: Motion by Council member Yeates to set Public Hearings for November 27, 2007-6:15 p.m.-Rezone of 96.35 acres from Agricultural to Industrial/Manufacturing located at Approximately 3000 North and State Highway 23, Cache Junction; November 27, 2007-6:30 p.m.-Rezone of 9.75 acres from Agricultural to Commercial located at Approximately 3950 South 1200 West, Nibley; and November 27, 2007-6:45 p.m. – Amendment to Title 16.02.020-Natural Barriers. Hansen seconded the motion. The vote was unanimous, 7-0.

BOARD OF EQUALIZATION

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

The Council convened as a Board of Equalization.

- Executive Lemon recommended approval of the recommendations of the Hearing Officers. (Details are on file in the Cache County Auditor's Office)

ACTION: Motion by Vice Chairman Hansen to accept the findings of the Board of Equalization Hearing Officers. Robison seconded the motion. The vote was unanimous, 7-0.

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

The Council adjourned from the Board of Equalization.

ITEMS OF SPECIAL INTEREST

- **Presentation of EPA Award to the Air Quality Task Force-EPA Region 8 Air and Radiation Director, Callie Videtich** presented the EPA Environmental Achievement Award to the Cache County Air Quality Task Force and commended Cache County.

Videtich said this is an unprecedented process in Cache County and is a great model for other areas in the country.

PENDING ACTION

- Ordinance No. 2007-05 – Agricultural Subdivisions (NO ACTION TAKEN)**
- Ordinance No. 2007-09 – Rezone of 7.55 Acres of Property from Agricultural Zone to Industrial/Manufacturing Zone located at approximately 168 North 2100 West, West of Logan** – Josh Runhaar turned the time to Attorney Daines to update the Council on this matter. Daines said he had met with David Grange and discussed clean up deadlines. Daines has drawn up an agreement between Grange and Cache County and recommended approval of the rezone subject to the terms of the agreement.

(Attachment 3)

ACTION: Motion by Council member Petersen to approve Ordinance No. 2007-09-Rezone of 7.55 Acres of Property from Agricultural Zone to Industrial/Manufacturing Zone located at approximately 168 North 2100 West, west of Logan based on the Cache County Attorney’s recommendation. Yeates seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2007-09: 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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Discussion – Water Rights and Subdivision Requirements** - Josh Runhaar said there is a need at staff level for the ability to tell people exactly what is going to be required for subdivisions in relation to water rights and recommended that approved domestic water rights be assigned to each lot prior to the recordation of the final plat. Runhaar said the county will have to look at how to insure the water rights stay with the lots the rights were assigned to. Daines recommended waiting until the new Water Manager is hired and have him/her review the issue.

Runhaar asked that the wording, “Approved domestic water rights shall be assigned to each lot prior to recordation of the final plat” replace the last stipulation on the High Creek Subdivision and the Rocky Mountain Estates “A” and “B” Subdivisions.

Council member Yeates left the meeting.

PENDING ACTION

- Final Plat Approvals – High Creek Junction Subdivision**

Tape 1 Side B

Zilles noted the future possibility that the county will be asked to pave the road to this subdivision and recommended a hard surface be required on the access road, 12100 North. Gibbons asked questions about water and fire service.

ACTION: Motion by Council member Petersen to approve Final Plat – High Creek Junction Subdivision with the modification that Stipulation No. 11 be replaced with the wording as recommended by Josh Runhaar; specifically, “Approved domestic water rights shall be assigned to each lot prior to recordation of the final plat.” Chambers seconded the motion.

ACTION: Motion by Council member Zilles to amend the main motion to include a hard surface be required on 12100 North. Robison seconded the motion.

Discussion on the motion:

Robison said the number of homes is being doubled and it makes sense to require a hard surface access road.

Gibbons noted there are two accesses to the highway and didn't see the need for a hard surface access road.

Hansen expressed concerns about the cost to the present families for the road.

Zilles asked how far this subdivision is from a fire department? The answer was four miles.

Petersen asked what the difference in cost between a gravel road and a hard surface road is? The response was \$2.50/square foot which would equal about \$8,000.00 more per lot.

Zilles indicated that as long as the county makes it cheaper to develop a subdivision in the county, it will not encourage people to build in the cities.

ACTION: Chairman Gibbons called for the vote on the amendment to the main motion. The vote was unanimous, 6-0. Yeates absent.

Citizen Walt Young asked if he could comment.

Gibbons asked if any Council member was willing to reconsider his/her vote.

Petersen said it was fair to hear from Mr. Young.

Young commented that the county road already exists and he feels it is unfair to ask that the subdivision be required to pave it for four additional homes. Young said he feels it is an undue burden and sets a dangerous precedent to require paved roads on basically any stretch of any approved subdivision in the future. Young indicated the Planning Commission had approved the plat with the gravel road.

Petersen asked Attorney Daines if there is any legal issue for the county to consider to requiring the hard surface road to the subdivision? Daines said he thought the Council was within its discretionary powers. Daines also said the Agricultural Subdivision should address this issue when completed.

Wendell Morse said the county is right to require the hard surface road and supports it.

Citizen Todd Morrill said traffic would only increase by ten trip ends a day and during a peak hour each single family residence would generate one trip end and feels the hard surface is not necessary.

Gibbons said the Council voted unanimously to approve the amendment and asked if any Council member was willing to call for a motion to reconsider. There was none.

ACTION: Chairman Gibbons called for the vote on the main motion. The vote was unanimous, 6-0. Yeates absent.

(Attachment 4)

- **Final Plat Approvals – Rocky Mountain Estates “A” & “B” Subdivisions** - Petersen asked if the Rocky Mountain Estates plats fall into the category of being two minor subdivisions chained together because of the nature of the county’s ordinance? Runhaar replied yes. Runhaar reviewed the plats with the Council noting that the Planning Office has required that the easement for the private road be extended all the way to the north end of the Lot 5 for farm access. This is located just outside of Newton and accessed from State Highway 142. Runhaar request that the Council change stipulation 14 to the recommended language from his office.

ACTION: Motion by Council member Petersen that Rocky Mountain Estates “A” & “B” Subdivisions be approved with the modification that Stipulation 11 be revised to include the language “Approved domestic water rights shall be assigned to each lot prior to recordation of the final plat” as well as the agricultural protection statement noting that the property is subject to the sights, sounds and smells of agriculture. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

(Attachment 5)

Discussion on the motion:

Chairman Gibbons noted that there is a working dairy close to the one lot. Daines responded that parties will be required to sign a statement acknowledging that there will be the sights, sounds and smells associated with agricultural uses and that no complaint will be made.

Runhaar said there has been a stipulation on previous similar subdivisions that the seller of the lots is required to furnish the buyer(s) with the agricultural protection statement acknowledging that the property is subject to the sights, sounds and smells of agriculture and that statement will be recorded on the plat and other pertinent documents.

Zilles asked if there is a place for a fire truck turn around at the fifth lot. Runhaar replied there is.

Runhaar asked if the Council wants the agricultural protection statement included as a standard procedure. The Council responded affirmatively.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2007-33 – Consideration of a Resolution declaring the intention of Cache County, Utah, to issue industrial revenue bonds to be used to finance the costs of the acquisition of certain equipment for use in manufacturing facility owned and operated by Casper’s Ice Cream, Inc., or any related company; authorizing the issuance and sale of such bonds in an aggregate principal amount of not to exceed \$7,000,000; establishing conditions which must be met at or prior to the issuance of such bonds; providing for the reimbursement if any, from the proceeds of such bonds of expenditures for the equipment; providing for a public hearing and for publication of a notice of the public hearing and related matters –**
Alex Burton, Zion’s, said that last year the county did adopt an inducement resolution declaring the intention of the county act as a conduit bond issuer for Casper’s Ice Cream in order for them to get a tax exempt status on their bonds. There was a TEFRA hearing and everything was set to go. There was no purchaser on the bonds at that time so Zion’s relinquished the authorization it had received from the Utah Private Activity Bond Board and told them Zion’s would approach them again in 2007. Zion’s has received \$7,000,000 in tax exempt authorization once again and has returned to Cache County to repeat the previous action to purchase the bonds by the end of 2007. Buxton reiterated that Cache County incurs no liability for bond repayment by this action.

(Attachment 6)

ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2007-33-Consideration of A resolution declaring the intention of Cache County, Utah, to issue industrial revenue bonds to be used to finance the costs of the acquisition of certain equipment for use in manufacturing facility owned and operated by Casper’s Ice Cream, Inc., etc. Hansen seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Buxton indicated that another TEFRA Public Hearing will need to be held in conjunction with the issuance of the industrial revenue bonds for Casper’s Ice Cream.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET:

NOVEMBER 27, 2007 – 5:45 P.M. – TEFRA HEARING – INDUSTRIAL REVENUE BONDS ISSUANCE-CASPER’S ICE CREAM.

ACTION: Motion by Council member Petersen to set a Public Hearing for November 27, 2007 at 5:45 p.m. for a TEFRA Hearing for the issuance of Industrial Revenue Bonds- Casper’s Ice Cream. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Approval – Building Project-Cache County Road Department** – Morse presented to the Council floor plans for the proposed building project and noted there is already money in the Road Department budget for the project.

ACTION: Motion by Council member Petersen to approve the proposed building project- Cache County Road Department. Chambers seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Approval of Proposed Plan Review Fee Change** – Paul Bertson recommended a review fee of 1/10 of one percent of the cost of the building as a base fee with a minimum fee of \$20.00. Bertson has surveyed the fees of several cities in Cache County and feels his recommendation is fair.

Tape 2 Side A

Chairman Gibbons indicated this will be on the November 13, 2007 Council agenda.

- **Discussion – Powder Mountain Development Request** – Josh Runhaar indicated that Powder Mountain parties are requesting another six-month extension and noted he had previously delivered pertinent documents on this issue to the Council for Council member review. Runhaar does not recommend approval of the Development Agreement in its current state and turned the time to Attorney Daines.

Daines indicated there has been a threat of legal action in this issue and told the Council he will proceed with his presentation unless the Council is uncomfortable with discussing litigation, at which time the Council may request an Executive Session. Gibbons told Daines to proceed on that basis.

Daines made an extensive review of the history of the Powder Mountain project and its failure to provide requested information Daines feels is necessary for the Development Agreement and gave the Council copies of many documents pertaining to the project. Daines directed Council members and Cache County staff to preserve any records they may have that are relevant to the Powder Mountain project and to provide his office with copies.

Daines also prepared two papers; one, a draft of Recommended Findings for Denial and two, a draft of Recommended Stipulations and Findings of Fact for a Deadline Extension, and provided copies to the Council.

Two extensions were previously granted to the Powder Mountain project with the last six-month extension being approved in April 2007 with the stipulation by the Council that no more extensions would be granted. The Powder Mountain project's failure to communicate with Cache County for long periods of time, its failure to provide a list of the property owners involved as well as a list of any lien holders, and service provider contracts were some of the specific problems addressed by Daines.

In January of 2007, Daines provided the Powder Mountain project a status report indicating what information was still lacking for the approval of the Development Agreement. Daines wrote a letter to the Cache County Council stating in part, *"It should be noted that PM [Powder Mountain] has tendered the Development Agreement for legal review (1) without any Exhibits; (2) without any agreements with Service Providers; (3) without any security arrangements whatsoever; (3) without any agreements with Weber County; (5) without any financial analysis (of anything); (6) without any discussion of phases; and, (7) without any proof of ownership or agency or authority. In addition, the Development Agreement proposes to substantially change terms in the issued Permit with an entirely new set of commitments by the County."*

Daines said no communication was received from the project from approximately February 2007 until September 2007 when Cache County received a revised Development Agreement. The Planning Office received it and indicated to Daines that it did not seem to have the requested information.

Daines wrote a letter to Paul Morris and Lyle Hillyard (attorney representing Powder Mountain) stating that the title report didn't clarify who the owners are and that there was \$20,000,000.00 in liens, but no explanation of the lien holders relationship, etc. Daines noted Morris and Hillyard's explanations: "1. The land liened is in Weber County. 2. Title is being cleaned up; a new title report will show a clean title. 3. The Development Agreement would have priority over recorded liens. 4. The liens are held by interested parties. 5. Lien holders will subordinate."

Daines indicated in this letter that: "This problem was discussed more than a year ago and repeatedly I have been told it would be resolved. Some of the same explanations have been given before. This is a significant problem and I would ask that you substantiate your explanations, furnish a revised title policy, and/or otherwise address and resolve these concerns. If you believe that Cache County has no concern as to its priority, I would appreciate a memorandum to that effect as I explained that it runs counter to my understanding of priority."

Daines received a letter from Paul Morris October 22, 2007 stating, "I want to again clarify with you...that neither Nicole [Cottle] nor I are representing the owners of the property as their lawyers....I am a lawyer but the owner's are very clear that for legal counsel purposes Lyle's [Hillyard] firm is their local counsel. They have also retained Ray Quinney & Nebeker as their litigation counsel, if litigation becomes necessary....a tremendous amount of work has gone into solving the remaining issues regarding the development agreement...Specifically with regards to the lien issue, we have met with the title company and they are preparing the updated title. Also, we are contacting the lien holders to have them sign a consent to the development agreement that will be recorded. Attached is the draft form. In fact, several of the necessary signatures have already been obtained."

The third paragraph of the letter is the one that is troubling to Daines because it indicates the nature of the interchange on the Powder Mountain project. Cache County cannot seem to get the same parties dealing with them. "You indicated in your letter that you have repeatedly asked for this but it is not mentioned in your previous letters and this is the first time the owners have heard that there was a concern regarding the liens. The owners have always recognized that the agreement would have to be binding on them and any successors in interest. They have never disputed that this would be a condition precedent to recording the agreement."

Daines said he has sent letters stating what needed to be clarified and then would not receive any communication for several months. This is symptomatic of problems across the board. Daines stated that Cache County wants Powder Mountain to succeed. Cache County's concern is that the property lies between two counties. Cache County does not have the ability to provide services to that property such as fire, police, building inspectors. Cache County needs to know that the service providers Powder Mountain is going to contract with will protect Cache County from having to provide any services. The issue that goes to the core of the county's financial concerns is who is going to provide fire protection, police, how are the roads going to be maintained?

First draft of development agreements states that PM will build the fire station and will pay the first three years of operation costs. What about \$400,000 to \$500,000 a year it will cost after the first three years? Daines has told Powder Mountain that Cache County is not satisfied with this proposal, but Powder Mountain has not addressed the issue. Daines said he wants Powder Mountain to succeed, but is not prepared to suggest approval with these kinds of risks to the county purse.

Powder Mountain has asked Daines to interpret the conditional use permit differently. Daines said that if the Council grants an extension and the parties cannot agree on certain issues, then no progress will occur. No significant progress has been made during the last two extensions. Daines noted that whether the Council grants or denies the extension, there will be legal consequences. The threat of litigation against not only the county, but county officials and employees, creates a difficult atmosphere to work in.

Senator Lyle Hillyard, Powder Mountain legal counsel, stated that the notice of anticipated litigation did not come from him. Two months ago he was called by Paul Morris, who is working with the project, and asked Hillyard to represent Powder Mountain to get the project moving to completion. The Powder Mountain parties told Morris they were not aware of the October 30, 2007 deadline until Morris told them after reviewing the project.

Hillyard said he has met with the owners, Lee Daniels, Scott Doughman and John Wadsworth and introduced them to the Council. Hillyard referred to Craig and Mark as additional owners who attended the Planning and Zoning Commission meeting. Hillyard said he, Nicole Cottle and Paul Morris met with Daines in the Planning Office. Hillyard thought some solutions were arrived at in that meeting.

Hillyard said Josh Runhaar had indicated there were two problems: the contracts for service providers were not done, and the bond problem. The Development Agreement talks about a bond being posted, but not how much it would be. Hillyard said part of the problem is "we are ahead of ourselves." First, you get a conditional use permit, a development agreement, then you start presenting the plans and then you bond before you do any of the work. Nothing can be done upon that mountain until the county approves it and the bond is in place and conditions have all been made.

Hillyard recalled that Daines recommended that maybe Powder Mountain posts a cash bond of \$1,000,000.00. That was agreeable to the owners. The second condition was that we execute the agreement because one of the problems Powder Mountain was having is that Weber County wasn't particularly willing to negotiate a contract until they knew exactly what the plans were – five homes, twenty or one hundred homes? Hillyard said Morris felt this was all doable.

Hillyard said he thought the issues were resolved and that the Planning Commission was in favor, but all of the Council members were not in agreement so he checked to be sure he was not violating any laws and then called some Cache County Council members to attend a lunch meeting with him. When some Council members indicated they could not attend, Hillyard called other Council members and invited them instead.

Hillyard said he was taken back at the Planning and Zoning Commission meeting that evening because he felt Daines was not willing to do what Hillyard thought was agreed on. Hillyard acknowledged that documents were not delivered to Daines until just the day before or the day of the meeting because Hillyard was still in the process of getting everything done. In the course of the meeting Daines said there was some concern about the owners' financial conditions. The owners told Hillyard they were very offended and frustrated and doubted that the project was going to receive the needed extension from the county.

Hillyard said he was contacted by the news media after the October 9, 2007 Council meeting about statements made at that meeting concerning Hillyard's possibly illegal meeting with the Council members. Hillyard reviewed the DVD recording of the October 9, 2007 Council meeting, but said the end of the tape was cut off and he wasn't able to review the entire portion of the meeting where this issue was discussed. Hillyard reiterated that he was very careful to stay within the law when he arranged the meeting with the Council members. When the Powder Mountain property owners learned of this discussion at the October 9, 2007 Council meeting, they were concerned that they were not present or aware of the discussion and that is when they retained Jim Jardine of Quinney & Nebeker.

Hillyard said he is still only interested in getting the project done and has no interest in the possible litigation. Hillyard requests that the extension be granted. The Powder Mountain parties told Hillyard they were told they did not need to come to the April 24, 2007 Public Hearing where the six-month extension was approved with the stipulation that no other extensions would be granted. After Paul Morris was brought in, he notified them of the October deadline.

Hillyard continued that when he met in the Planning Office with Daines, Morse and Runhaar; he thought Runhaar was going to recommend denial of the extension request for two basic issues: 1. Powder Mountain did not have the service contracts and 2. Powder did not have the bonding. Hillyard does not recall any mention about the title problem in that meeting, but only heard about it when Daines raised the question at the Planning and Zoning meeting. Hillyard said he has just reviewed the January 8, 2007 letter referred to by Daines and finds only mention of ownership, but not a request for the lien holders. Hillyard said copies of a release on the titles were sent to the Cache County Planning Office.

Hillyard said he believes the parties involved have the financial means to make this project succeed. They are prepared to post the \$1,000,000.00 cash bond. The Development Agreement does not state how much the bond will be, what the protection will be, but they could post that.

Tape 2 Side B

Hillyard said in regards to the service agreements, it has been very difficult to get together with Weber County. A meeting with Weber County was scheduled and canceled because Mr. Jardine said Daines wanted an attorney present.

Powder Mountain parties feel frustrated in trying to deal with Daines. In one of the earlier letters that Hillyard reviewed Daines suggested the county may want to hire outside legal counsel to deal with the Powder Mountain project. Hillyard said his developer is willing to pay up to \$20,000.00 as a development prepayment fee and that money would be used by the county to hire an independent attorney who specializes in this area to represent Cache County in the Powder Mountain project.

Hillyard said if the cash bond is posted and a meeting is completed between Cache County and Weber County to work out the service agreements, that would be significant progress. The title is more complicated because the owners have had to buy a lot of parcels, but it can be done. Hillyard said the water issues have been taken care of, but the fire station will depend on how many lots are involved. The roads will all be privately owned. Hillyard referred to the amount of property tax that would come to Cache County if this development is successful.

Hillyard believes the order in which Powder Mountain wishes to progress is legal and customary. Much of what Cache County is asking for can be worked out after the development agreement is in place and reminded the Council that no development can be done at Powder Mountain until Cache County approves each proposal.

Council member Petersen asked for Hillyard's perception of what will happen if the extension is denied?

Hillyard responded there will probably be attorneys attending every meeting and it will be a long and drawn out procedure. The possible litigation could cost the county a great deal of time and money. Weber County will probably not proceed without these issues being resolved with Cache County first.

Petersen asked what steps would have to take place if the extension is denied and how long would it take?

Morris replied that he would assume Powder Mountain would have to go back through the Planning commission process with a new master plan, conditional use permit process and then back through the Council.

Josh Runhaar said he had no idea of the time period involved in a start over situation. Attorneys present at every meeting would slow things down considerably and it is a very large project for the Planning Office staff to handle.

Petersen said the main issue is the gap of inaction on the part of the owners of the Powder Mountain project. How can nine months of inaction be justified?

Hillyard said work was being done during those times, but was assured by the county that there was no concern. They first were aware of the October 2007 deadline when Mr. Morris was hired and reviewed the documents.

Petersen said the minutes of the meeting where that deadline was imposed are public record.

Hillyard claimed appointments were made with Daines, but he did not keep the appointment. Hillyard said it is true the Powder Mountain parties should have checked the minutes, but his understanding is that the Planning Office told them there was no big problem and there was no need for the Powder Mountain owners to attend the meeting, so they assumed all was well.

Runhaar said he never tells any party they are required to attend the Public Hearing, but it is in their best interest and it is their choice.

Daines noted that Powder Mountain was already on an extension that would expire in April and that is why the Public Hearing was held to determine if the extension should end or another extension be approved. Daines stated that the minutes are placed on the county web site when approved, usually two weeks after the meeting, and anyone can access those minutes.

Daines said he did not appreciate Hillyard accusing him of being difficult or obstreperous. Those are the kinds of things that begin to happen when litigation looms. This is the posture the county is now in when dealing with Powder Mountain.

Chairman Gibbons asked what benefit does the county or Powder Mountain gain by denying?

Daines said the Powder Mountain project is split between two counties. Daines recommended that Weber County should be the lead county as the source of the services. Cache County was told a couple of years ago when it was the Planning Office's desire that Cache wait until Weber County was current with us that Powder Mountain could go ahead without Weber County and do it as a stand alone project in Cache County. Planning staff was uncomfortable with that plan, but allowed it to proceed with the specific statement that Powder Mountain could do it as a stand alone project. It is very difficult for Cache to trigger and figure out how to manage this project without Weber County's approval coming along as well. Approximately 3000 housing units will be in Weber County and 800 in Cache County, the roads are in Weber County, fire protection comes from Weber County, the water comes from Weber County. Cache County wanted to move on this and was told Weber County is not ready. Daines feels it is still very difficult to proceed without knowing where Weber County is. The preference would be for Weber County to be the lead county and for Cache County to follow with the kind of zoning and development Weber wants to support on Powder Mountain. Daines is uncomfortable with going forward for six months when litigation is possible. Daines does not believe starting over means everything needs to be repeated.

Hillyard said he did not speak to Jim Jardine until yesterday and in response to Mr. Gibbons' question, what is the benefit, what is the harm? The county has already spent \$80,000.00 to \$100,000.00 on this project. What if the owners decide they are not going to build any houses in Cache County? They already have a ski resort and could decide to only build in Weber County. What does the county stand to gain? If you get the development agreement in place so that surveying can be done and get good money lined up and come back to the Planning and Zoning Commission and say this is what we want to do and we want your approval. Work through that process and then begin development in Powder Mountain.

Chairman Gibbons asked Hillyard what the timeline would be to get the project done if an extension were granted? Hillyard said he thought if the meeting with Weber County could occur, the portion concerning Weber County could be done. Secondly, if the county wants to accept the

bond of \$1,000,000.00 cash, we can do that. Hillyard said he didn't know the particulars of the title issue and that question would have to be addressed by Mr. Morris. Those seem to be the issues and my concern is that other issues will come up as the process is worked through.

Morris said he became involved because of a relationship with one of the Powder Mountain owners and has reviewed the development agreement and the Cache County ordinances and feels a lot has been accomplished. Densities have been agreed to, which is usually the issue that is the hardest to resolve, and it is down to a couple of the provisions in the development agreement. Morris doesn't feel the development agreement is written well. The county ordinance is written very well. The interpretation of the requirement on the bonding is really confusing. Morris said they are not trying to get out of any requirement of protecting the county at all, but requiring the bonding at the time of signing the development agreement when there is no engineering design - that's not how it's done. Morris indicated he spoke with someone who has been an underwriter for twenty years who said nobody has required a bond. That is not a reasonable condition, but Powder Mountain is willing to do it. The development agreement does not grant any right to move any dirt up on the mountain at all. Before the owners can do anything on that property, they must come back to Cache County, apply for a subdivision, go through the process and obey the ordinance. Morris feels the project is very close to resolution. It would be detrimental to not grant the extension. Morris believes the issues can be resolved. The property owners say they have never heard of the lien problem or concern. Morris explained that if someone has a lien on the property, Daines' legitimate concern is that they have to subordinate their interest so the development agreement will be binding on that person if their lien was ever foreclosed on. No one has a problem with that. Morris said no one had heard anything about that until recently. Daines interjected he had sent Morris two letters in January on that topic. Morris indicated it referred to the title and the owners, so the owners thought they simply needed that agency provision so that they sign that the people who are signing the zoning application are the owners. Morris said he has met with the president of the title company and asked for a Cache County clean title and he is putting together the title. Morris then went to another lawyer and asked what the standard agreement is for the subdivision they would have. The lawyer replied somebody who has an interest signs that they consent to the development agreement and Morris has that and it was attached to the letter to Daines. Powder Mountain understands that before the development gets recorded, it must have all the signatures of the owners and it must have recorded against the property any of the lien holders signing this consent. That's standard. It is not an issue Powder Mountain is fighting.

Petersen asked if the owners are all the same today as they were in January?

Morris responded yes, there has been no change in ownership.

Petersen asked if there has been a change in whom the developers were since this project came before Cache County?

Mr. Daniels, one of the owners, rose from the audience and replied he believes the perceived change was the fact that it has not been in the capital structure, it has not been in title, it has not been in ownership, it has not been in the land files, it has been on the people they have hired to help them interface with Cache County. They went through a change and Cache County is feeling the pain of that change. Daniels said they did it way too late. There was literally an implosion within the firm they had hired with previously. As owners do, they're an arms length from this. There was a period of time when the owners probably were not as perceptive as to what was going on while this land plan group was changing. Daniels said Morris has been kind in not saying that what the county sees as a lack of action on the Powder Mountain owners' part is due to predecessors; a consultant who was hired by Powder Mountain to manage entitlement. The energy the county feels behind the Powder Mountain project now is a direct result of the energy that comes to the table from a new relationship with counsel and land planning specialists. It is that same energy and commitment the owners make to the county on a go forth basis. If anything at all is different in where Powder Mountain was the last time an extension was granted

and where Powder Mountain is now, it's that the energy, commitment, money and the right people to do it are now in place to do it.

Petersen asked Daniels when he first engaged Mr. Morris?

Daniels replied mid-August.

Petersen asked how long a period of time did Daniels recognize that the previous assistants, the firm that imploded, were not getting the job done?

Daniels said not as quickly as they should have. It cascades, it starts out – Well, that's funny. We made some requests for permission information and thought it would take a week. It took two weeks. Have to make another request – takes four weeks and time passes and the delay in receiving information causes you to start saying something is going on there, something is not working quite right. The next thing we know the people that we have retained from that firm had left the firm – gone. And our agreement is with the firm. It wasn't with those individuals. We've done everything in our power to rectify that as quickly as we could, but you don't just bring anybody on board for a project of this magnitude. You want the right people on board. We have the right people on board now. I hope that you recognize that that is fundamentally at the heart of the difference between the energy you're feeling now and the commitment you have from us going forward.

Petersen asked if the extension were granted, how long of an extension would Daniels propose?

Morris said the Planning Commission proposes a six-month extension. Morris said he understands that the Planning Commission only meets once a month and so they would have to take at least two meetings so that is two months already. Morris would like to get it done in one meeting if possible. The engineer already has all the estimates on all the phases.

Petersen asked Josh Runhaar what the basis was for the Planning Commission's decision to recommend the six-month extension?

Runhaar had to leave that Planning Commission early and deferred to Daines to answer the question. Runhaar said his office is small and doesn't deal with projects of this size every day. It will take a lot of Planning Office time.

Petersen noted that the time and staff constraints will be the same whether the extension is granted or whether Powder Mountain has to begin the process again. Runhaar concurred.

Chairman Gibbons said the threat of litigation is a sticky point and asked the Council if they want to continue the discussion in an Executive Session so the County Attorney can bring them up to speed with respect to the litigation concerns or if they are comfortable discussing it in public, or does the Council want to make a motion and move ahead?

Petersen indicated his feeling is that the Council takes the issue at hand – whether to continue or deny – use its best judgment to make that fair decision and let the litigation issues fall as they may.

Zilles said Council representatives have sat in on all the Planning and Zoning meetings and what Daines is representing is true. Countless requests have been made to Powder Mountain's previous people and months would go by, six months, a year would go by and none of that information would ever come forth. It seems there is some light at the end of the tunnel with the new people on board, but in April I said I've watched this for two years with countless requests and no information and I made the motion to grant the extension and give them time. They appear as if they are going to make some progress, but if not, it's wasting a lot of people's time. The concern in the most recent letter still hasn't been addressed and Zilles said he is afraid the whole scenario will repeat over again.

Hansen said he has "at least three redwood trees in paper that Mr. Daines has researched" and he hasn't had the time or expertise to do that type of research and fully appreciates the County Attorney and thinks the Council should follow his recommendations. Hansen asked Hillyard what has been done to help educate the citizens of Paradise and Avon and to get their feelings and mitigate their concerns about the Powder Mountain development? Hansen said he hesitates to make a decision before that has occurred.

Hillyard said he has spoken with Mayor Atwood of Paradise and Hillyard is scheduled to be at the Paradise City Council meeting on November 11, 2007 to discuss the development. Hillyard said he understands the concerns are that Paradise doesn't want a road to Powder Mountain through Paradise and he doesn't either. The second concern is the watershed. As long as people continue to come through Weber County, which is the plan, it will minimize the watershed impact. Hillyard has invited the Powder Mountain owners to go to the meeting with him.

Chambers said he feels favorable toward granting an extension.

ACTION: Motion by Council member Chambers to support the Planning Commission's recommendation that a six-month extension be granted the Powder Mountain project. (Chairman Gibbons turned the meeting to Vice Chairman Hansen.) Gibbons seconded the motion.

Discussion on the motion:

Petersen noted that in April the motion was a six-month extension with no more extensions and there was adequate opportunity to get this done over a six-month period. Petersen said he understands there may be problems, but the people who were the proponents must bear the responsibility for their lack of action. Petersen supports the project but feels the fairest decision is to ask them to start over.

Gibbons said he didn't receive a satisfactory answer to his earlier question to Daines about the benefit to the county. Gibbons is not satisfied it is in the best interest of the Council or the zoning department or the developer for the Council to make Powder Mountain start over. Gibbons stated he feels the best interest for the county would be to set the stage to bring about the resolution of the issues being struggled with. Delay will not accomplish what is desired. Gibbons feels the Council should go forward and grant the extension.

Zilles said his concern is that the record of Powder Mountain with Cache County is do nothing.

Tape 3 Side A

Zilles is also concerned over Cache County moving ahead of Weber County and the fact that litigation has been threatened.

Gibbons said the only thing the Council would be approving is an extension and if Weber County can move forward in that same time frame to work cooperatively with Cache County, Gibbons feels the litigation issue can be resolved. Gibbons also stated that there has probably been fault on both sides as far as communication is concerned. Gibbons said he understands that Attorney Daines has put forth a great deal of effort to try to communicate Cache County's concerns. Unfortunately, there have been some problems on the other side, but perhaps Cache County has not noticed as well as it should have.

Executive Lemon said he feels it would be in the county's best interest to grant the extension. The owners have said they have hired new people to work on this project who have committed to work as quickly as they can. Josh Runhaar has indicated that it would be a burden on his office to start over.

Daines said the Council has been provided with two drafts of findings and suggested the Council go through the paper titled Recommended Stipulations and Findings of Fact for Deadline Extension. There will be a tremendous load on the Planning Office with an extension and the county receives no property tax from this property now.

Gibbons said he doesn't believe anything in the findings of fact on the deadline extension is burdensome.

Morris said he is confused over the September 14, 2007 date because the last memo he had from Runhaar was September 28, 2007, but Runhaar stands by the September 14, 2007 date.

ACTION: Motion by Council member Petersen to amend the main motion that if the six-month extension is granted, it includes the Recommended Stipulations and Findings of Fact provided. (See below) Gibbons seconded the motion.

RECOMMENDED STIPULATIONS AND FINDINGS OF FACT FOR DEADLINE EXTENSION

RECOMMENDED STIPULATIONS:

1. *The Powder Mountain Development Agreement, hereafter referred to as the "Agreement", shall:*
 - a. *Meet all of the requirements of the Conditional Use Permit approved on June 5th, 2006 prior to the approval of the Agreement.*
 - b. *Show the proposed phasing of the development, including capital and other costs (infrastructure, service provision, etc.). Utilizing this phasing plan, the proponent shall propose a financial surety plan which outlines the timing, amount, and type of financial surety as part of the Agreement.*
 - c. *Address the concerns as established within the staff memorandum of September 14th, 2007 regarding the provision of non-return flow water within the development.*
 - d. *Provide a clear assessment of the title in regards to debt owed, ownership of the parcels, etc.*
 - e. *Respond to all requests of Planning staff and the County Attorney as detailed in the various responses already provided Powder Mountain.*
2. *The proponent shall work with Cache County to draft service provider agreements that shall be enacted concurrently with the Agreement. The service provider agreements shall outline the level of service to be provided, the initial cost of those services, the on-going costs of those services, and the mechanism for ensuring that the finances are in place to cover the entire cost of service provision.*
3. *The proponent shall provide to Cache County a proposal for the coordination of the proposed project with the planning efforts currently underway for the Weber County portion of this project.*
4. *The proponent shall enter into a written agreement to pay the ongoing costs of the review of the Agreement, including Cache County staff time, legal time and the cost of external consulting, including but not limited to external legal assistance as required. The proponent and Cache County shall enter into an agreement to determine the proportion of the cost to be paid by the proponent in compliance with the Cache County development Services Fee Structure adopted February 27th, 2007.*

RECOMMENDED FINDINGS OF FACT:

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

Cache County Council
10-23-2007

1. *The proponent has been given an extension of time to complete the development agreement as it has not met the requirements as specified by the Conditional Use Permit issued on June 5th, 2006, and has failed to address the issues and concerns raised within the public and administrative records.*

Administrative Records include, but are not limited to:

Staff Memo to the Planning Commission of September 27th, 2007

Staff Memo to Brian Cannell of September 24th, 2007

Staff Memo to Powder Mountain of February 8th, 2007

Letter from the WWCD of February 6th, 2007

Letter from Cache County Attorney's Office of October 30th, 2006

Powder Mountain's Conditional Use Permit

Gibbons said the Council has discussed almost every stipulation included in this proposed amendment. The representatives of Powder Mountain have indicated they are comfortable with what is being recommended.

Morris expressed concerns about Nos. 3 and 4. Gibbons said he thought Morris and Powder Mountain just had to demonstrate due diligence with respect to Weber County.

Morris said No. 4 says Powder Mountain will pay and wants to know if the \$20,000.00 figure discussed earlier is the figure that will be used.

Daines advised the Council that if the extension is granted, Powder Mountain should bear the full legal and consultant fees incurred at this point.

Morse reminded the Council that this is the wording of the ordinance that has been accepted by the county for future developments and the Council would be applying the same thing that future developments will be paying.

Runhaar said the fee schedule sets an initial cost for the development agreement which has already been covered and fees as determined. The costs may vary from development to development so the county and Powder Mountain need to sit down and figure out what those costs will be and come to an agreement.

Zilles said he thought it had been determined that there would be a dollar agreement to the attorney and a dollar amount to the planning office.

Runhaar said one of the problems with setting a dollar amount is that costs change from year to year. In the previous extension it was stated that Powder Mountain pay costs incurred from this time forward.

Gibbons referred to the minutes of the April meeting which stated the agreement would be extended for six months on the condition that new fees be imposed and all existing financial concerns be addressed. Did the Council not at that time agree to the fact that Powder Mountain would have to adhere to the fees outlined in the new ordinance? Runhaar replied in the affirmative.

Lemon asked if Powder Mountain had been notified of the new fees at that time?

Daines said the county did not hear from Powder Mountain until September and no additional fees have been paid.

Gibbons said the fee structure will be defined as Powder Mountain will assume full responsibility for all legal fees.

Hillyard suggested it may make sense to bring in someone to assist Runhaar with the Powder Mountain project and then Powder Mountain would clearly know what the costs would be.

Lemon said that if the county is going to impose new fees and set a deadline, shouldn't the applicant be informed?

Hillyard said \$20,000.00 shouldn't hold up this project. Powder Mountain doesn't want to be held hostage for a whole bunch of fees. Powder Mountain will come back to the county, if an agreement can't be reached and the county will be fair.

ACTION: Vice Chairman Hansen called for the vote on the amendment to the main motion. The vote was unanimous, 6-0. Yeates absent.

ACTION: Vice Chairman Hansen called for the vote on the main motion. The motion passed, 4 aye – Chambers, Robison, Hansen & Gibbons and 2 nay – Petersen & Zilles. Yeates absent.

Vice Chairman Hansen turned the meeting back to Chairman Gibbons.

- **Presentation of Tentative 2008 Budget and Discussion** – Executive Lemon said his budget concerns are the pay for employees. The recommendation of the Employee Compensation Committee was 4.5% merit increase and a \$400,000.00 market adjustment. The budget is not yet balanced and does not include any merit increase for the employees. It does include the \$400,000.00 market adjustment. The new dental plan will cost the county almost \$100,000.00 and the insurance plan is costing \$84,000.00. There are no new employees included in the budget except for one person in GIS to help get the parcel data up to date. It does include a dedicated tax for water, but does not include a tax increase. Auditor Stones has suggested leaving the rate the same to generate additional revenue.

Chambers asked if Cameron Jensen had been asked to spend some time at the Sheriff's Department. Lemon said he has been asked to do that after the budget process is finished.

Lemon said the animal control program is costing the county money and the school resource officer program is now an 80% cost to the county instead of the 50% split on the original grant.

Gibbons asked if Lemon gives the Council a dollar amount and the Council doesn't designate merit or cost of living how he would allocate the money? Lemon said he would leave it up to the Human Resource Director and the Department Heads to make recommendations and he would approve them.

Lemon said the \$400,000.00 is a little more than 3% and he is more concerned with taking care of the present employees than he is about adding new employees. When employees are added in the middle of the year, by the time the end of the year is reached, there is not money to add more employees.

Gibbons asked Zollinger and Daines as Department Heads if there would be a problem for them if a dollar amount was awarded and they had to determine which employees received merit? They both replied it would not.

Daines said he feels Department Heads should be given the discretion to manage their departments.

Lemon said that rather than put a percentage in each department, he will put money in to provide merit/market adjustments at the discretion of the Department Head.

OTHER BUSINESS

- ✓ **Set date for meeting of Agricultural Subdivision Committee** – Gibbons indicated that he and Zilles are prepared to set a date and Gibbons will meet with Pat Parker to review dates and contact committee members. Daines asked the Council to let him know what support is desired from his office for the committee.

- ✓ **Joint Meeting with Logan City Council – October 30, 2007 – 5:30 p.m. – Logan Justice Building** – Chairman Gibbons asked if the Council has any other agenda items to suggest for this meeting. The present agenda lists the CCEMS Status Report and Air Quality as topics for discussion. Zilles asked if the Willow Park/Fairgrounds agreement should be on the agenda. Daines reported he hopes to have the agreement signed prior to the meeting. Lemon indicated Logan City has put new fees in the agreement; specifically \$14,000.00 for garbage fees for the fairgrounds to begin in November 2007.

COUNCIL MEMBER REPORTS

Gordon Zilles asked the status of the Water Manager position. Lemon said he is still working on it, but an applicant has been selected.

Craig Petersen told Parker to cancel his reservation for the UAC Conference in St. George as he will be unable to attend. Petersen noted that Cache County had been involved in supporting a proposal to get the Quality Growth Commission grant for the land at the American West Heritage Center. The proposal asked for \$110,000.00 and \$100,000.00 has been funded. Petersen said that Laraine Swenson was a strong supporter of the proposal.

ADJOURNMENT

The Council meeting adjourned at 8:47 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Darrel Gibbons
Council Chairman

PRECINCTS/POLLING PLACES

Precinct	Polling Place
Logan 01/07	Logan Senior Citizen Center (gym) 240 N 100 East Logan, UT 84321
Logan 02/03/33	Cache Valley Learning Center 75 S 400 West Logan, UT 84321
Logan 04/25	Willow Valley Church 825 N 200 West Logan, UT 84321
Logan 05/06	Sunshine Terrace 225 N 200 West Logan, UT 84321
Logan 08/10	Whittier Community Center 290 N 400 East Logan, UT 84321
Logan 09/24	Wilson Elementary School 89 S 500 East Logan, UT 84321
Logan 11/15/23	Adams Elementary School (media center) 530 N 400 East Logan, UT 84321
Logan 12/13/19/20/21	Lundstrom Student Center 1295 E 1000 North Logan, UT 84341
Logan 14/22	8 th - 25 th Ward LDS Church 325 Lauralin Drive Logan, UT 84321
Logan 16/18/26/28	Central Stake Center 1255 N 600 East Logan, UT 84341
Logan 17/30/31	Cache Stake Center 250 W 1200 North Logan, UT 84341
Logan 27/32	Stevens-Henager (large classroom directly off parking lot on west) 755 S Main Logan, UT 84321
Logan 29	Eastridge LDS Church 1350 Eastridge Drive Logan, UT 84321
Amalga	Town Hall 6590 N 2400 West Amalga, UT 84335
Benson	Benson LDS Church 3432 N 3000 West Benson, UT 84335
Clarkston	Town Hall 50 S Main Clarkston, UT 84305
College/Young	College/Young LDS Church 2394 W 2200 South College Ward, UT 84339

Cornish	Town Hall 14300 N 4800 West Cornish, UT 84308
Hyde Park 01/02	City Office 113 E Center Hyde Park, UT 84318
Hyrum 01/02/03/04/05	City Office 83 W Main Hyrum, UT 84319
Lewiston 01/02	City Office 29 S Main Lewiston, UT 84320
Mendon 01/02	Historic Mendon Station 95 N Main Mendon, UT 84325
Millville 01/02	Providence South Stake Center 360 E 450 North Millville, UT 84326
Newton	Town Hall 51 S Center Newton, UT 84327
Nibley 01/02	Nibley 4 th Ward LDS Church 360 W 3200 South Nibley, UT 84321
North Logan 01/02/03/04	North Logan Library 475 E 2500 North North Logan, UT 84341
North Logan 05/06	Professional Development and Technology Center 2035 N 1200 East North Logan, UT 84341
Paradise	Town Hall 9035 S 100 West Paradise, UT 84328
Providence 01/02/03/04/05	Providence 1 st Ward LDS Church 420 W 100 North Providence, UT 84332
Richmond 01/02/Cove	Community Building 6 W Main Richmond, UT 84333
River Heights 01/02	City Office 520 S 500 East River Heights, UT 84321
Smithfield 01/02/03/04/05	Armory 50 E 100 North Smithfield, UT 84335
Smithfield 06/07	Smithfield Fire Station 325 W 100 North Smithfield, UT 84335
Trenton	Town Hall 17 E Main Trenton, UT 84338
Wellsville 01/02/03/04	4 th - 8 th Ward LDS Church 49 W 200 South Wellsville, UT 84339

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: NPIC
 DATE: 10/11/2007

Amount to be transferred -- (rounded to the nearest dollar) \$10,000.00

Transfer From ---
 Line Item No. : 76-4780-996
 Fund Designation: Contrib to fund Reserve

Original Budget:	<u>\$70,294.00</u>
Current Budget:	<u>\$70,294.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$70,294.00</u>
Balance after Transfer:	<u>\$60,294.00</u>

Transfer To ---
 Line Item No. : 76-4780-730
 Fund Designation: Capital Improvements

Original Budget:	<u>\$0.00</u>
Current Budget:	<u>\$0.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$0.00</u>
Balance after Transfer:	<u>\$10,000.00</u>

Description of needs and purpose of transfer ---
Emergency purchase for 3 phase protection and 100 horse soft start.

Recommendation: Approval [] Disapproval
 Comments:
 Date: 10/11/007

Department Head
James Stones
 Cache County Auditor

Recommendation: Approval [] Disapproval
 Comments:
 Date: 10/12/07

M. [Signature]
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 23rd day of October, 2007.



Joe R. Zollinger
 Cache County Clerk

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: ITS
 DATE: 17-Oct-07

Amount to be transferred -- (rounded to the nearest dollar) \$6,600

Transfer From ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
10-4136-215	Software Subscrip & Licenses	\$ 1,800		\$ (600)	\$ 1,200
15-4136-215	Software Subscrip & Licenses	\$ 16,200		\$ (6,000)	\$ 10,200

Transfer To ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
10-4136-210	Subscriptions & Memberships	\$ 800	\$ 300		\$ 1,100
10-4136-311	Software Packages	\$ 2,000	\$ 300		\$ 2,300
15-4136-210	Subscriptions & Memberships	\$ 7,200	\$ 3,000		\$ 10,200
15-4136-311	Software Packages	\$ 18,000	\$ 3,000		\$ 21,000

Totals \$ 6,600 \$ (6,600)

Net adjustment \$ -

Description of needs and purpose of transfer ---

Transfer to purchase books for library collection.

B. R. Ruff
 Department Head

Recommendation: Approval Disapproval

Date: 17-Oct-07

Jamie Stone
 Cache County Auditor

Recommendation: Approval Disapproval

Date: 10/23/07

M. Lynn Hansen
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 23rd day of October, 2007.



Justin Zollinger
 Cache County Clerk

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Weed
DATE: 10/16/2007

Amount to be transferred -- (rounded to the nearest dollar) \$3,300.00

Transfer From ---

Line Item No. : 10-4450-290
Fund Designation: Chemical

Original Budget:	<u>\$35,000.00</u>
Current Budget:	<u>\$31,286.00</u>
Expenditures to date:	<u>\$21,379.00</u>
Balance before transfer:	<u>\$9,907.00</u>
Balance after Transfer:	<u>\$6,607.00</u>

Transfer To ---

Line Item No. : 10-4450-251
Fund Designation: Non-Capitalized Equipment

Original Budget:	<u>\$0.00</u>
Current Budget:	<u>\$0.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$0.00</u>
Balance after Transfer:	<u>\$3,300.00</u>

Description of needs and purpose of transfer ---

To fix air conditioning units in the Weed Building

Recommendation: Approval [] Disapproval
Comments:

Date: 10/16/2007

Harold S. Gish
Department Head

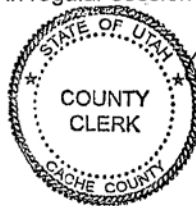
Jamra Stone
Cache County Auditor

Recommendation: Approval [] Disapproval
Comments:

Date: 10/16/2007

M. Kyrinderson
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 23rd day of October, 2007.



David J. Zollinger
Cache County Clerk

CACHE COUNTY
ORDINANCE NO. 2007-09

AN ORDINANCE REZONING CERTAIN REAL PROPERTY AND AMENDING THE
CACHE COUNTY LAND USE ORDINANCE NO. 90-15.

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that the following rezoning should be approved; and that the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, should be amended, accordingly.

Therefore, the Cache County Council ordains, as follows:

1. That the following described real property located in Cache County, State of Utah, consisting of approximately 7.55 acres, which is owned by David Grange, SW4 and SE4, Section 31, Township 12 North Range 1 East, Parcels #05-059-0012, 05-059-0019 and 05-060-0020 be rezoned from Agricultural Zone to Industrial Manufacturing described as follows:

Parcel 05-059-0012

BEG AT INTERSEC OF E LN OF 2100 W & S LN OF LT 5 BLK 28 PLT E LOGAN FARM SVY & TH S 88*37'50" E 663.64 FT TO SE COR LT 5 TH N 1*06'14" E 176.98 FT TH N 8*37'50" W 663.64 FT TO PT BR 458.77 FT S OF S LN OF 2200 S ST TH S IN E LN OF 2100 W ST 176.98 FT TO BEG CONT 2.70 AC M/B

Parcel 05-059-0019

BEG 176.98 FT N & S 89*14'35" E 189.9 FT FROM INTERSEC OF E LN OF 2100 W & S LN OF LT 5 BLK 28 PLT E LOGAN FARM SVY & TH N 458.77 FT TO S LN OF 200 N ST TH S 89*14'35" E 283.34 F TH S 458.77 FT TH N 89*14'35" W 283.84 FT TO BEG CONT 2.99 AC M/B

Parcel 05-060-0020

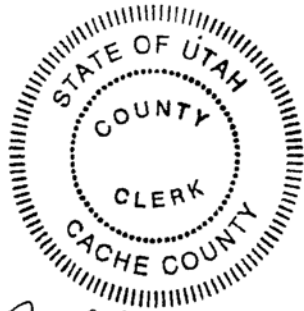
BEG AT INTERSEC OF E LN OF LT 5 BLK 28 PLT E LOGAN FARM SVY & TH S LN OF 200 N ST & TH W 176.98 FT TO PT BR 473.74 FT E OF E LN OF 2100 W ST TH S 458.77 FT TH S 89*14'35" E 176.98 FT M/L TO E LN OF LT 5 TH N 1*06'14" E 458.77 FT ALGE LN OF LT 5 TO BEG CONT 1.86 AC M/B

2. That the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, are hereby amended accordingly.

3. This Ordinance shall become effective immediately upon publication, in the manner provided by law.

4. This Ordinance was adopted by the Cache County Council on the 23 day of October, 2007 upon the following vote:

	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Chambers	X			
Gibbons	X			
Hansen	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
TOTAL	7	0	0	0



ATTESTED BY:

Jill N. Zollinger
Jill N. Zollinger, County Clerk

CACHE COUNTY COUNCIL

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

Publication Date: *November 7, 2007*

CLEANUP AGREEMENT

THIS CLEANUP AGREEMENT is made this 23rd day of October, 2007, by and between Cache County, a Utah political subdivision, and David Grange.

Whereas, Grange has requested that Cache County rezone land for the purpose of establishing a commercial automobile salvage yard along the Valley View Highway; and,

Whereas, Cache County recognizes that such a business is needed in Cache County and that this is a suitable location provided the operations are properly screened and operated; and,

Whereas, Grange has operated salvage yards at other locations in Cache County and said locations have been unsightly and in violation of existing zoning ordinances and nuisance ordinances; and,

Whereas, the new location will include adequate and acceptable screening as subsequently will be approved by the Zoning Administrator and the Cache County Planning and Zoning Commission; and,

Whereas, the new salvage yard will be located on one of the major entrances to Logan City, and it is desirable that Logan City provide suggestions as to the screening that should be required; and,

Whereas, the parties desire to compromise and resolve all legal and regulatory concerns regarding existing salvage yards operated by Grange in Cache County and in the cities of Cache County by permitting this new location; and

Whereas, the parties further agree, that all other locations will be cleaned up and come into compliance as this new facility is finished and available;

NOW THEREFORE, the terms of this Cleanup Agreement between the parties are as follows:

1. **Cleanup Agreement:** Grange agrees that on or before May 1, 2007, that all other salvage yard locations will be brought into full compliance with all county and city ordinances and regulations. Specifically, Grange agrees that the all salvage vehicles and salvage equipment and parts presently located at 2983 South

2000 West will be removed from that location and that location shall no longer be a site for any salvage cars, operations or equipment. Grange also agrees that the all salvage vehicles and salvage equipment and parts located at 2119 South Highway 89-91 will be removed from that location and that location shall no longer be a site for any salvage cars, operations or equipment. Grange further agrees that he will not operate any salvage business nor locate salvage cars in violation of the rules and ordinances of Cache County and any city in Cache County, henceforth. County agrees that Grange may obtain one three month extension for this cleanup provided that the Planning Commission determines that he has made substantial and reasonable progress within the initial time period.

2. **Enforcement:** If Grange violates this Cleanup Agreement, then he shall be provided with ten days written notice describing the violation. If at the end of that notice period Grange has failed to come into compliance with this Cleanup Agreement, then his conditional use permit shall be subject to cancellation by appropriate administrative proceedings upon due notice and hearings. County may use any and all other remedies in addition to this method to secure enforcement of this Cleanup Agreement and compliance with its rules and ordinances and the rules and ordinances of the separate cities in Cache County.

3. **Successors Bound:** This Agreement shall bind and benefit Grange's respective heirs, successors, assigns, affiliates, officers, directors, agents, servants, employees and attorneys.

4. **Captions; Interpretation:** The captions used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms of this Agreement or its intent. As the context requires, the singular shall include the plural, and vice versa; and the masculine shall include the feminine and neuter, and vice versa.

5. **Severability:** The provisions of this Agreement are severable and should any provision be void, voidable, unenforceable or invalid, such provision shall not affect the remaining provisions of this Agreement.

6. **Waiver of Breach:** Any waiver by any party of any breach of any kind by the other, whether direct or implied, shall not be construed as a continuing waiver of or consent to, any subsequent breach of this Agreement.

7. **Cumulative Remedies:** The rights and remedies of the parties shall be construed cumulatively, and none of such rights and remedies shall be exclusive of, or in lieu or limitation of, any other right, remedy or priority allowed by law, unless specifically set forth herein.

8. **Amendment:** With respect to the subject matter of this Agreement, this Agreement constitutes the parties' entire agreement, and may not be altered, modified or amended except by written agreement signed by all parties. All prior and contemporaneous agreements, arrangements and understandings between the parties respecting the subject matter of this Agreement are hereby superseded and rescinded.

9. **Time of Essence:** Time is of the essence of this Agreement and every provision hereof.

10. **Interpretation:** This Agreement shall be interpreted, construed and enforced according to the substantive laws of the State of Utah. Any dispute arising out of this Agreement, or the breach thereof, shall be brought in the courts of Utah, the parties expressly consenting to jurisdiction and venue in that state.

11. **Attorney Fees:** If any party shall breach its obligations under this Agreement, the party not in breach shall be entitled to recover its costs, expenses and reasonable attorney fees from the breaching party, whether such sums be expended with or without suit and regardless of the forum (including but not limited to recourse in connection with any bankruptcy case, insolvency proceeding, or arbitration proceeding).

12. **Notice:** Any notice or other communication required or permitted by this Agreement shall be deemed to have been received (a) upon personal delivery or actual receipt thereof or (b) three business days after such notice shall be deposited in the United States mail, postage prepaid and certified (return receipt requested) and addressed to the party. However, notice of events of default shall be by certified mail.

13. **Counsel Review:** The parties severally acknowledge that they have been given the opportunity to review this Agreement with counsel of their own choosing; and that they have reviewed this Agreement with their legal counsel.

14. **Disclaimer:** It is expressly understood between the parties that this Agreement has been prepared by N. George Daines, County Attorney at the request of Cache County. Grange acknowledges that he has been given a right to retain independent legal counsel or such other advice as he may deem in his best interest to review this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Cleanup Agreement.

David Grange

Date

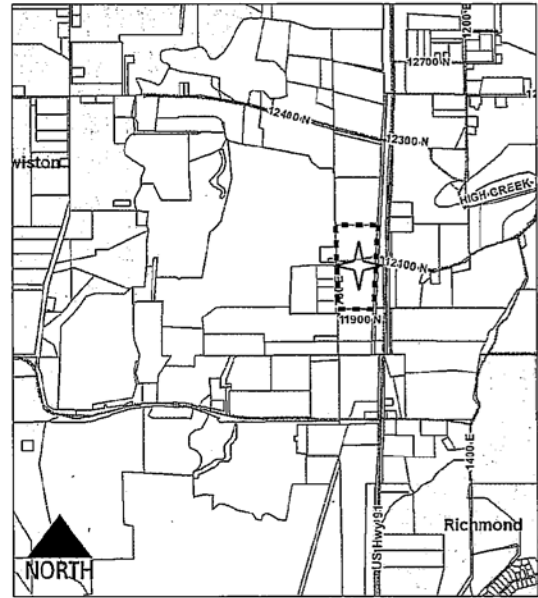
Cache County

Lynn Lemon, County Executive

Date

Development Services Cache County Corporation

Project Name: High Creek Junction Subdivision
Agent: Todd Morrill
Request: 5-Lot Subdivision
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 815 East 12100 North (Cove)
Tax ID: 09-029-0016
Staff Recommendation: Continuation
Surrounding Uses: North – Gravel Pit
 South – Agriculture
 East – Agriculture/House
 West – Agriculture/Houses



Site Location

PROJECT

Request: The applicant is requesting a subdivision to create five (5) building parcels. Lot sizes are as follows: Lot 1 is 5.50 acres, Lot 2 is 7.79 acres, Lots 3 is 5.90 acres, and Lots 4 and 5 are 4.00 acres each. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/lot size requirements of §17.09.080 (there will be five lots from the original 1970 parent parcel).

Issues: The proposed subdivision does not have approved culinary water rights assigned to each lot. County Ordinance §16.04.090 and §16.04.100 allow provision of domestic water rights as a condition of approval for any subdivision request. It has been the County's policy to require domestic water for all subdivisions at the time of application. No application should be determined complete unless the proponent provides verification of an approved culinary water right for each lot within the proposed development.

Access: This subdivision would be serviced from 12100 North and 800 East, both county roads. County Road 12100 North is a 17-foot wide gravel surface. This road is a dead end that services two other parcels beyond the proposed subdivision. County Road 800 East is a 20-foot wide gravel surface. The Road Department recommendation is to accept the road condition as adequate with the recommendation to widen 12100 North to a 20-foot gravel surface.

Water & Septic: The applicant has obtained agricultural water rights that may be used for the proposed subdivision. There has been no application to the State Water Engineer to change the use to culinary water or to assign them to any of the proposed lots except Lot 1 which has an existing house and well.

The Bear River Health Department has found that soil conditions on Lots 2-5 to be feasible for onsite septic systems. There is an existing septic system on Lot 1. Site and soil conditions on Lots 2 and 3 will allow for a septic system with a maximum depth of 4 feet. Conditions on Lot 4 allow for a standard trench system with a maximum depth of 2 feet. There is seasonally high groundwater up to 48 inches on Lot 4. Site and soil conditions on Lot 5 will allow for a standard trench system with a maximum depth of 2.5 feet. The evaluation of Lot five was performed in the northwest portion of the lot which was determined to be the only portion of the lot feasible for a septic system due to the sloping and variability of the landscape. Each home will be required to obtain a permit and install the septic system in accordance with R317-4 Utah Administrative Code. Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

Service Provision: Water supply tenders from Lewiston Fire are 4.0 miles away. Access from 12100 North and 800 East is adequate. The bus stop would be located at the corner of High Creek Road and Highway 91, approximately three blocks from the farthest proposed lot (Lot 5). Garbage cans must be

placed on the north and west side of the County Roads and allow sufficient space along the road for refuse and recycle containers.

AGENCY AND COUNTY DEPARTMENT RECOMMENDATIONS

Fire Department:

- Due to the distance from the fire department, a lack of water supply, and unavailability of fire hydrants in the area, residential fire sprinklers are recommended.

PUBLIC COMMENTS

Notices were mailed to 13 property owners located within three hundred feet of the subject property and to Richmond City and Lewiston City. At the time this report was published, staff had received no comments.

STAFF RECOMMENDATIONS

Action: Staff recommends that the Planning Commission continue the High Creek Junction Subdivision, a five (5) lot subdivision for property located at approximately 815 East 12100 North (Cove), TIN #09-029-0016.

Standard Stipulations:

1. The proponent shall reaffirm the County's right-of-way on all County Roads adjacent to and within the development area with an easement or dedication to be recorded on the final survey plat.
2. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be 100 to 200 feet from any water way or well unless otherwise designated by the Health Department.
3. Each landowner shall obtain a septic tank permit from the Bear River Health Department prior to construction on any lot.
4. All trash containers shall be placed on county road a county road for collection.
5. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.
6. An Encroachment Permit will be required for all construction within the County right-of-way.

Site Specific Stipulations:

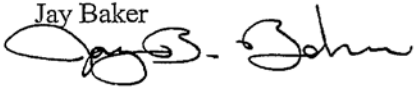
7. County Road 12100 North shall be improved to County road standards, the cost of which shall be paid by the proponent on a rational proportional basis.
8. No lots will be directly accessed from Highway 91.
9. Access to Lot 3 will be restricted to 800 East.
10. The final plat will show the location of all irrigation lines with appropriate easements.
11. STIPULATION REGARDING DRY LOTS TO BE ADDED LATER BY THE ZONING ADMINISTRATOR AND COUNTY ATTORNEY.

RECOMMENDED FINDINGS OF FACT

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

1. The High Creek Junction Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The High Creek Junction Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The High Creek Junction Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Respectfully submitted,
Jay Baker



Associate Planner I

Report Published: August 30, 2007

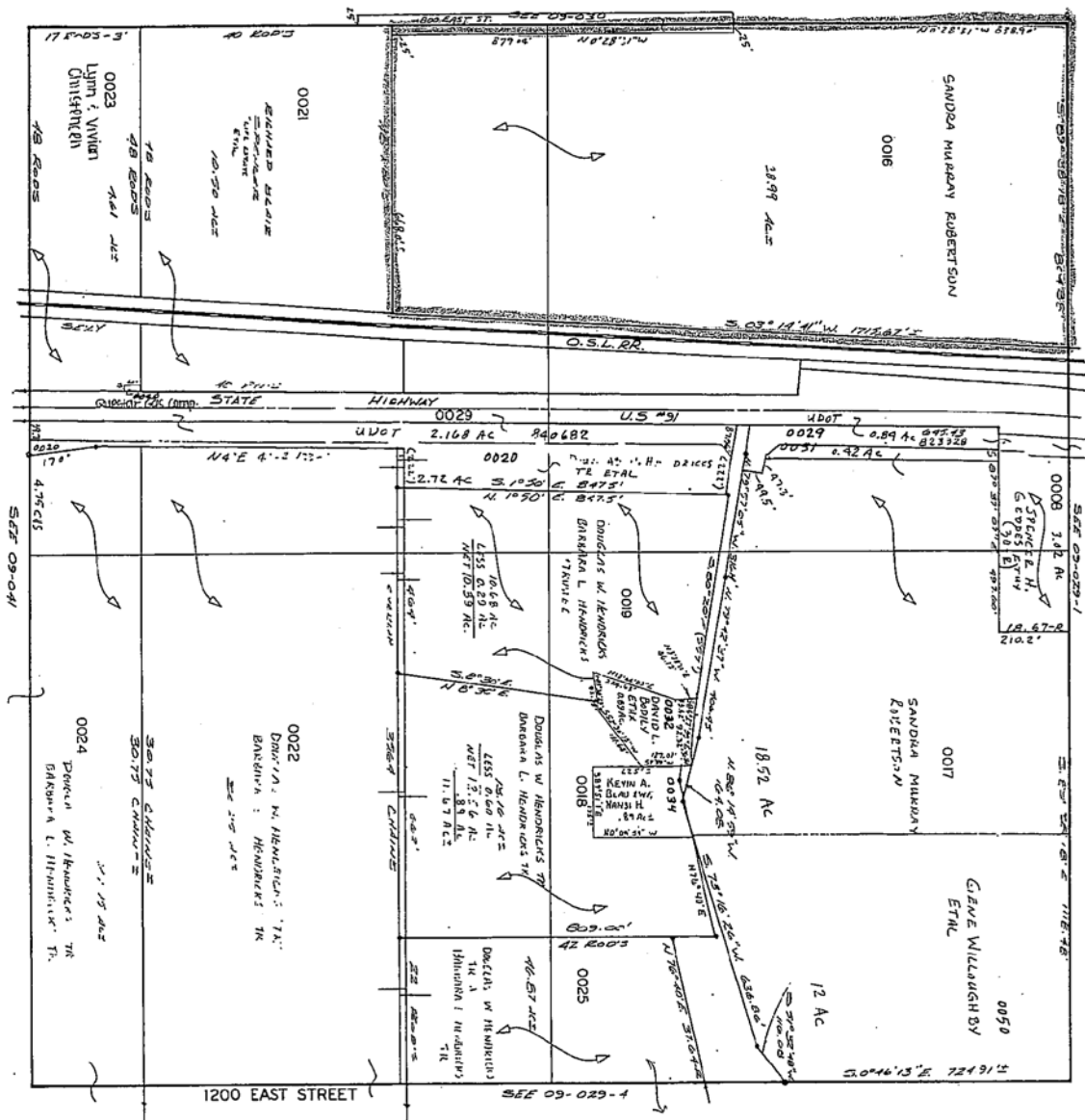
This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional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



S.W.1/4, SECTION 14, TOWNSHIP 14 NORTH, RANGE 1 EAST

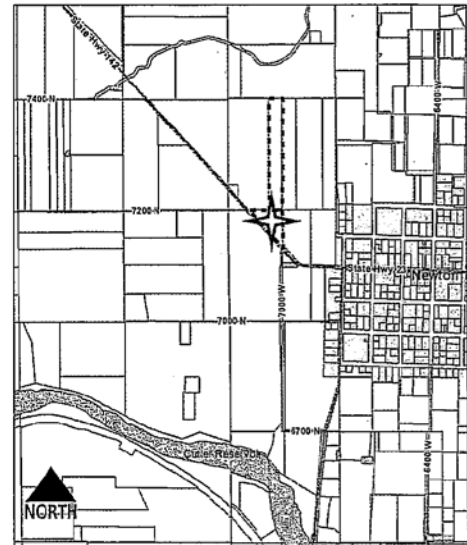
SCALE: 1 INCH = 200 FEET

TAX UNIT 17



Development Services Cache County Corporation

Project Name: Rocky Mountain Estates "A"
Agent: Claudia Harmon
Request: 3 Lot Subdivision
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 7378 North 7050 West (Newton)
Tax ID: 13-027-0001
Staff Recommendation: Continuation
Surrounding Uses: North – Proposed Subdivision
South – Agriculture
East – Agriculture
West – Agriculture



Site Location

PROJECT

Request: The applicant is requesting a subdivision to create five (3) new building parcels. Lot 1 is 2.61 acres, Lot 2 is 3.47 acres, and Lot 3 is 1.74 acres. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be three lots from the original 1970 parent parcel). Rocky Mountain Estates "B" is an adjacent proposed subdivision that would utilize the same services as this subdivision.

Issues: The proposed subdivision does not have approved culinary water rights assigned to each lot. County Ordinance §16.04.090 and §16.04.100 allow provision of domestic water rights as a condition of approval for any subdivision request. It has been the County's policy to require domestic water for all subdivisions at the time of application. No application should be determined complete unless the proponent provides verification of an approved culinary water right for each lot within the proposed development.

Access: This subdivision is proposing to be serviced from a private road, 7050 West, that will be accessed from State Highway 142. The private road would also be servicing five additional lots in a proposed subdivision to the north. Both subdivisions have been proposed by the same applicant. The applicant has obtained permission from the Utah Department of Transportation to access the subdivision from Highway 142.

Because 7050 West would be a private road, the future homeowners will be required to maintain it. Staff has requested that the proponent provide a Homeowner's Association (HOA) and Covenants, Conditions, and Restrictions (CC&Rs) that will ensure the long term maintenance of the private road.

Water & Septic: The applicant has been approved by the State of Utah Division of Water Rights for agricultural water rights for this subdivision. The water rights have been segregated and assigned to lots. A change of use from agricultural to culinary is currently in process.

The Bear River Health Department has found that the soils on all of the lots are suitable for shallow septic systems. Trench depth for each system will be limited to 12 to 18 inches from the natural grade. Each home will be required to obtain a permit and installed in accordance with R317-4 Utah Administrative Code, Onsite Wastewater Systems Rule.

Service Provision: Water supply tenders would be from Newton Fire, approximately 1.5 miles away. An additional inspection of private road 7050 West for compliance with the 2006 International Fire Code will be required before permits can be issued on the lots.

The bus stop would be at 7400 North Highway 142, approximately 1 block from the proposed subdivision. Garbage cans may be placed on the private road if the road meets county specifications for heavy truck traffic and has an adequate, all-weather turnaround.

AGENCY AND COUNTY DEPARTMENT RECOMMENDATIONS

Cache County Fire Department:

- Due to the distance from the fire department, a lack of water supply, and unavailability of fire hydrants in the area, residential fire sprinklers are recommended.

PUBLIC COMMENTS

Notices were mailed to 6 property owners located within three hundred feet of the subject property and to Newton City. At the time this staff report was published no comments had been received from the public.

STAFF RECOMMENDATIONS

Action: Staff recommends that the Planning Commission continue the Rocky Mountain Estates "A" subdivision, a three (3) lot subdivision for property located at approximately 7378 North 7050 West, TIN #13-027-0001.

Standard Stipulations:

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be 100 to 200 feet from any water way or well unless otherwise designated by the Health Department.
2. Each landowner shall obtain a septic tank permit from the Bear River Health Department prior to construction on any lot.
3. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.

Site Specific Stipulations:

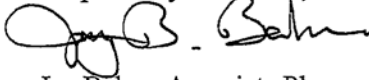
4. The applicant shall comply with all local, State, and Federal Requirements and Regulations for construction of the private road.
5. The applicant shall apply a hard surface with a minimum width of 20 feet to private road 7050 West. During all phases of the construction, inspections and approvals by County road staff shall be completed.
6. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County Attorney and Zoning Administrator to ensure that all private roads can be adequately funded and maintained.
7. All of the utilities and associated easements shall be provided for within lot setbacks throughout the subdivision. The location of utilities and easements shall be approved by staff prior to recordation of the plat.
8. The final plat shall include a disclosure stating that 7050 West is a private road and the County shall not be responsible for maintenance, snow removal, or law enforcement on such roads.
9. A stop sign is required at the intersection of 7050 West and Highway 142. The County will provide, install and maintain the sign. The applicant shall pay for the initial cost of the sign.
10. The applicant shall submit an engineered full set of design and construction plans for 7050 West and the proposed turn-around. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The plans shall be peer reviewed for staff by the County Engineer, the cost of which shall be paid by the applicant.
11. The final plat shall include an easement for the private road running east/west for farm access.
12. The easement for private road 7050 West will continue to the northern boundary of Lot 5 of the Rocky Mountain Estates "B" subdivision to provide for potential future access.
13. The final plat will show the location of all water lines and provide appropriate easements.
14. STIPULATION REGARDING DRY LOTS TO BE ADDED LATER BY THE ZONING ADMINISTRATOR AND COUNTY ATTORNEY.

RECOMMENDED FINDINGS OF FACT

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

1. The Rocky Mountain Estates "A" Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Rocky Mountain Estates "A" Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Rocky Mountain Estates "A" Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

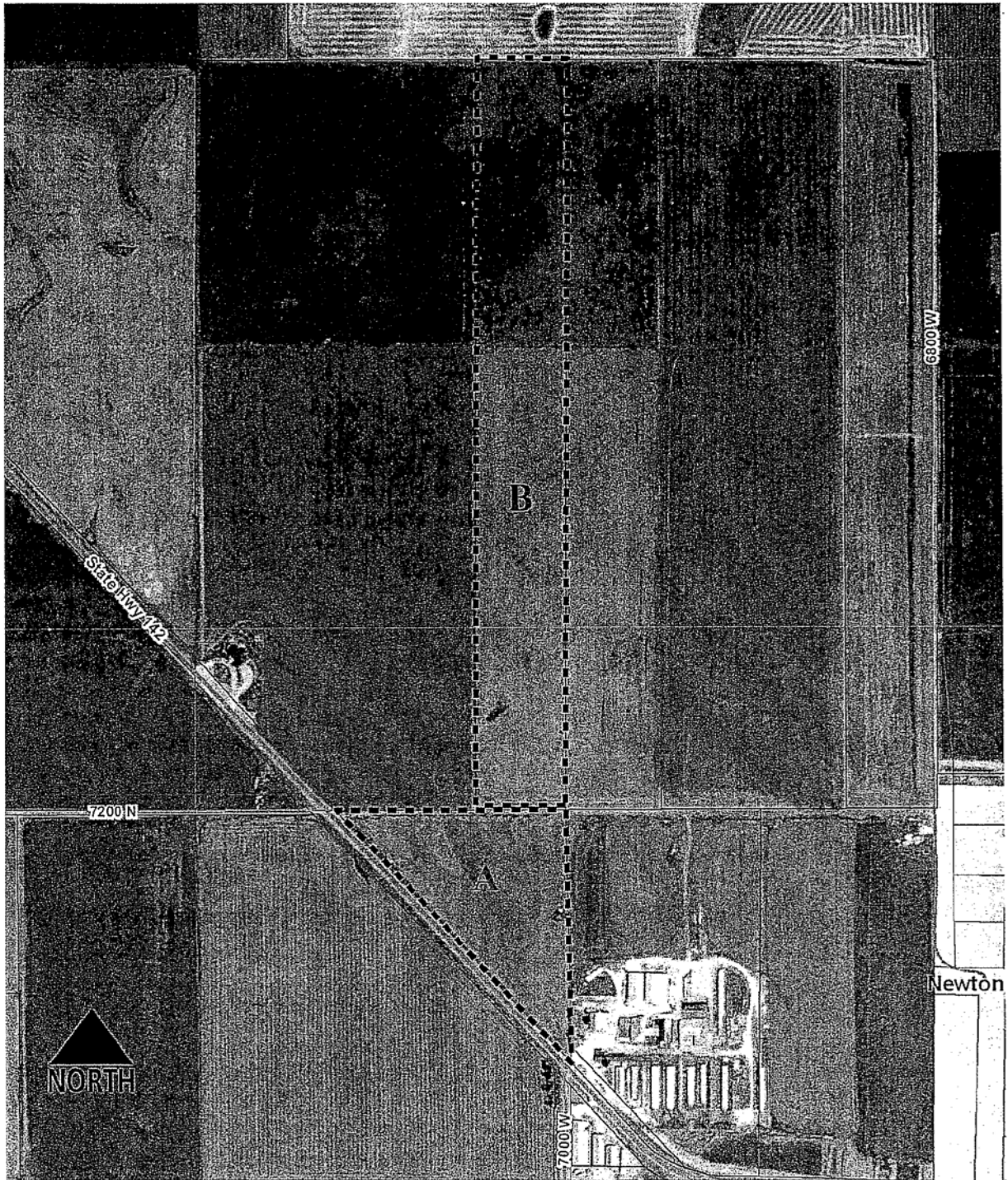
Respectfully submitted,



Jay Baker, Associate Planner I

Report Published: August 30, 2007

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



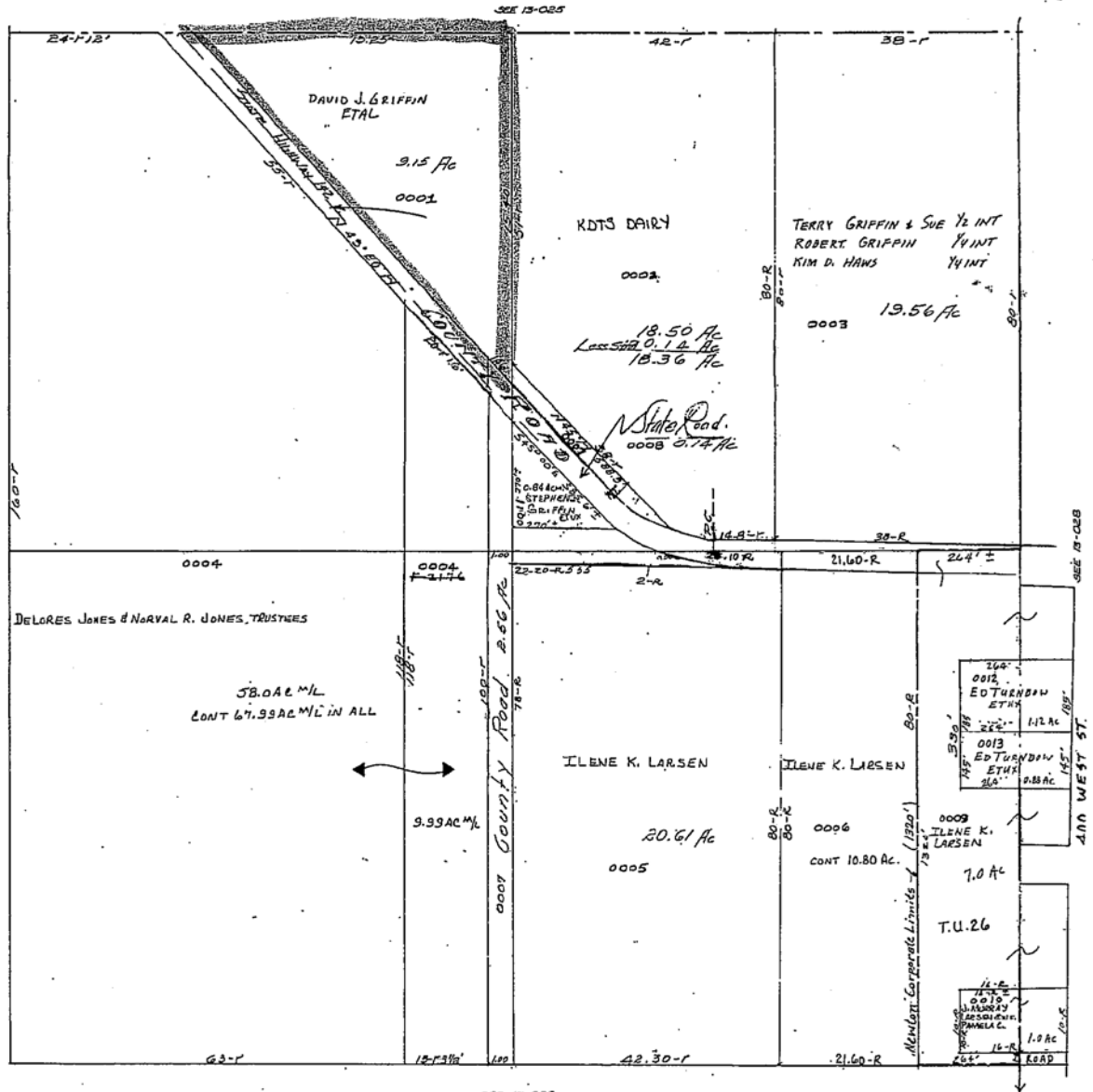
Rocky Mtn. Estates "A" Subdivision

TAX UNIT 25

13-027

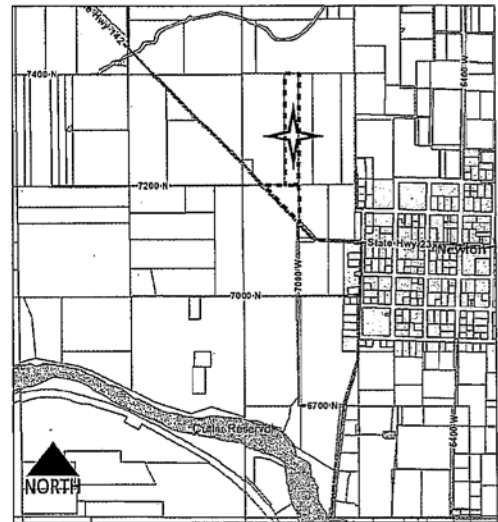
SW⁴ SECTION 18, TOWNSHIP 13 NORTH, RANGE 1 WEST.

SCALE 1 INCH = 3 CHAINS.



Development Services Cache County Corporation

Project Name: Rocky Mountain Estates "B"
Agent: Claudia Harmon
Request: 5 Lot Subdivision
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 7424 North 7050 West (Newton)
Tax ID: 13-025-0003
Staff Recommendation: Continuation
Surrounding Uses: North – Agriculture
South – Proposed Subdivision
East – Agriculture
West – Agriculture



Site Location

PROJECT

Request: The applicant is requesting a subdivision to create five (5) new building parcels. Lots 1 and 2 are 2.00 acres each, Lot 3 is 3.00 acres, Lot 4 is 3.27 acres, and Lot 5 is 10.00 acres. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be three lots from the original 1970 parent parcel). Rocky Mountain Estates "A" is an adjacent proposed subdivision that would utilize the same services as this subdivision.

Issues: The proposed subdivision does not have approved culinary water rights assigned to each lot. County Ordinance §16.04.090 and §16.04.100 allow provision of domestic water rights as a condition of approval for any subdivision request. It has been the County's policy to require domestic water for all subdivisions at the time of application. No application should be determined complete unless the proponent provides verification of an approved culinary water right for each lot within the proposed development.

Access: This subdivision is proposing to be serviced from a private road, 7050 West, that will be accessed from State Highway 142. The private road would also be servicing three additional lots in a proposed subdivision to the south. Both subdivisions have been proposed by the same applicant. The applicant has obtained permission from the Utah Department of Transportation to access the subdivision from Highway 142.

Because 7050 West would be a private road, the future homeowners will be required to maintain it. Staff has requested that the proponent provide a Homeowner's Association (HOA) and Covenants, Conditions, and Restrictions (CC&Rs) that will ensure the long term maintenance of the private road.

Water & Septic: The applicant has been approved by the State of Utah Division of Water Rights for agricultural water rights for this subdivision. The water rights have been segregated and assigned to lots. A change of use from agricultural to culinary is currently in process.

The Bear River Health Department has found that the soils on all of the lots are suitable for shallow septic systems. Trench depth for each system will be limited to 12 to 18 inches from the natural grade. Each home will be required to obtain a permit and installed in accordance with R317-4 Utah Administrative Code, Onsite Wastewater Systems Rule.

Service Provision: Water supply tenders would be from Newton Fire, approximately 1.5 miles away. An additional inspection of private road 7050 West for compliance with the 2006 International Fire Code will be required before permits can be issued on the lots.

The bus stop would be at 7400 North Highway 142, approximately 1 block from the proposed subdivision. Garbage cans may be placed on the private road if the road meets county specifications for heavy truck traffic and has an adequate, all-weather turnaround.

AGENCY AND COUNTY DEPARTMENT RECOMMENDATIONS

Cache County Fire Department:

- Due to the distance from the fire department, a lack of water supply, and unavailability of fire hydrants in the area, residential fire sprinklers are recommended.

PUBLIC COMMENTS

Notices were mailed to 6 property owners located within three hundred feet of the subject property and to Newton City. At the time this staff report was published no comments had been received from the public.

STAFF RECOMMENDATIONS

Action: Staff recommends that the Planning Commission continue the Rocky Mountain Estates "B" subdivision, a five (5) lot subdivision for property located at approximately 7424 North 7050 West, TIN #13-025-0003.

Standard Stipulations:

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be 100 to 200 feet from any water way or well unless otherwise designated by the Health Department.
2. Each landowner shall obtain a septic tank permit from the Bear River Health Department prior to construction on any lot.
3. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.

Site Specific Stipulations:

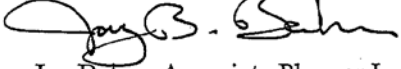
4. The applicant shall comply with all local, State, and Federal Requirements and Regulations for construction of the private road.
5. The applicant shall apply a hard surface with a minimum width of 20 feet to private road 7050 West. During all phases of the construction, inspections and approvals by County road staff shall be completed.
6. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County Attorney and Zoning Administrator to ensure that all private roads can be adequately funded and maintained.
7. All of the utilities and associated easements shall be provided for within lot setbacks throughout the subdivision. The location of utilities and easements shall be approved by staff prior to recordation of the plat.
8. The final plat shall include a disclosure stating that 7050 West is a private road and the County shall not be responsible for maintenance, snow removal, or law enforcement on such roads.
9. A stop sign is required at the intersection of 7050 West and Highway 142. The County will provide, install and maintain the sign. The applicant shall pay for the initial cost of the sign.
10. The applicant shall submit an engineered full set of design and construction plans for 7050 West and the proposed turn-around. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The plans shall be peer reviewed for staff by the County Engineer, the cost of which shall be paid by the applicant.
11. The final plat shall include an easement for the private road running east/west for farm access.
12. The easement for private road 7050 West will continue to the northern boundary of Lot 5 to provide for potential future access.
13. The final plat will show the location of all water lines and provide appropriate easements.
14. STIPULATION REGARDING DRY LOTS TO BE ADDED LATER BY THE ZONING ADMINISTRATOR AND COUNTY ATTORNEY.

RECOMMENDED FINDINGS OF FACT

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

1. The Rocky Mountain Estates "B" Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Rocky Mountain Estates "B" Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Rocky Mountain Estates "B" Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

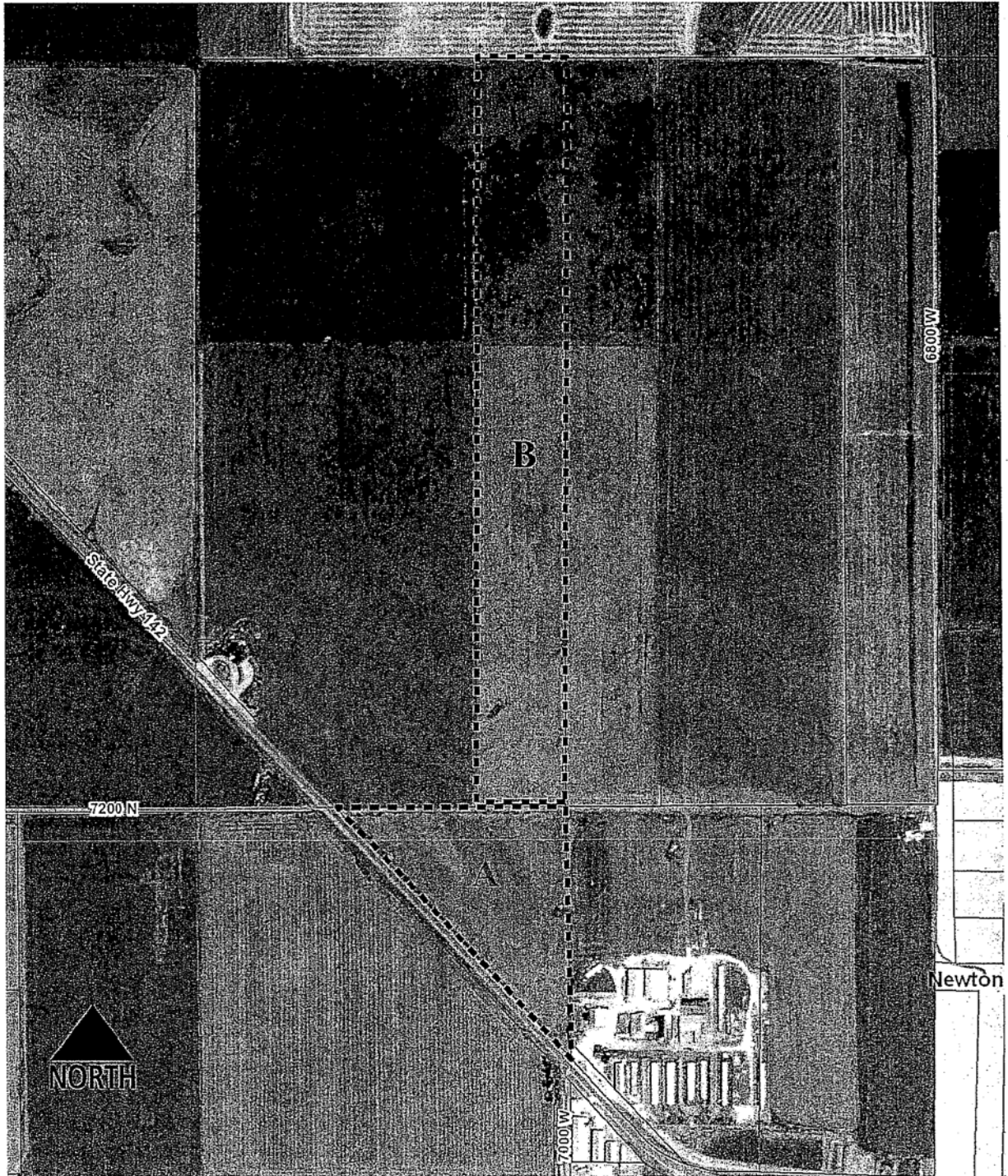
Respectfully submitted,



Jay Baker, Associate Planner I

Report Published: August 27, 2007

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

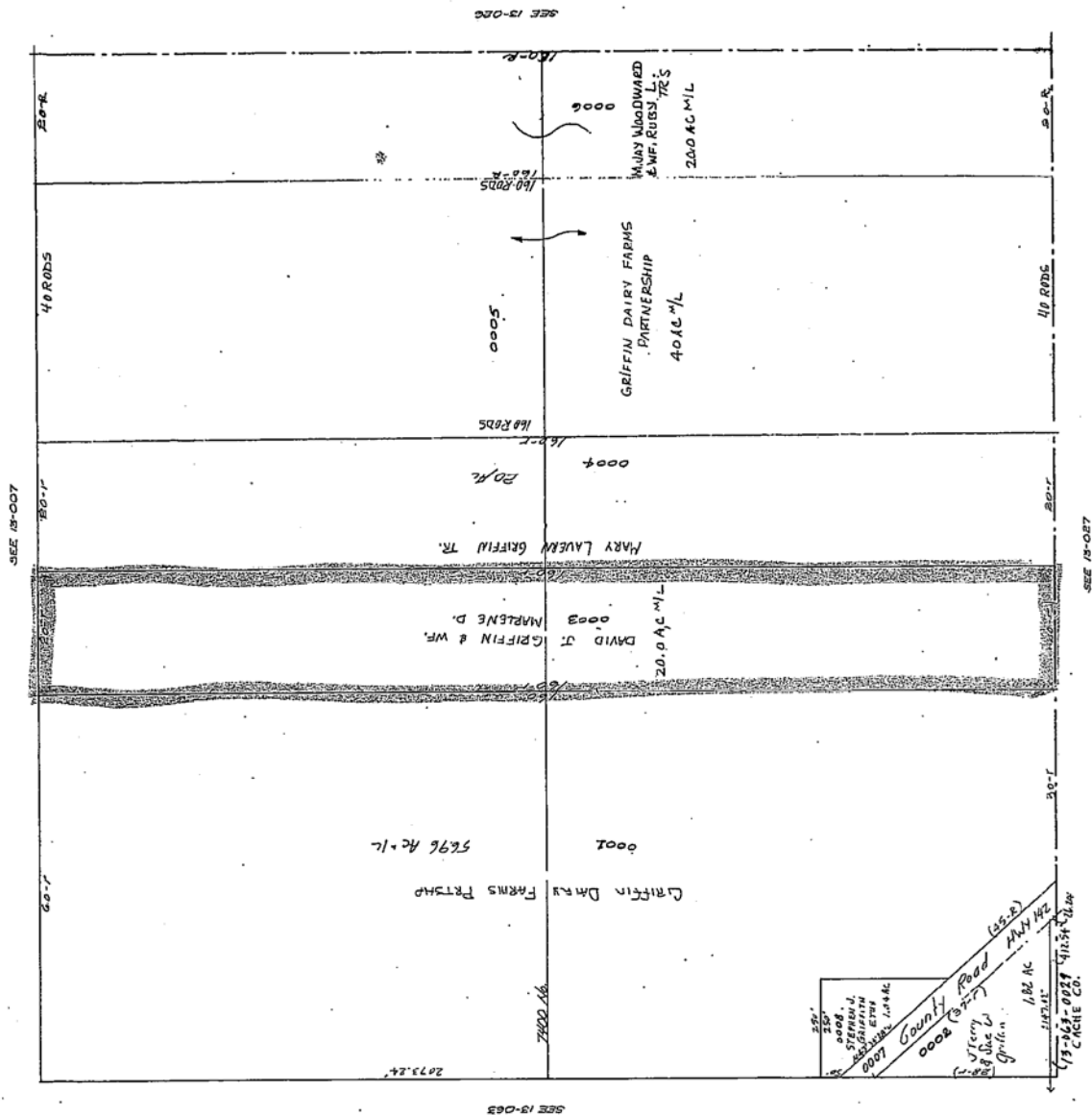


Rocky Mtn. Estates "B" Subdivision

13-025

TAX UNIT 25

N1/4 SECTION 18, TOWNSHIP 13 NORTH, RANGE 1 WEST.
SCALE 1 INCH = 5 CHAINS.



Logan City, Utah

October 23, 2007

The County Council (the "Council") of Cache County, Utah (the "County"), met in regular session at the regular meeting place of the Council at 199 North Main Street in Logan City, Utah at 5:00 p.m. on October 23, 2007, with the following members present:

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

Also present:

M. Lynn Lemon	County Executive
Jill N. Zollinger	County Clerk
N. George Daines	County Attorney

Absent:	<i>Cory Yeates</i>	<i>Councilmember</i>
---------	--------------------	----------------------

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this October 23, 2007 meeting was presented to the Council, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced, in written form, whereupon Councilmember Zilles moved that such resolution be adopted. The motion was seconded by Councilmember Hansen, and adopted by the following vote:

AYE:	Gibbons	Petersen
	Hansen	Robison
	Chambers	Zilles
NAY:	None	

This resolution (the "Resolution") was then signed by the Chair and recorded by the County Clerk in the official records of Cache County, Utah. The Resolution is as follows:

RESOLUTION NO. 2007-33

A RESOLUTION OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH

A RESOLUTION DECLARING THE INTENTION OF CACHE COUNTY, UTAH, TO ISSUE INDUSTRIAL REVENUE BONDS TO BE USED TO FINANCE THE COSTS OF THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE IN A MANUFACTURING FACILITY OWNED AND OPERATED BY CASPER'S ICE CREAM, INC., OR ANY RELATED COMPANY; AUTHORIZING THE ISSUANCE AND SALE OF SUCH BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$7,000,000; ESTABLISHING CONDITIONS WHICH MUST BE MET AT OR PRIOR TO THE ISSUANCE OF SUCH BONDS; PROVIDING FOR THE REIMBURSEMENT, IF ANY, FROM THE PROCEEDS OF SUCH BONDS OF EXPENDITURES FOR THE EQUIPMENT; PROVIDING FOR A PUBLIC HEARING AND FOR PUBLICATION OF A NOTICE OF THE PUBLIC HEARING; AND RELATED MATTERS.

WHEREAS, Cache County, Utah (the "Issuer"), is authorized by the Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act"), to issue revenue bonds for the purpose of defraying the cost of financing, acquiring, constructing, equipping, and furnishing land, buildings, equipment, facilities, and improvements which are suitable for use for manufacturing or other business purposes; and

WHEREAS, prior to this meeting, there has been presented to the Issuer a request from Casper's Ice Cream, Inc. (collectively with any related parties, the "Borrower"), asking the Issuer to adopt a resolution evidencing an intent to issue revenue bonds to finance the purchase by the Borrower of certain manufacturing equipment (the "Project") for use by the Borrower at a manufacturing facility of the Borrower located within the boundaries of the Issuer; and

WHEREAS, the Issuer has determined that it would be in furtherance of the purposes of Cache County and the Act to issue not more than \$7,000,000 of its Industrial Revenue Bonds, Series 2007 (Casper's Ice Cream Project) (the "Bonds") to finance the Project to be owned by the Borrower; and

WHEREAS, the Bonds shall be special limited obligations of the Issuer payable solely from and secured by revenues, rights, interests, and collections pledged by the Borrower and shall not constitute nor give rise to a general obligation or liability (legal or equitable) of the Issuer or of the State of Utah or of any subdivision thereof or a charge against its general credit or taxing power; and

WHEREAS, the Issuer intends to have a public hearing to give interested parties the opportunity to comment on the proposed Project of the Borrower; and

WHEREAS, the Act provides that a municipality or county may issue revenue bonds for the purpose of using substantially all of the proceeds thereof to pay or to reimburse a business for the costs of the acquisition, construction, and purchasing of the equipment and facilities of a project and that title to or in such equipment and facilities may at all times remain in the company and in such case the bonds of the municipality or county shall be secured by a pledge of one or more notes, debentures, bonds, or other secured or unsecured debt obligations of the company;

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

Section 1. All terms defined in the foregoing recitals hereto shall have the same meanings when used herein.

Section 2. The Council hereby finds and determines that it is in the best interests of the Issuer for the Issuer to issue the Bonds for the purpose of financing the Project to be located in the Issuer. The Issuer declares its intention to issue the Bonds in accordance with a final bond resolution ("Final Bond Resolution") to be adopted at or about the time of the sale of the Bonds, and subject to the terms and conditions of related documents and agreements (the "Bond Documents") which, in the judgment of the Council, adequately protect the interests of the Issuer, as approved by the Council upon the adoption of the Final Bond Resolution.

Section 3. The Issuer will lend the proceeds of the Bonds to the Borrower under terms whereby the Borrower will be obligated, among other things, (a) to make payments to the Issuer in amounts and at times sufficient to pay the principal of and premium, if any, and interest on all of the Bonds, and (b) to provide, or cause to be provided collateral or other security to secure payment of the Bonds in such a manner and in such amounts as the purchaser of the Bonds deems appropriate. The Issuer has not authorized the pledge of its credit for the payment of the Bonds or the financing of the Project.

Section 4. Qualified costs to be reimbursed shall be determined in accordance with the provisions of Treasury Regulation Section 1.150-2.

Section 5. Notwithstanding anything herein contained to the contrary, the Issuer shall have no liability to the Borrower for any costs or funds advanced if the Bonds are not issued.

Section 6. A public hearing concerning the Project is hereby scheduled to be held during the meeting of the County Council on November 13, 2007. The County Clerk is hereby authorized to publish in the Herald Journal a "Notice of Public Hearing" at least fourteen (14) days prior to November 13, 2007, the hearing date set forth in said Notice, and the Council will meet in public session on November 13, 2007, to receive public comment on the proposed issuance of Bonds. The Notice of Public Hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
OF CACHE COUNTY, UTAH

NOTICE IS HEREBY GIVEN that the County Council (the "Council") of Cache County, Utah (the "County"), will meet on November 27, 2007, at 199 North Main Street, Logan City, Utah, in the Council chambers, at 5:00 p.m., or as soon thereafter as the matter may be heard, for the purpose of conducting a public hearing regarding a proposal by the County that pursuant to the provisions of Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act"), the County issue Industrial Revenue Bonds, Series 2007 (Casper's Ice Cream Project) in an aggregate principal amount of not to exceed \$7,000,000 (the "Bonds") and lend the proceeds of the Bonds to Casper's Ice Cream, Inc. or any affiliate (the "Borrower"), to pay all or a portion of the costs of purchasing manufacturing equipment and any related facilities to be located at approximately 11805 North 200 East, Richmond, Utah 84333 in Cache County, Utah (the "Project") which will be owned and used by the Borrower.

The County is authorized to issue the Bonds pursuant to the Act. The Bonds will be special limited obligations of the County payable solely from amounts provided by the Borrower. The Bonds and the interest thereon will not be a debt of the County or of the State of Utah or any political subdivision of the State, and neither the County nor the State of Utah or any political subdivision of the State will be liable thereon. In no event will the Bonds or the interest thereon be payable out of any funds or properties other than those expressly pledged as security for the Bonds. The Bonds will not constitute an indebtedness of the County within the meaning of any constitutional or statutory debt limitation or restriction.

This public hearing is required by the Tax Reform Act of 1986. Interested individuals are invited to express their views, both orally and in writing, on the proposed issue of Bonds and the location and nature of the Project. Comments at the public hearing are invited. Written comments may be submitted to the County Clerk's office located at 179 North Main Street, Logan City, Utah, 84321, until 5:00 p.m. on November 13, 2007. Additional information may be obtained from the County at its office shown above or by calling (435) 755-1460. Subsequent to the hearing, the Council will consider approving the issue of the Bonds to finance the Project.

Date: October 23, 2007

/s/ Jill N. Zollinger
County Clerk

Section 7. The Final Bond Resolution and the Bond Documents shall obligate the Borrower to use the proceeds of the Bonds for the Project in such a manner that will preserve the tax-exempt qualification of the Bonds and that will not result in any responsibility for the Issuer to rebate arbitrage earnings to the Internal Revenue Service. Issuance of the Bonds shall be subject to the review and approval by the Issuer of the Bond Documents.

Section 8. If any provisions of this Resolution should be held invalid, the invalidity of such provision shall not affect the validity of any of the other provisions of this Resolution.

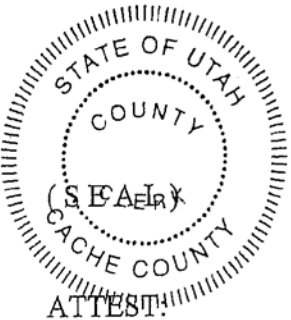
Section 9. The appropriate Issuer officials are hereby authorized and directed to execute and deliver on behalf of the Issuer any additional certificates or documents that they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution.

Section 10. No member of the Council or employee of the Issuer has any interest, direct or indirect, in the transactions contemplated by the Issuer as described herein.

Section 11. All resolutions of the Issuer or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency.

Section 12. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS OCTOBER 23, 2007.



Darrel L. Gibbons
Chair
Darrel L. Gibbons

Jill N. Zollinger
County Clerk
Jill N. Zollinger

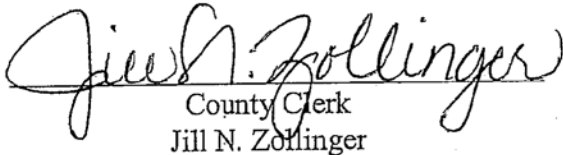
(Here follows business not pertinent to the above.)

Pursuant to motion duly made and seconded, the Council adjourned.



Chair
Darrel L. Gibbons

ATTEST:



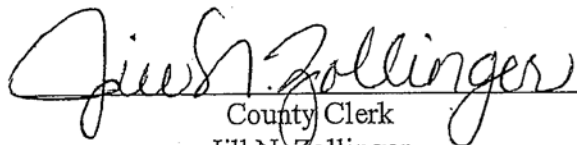
County Clerk
Jill N. Zollinger



STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

I, Jill N. Zollinger, the duly qualified and acting County Clerk of Cache County, Utah (the "County"), do hereby certify according to the records of the County Council of the County (the "Council") in my possession, that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the Council at a meeting held on October 23, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the County Clerk of Cache County, Utah this October 23, 2007.


County Clerk
Jill N. Zollinger

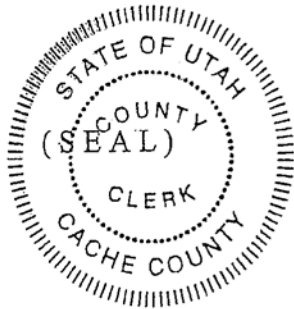


EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jill N. Zollinger, the undersigned County Clerk of Cache County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that:

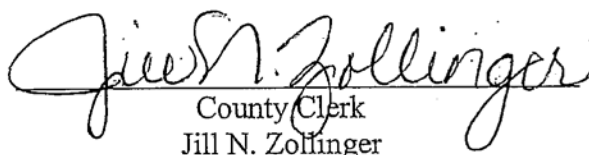
(a) in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, there was given not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the October 23, 2007, public meeting held by the County as follows:

(i) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's offices at 179 North Main Street, Logan City, Utah on October 18, 2007, at least twenty-four (24) hours prior to the convening of said meeting, the Notice having continuously remained so posted and available for public inspection until the completion of said meeting; and

(ii) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to The Herald Journal on October 18, at least twenty-four (24) hours prior to the convening of the meeting.

(b) the Notice of 2007 Annual Meeting Schedule for the County's County Council (attached hereto as Schedule 2) was posted on Dec. 10, 2006, at the principal office of the County (and has remained posted) and was provided to at least one newspaper of general circulation within the County as required by Section 52-4-202, Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 23, 2007.


County Clerk
Jill N. Zollinger

SCHEDULE 1

NOTICE OF MEETING SCHEDULE

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

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

AMENDED
October 18, 2007

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

Public Notice is hereby given that the Cache County Council of Cache County, Utah will hold a Workshop and Regular Meeting in the **Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321** at **5:00 p.m.** on **TUESDAY, OCTOBER 23, 2007.**

- 5:00
1. Call to order
 2. Opening/Pledge – Cory Yeates
 3. Review and approval of agenda
 4. Review and approval of minutes (October 9, 2007)
 5. Report of County Executive
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. Unit or Committee Reports
 7. Items of Special Interest
- 5:10* a. Recognition of Issa Humad –Director of Logan City Environmental Center – Darrel Gibbons
- 5:15* b. Introduction of Rich Schuler, Interim District Ranger for Logan District – Cory Yeates
- 5:20* c. Sunshine Terrace Annual Report – David L. Seria, CEO
- 5:30* d. Presentation of EPA Award to the Air quality Task Force – EPA Region 8 Air and Radiation Director, Callie Videtich
8. Budgetary Matters
- a. Transfers - Intra Department (3 attached)
 - b. Transfers - Inter Department

8. Public hearings, Appeals and Board of Equalization matters

- a. Set Public Hearing – November 27, 2007 – 5:45 p.m. – to issue industrial revenue bonds to be used to finance the costs of the acquisition of certain equipment for use in manufacturing facility owned and operated by Casper's Ice Cream, Inc; authoring the issuance and sale of such bonds in an aggregate principal amount of not to exceed \$7,000,000.
- b. Set Public Hearing – November 27, 2007 – 6:15 p.m. – rezone of 96.35 acres from Agricultural to Industrial/Manufacturing located at approximately 3000 North and State Highway 23, Cache Junction.
- c. Set Public Hearing – November 27, 2007 – 6:30 p.m. – rezone of 9.75 acres from Agricultural to Commercial located at approximately 3950 South 1200 West, Nibley
- d. Set Public Hearing – November 27, 2007 – 6:45 p.m. – Amendment to Title 16.02.020 – Natural Barriers
- e. Board of Equalization
 - a. Final Approval of Board of Equalization Actions

10. Pending Action

- a. Ordinance No. 2007-05 – Agricultural Subdivisions
- b. Ordinance No. 2007-09 – Rezone of 7.55 acres of property from Agricultural Zone o Industrial/Manufacturing Zone located at approximately 168 North 2100 West, West of Logan (attached)
- c. Final Plat Approval – High Creek Junction Subdivision (attached)
- d. Final Plat Approval – Rocky Mountain Estates "A" Subdivision (attached)
- e. Final Plat Approval – Rocky Mountain Estates "B" Subdivision (attached)

11. Initial proposal for consideration of action

- a. Resolution No. 2007-33 – Consideration of a Resolution declaring the intention of Cache County, Utah, to issue industrial revenue bonds to be used to finance the costs of the acquisition of certain equipment for use in manufacturing facility owned and operated by Casper's Ice Cream, Inc., or any related company; authorizing the issuance and sale of such bonds in an aggregate principal amount of not to exceed \$7,000,000; establishing conditions which must be met at our prior to the issuance of such bonds; providing for the reimbursement if any, from the proceeds of such bonds of expenditures for the equipment; providing for a public hearing and for publication of a notice of the public hearing and

related matters.

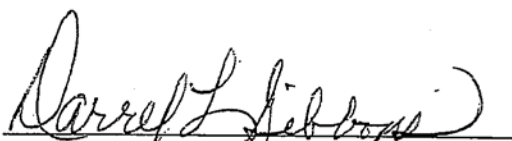
- b. Approval – Building Project – Cache County Road Department
- c. Approval of Proposed Plan Review Fee Change (attached)
- d. Discussion – Water Rights and Subdivision Requirements
- e. Discussion - Powder Mountain Development Request
- f. Presentation of Tentative 2008 Budget and Discussion

12. Other Business

- a. Set date for meeting of Agricultural Subdivision Committee
- b. Joint Meeting with Logan City Council – October 30, 2007 – 5:30 p.m. – Logan Justice Building
 1. CCEMS Status Report
 2. Air Quality

13. Council Member Reports

14. Adjourn


Darrel L. Gibbons, Chairman

*Designated time for Special Interest Items

** Citizens desiring to be heard are encouraged to submit their messages in writing during or prior to the hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Pat Parker, Cache County Council, at 755-1850 at least three working days prior to the meeting.

SCHEDULE 2

2007 ANNUAL MEETING NOTICE

SCHEDULE

PUBLIC NOTICE is hereby given that the 2007 meeting schedule of the Cache County Council is as follows:

JANUARY	9 th and 23 rd	JULY	10 th and 31 st
FEBRUARY	13 th and 27 th	AUGUST	14 th and 28 th
MARCH	13 th and 27 th	SEPTEMBER	11 th and 25 th
APRIL	10 th and 24 th	OCTOBER	9 th and 23 rd
MAY	8 th and 22 nd	NOVEMBER	13 th and 27 th
JUNE	12 th and 26 th	DECEMBER	4 th and 11 th

Special meetings and emergency meetings may be called as necessary pursuant to State law.

Regular meetings of the Council will be held in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 beginning at 5:00 p.m., unless notice is given otherwise.

The following legal holidays will be observed in 2007 by Cache County Government: County offices, except emergency services shall be closed on these days:

JANUARY	1 st	Monday	New Years Day
JANUARY	15 th	Monday	Human Rights Day
FEBRUARY	19 th	Monday	Presidents Day
MAY	28 th	Monday	Memorial Day
JULY	4 th	Wednesday	Independence Day
JULY	24 th	Tuesday	Pioneer Day
SEPTEMBER	3 rd	Monday	Labor Day
OCTOBER	8 th	Monday	Columbus Day
NOVEMBER	12 th	Monday	Veterans Day
NOVEMBER	22 nd	Thursday	Thanksgiving Day
NOVEMBER	23 rd	Friday	Preference Day
DECEMBER	25 th	Tuesday	Christmas Day

Cache County Offices will close on Monday, December 24, 2007 at 3:00 p.m.

And all days which may be set apart by the President of the United States, or the Governor of this State by proclamation as days of Fast or Thanksgiving shall also be observed as legal holidays.

Witness my hand and official seal this 5th day of December, 2006.

Attest:

Jill N. Zollinger
Jill N. Zollinger
Cache County Clerk



Cory Yeates
Cory Yeates, Chairman
Cache County Council

Publication Date: December 10, 2006

Affidavits of Publication of
Notice of Public Hearing and Notice of Bonds to be Issued