

CACHE COUNTY COUNCIL MEETING
February 12, 2008

The Cache County Council convened in a regular session on February 12, 2008 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Garth Barker, Taun Beddes, John Borg, Kenneth R. Cardon, Mark Darley, Darrell Erickson, Barbara Farris, Mark Fels, Sara Goeking, Joan Hellstrom, Sharon L. Hoth, Sandy Kester, Kelly Leishman, David Nielsen, Jennefer Parker, Jill Parker, Pat Parker, Rex Petersen, Stu Reynolds, Vincent Reynolds, Josh Runhaar, Gary Saxton, Jon Scott, Jim Smith, Ron Vance, Mike Weibel, Steve Wright, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Gibbons to approve the minutes of the January 22, 2008 Council meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS:

Lee Edwards	Special Deputy County Attorney
Mark Sorensen	Special Deputy County Attorney

ACTION: Motion by Council member Gibbons to approve the recommended appointments of Special Deputy County Attorney. Chambers seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Martin James	AG Advisory Board
Sherwood Hirschi	AG Advisory Board
Don Baldwin	AG Advisory Board

Cache County Council
02-12-2008

Anthony Hall	AG Advisory Board
Allen Grunig	Cache County Library Board
David Low	Cache County Library Board
Kathryn Hadfield	Cache County Library Board
Steve DeLong	Cache Valley Visitors Bureau Board
Sandy Emille	Cache Valley Visitors Bureau Board
Jim Smith	Cache Valley Visitors Bureau Board
David Kooyman	Cache Valley Visitors Bureau Board
Cory Yeates	Fairgrounds Advisory Board
Kathy Robison	Fairgrounds Advisory Board
M. Lynn Lemon	Fairgrounds Advisory Board
Jill Zollinger	Fairgrounds Advisory Board
Tamra Stones	Fairgrounds Advisory Board
LaMont Poulsen	Fairgrounds Advisory Board
Clark Israelsen	Fairgrounds Advisory Board
Scott Williams	Fairgrounds Advisory Board

ACTION: Motion by Council member Chambers to approve the recommended appointments. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.

WARRANTS: The warrants for the periods 12-03-2007, 12-04-2007, 12-31-2007, 01-01-2008 to 01-31-2008, 01-10-2008, 01-11-2008 to 01-17-2008 and 01-18-2008 to 01-24-2008 were given to the clerk for filing.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET:

FEBRUARY 26, 2008 – 5:15 P.M. – 2ND CDBG PUBLIC HEARING – Executive Lemon indicated a second CDBG hearing needed to be scheduled.

ACTION: Motion by Vice Chairman Petersen to set a Public Hearing for February 26, 2008 at 5:15 p.m. – 2nd CDBG Public Hearing. Gibbons seconded the motion. The vote was unanimous. 6-0. Yeates absent.

OTHER ITEMS

- Powder Mountain Update** – Executive Lemon asked Attorney Daines to update the Council on the Powder Mountain project. Daines stated that the Powder Mountain project has currently filed for incorporation as a city in Weber County and will attempt to annex the Cache County area of the project into the proposed city limits. Powder Mountain will then have all planning and zoning responsibilities and Cache County would not be required to provide any public services. This will be an agenda item for the February 26, 2008 County Council meeting.
- North American Weather Consultants Report** – Executive Lemon reported that the snow water equivalent was 97% of normal at the end of January 2008 and the water year precipitation was 98% of normal. The decision must be made whether to seed through the end of March or halt seeding activities sooner. Lemon will keep the Council informed.

- ❑ **State of Utah School and Institutional Trust Land Administration** – Executive Lemon has received a proposal from SITLA to realign State Road 243 with State Highway 89. The realignment would bisect the lower parking lot at Beaver Mountain. There is a thirty-day comment period and, if the Council feels strongly about the proposal, it can be an agenda item for the February 26, 2008 County Council meeting.
- ❑ **Bear River Health Department** – Executive Lemon said that BRHD has determined that the cost of prophylaxis for key emergency county personnel in the event of a pandemic would be \$42,000.00. The prophylaxis would be ordered and held and is good for five to ten years. Lemon noted that Dr. Redd will be invited to attend the February 26, 2008 County Council meeting to answer any questions.
- ❑ **Ruby Pipeline Project** – Lemon said this pipeline will go through the northern part of Cache County. There are two public meetings – one in Tremonton on February 21, 2008 and one in Brigham City on March 5, 2008. Lemon will be attending one of the meetings.
- ❑ **Cache County Road Department** – Lemon commended the Road Department for their untiring work of keeping the roads cleared during the series of recent heavy snow storms.

ITEMS OF SPECIAL INTEREST

- **Proclamation – White Ribbon Against Pornography Month February 2008** – Chairman Hansen asked Council member Gibbons to read the proclamation to those present.

(Attachment 1)

ACTION: Motion by Council member Gibbons to accept the Proclamation-White Ribbon Against Pornography Month February 2008. Petersen seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Employee of the Month** was presented to Joe Fisher of the County Road Department by Jim Smith.
- **Introduction of 4-H Horticulture Agent – Adrie Roberts** introduced Taun Beddes to the Council.
- **Cross Country Skiers Concerns – Mark Fels**, President of Nordic United, gave a brief history of the group and its activities. Fels said the conflict over the 40K Nordic ski race last year was unfortunate. The location of this year's race has been moved to the groomed trails near Beaver Mountain and will not require any trail closures. Fels wants to work at improving relations between winter motorized groups and Nordic skiers. Presently, he feels his energy is better spent by looking at ways to improve the parking at the Beaver Mountain area that will be affected by the realignment of the roads.

Stuart Reynolds, Powder Ridge Ski Touring, said the US Forest Service's five-year plan for non-motorized areas has a problem with chronic violations. The Forest Service's approach was education and enforcement. Maps are posted, but violations continue.

Reynolds asked if the county might be able to help with enforcement and/or encourage the Forest Service to develop other solutions to the problem. Lemon asked if Reynolds had met with local snowmobile clubs to ask for help? Reynolds said the clubs have been notified and are supportive, but the violations persist.

Tape 1, Side B

- **Bear River Health Department Annual Report – Jill Parker** reported in Lloyd Berentzen's absence. Parker said the mission of the health department is to Prevent, Promote and Protect. The department tries to accomplish this through ten essential services. Parker reviewed the following items:

- Public swimming pool "bug"
- Air pollution levels
- Seven divisions of the Health Department
- Emergency services
- Environmental health
- Mosquito abatement
- Health promotions
- Preventative health
- Substance abuse
- WIC program

Parker also noted that there will be a free course at the Health Department on community questions about "meth" contamination of property.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: FEBRUARY 26, 2008 – 6:00 P.M. – Open 2008 Budget.

ACTION: Motion by Council member Gibbons to set a Public Hearing for February 26, 2008 at 6:00 p.m. to Open the 2008 Budget. Chambers seconded the motion. The vote was unanimous. 6-0. Yeates absent.

PUBLIC HEARING: TITLE 16.02.020 NATURAL BARRIERS – DEFINE LANGUAGE – FEBRUARY 12, 2008 – 6:00 P.M.

ACTION: Motion by Council member Robison to open the Public Hearing-Title 16.02.020 Natural Barriers. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Josh Runhaar explained the language change – *1c-Each parcel created by a Natural Barrier determination made prior to October 11, 2005 may be allowed to be further divided in compliance with this title and Title 17. Each parcel created prior to October 11, 2005 by the Natural Barrier determination shall be allowed a maximum of 5 lots.* - which satisfies those people caught in the transition period in relation to number of lots allowed.

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

ACTION: Motion by Council member Gibbons to close the Public Hearing-Title 16.02.020 Natural Barriers. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2008-03 – Title 16.02.020 Natural Barriers** – Chairman Hansen asked the Council if it was ready to act on this ordinance.

(Attachment 2)

ACTION: Motion by Council member Gibbons to waive the rules and approve Ordinance No. 2008-03-Title 16.02.020 Natural Barriers. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No 2008-03: The vote was 6-0. Yeates absent.

	<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		6
NAY								0
ABSTAINED								0
ABSENT							X	1

PENDING ACTION

- Discussion – Wild and Scenic River Suitability Study** – Executive Lemon said the Forest Service has scheduled a Public Hearing for February 13, 2008 at 5:00 p.m. in the Forest Service building for public comment on this issue. Lemon explained the six possible alternatives:
 1. No action, maintain eligibility of all river segments
 2. No rivers recommended
 3. Recommend rivers that best represent Utah ORVs while having the least affect on existing or reasonably foreseeable future water resources projects and other developmental activities
 4. Recommend rivers that best represent Utah ORVs that could be adversely affected by existing or reasonably foreseeable future water resources projects and other developmental activities
 5. Recommend rivers with low cost for management that are consistent with other Federal wild and scenic studies and which have limited negative impact to community economic development
 6. Recommend river segments recognized by public groups that represent a diversity of river systems in Utah and those that face future threats

Lemon said the Forest Service favors the third alternative which doesn't include any Cache County rivers. Lemon recommends support of the Forest Service preference.

Council member Yeates joined the meeting.

Lemon reiterated that it is in Cache County's best interest to send a letter supporting the Forest Service preference of Alternative #3.

ACTION: Motion by Vice Chairman Petersen requesting the Cache County Executive to write a letter in support of Alternative #3 – Recommend rivers that best represent Utah ORVs while having the least affect on existing or reasonably foreseeable future water resources projects and other developmental activities. Robison seconded the motion. The vote was unanimous, 7-0.

- Ordinance No. 2007-05 – Agricultural Subdivisions (*NO ACTION TAKEN*)** – Vice Chairman Petersen asked what the status of the AG Subdivision committee is? Council member Zilles said a tentative meeting is planned for this Friday and the topic will be roads.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2008-04 – Authorizing the Issuance and Sale of Cache County, Utah Tax and Revenue Anticipation Notes, Series 2008 in the aggregate principal amount of approximately \$4,500,000, and related matters** – Executive Lemon indicated this is done each year until the tax is collected in the Fall at which time the notes are paid.

(Attachment 3)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2008-04- Authorizing the Issuance and Sale of Cache County, Utah Tax and Revenue Anticipation Notes, Series 2008 in the aggregate principal amount of approximately \$4,500,000, and related matters. Zilles seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

PUBLIC HEARING: REZONE OF 138.56 ACRES FROM AGRICULTURAL ZONE TO THE MINERAL EXTRACTION ZONE LOCATED AT APPROXIMATELY 9282 NORTH 5800 WEST, EAST OF NEWTON RESERVOIR – FEBURARY 12, 2008 – 6:15 P.M.

ACTION: Motion by Council member Yeates to open the Public Hearing-Rezone of 138.56 acres from Agricultural Zone to the Mineral extraction Zone located at approximately 9282 North 5800 West, East of Newton Reservoir. Gibbons seconded the motion. The vote was unanimous, 7-0.

Josh Runhaar explained that this is the Little Mountain area. The activity to be conducted on the site will be the extraction of zeolite, a highly absorbent material used in cattle feed, kitty litter, etc. Part of the land is on Bureau of Reclamation property. There is a 50-year development plan that will be submitted to the county. Concerns of Council members were dust, scarring of the landscape and traffic. Runhaar noted that one of the stipulations recommended by staff was improvements to 5800 West which is the access road to the site. The usual restoration plan for this type of operation is done in phases – as mining is completed

in one area of the property, it is restored while mining continues on another area of the property. Runhaar asked that Stipulation 1 in Staff Recommendations include the additional language *“The Master Plan for Gravel Extraction shall limit the area utilized for mineral extraction to the approximate area identified as potential mineral deposits within the Sand and Gravel Overlay Zone.”*

(Attachment 4)

Council member Hansen opened the Public Hearing and invited public comment.

Council member Gibbons left the meeting.

Jon Scott, Cache Landmark Engineering, reaffirmed the intention to excavate and reclaim alternately in phases.

Gary Saxton, Wellsville, asked about blowing dust problems and the economic impact on the county. Scott said he was not knowledgeable about these issues, but could get the information to the Council, if needed.

Tape 2, Side A

Kenneth Cardon said this product was known about fifteen years ago. It reduces the odor in waste when fed to swine and poultry. Cardon feels this is a good project.

There was no other public comment

ACTION: Motion by Council member Yeates to close the Public Hearing. Chambers seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2008-02 – Rezone of 138.56 acres from Agricultural Zone to the Mineral Extraction Zone located at approximately 9282 North 5800 West, East of Newton Reservoir** – Council members expressed hesitancy to approve a project that may create an eyesore on the landscape. Dust and possible negative impact on surrounding crops were also concerns. Attorney Daines reminded the Council that this is only the first step in the process. After a rezone is approved, there still must be a development proposal and written agreements.

(Attachment 5)

ACTION: Motion by Council member Zilles to waive the rules and approve Ordinance No. 2008-02-Rezone of 138.56 acres from Agricultural Zone to the Mineral Extraction Zone located at approximately 9282 North 5800 West, East of Newton Reservoir, including the stipulations recommended by Staff and the additional stipulation that the final proposal be brought back before the Council prior to approval. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Ordinance No 2008-02: The vote was 6-0.

	<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	6
NAY								0
ABSTAINED								0
ABSENT			X					1

COUNCIL MEMBER REPORTS

Brian Chambers reported that the first meeting for the countywide library has met. Chambers also noted that the incentive that may be provided for a commuter air service in the county will have private money and funding from other agencies besides Cache County.

Cory Yeates said there will be a meeting with the District Forest Service concerning road priorities for summer work. He will attend and hopes to find some answers to the parking lot problem at Beaver Mountain with the realignment of the road.

John Hansen indicated the Audit Committee has met. Hansen said he had received calls from citizens about roads not being plowed. Lemon said to report those calls as they come in so he can notify the road department; however, there were times during recent storms when the road crews in the Paradise area had to wait out the storm because they couldn't see to stay on the road.

Craig Petersen said he had forwarded copies to the Council of a letter received from Jay Monson on the countywide library.

Kathy Robison asked that the Fairgrounds buildings be placed on a capital improvement plan. The buildings have health and safety issues and Robison asked that this be a discussion item for one of the March County Council meetings. Lemon noted that the bleacher project will be finished before any projects involving the Fairgrounds buildings will be considered.

The Council meeting adjourned at 6:59 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: John Hansen
Council Chairman

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN
LOGAN, UTAH 84321
TEL 435-755-1850
FAX 435-755-1981

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

PROCLAMATION

Whereas, pornography presents youth with a false and distorted image of human sexuality,
devoid of love, commitment, and responsibility;

Whereas, pornography leads both children and adults into destructive sexual addictions;

Whereas, pornography contributes to the breakup of marriages;

Whereas, much pornography features and promotes sexual violence and other irresponsible behavior in an era of increasing sexual violence and an epidemic of sexually transmitted diseases;

Whereas, so-called "adult" pornography is commonly used by pedophiles to desensitize children and break down their resistance to sexual acts;

Whereas, there are Federal and State obscenity laws against hardcore pornography to protect public safety, public health, and public morality;

Whereas, the United States Supreme Court has held that obscenity is not protected speech under the First amendment, and has said that there is a right of the nation and the State to "maintain a decent society";

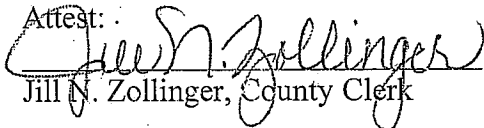
Whereas, Americans throughout this great nation will be participating in White Ribbon Against Pornography Month in various ways to support the enforcement of obscenity laws;


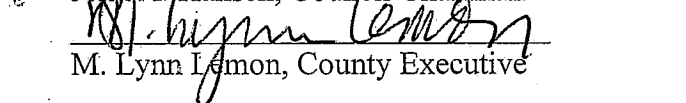
NOW THEREFORE, in recognition of all citizens in Cache County, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaims the month of February, 2008 as

WHITE RIBBON AGAINST PORNOGRAPHY MONTH

In witness thereof, as Chairman of the County Council and County Executive, we have hereunto set our hand this 12th day of February, 2008.

Attest:


Jill N. Zollinger, County Clerk


John A. Hansen, Council Chairman

M. Lynn Lemon, County Executive

CACHE COUNTY
ORDINANCE NO. 2008-03

AN ORDINANCE AMENDING THE CACHE COUNTY SUBDIVISION CHAPTER 16 AND ZONING CHAPTER 17 OF THE CACHE COUNTY CODE.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, hereby amends the Cache County Subdivision Chapter 16 and Zoning Chapter 17 as follows:

- (1) Chapter 16.02-020 – Natural Barrier
 - a. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this ordinance and the Land Use Ordinance.
 - b. An application maybe made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone. Natural Barrier determinations do not create new 1970 parcels.
 1. Natural Barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
 2. The Zoning Administrator is the Land Use Authority for determining a Natural Barrier. In the event that the Zoning Administrator or Applicant requires further review of a proposed Natural Barrier, the County Council shall be the Land use Authority. Any appeal of the Zoning Administrator's decision shall be reviewed by the Board of Adjustments.
 3. Parcels created through the Natural Barrier process are allowed further subdivision.
 - (i) Where two new parcels are created through a Natural Barrier determination, each new parcel is permitted to obtain further subdivisions for up to three total lots.
 - c. *Each parcel created by a Natural Barrier determination made prior to October 11, 2005 may be allowed to be further divided in compliance with this title and Title 17. Each parcel created prior to October 11, 2005 by the natural Barrier determination shall be allowed a maximum of 5 lots.*

(1) Chapter 17.07.020 - Definitions

Natural Barriers: Linear landforms or manmade structures that bisect a parcel in such a way that access between the two portions of the parcel is not feasible. The Zoning Administrator shall have the authority to determine what constitutes a natural barrier. Natural Barriers must be continuous and fully cross the subject parcel. Landforms or manmade structures, beyond those specified within this definition, that constitute a barrier to access may be determined as a Natural Barrier by the Zoning Administrator. Adequate documentation of a natural Barrier must be provided by the landowner/applicant. The following are determined to be natural barriers:

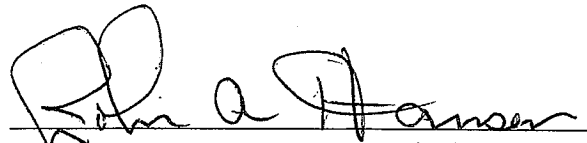
- (a) Manmade Barriers: All designated State Roads and rail road rights-of-way.
- (b) Natural Barriers:
 - (i) The main stem of the Little Bear River and Logan River, Bear River, Cub River, and the Blacksmith Fork.
 - (ii) Natural or geologic features that constitute a barrier to access which may include gorges, canyons, or other features.
- (c) Natural Barrier determinations made prior to October 11, 2005 viewed as fully separate parcels, but not as 1970 base parcels.

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

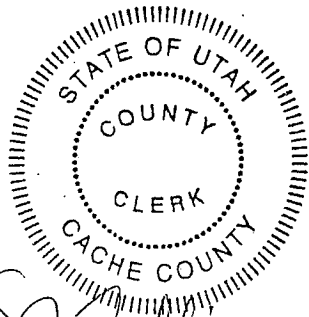
This Ordinance was adopted by the County Council, Cache County, Utah on the 12th day of February 2008, upon the following vote:

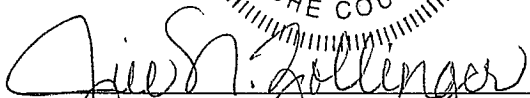
	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons	X			
John H. Hansen	X			
Kathy Robison	X			
Cory Yeates				X
Gordon Zilles	X			

Cache County Council


John A. Hansen, Council Chairman

ATTEST:




Jill N. Zollinger, County Clerk

Publication Date: February 27, 2008

RESOLUTION NO. 2008-04

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF CACHE COUNTY, UTAH TAX AND REVENUE ANTICIPATION NOTES, SERIES 2008 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,500,000; AWARDING AND CONFIRMING SALE OF THE NOTES; ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF THE NOTES; AND RELATED MATTERS.

WHEREAS, the County Council (the "Council") of Cache County, Utah (the "County"), has determined to sell its \$4,500,000 Tax and Revenue Anticipation Notes, Series 2008 (the "Notes") for the purpose of meeting the current expenses of the County for the fiscal year ending December 31, 2008, until the payment of taxes and receipt of other revenues for said fiscal year, and that such sum can be raised without incurring any indebtedness or liability in excess of the taxes or other revenues for the current fiscal year or exceeding any limit of debt imposed by the Constitution and statutes of the State of Utah; and

WHEREAS, the Program Implementation Board of the Utah Association of Counties ("UAC") accepted, subject to approval of participating counties, the bid of JPMorgan Chase Bank, N.A. (the "Purchaser") as the best bid for the Notes; and

WHEREAS, the Council has determined that the sale of the Notes through UAC to the Purchaser is economically beneficial and acceptable to the County, which offer proposes to purchase the Notes at the price of 100% of the principal amount thereof, less no more than \$18,500 in closing costs, plus accrued interest, if any, to the date of delivery, the Notes to bear interest as hereinafter set forth; and

WHEREAS, in the opinion of the Council it is in the best interests of the County that the sale of the Notes to the Purchaser be authorized and confirmed; and

WHEREAS, there is an immediate and pressing need for raising funds in the amount of \$4,500,000 for the fiscal year commencing January 1, 2008 until the payment of taxes and receipt of other revenues for said fiscal year.

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

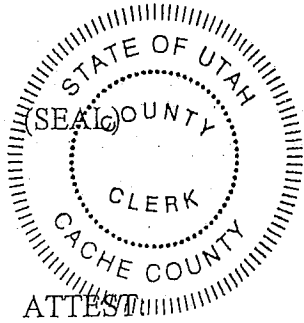
Section 1. The sale to the Purchaser of the \$4,500,000 Cache County, Utah Tax and Revenue Anticipation Notes, Series 2008 (the "Notes") at a purchase price of par less no more than \$18,500 in closing costs is hereby approved and confirmed. U.S. Bank National Association (the "Paying Agent") is hereby authorized to pay closing costs on behalf of the Issuer from proceeds of the Notes.

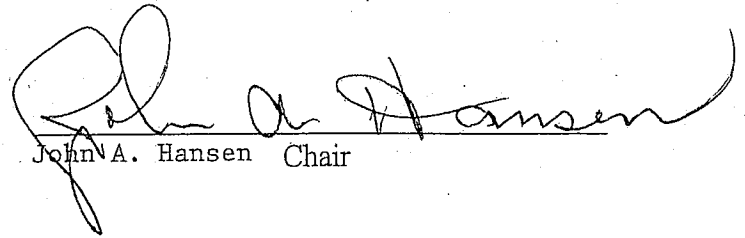
Section 2. The Notes shall be delivered to the Purchaser thereof after the adoption of this Resolution pursuant to due payment therefor in accordance with the terms of the sale.

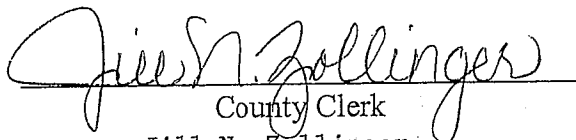
Section 3. For the purpose of meeting the current expenses of the County for the fiscal year beginning January 1, 2008, until the payment of taxes and receipt of other revenues of said fiscal year, the County shall borrow the sum of Four Million Five Hundred Thousand Dollars (\$4,500,000), and for that purpose as evidence of such indebtedness, shall issue and deliver the Notes to the Purchaser, the Notes bearing interest at a fixed rate per annum of 2.457% from the dated date until paid. The County Executive is hereby authorized to approve the setting of such rate on behalf of the County by execution of the Note Purchase Agreement. The Notes shall be dated as of the date of delivery, shall be known as "Cache County, Utah Tax and Revenue Anticipation Notes, Series 2008," and shall be due and payable on December 30, 2008, in lawful money of the United States of America at the office of the Cache County Treasurer, in Logan, Utah. The Notes are not subject to redemption prior to maturity. The Notes shall be represented by registered notes in denominations of not less than \$100,000 each (or the total principal amount of such Note if such total amount is less than \$100,000), and shall be in substantially the following form:

Passed and approved this 12th day of February, 2008 by the County Council of Cache County, Utah.

CACHE COUNTY, UTAH

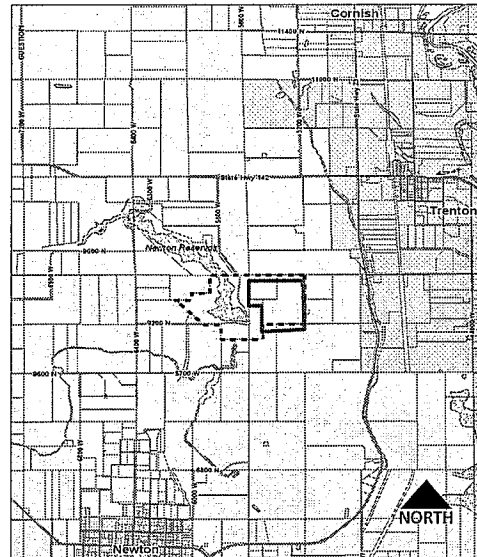



John A. Hansen Chair


County Clerk
Jill N. Zollinger

Development Services Cache County Corporation

Project Name: Little Mountain Mine ME Rezone
Agent: Jon Scott
Request: Rezone to Mineral Extraction (ME)
Type of Action: Legislative
Current Zoning: Agriculture (A)
Project Address: 9282 North 5800 West
Tax ID: 13-004-0008
Staff Recommendation: Approval with Stipulations
Surrounding Uses: North – Agriculture
 South – Agriculture
 East – Agriculture
 West – Newton Reservoir



Site Location

PROJECT

The proponent is requesting a rezone from the Agriculture (A) Zone to the Mineral Extraction (ME) Zone for 138.56 acres. The parcel is located east of Newton Reservoir, with 12600 North (a County road) providing access to the site. The proposed mine area is surrounded by agricultural lands. A portion of the proposed operation is an existing gravel pit that has been abandoned.

The applicant plans to extract gravel on two other parcels to the west of the proposed rezone area. These two parcels (172 acres) are currently owned by the U.S. Bureau of Reclamation (BOR). The BOR is not interested in pursuing a rezone themselves but has indicated that they will allow the applicant to extract on their land with a contract in place. The contract will stipulate that the applicant will be subject to all State and local laws. The BOR has also indicated that they cannot allow the applicant to act as an agent for a federal agency. Staff is recommending that the Cache County Planning Commission recommend to the County Council that the two parcels owned by the BOR be rezoned to the Mineral Extraction Zoning District concurrent with this proposed rezone. This recommendation would keep entire proposed extraction operation consistent with the current Cache County Land Use Ordinance.

This parcel has been identified as having gravel deposits in the Sand and Gravel Overlay §17.15 County Ordinance. Because there are no residences in the area and other uses are primarily agriculture, staff feels that this rezone request is appropriate and that it will have little effect on the surrounding properties.

Most of the issues related to any potential gravel extraction will be addressed as part of the Master Plan and Conditional Use Permit process, which will be required prior to any site development activities or extraction.

AGENCY AND COUNTY DEPARTMENT COMMENTS

Cache County Road Department: The access to the Little Mountain Mine will utilize an existing County Road (5800 West) that has a paved surface of 22 feet in width. No road improvements will be required for the rezone, however, when development occurs further road improvements may be required including but not limited to the dedication of right-of-way. An analysis of the level of extraction and its potential impact on the road will be required to determine the level of road improvements required.

PUBLIC COMMENTS

Notices were mailed to 4 property owners located within three hundred feet of the subject property and to the City of Trenton.

STAFF RECOMMENDATIONS

Action: Staff recommends that the Planning Commission approve a motion to recommend approval to the County Council of the Little Mountain Mine ME Rezone, a request for a rezone from the Agriculture (A) to the Mineral Extraction (ME) zoning district, for property located at approximately 9282 North 5800 West, TIN # 13-004-0008.

Stipulations:

1. Prior to the commencement of any site development activities or gravel extraction on this site, a Master Plan and Conditional Use permit shall be approved in conformance with Title 17 the Cache County Code. The Master Plan for Gravel Extraction shall limit the area utilized for mineral extraction to the approximate area identified as potential mineral deposits within the Sand and Gravel Overlay Zone.
2. Prior to the commencement of any site development activities or gravel extraction on this site, the access road (5800 West) will be improved to a level suitable for the traffic volumes expected for this extraction operation.
3. No gravel extraction shall occur on any property until a contract is executed between the proponent and the Bureau of Reclamation.
4. The Master Plan and Conditional Use Permit shall require a final approval by the Cache County Council prior to issuance.

RECOMMENDED FINDINGS OF FACT

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

AG

MH

1. The location of the subject properties is compatible with the purpose of the proposed Mineral Extraction zoning district.
2. The subject properties are suitable for development within the proposed Mineral Extraction zoning district without increasing the need for variances or special exceptions.
3. The subject properties are suitable as a location for all of the permitted uses within the proposed Mineral Extraction zoning district.
4. The subject properties are located within the area identified in Cache County Ordinance §17.15 Sand and Gravel Overlay as suitable for gravel extraction.

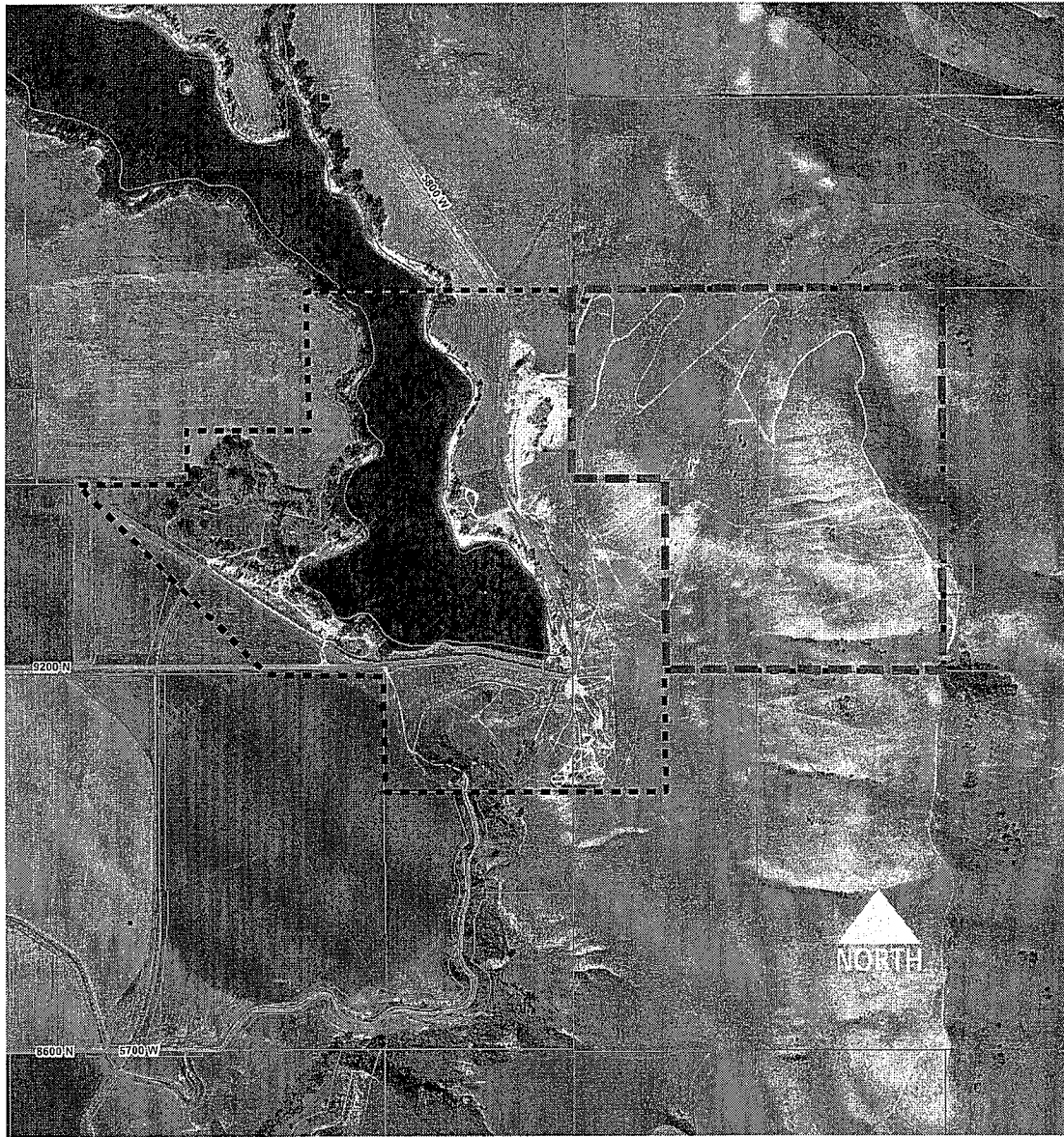
Respectfully submitted,

Jay Baker

Associate Planner I

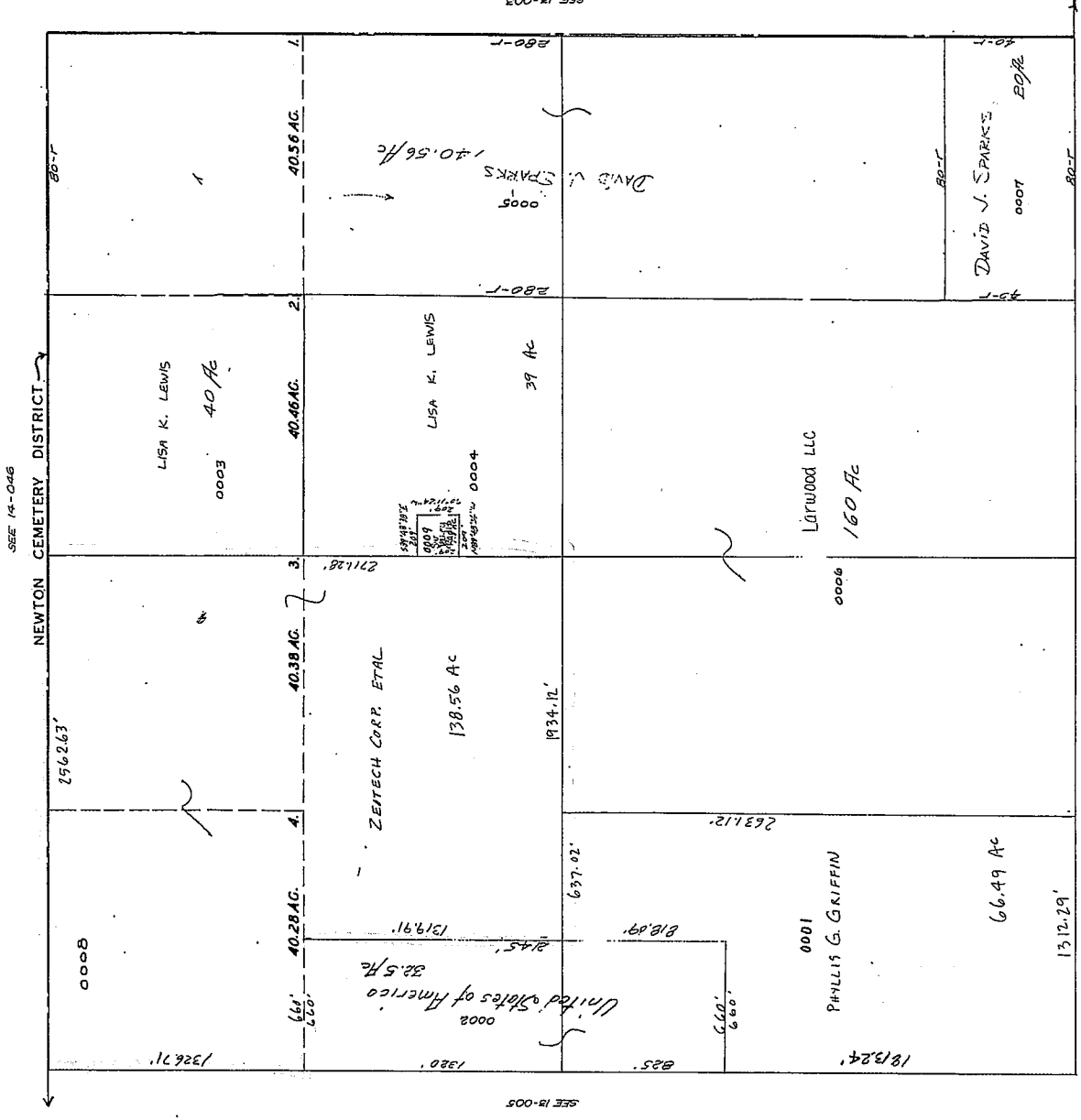
Report Published: December 27, 2007

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 Commission meeting.



TAX UNIT 25

SECTION 4, TOWNSHIP 13 NORTH, RANGE 1 WEST.
SCALE 1 INCH = 6 CHAINS.



Legal Description

For 13-004-0008

Owner : ZEOTECH CORPORATION

Effective : 12/7/2007

BEG AT NW COR SEC 4 T 13N R 1W & TH N88*46'18"E 2562.63 FT TO N/4 COR SEC 4 TH S0*58'19"E 2711.28 FT TO CENTER
1/4 SEC COR TH N89*47'42"W 1934.12 FT ALG S LN NW/4 SEC 4 TH N0*18'10"W 1319.91 FT TO S LN OF LT 4 SD SEC TH
N89*47'13"W 660 FT TO SW COR LT 4 TH N0*18'01"W 1326.71 FT ALG SEC LN TO BEG CONT 138.56 AC M/B

CACHE COUNTY
ORDINANCE NO. 2008-02

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 138.56 acres, which is owned by ZEITECH CORP. ETAL Section 4, Township 13 North, Range 1 West, Parcel #13-004-0008 be rezoned from Agricultural Zone to Mineral Extraction described as follows:

Parcel 13-004-0008

BEG AT NW COR SEC 4 T 13N R 1W & TH N88*46'18"E 2562.63 FT TO N/4 COR
SEC 4 TH S0*58'19"E 2711.28 FT TO CENTER ¼ SEC COR TH N89*47'42"W
1934.12 FT ALG S LN NW/4 SEC 4 TH NO*18'10"W 1319.91 FT TO S LN OF LT 4
SD SEC TH N89*47'13"W 660 FT TO SW COR LT 4 TH NO*18'01"W 1326.71 FT
ALG SEC LN TO BEG CONT 138.56 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.

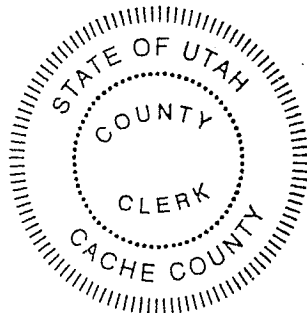
3. This Ordinance shall become effective immediately upon publication, in the manner provided by law.

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

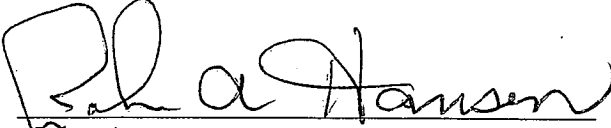
This Ordinance was adopted by the County Council, Cache County, Utah on the 12th day of February 2008, upon the following vote:

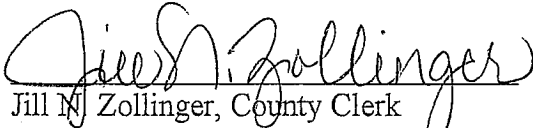
	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons				X
John H. Hansen	X			
Kathy Robison	X			
Cory Yeates	X			
Gordon Zilles	X			

Cache County Council



ATTEST:


John A. Hansen, Chairman


Jill N. Zollinger, County Clerk

Publication Date: February 27, 2008