

CACHE COUNTY COUNCIL
January 13, 2009

AGRICULTURAL SUBDIVISIONS – Ordinance No. 2007-05 (eliminated)	3
AIR QUALITY	2
APPOINTMENT – Bennett, David – Grievance Committee	2
APPOINTMENT – Braddy, Kent – Grievance Committee	2
APPOINTMENT – Chambers, Tamara – Grievance Committee	2
APPOINTMENT – Ewell, Mike – Visitors Bureau	2
APPOINTMENT – Hollist, Julie – Grievance Committee	2
APPOINTMENT – Howell, Kathleen – Grievance Committee	2
APPOINTMENT – Jenkins, Todd – Grievance Committee	2
APPOINTMENT – Neilson, Leila – Visitors Bureau	2
APPOINTMENT – Olsen, Herm – Visitors Bureau	2
APPOINTMENT – Seeholzer, Ted – Visitors Bureau	2
APPOINTMENT – Stauffer, Michael – Grievance Committee	2
APPOINTMENT – Zollinger, Jill – Grievance Committee, Alternate	2
APPOINTMENT OF INTERIM CACHE COUNTY ATTORNEY – Swink, James	7
BENNETT, DAVID – Appointment-Grievance Committee	1
BOARD AND COMMITTEE ASSIGNMENTS – 2009	7
BRADDY, KENT – Appointment-Grievance Committee	2
CHAMBERS, TAMARA – Appointment-Grievance Committee	2
COMMITTEE AND BOARD ASSIGNMENTS – 2009	7
DAINES, NEWELL – Statement	2
EMS SERVICES – Interlocal Agreement between Smithfield City and Cache County for-Resolution No. 2009-02	5
ELECTION – Council Chairman-Petersen, H. Craig/Vice Chairman-Zilles, Gordon-2009	1
EMPLOYEE OF THE MONTH – Liquin, Sergeant Troy	3

ESTANCIA SUBDIVISION PHASE I, PHASE II AND PHASE III – Final Plat Approvals	3
EWELL, MIKE – Appointment-Visitors Bureau.....	2
EXECUTIVE SESSION – Discussion of the character, professional competence, or physical or mental health of an individual-to discuss the appointment of an Interim Cache County Attorney	7
FEDERAL HIGHWAYS AND UDOT	3
FINAL PLAT APPROVALS – Estancia Subdivision Phase I, Phase II, Phase III.....	3
GOALS FOR 2009 – Council Member and County Executive	5
HATCH’S OFFICE, SENATOR	3
HOLLIST, JULIE – Appointment-Visitors Bureau	2
HOWELL, KATHLEEN – Appointment-Grievance Committee	2
INTERLOCAL AGREEMENT – Smithfield City and Cache County for EMS Services-Resolution No. 2009-02	5
JENKINS, TODD – Appointment-Grievance Committee.....	2
LIQUIN, SERGEANT TROY – Employee of the Month	3
NEILSON, LEILA – Appointment-Visitors Bureau	2
OLSEN, HERM – Appointment-Visitors Bureau	2
ORDINANCE NO. 2007-05 – Agricultural Subdivisions (<i>eliminated</i>)	3
PILT CHECK.....	3
PETERSEN, H CRAIG – Election-Council Chairman-2009.....	1
RESOLUTION NO. 2009-01 – Declaring the intent of Cache County (the “COUNTY”) to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes, etc.....	4
RESOLUTION NO. 2009-02 – Authorizing Executive to execute Interlocal Agreement Between Smithfield City and Cache County for EMS Services.....	5
SEEHOLZER, TED – Appointment-Visitors Bureau	2
SENATOR HATCH’S OFFICE	3
STAUFFER, MICHAEL – Appointment-Grievance Committee.....	2
SWINK, JAMES – Appointment of Interim Cache County Attorney.....	7
TAX AND REVENUE ANTICIPATION NOTES – Resolution No. 2009-01	4

UDOT AND FEDERAL HIGHWAYS	3
UTAH ASSOCIATION OF COUNTIES	2
WARRANTS – 10-22-2008 to 10-30-2008, 11-07-2008 to 11-13-2008, 11-14-2008 to 11-19-2008, 11-28-2008 to 12-04-2008, 12-05-2008 to 12-11-2008, 12-12-2008 to 12-18-2008 and 12-19-2008 to 12-25-2008.....	2
ZILLES, GORDON – Election-Council Vice-Chairman-2009	1
ZOLLINGER, JILL – Appointment-Grievance Committee, Alternate	2

CACHE COUNTY COUNCIL MEETING
January 13, 2009

The Cache County Council convened in a regular session on January 13, 2009 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen
Vice Chairman: **Gordon Zilles, absent.**
Council Members: Craig W Buttars, Brian Chambers, Kathy Robison, Jon White & Cory Yeates.
County Executive: M. Lynn Lemon
County Clerk: **Jill N. Zollinger, absent.**
Interim County Attorney: James Swink

The following individuals were also in attendance: Attorney Tony Baird, Robert Barlow, Dave Bennett, Jordan Bishop, Attorney Joe Chambers, Tamra Chambers, Captain Kim Cheshire, Roy Clawson, Jane Daines, Newell Daines, A Gideon Daves, Maren Dixon, Jay Downs, Ron Hodson, Sharon L. Hoth, Ben Kitchens, Barbara Lachmar, Joan Liquin, Sergeant Troy Liquin, Lieutenant Brian Locke, Sheriff Lynn Nelson, Dave Nielsen, Sharon Nielson, Pat Parker, Brian Potts, Josh Runhaar, Rob Simms, Jim Smith, Glen Thornley, Terryl Warner, **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.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Vice Chairman Petersen opened the meeting for nominations for 2009 Cache County Council Chairman.

ACTION: Council member Yeates nominated H. Craig Petersen as the 2009 Cache County Council Chairman. Chambers seconded the nomination.

ACTION: Motion by Council member Yeates to close the nominations. Robison seconded the motion. The vote was unanimous, 6-0. Zilles absent.

Chairman Petersen opened the meeting for nominations for 2009 Cache County Council Vice Chairman.

ACTION: Council member Chambers nominated Gordon Zilles as the 2009 Cache County Council Vice Chairman.

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

ACTION: Chairman Petersen called for the vote on the nominations of H. Craig Petersen as 2009 Cache County Council Chairman and Gordon Zilles as 2009 Cache County Council Vice Chairman. The vote was unanimous, 6-0. Zilles absent.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the agenda with the addition of a statement from Newell Daines and Item 7a (*Report-Cache County Clerk-Jill Zollinger*) removed. Robison seconded the motion. The vote was unanimous, 6-0. Zilles absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the December 09, 2008 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Zilles absent.

STATEMENT

Newell Daines thanked the Cache County Council for their foresight and support in preserving the Historic Courthouse and building the new County Administration Building.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

<u>APPOINTMENTS:</u>	Kathleen Howell	Grievance Committee, Chair
	Jill Zollinger	Grievance Committee, Alternate
	Michael Stauffer	Grievance Committee
	Julie Hollist	Grievance Committee
	Kent Braddy	Grievance Committee
	David Bennett	Grievance Committee
	Todd Jenkins	Grievance Committee
	Tamara Chambers	Grievance Committee
	Ted Seeholzer	Visitors Bureau
	Herm Olsen	Visitors Bureau
	Leila Neilson	Visitors Bureau
	Mike Ewell	Visitors Bureau

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

WARRANTS: Warrants for the periods 10-22-2008 to 10-30-2008, 11-07-2008 to 11-13-2008, 11-14-2008 to 11-19-2008, 11-28-2008 to 12-04-2008, 12-05-2008 to 12-11-2008, 12-12-2008 to 12-18-2008 and 12-19-2008 to 12-25-2008 were given to the clerk for filing.

OTHER ITEMS

- Air Quality** – Lemon said the standard is now 35 and January 13, 2009 is a yellow day. Lemon said he reviews the reports for the state on a daily basis and Cache County usually has better air quality than other parts of the state.

- Utah Association of Counties** has asked the county to provide a list of “shovel-ready” projects, where the environmental study has already been completed, for the federal stimulus package funds. The airport has a project that would qualify. Lemon asked that this information be given to him as soon as possible.

- ❑ **Senator Hatch's Office** has asked Cache County to submit a list of any projects the county would like to see considered for the federal funding also. Lemon mentioned 3200 South, a Benson intersection, 100 East and 200 East projects.
- ❑ **UDOT and Federal Highways** have asked the county to reconsider the de minimis impact at the Ice Arena in reference to all of the alternatives for the 200 East project in order for the EIS to be completed. Lemon noted that Cache County, Hyde Park and North Logan have all indicated a preference for Alternative 5.

ITEMS OF SPECIAL INTEREST

- **Employee of the Month** was presented to Sergeant Troy Liquin of the Cache County Sheriff's department by Jim Smith.
- **Presentation of PILT Check – Ron Hodson**, Regional Supervisor for the Division of Wildlife Resources, presented a \$9,053.21 check to Cache County for payment in lieu of taxes.

PENDING ACTION

- ❑ **Ordinance No. 2007-05 - Agricultural Subdivisions** – Josh Runhaar said the agricultural subdivision subcommittee has a recommendation ready and should be on the Planning Commission's agenda for initial discussion in February.

Chairman Petersen noted that this ordinance has been pending for a very long time and should be eliminated as any final ordinance will be numbered with 2009 numbering.

ACTION: Motion by Council member Chambers to eliminate Ordinance No. 2007-05-Agricultural Subdivisions - in order for the final ordinance to have current numbering. Yeates seconded the motion. The vote was unanimous, 6-0. Zilles absent.

- ❑ **Final Plat Approvals – Estancia Subdivision Phase I, Phase II and Phase III** – Runhaar said this is three 5-lot subdivisions on 85.97 acres at approximately 7322 North 1600 West (east of Amalga). There have been access concerns in the past and the developer has agreed to make the needed improvements to the southern route access and to require fire sprinklers in the homes to be built.

Council member Chambers asked Jay Downs, Smithfield Fire Chief, to comment on his concerns with fire protection for the proposed subdivisions.

Tape 1, Side B

Downs expressed doubt about the ability of Smithfield Fire Department to provide adequate fire protection for the Estancia subdivisions. If fire sprinklers are installed, the water requirements for fire protection are reduced. Downs also said he has concerns about the access roads.

Chairman Petersen indicated the county had received a letter from Todd Morrill of Estancia, LLC requesting that the Council take final action on this matter. Runhaar acknowledged the receipt of that letter and noted that final action must be taken by this meeting.

Council members expressed concerns about the width of the southern access roads, road right-of-ways and the distance from fire protection. Yeates noted the county has the responsibility for the safety of potential buyers in subdivisions in the county. Buttars said this subdivision is not consistent with the county development philosophy.

Robison stated this subdivision is a bad idea in this area. It is too far removed from any similarly populated areas. There will be conflicts with the farming activities that surround the proposed subdivisions. There are questions about the adequacy of the access roads. Robison asked Attorney Swink what the proponents' options are if the Council does not approve this request? Swink said that if the Council denies, the developer can take legal action or bring it back before the Council again; however, if the decision is to deny, the county must provide the developer written reasons for the denial.

(Attachment 1)

ACTION: Motion by Council member Buttars to approve the Final Plats for the Estancia Subdivision Phase I, Phase II and Phase III with the conditions of approval as listed by the Development Services Staff and the addition of No. 8 to the Conditions of Approval – *The developer will require fire sprinklers in the homes of the subdivision.* White seconded the motion. The motion failed, 3 aye – Buttars, Petersen & White and 3 nay – Chambers, Robison & Yeates. Zilles absent.

Chairman Petersen asked the Council members who voted nay to articulate the reasons for denial. The following were given:

- Not compatible with the use of the surrounding lands.
- Road safety issues.
- Fire protection concerns – particularly as more development occurs.
- Lack of adequate roads and access for emergency equipment.
- Doesn't comply with the comprehensive plan of the county.

Runhaar will draft a letter of denial listing the reasons and present it at the January 27, 2009 Council meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2009-01 – Declaring the intent of Cache County (the “COUNTY”) to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes (“TRANS”) as a participant in the Utah Association of counties participant in the Utah Association of counties (“UAC”) combined cash flow borrowing program (“the “UAC” program”), and related matters** – Executive Lemon explained that most years the county looks at what its cash flow needs will be throughout the year and then borrows on a short-term basis to meet those needs.

(Attachment 2)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-01 – Declaring the intent of Cache County (the “COUNTY”) to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes (“TRANS”) as a participant

in the Utah Association of counties participant in the Utah Association of counties (“UAC”) combined cash flow borrowing program (“the “UAC” program”), and related matters. White seconded the motion. The vote was unanimous, 6-0. Zilles absent.

- **Approval of Interlocal Agreement between Smithfield City and Cache County for EMS Services** – Executive Lemon explained the arrangement of employees between Cache County and Smithfield City. Changes from the previous agreement are that Cache County now pays 70% rather than 73% of the employees’ wages and there is no number of employees specified so that as the operation develops, only Council approval for the employees will be needed instead of needing to change the agreement. (See Attachment 3 to Resolution No. 2009-02 for details).
- **Resolution No. 2009-02 – Authorizing Executive to execute Interlocal Agreement Between Smithfield City and Cache County for EMS Services** - Attorney Swink noted some grammatical errors that need correcting and the need for a clarification in paragraph six concerning the “no DUI” requirement.

(Attachment 3)

ACTION: Motion by Council member Chambers to waive the rules and approve Resolution No. 2009-02-Authorizing Executive to execute Interlocal Agreement Between Smithfield City and Cache County for EMS Services-with Executive Lemon and Attorney Swink being charged to make the changes recommended by Attorney Swink. Yeates seconded the motion. The vote was unanimous, 6-0. Zilles absent.

OTHER BUSINESS

- ✓ **Discussion – Council Member and County Executive Goals for 2009** – The following were presented:

Chairman Petersen

1. Pass Agricultural Subdivision ordinance & include clustering incentives
2. Improve county library service
3. Air quality – need air quality summary statement from state
4. RAPZ tax review – what has been accomplished thus far – would like to write a small grant for use of RAPZ tax funds commissioning someone to review the RAPZ tax use and make a compilation; review the RAPZ tax request process
5. Road tax – finalize the method of financing; look at purchasing right-of-ways
6. Envision Cache Valley project – consider recommendations
7. Revise Cache County comprehensive plan
8. Budget
9. Multi-county landfill

Secondary goals – Procedural issues for Council meetings:

1. More information to Council prior to making decisions
2. Use consent agenda more effectively
3. Review property tax hardship request criteria
4. Better communication with county departments and managers of public lands
5. Evaluate the 4-day work week in February
6. Evaluate the air quality \$2.00 surcharge imposed on motor vehicle registrations

7. Land use planning service to cities
8. Strategic planning process to be more proactive as a Council

Chambers noted he would like to have all information dealing with agenda items before the Council meeting night. Petersen said he feels the same way about budget transfers that are often changed just prior to the meeting. Parker said the Council needs to set the standard. She will enforce what they set. Petersen said that, unless something is so timely that it can't wait until the next Council meeting, Parker should not put it on the Council's desk.

Council member Chambers

1. Resolve the 4200 North issue with property owners west of the airport
2. County-wide library – incrementally – perhaps beginning with the unincorporated area
3. Mental health court – housing component is crucial to its success (Robison indicated the Homeless Task Force has a housing component that Judge Allen has agreed to – the BRMH case managers will function as housing liaisons.)

Council member Yeates

1. Preservation of public access to public lands
2. Landfill – work with Box Elder and other counties to come to a resolution
3. Countywide library in some form – perhaps a hybrid
4. Preparation for an addition to county jail – sometime in next five years

Council member White

1. Agricultural subdivision ordinance
2. Work closer with cities and their annexation plans in regard to subdivisions
3. Water protection for Cache County

Council member Robison

1. Agricultural subdivision ordinance – road standards – density zones
2. Homeless Task Force
3. Senior Citizen Center – partnerships to build a new building, possible day center
4. Animal control countywide ordinance – agreement with Humane Society – jail inmates
5. Library – some form of countywide service

Council member Buttars

1. Sustainability of agriculture should be included in strategic plan
2. Landfill
3. Water

Tape 2, Side A

Executive Lemon

1. Agricultural subdivision ordinance
2. Air quality standards – develop a process that public will approve
3. Envision Cache Valley – has concerns that these studies begin well, but there is no implementation – need to get all cities and Franklin County involved
4. Library – be careful to not overburden one entity, such as the unincorporated area of the county

- ✓ **Discussion – Board and Committee Assignments – 2009** – Council members and Executive Lemon reviewed and made some changes to assignments for 2009. Pat Parker will present the revised assignments at the January 27, 2009 Council meeting for approval. Parker will also check the organizational set up of the Solid Waste Advisory Board to see if changes are necessary. If they are necessary, that will be an agenda item for the January 27, 2009 Council meeting.
- ✓ **Executive Session – Discussion of the character, professional competence, or physical or mental health of an individual**

ACTION: Motion by Council member Yeates to adjourn to an Executive Session to discuss the appointment of an Interim Cache County Attorney. Chambers seconded the motion. The vote was unanimous, 6-0. Zilles absent.

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

The Council adjourned from Executive Session at 7:08 p.m.

The Council returned to the Council meeting at 7:09 p.m.

- ✓ **Appointment of Interim Cache County Attorney** - Chairman Petersen explained that the purpose of the Executive session was to consider the appointment of an interim County Attorney. Petersen read from the Utah Code 20A-1-509.3 – “...*the county legislative body may appoint an interim replacement to fill the vacant office by following the procedures and requirements of this subsection. (a)The county legislative body shall appoint a deputy county or district attorney to serve as acting county or district attorney if there are at least three deputies in the office that has the vacancy.*” Petersen further explained that if there are less than three deputies or none of the three deputies is willing to serve, then the county can contract with another member. The Council used this as the standard and it is the county’s understanding that only one of the five Cache County deputy attorneys is willing to accept the appointment.

ACTION: Motion by Council member Yeates to appoint James Swink as the Interim Cache County Attorney. Robison seconded the motion. The vote was unanimous, 6-0. Zilles absent.

COUNCIL MEMBER REPORTS

Brian Chambers said there will be a 5:30 p.m. meeting Wednesday, January 14, 2009 with the property owners by the airport concerning the 4200 North issue. Hopefully, this will resolve the right-of-way problem for the needed farm road.

Cory Yeates referred to a copy of a letter to the Logan Ranger District from the Allen family regarding the seasonal closure of High Creek Road. Lemon said this is seasonal closure, but he understands that the county must agree with this closure and the Council never voted on the seasonal closure of this road. Buttars noted that the gate is closed very early, before inclement weather arrives, and questioned the necessity of closing it that early. Lemon and Buttars asked that a Forest Service representative attend the January 27, 2009 Council meeting to discuss seasonal closures on Cache County roads.

Cache County Council
01-13-2009

Kathy Robison asked that someone from the Ice Arena be invited to attend the January 27, 2009 or the February 10, 2009 Council meeting and address the public hours issue.

ADJOURNMENT

ACTION: Motion by Council member Yeates to adjourn. Robison seconded the motion. The vote was unanimous, 6-0. Zilles absent.

The Council meeting adjourned at 7:17 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Chairman

ESTANCIA, LLC
6590 West Center
Petersboro, UT 84325
(435) 757-5971 or (435) 655-5316

RECEIVED
DEC 10 2008

BY: *m dg*

December 10, 2008

H. Craig Petersen
Vice Chairman,
Cache County Council
199 North Main
Logan, UT 84321

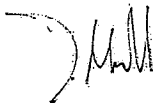
Mr. Petersen,

Cache County has been reviewing and deliberating over the minor subdivision applications for Estancia Phase I, Estancia Phase II and Estancia Phase III for the last nine months. We are therefore submitting a formal request under provisions afforded to land use applicants by Utah Code (UC) 17-27a-509.5.2b. Pursuant thereto UC 17-27a-509.5.2c hereinafter requires, by law, that Cache County "take final action within 45 days". Since this formal request has been duly tendered please note that Cache County, in the event it should hereafter deny any or all of these applications, "shall include its reasons for denial in writing" per UC 17-27a-509.5.2d. Moreover since the actions under consideration are solely administrative and not legislative in nature we request that any such written determinations of denial identify any overriding restrictions imposed by Utah State Code and/or Cache County Code by annotative reference. I am sure that you will agree that it would be much easier to address and finalize all such legally required information while the quorum is assembled rather than generate it based on information gathered individually from the council members after the fact.

Finally, we would like to take the opportunity to express sincere gratitude to the Council for the Cache County staff's endurance and guidance and patience throughout this process. They have cheerfully worked with us and have exacted many public improvements, which are now proposed and attached to the applications previously mentioned. They have convinced us of the wisdom of so doing through the course of much deliberation. They have been very effective in teaching us about aligning these subdivisions with the letter of the Cache County Subdivision Ordinance. It has been a very effective and rewarding learning experience. We are also grateful to the Planning Commission, the Council, the County Executive, County Engineer, Road Department and the County Attorney for their involvement and deliberations with respect to completely vetting these subdivisions out with respect to the established metric of the Cache County Subdivision Ordinance. We recognize that each of our three projects have been refined and improved because of all of these efforts and due to the experience and wisdom that each of you bring to this process.

We look forward to hearing the Cache County Council's final decision in these matters on January 13, 2009 as that is the only scheduled public agenda falling within the allotted timeframe. Thank you in advance for your kind attention to this matter.

Sincerely,



Todd Morrill

cc Josh Runhaar
M. Lynn Lemon
N. George Daines

RESOLUTION NO. 2009-01

Cache County, Utah

January 13, 2009

A regular meeting of the County Council Members (the "Council") of Cache County, Utah (the "County"), was held on Tuesday, the 13th day of January, 2009, at the hour of 5:00 p.m. at the regular meeting place of the Council, at which meeting there were present the following members:

Craig "W" Buttars
S. Brian Chambers
H. Craig Petersen
Kathy Robison
Jon White
Cory Yeates
Gordon A. Zilles

Also present:

M. Lynn Lemon, County Executive

Absent:

Gordon A. Zilles
Jill N. Zollinger, County Clerk

After the meeting was duly called to order and after other matters not pertinent to these proceedings had been discussed, the County Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this January 13, 2009 meeting, a copy of which is attached hereto as Exhibit "A".

After the conduct of business not related to this excerpt of minutes, the following resolution was then introduced in writing, fully discussed by the Council, and, pursuant to motion duly made by Council Member Yeates and seconded by Council Member White, adopted by the following vote:

AYE: Buttars Yeates
 Chambers
 Petersen
 Robison
 White

NAY: None

ABSTAIN:

None

RESOLUTION NO. 2009-1

A RESOLUTION DECLARING THE INTENT OF CACHE COUNTY (THE "COUNTY") TO ARRANGE FOR SHORT-TERM FINANCING TO ACCOMMODATE THE ANTICIPATED OPERATING CAPITAL DEFICITS BY THE ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES ("TRANS") AS A PARTICIPANT IN THE UTAH ASSOCIATION OF COUNTIES ("UAC") COMBINED CASH FLOW BORROWING PROGRAM (THE "UAC PROGRAM"), AND RELATED MATTERS.

WHEREAS, it appears that property tax and other revenues will not be received in the next budget year until after significant operating expenses have been incurred, thereby causing operating capital deficits; and

WHEREAS, it will be in the best interest of the County to issue TRANS to provide temporary cash flow capacity to meet operating demands prior to receipt of revenues in adequate amounts; and,

WHEREAS, UAC has invited the County to participate in the UAC Program to facilitate the issuance and sale by the County of its TRANS; and

WHEREAS, UAC has established a Program Implementation Board to solicit and evaluate competitive bids and to select the best bid for the TRANS of participating Counties; and

WHEREAS, it is timely to seek advice from a professional financial consultant concerning the amount and timing of such cash flow borrowing; and

WHEREAS, the UAC Program appears to be the best source of TRANS financing available to the County; and

WHEREAS, it is timely to make a commitment concerning TRANS financing by the County so as to allow UAC and its Placement Agent, _____ (the "Placement Agent"), to determine whether there is sufficient interest to create an adequately sized combined offering of TRANS;

NOW, THEREFORE, be it resolved by the County Council Members of Cache County as follows:

Section 1. It is found and declared to be in the best interest of the County to anticipate cash flow deficiencies and provide operating capital by the issuance of TRANS.

Section 2. The County declares its intentions to issue TRANS for the partial financing of operating during periods when cash flow deficiencies would otherwise occur during the next succeeding year.

Section 3. It is determined that the UAC Program is the best alternative for the County to use in connection with the issuance of its TRANs.

Section 4. If the County determines that it will not need to issue TRANs, then this Resolution shall be of no effect for the next succeeding budget year. If, as it now appears likely, the County determines that it is necessary or prudent to issue TRANs to cover projected cash flow deficiencies, it will utilize the UAC Program for the issuance of such TRANs, providing the UAC Program is then available.

Section 5. One of the purposes of this Resolution is to provide a commitment upon which UAC may rely as it determines the size and feasibility of a combined County TRANs offering. If it is determined that there is insufficient county participation to constitute a feasible offering of TRANs, then it is understood that the Placement Agent will not proceed with the pooling and offering of combined cash flow notes.

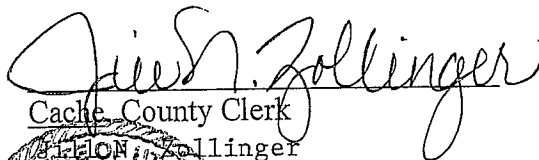
Section 6. Authorization is granted for County officials to consult with the Placement Agent concerning the appropriate size and timing of an issuance of TRANs by the County through the program sponsored by UAC. The Program Implementation Board is authorized to work with the Placement Agent to solicit, receive and evaluate bids for the TRANs and the investment of proceeds of the TRANs. Subject to final approval of the County, the Program Implementation Board is also authorized to select the best bid or bids for the sale of the TRANs and the investment of the proceeds thereof.

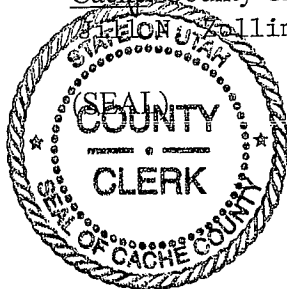
ADOPTED AND APPROVED this 13th day of January, 2009.

CACHE COUNTY, UTAH

By: 
Chair
H. Craig Petersen

ATTEST:


Cache County Clerk
Justin 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 (the "Council") in my possession, that the foregoing constitutes a true, correct and complete copy of the proceedings of the Council held on January 13, 2009, insofar as said minutes pertain to the matters set forth herein.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the County this 13th day of January, 2009.



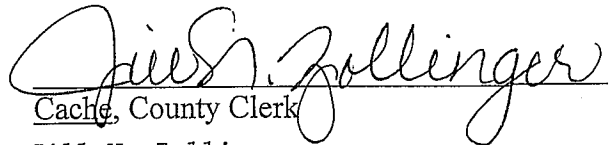

Cache, County Clerk
Jill N. Zollinger

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

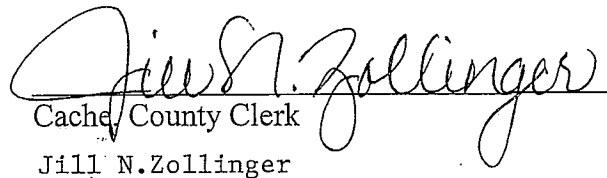
I, Jill N. Zollinger, the duly qualified and acting County Clerk of Cache County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that:

(a) in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated (1953), as amended, there was given no less than twenty-four (24) hours' public notice of the agenda, date, time and place of the January 13, 2009 public meeting held by the County as follows:

(i) by causing a Notice, in the form attached hereto as Schedule "A", to be posted at the County's offices in Cache County, Utah on January 8, 2009, 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 "A", to be delivered to the local media correspondent on January 8, 2009, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 13th day of January, 2009.


Cache County Clerk
Jill N. Zollinger

SCHEDULE "A"

AGENDA

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
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBINSON
BRIAN CHAMBERS
GORDON A. ZILLES
CRAIG "W" BUTTARS
JON WHITE

January 8, 2009

Public Notice is hereby given that the Cache County Council of Cache County, Utah will hold a Regular Meeting in the **Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 at 5:00 p.m. on TUESDAY, JANUARY 13, 2009.**

- 5:00** 1. Call to order
2. Opening/Pledge –Brian Chambers

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

3. Review and approval of agenda
4. Review and approval of minutes (December 9, 2008)
5. Report of County Executive

- a. Appointments
b. Warrants
c. Other Items

6. Items of Special Interest

- 5:10* a. Employee of the Month – Presented by Jim Smith
5:15* b. Presentation of PILT check – Ron Hodson

7. Unit or Committee Reports

- a. Cache County Clerk – Jill Zollinger

8. Consent Agenda

9. Budgetary Matters

- a. Transfers - Intra Department
b. Transfers - Inter Department

10. Public Hearings, Appeals and Board of Equalization matters

11. Pending Action

- a. Ordinance No. 2007-05 – Agricultural Subdivisions
- b. Final Plat Approval – Estancia Subdivision Phase I (attached)
- c. Final Plat Approval – Estancia Subdivision Phase II (attached)
- d. Final Plat Approval – Estancia Subdivision Phase III (attached)

12. Initial proposal for consideration of action

- a. Resolution No. 2009-01 – Declaring the intent of Cache County (the “COUNTY”) to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes (“TRANS”) as a participant in the Utah Association of counties (“UAC”) combined cash flow borrowing program (“the “UAC” program”), and related matters (attached)
- b. Approval of Interlocal Agreement between Smithfield City and Cache County for EMS Services (attached)
- c. Resolution No. 2009-02 – Authorizing Executive to execute Interlocal Agreement Between Smithfield City and Cache County for EMS Services (attached)

13. Other Business

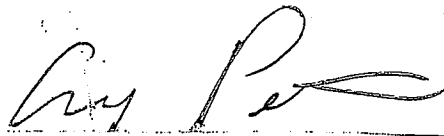
- a. Discussion – Council Member and County Executive Goals for 2009
- b. Discussion – Committee Assignments (attached)

EXECUTIVE SESSION – Discussion of the character, professional competence, or physical or mental health of an individual

- c. Appointment of Interim Cache County Attorney

14. Council Member Reports

15. Adjourn



H. Craig Petersen, Vice 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.

CACHE COUNTY
RESOLUTION NO. 2009-02

A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO EXECUTE AN
INTERLOCAL AGREEMENT BETWEEN SMITHFIELD CITY AND CACHE COUNTY
FOR EMS SERVICES

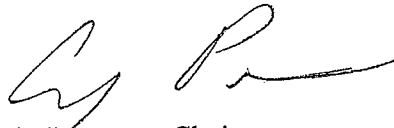
The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into an Interlocal Agreement between Smithfield City and Cache County for EMS Services.

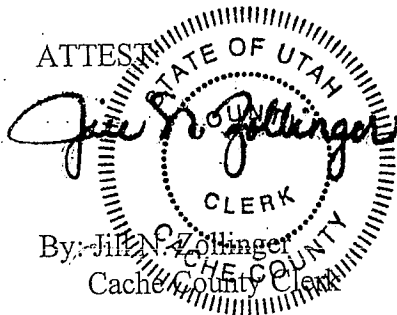
NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the Interlocal Agreement between Smithfield City and Cache County for EMS Services as stated in "Exhibit A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

DATED this 13 day of January, 2009

CACHE COUNTY COUNCIL

By: 
H. Craig Petersen, Chairman



INTERLOCAL AGREEMENT

This agreement made and entered into by and between Cache County, a body corporate and politic of the State of Utah hereinafter referred to as COUNTY and Smithfield City also a body corporate and politic of the State of Utah, hereinafter referred to as CITY.

WITNESSETH:

WHEREAS, the COUNTY has entered into an Interlocal Agreement with The City of Logan, a municipal corporation of the State of Utah for the purpose of jointly owning, managing, and operating an emergency medical service known as the Cache County Emergency Medical Services (CCEMS) for the benefit of the people of Cache County; and

WHEREAS, the COUNTY is responsible under the terms of the interlocal agreement to provide personnel to staff and operate an ambulance service including an Emergency Medical Services (EMS) Coordinator and sufficiently trained personnel to provide an Emergency Medical Technician (EMT) Intermediate level of service for all areas of the county excluding Logan City/Zone 7; and

WHEREAS, the COUNTY has already established the position of an EMS Coordinator for the purpose of providing for and assisting in the smooth operation of all EMS units within Cache County through an interlocal agreement with Smithfield City; and

WHEREAS, SMITHFIELD CITY has the ability to provide qualified personnel to meet the staffing requirements for the county ambulance; and

WHEREAS, SMITHFIELD CITY provides fire protection and prevention services for the residents of Smithfield City and Zone 4 and has the need to have personnel available to provide this service on a continual basis; and

WHEREAS, the parties recognize the mutual benefits in cooperating together through the sharing of employees to meet their individual needs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings hereinafter stated to which each party hereby binds and commits itself, it is agreed as follows:

1. SCOPE OF SERVICES The CITY shall provide an EMS Coordinator for the benefit of the COUNTY who is capable of performing the services and requirements set forth on Attachment "A", entitled "Scope of Services for the EMS Coordinator", which is attached hereto and incorporated herein by reference. The CITY shall also provide qualified EMT Intermediate personnel in numbers which are mutually agreed upon by both parties capable of performing the services and requirements set forth on Attachment "B", entitled "Scope of Services for EMT Intermediates", which is attached hereto and incorporated herein by reference. The primary duties of the EMS Coordinator and the EMT Intermediate personnel shall be to meet the requirements of the county ambulance system. The EMS Coordinator and the EMT Intermediate personnel (on duty COUNTY and CITY employees) shall be available to the CITY for purposes

of meeting the requirements of the Smithfield City Fire Department when not engaged in ambulance or CCEMS duties.

2. PROFESSIONAL QUALIFICATIONS The EMS Coordinator and the EMT Intermediate personnel shall be employees of the CITY and shall meet the minimum qualifications as outlined in Attachment "C" entitled "EMS Coordinator Professional Qualifications" and Attachment "D" entitled "EMT Intermediate Professional Qualifications", both of which are attached hereto and incorporated herein by reference. The EMS Coordinator and the EMT Intermediate personnel shall be subject to the personnel policies established by the CITY for its employees.

3. FEE FOR SERVICES In consideration of the performance of said services provided by the EMS Coordinator and the EMT personnel, the COUNTY shall pay the CITY the sum of 70% of the total wages and benefits of the contract personnel. The initial salary and annual salary adjustments shall be agreed upon by both parties.

4. PAYMENTS Payment for services shall be made by the COUNTY to the CITY in equal quarterly payments based on the Fee for Services described in paragraph 3 above. Payments are due and payable by the 5th day of each quarter, beginning in January of each year.

5. PERFORMANCE OF DUTIES On matters pertaining to the performance of the duties of the EMS Coordinator, for the resolutions of difficult issues, and for direction and guidance, the EMS Coordinator shall seek direction from the COUNTY. In the event the COUNTY is dissatisfied with the performance of the EMS Coordinator, concerns shall be directed in writing to the CITY for resolution.

6. COORDINATOR VEHICLE The CITY shall provide a vehicle suitable to meet needs of the Coordinator to respond to medical emergencies, and other daily duties as described herein. The COUNTY shall reimburse the CITY for the use of the vehicle at a rate equal to 30% of the total purchase price per year for a three period. After such time the vehicle shall become the property of the COUNTY. During the period the vehicle is owned by the CITY, the CITY shall be responsible for full insurance coverage including liability, personal injury, no fault, and collision. The COUNTY shall be responsible for fuel and maintenance for the vehicle.

7. TERM Unless sooner terminated, as hereinafter provided, the term of this agreement shall be for a period of forty eight months, commencing January 1, 2009, ending on December 31, 2012. The Agreement shall automatically renew for additional four (4) year terms on each anniversary date of this Agreement under the same terms and conditions herein, unless written notice to the contrary is directed to the other party within thirty (30) days prior to the date of expiration.

8. TERMINATION OF AGREEMENT This contract may be terminated by either party for failure to perform any of its terms by the other party upon giving thirty (30) days written notice to the defaulting party.

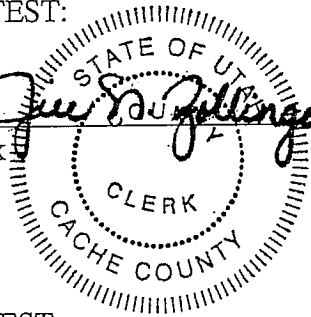
9. GOVERNING LAW This agreement shall be governed pursuant to the laws of the State of Utah.

10. ASSIGNMENT The terms and provisions of this Agreement shall be binding upon and under to the benefit of the parties hereto and permitted successors and assigns; provided, however, that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

11. ENTIRE AGREEMENT This writing constitutes the entire agreement between the COUNTY and the CITY. This Agreement shall supersede and replace an existing Interlocal Agreement currently in force between the parties for EMS Coordinator services dated the 8th day of December, 2004. The parties acknowledge that there are no other underlying agreements, oral or written, pertaining to the terms of this agreement.

12. AMENDMENTS Both the COUNTY and the CITY can amend this contract upon a mutually written agreement during the time it is in force.

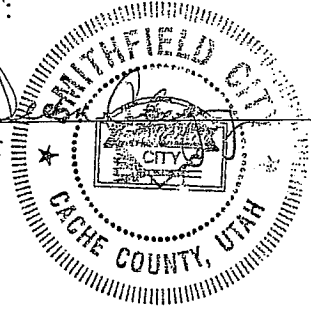
ATTEST:


Clerk Jessie D. Jellinger

CACHE COUNTY CORPORATION

By M. Lynn Gordon County
County Executive

ATTEST:


Recorder D. W. [Signature]

SMITHFIELD CITY CORPORATION

By C. E. Rows
Mayor

ATTACHMENT "A"

Scope of Services for the EMS Coordinator

- 1- Represent Cache County in all matters related to Cache County Emergency Medical Service.
- 2- Oversee the operations of those identified in the interlocal agreement between Cache County Corporation and the City of Logan creating the Cache County Emergency Medical Service Authority (CCEMS) which are as follows:
 - a. The EMS Coordinator shall be the director of the Cache County service area and shall have the authority to manage day-to-day operations, tactical procedures, personnel matters (including employee hiring, termination, and compensation) and shall have all other rights and responsibilities not specifically granted to CCEMS.
 - b. In cooperation with the Logan Fire Chief, select and oversee the Offline Medical Control Physician.
 - c. With assistance from Cache County, hire, train, staff, pay, and supervise Cache County ambulance personnel.
 - d. Oversee the County portion of the countywide EMS force structure which consists of first responders and ambulances. Both sets of responders are tied together in an integrated and seamless EMS system by means of specific automatic and mutual aid agreements between the county and the individual cities and towns. These agreements are a condition of said cities receiving medical first responder grants from the CCEMS Authority.
 - e. Cache County's EMS service consists of:
 1. Volunteer Basic Life Support quick responder units.
 2. Volunteer Intermediate Life Support quick responder units.
 3. Intermediate ambulances
 4. Paid staffing 0700-2200 hours and on-call volunteers 2200-0700 hours.
 5. Paramedic rescue service from Logan (for paramedic level calls).
 6. Automatic aid back up from Logan's ambulances.
 7. Extrication (rescue) units (Cache County primary; Logan secondary).
- 3- Oversee and coordinate the operations of emergency medical emergencies involving quick response units, county ambulances, paramedics and other response agencies.
- 4- Facilitate the mutual aid and automatic aid contract process between the County and each EMS unit
- 5- Provide a resource to answer questions and help resolve problems with training, recertification and operations.
- 6- Assist in the quality assurance process of the quick response units and ambulances.

ATTACHMENT "B"

Scope of Services for EMT Intermediates

- 1- Responds to calls for medical service.
- 2- Evaluates emergency situations to determine most effective medical care.
- 3- Performs a variety of medical and rescue procedures within the scope of his/her certifications.
- 4- Effectively communicates with the
 - a. public;
 - b. patients;
 - c. medical control;
 - d. dispatch; and
 - e. other emergency services agencies.
- 5- Attends specialized classes and training to maintain and expand skills and certifications.
- 6- Provides training to the public and other emergency responders.
- 7- Perform other duties and functions as requested or required.

ATTACHMENT "C"

EMS Coordinator Professional Qualification

- 1- Must have a high school diploma or equivalent, must be 21 years of age or older, have a minimum three years experience in EMS, certification as an EMT Intermediate, or Paramedic or other medical emergency related area; and a working knowledge of the Cache County EMS system (successfully passed the Cache County EMS FTO for the EMT Intermediate);. Additional certifications in related field a plus (i.e. Fire Command & Operations, medical fields, hazardous materials operations); Must successfully pass a thorough background check. Desire an Associate Degree or higher from college or university in related field of study. Prefer working knowledge of the State Bureau of EMS; and the State of Utah Ambulance rules and regulations.
- 2- Must be able to speak, read and write the English language. Ability to speak Spanish is also desirable.
- 3- Desire a working knowledge of IBM or compatible personal computers is preferred along with Windows, Word Perfect or Word presentation software and spreadsheet and database management software.
- 4- Must have strong curriculum development and training skills along with positive creative teaching skills; must have proven leadership and organizational skills; prefer hands on experience with audio visual equipment.
- 5- Must be physically able to lift up 100 pounds, bend, stoop, twist, and turn, climb in to and out various accident or emergency environments.
- 6- Must be able to operate emergency vehicle (ambulance) and must possess a current Utah Drivers License and have not received in the past two years more than one moving violations, no DUI, drugs, alcohol or alcohol related reckless citations, or driver's license revoked or suspended.
- 7- Must successfully complete annual cache County Emergency Vehicle Operator class and Cache County EMS Refresher course.
- 8- Must be willing to work odd hours, daytime, nights, weekends, holidays, must be able to work in unfavorable work conditions including climatic snowstorms, heat, cold, rain and wind.
- 9- Must be highly motivated and a self-starter who seeks new and innovative methods of performing his or her duties, as well as technology and equipment to enhance emergency medical services.
- 10- Must have strong leadership skills and sound decisions making ability.
- 11- Must possess strong people skills, be cooperative, and exercise professional deportment in areas of public relations.
- 12- Must be a team player who will nurture positive community relations between a variety of government, medical, and business entities.
- 13- Must have a positive attitude, willing to work flexible hours and to accept on-call responsibilities as required.

ATTACHMENT "D"

EMT Intermediate Professional Qualification

- 1- Must have a high school diploma or equivalent, must be 21 years of age or older, certification as an EMT Intermediate, or Paramedic or other medical emergency related area; and a working knowledge of the Cache County EMS system (successfully passed the Cache County EMS FTO for the EMT Intermediate); Additional certifications in related field a plus (i.e. Fire Command & Operations, medical field, hazardous materials operations); Must successfully pass a thorough background check.
- 2- Prefer working knowledge of the State Bureau of EMS, and the State of Utah Ambulance rules and regulations.
- 3- Must be able to speak, read and write the English language. Ability to speak Spanish is also desirable.
- 4- Desire a working knowledge of IBM or compatible personal computers is preferred along with Windows, Word Perfect or Word presentation software and spreadsheet and database management software.
- 5- Desire curriculum development and training skills along with positive creative teaching skills; must have proven leadership and organizational skills; prefer hands on experience with audio visual equipment.
- 6- Must be physically able to lift up 100 pounds, bend, stoop, twist, and turn, climb in to and out various accident or emergency environments.
- 7- Must be able to operate emergency vehicle (ambulance) and must possess a current Utah Drivers License and have not received in the past two years more than one moving violations, no DUI, drugs, alcohol or alcohol related reckless citations, or driver's license revoked or suspended.
- 8- Must successfully complete annual Cache County Emergency Vehicle Operator class and Cache County EMS Refresher course.
- 9- Must be willing to work odd hours, daytime, nights, weekends, holidays, must be able to work in unfavorable work conditions including climatic snowstorms, heat, cold, rain and wind.
- 10- Must be highly motivated and a self-starter who seeks new and innovative methods of performing his or her duties, as well as technology and equipment to enhance emergency medical services.
- 11- Must have strong leadership skills and sound decisions making ability.
- 12- Must possess strong people skills, be cooperative, and exercise professional deportment in areas of public relations.
- 13- Must be a team player who will nurture positive community relations between a variety of government medical, and business entities.
- 14- Must have a positive attitude, willing to work flexible hours and to accept on-call responsibilities as required.