

CACHE COUNTY COUNCIL

February 24, 2009

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**CACHE COUNTY COUNCIL MEETING
February 24, 2009**

The Cache County Council convened in a regular session on February 24, 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
Council Members: Craig W Buttars, Brian Chambers, Kathy Robison, Jon White & Cory Yeates.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Marilyn Adams, Jay Baker, Kent Braddy, Paul Berntson, Wally Bloss, Ben Crabb, Jake Davidson, Curtis Dent, Sarah Dewey, Dallas Elder, Recorder Mike Glead, Nolan Gunnell, Vernen Gunnell, Sharon L Hoth, Bracken Longhurst, Brian Lyon, Dave Nielsen, Jessi Oswald, Pat Parker, Assistant Fire Chief Craig Pettigrew, Josh Runhaar, Auditor Tamra Stones, **Media:** Charles Geraci (Herald Journal), Jeremy Threlfall (KUTA-TV), Jennie Christensen (KVNU), Gideon Oakes (Hard News Café).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member White 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 Yeates to approve the minutes of the February 10, 2009 Council Meeting as corrected. Zilles seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS:

Karl Kler	Cache County TRCC/RAPZ Committee
Mayor Mike Hall	Cache Valley Visitors Bureau Board
Debbie Harvey	Cache Valley Visitors Bureau Board

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

WARRANTS: Warrants for the periods 12-07-2008, 12-09-2008, 12-12-2008, 12-13-2008, 01-09-2009 to 01-15-2009, 01-16-2009 to 01-22-2009, 01-23-2009 to 01-29-2009. 01-30-2009 to 02-05-2009, 02-06-2009 to 02-12-2009 were given to the Clerk for filing.

OTHER ITEMS

- ❑ **Envision Cache Valley** meeting will be held February 25, 2009 at 7:00 p.m. in the Tabernacle and Executive Lemon encouraged people to attend.
- ❑ **High Creek Road Meeting** – Executive Lemon said he will meet with the Forest Service on the High Creek Road issue on March 3, 2009 at 10:00 a.m. in the Council conference room and invited Council members to attend.
- ❑ **RAC – Title II Funds** – Executive Lemon reported he had visited with the Forest Service about the RAC and expressed the county's desire to have its own RAC. The Forest Service is still concerned about trying to find people willing to serve and prefers a combined RAC with other counties. Cache County will have the opportunity to nominate people for the combined RAC and funding that is from Cache County will be spent in Cache County.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: MARCH 10, 2009 - 5:15 P.M. – SECOND CDBG PUBLIC HEARING

ACTION: Motion by Council member Yeates to set a Public Hearing for March 10, 2009 at 5:15 p.m. – Second CDBG Public Hearing. White seconded the motion. The vote was unanimous, 7-0.

- ❑ **Saturday Legislators Meeting** – Chairman Petersen indicated the attendance at the last meeting was good with several people expressing concerns about possible funding cuts in the drug court program. Petersen felt this was an effective venue for those parties to talk with their legislators.

ITEMS OF SPECIAL INTEREST

- **Cache Valley Visitors Bureau Report – Julie Hollist** reported on the programs and operations of the Visitors Bureau noting that with the openings of the Holiday Express Inn and the Marriott Spring Hill Suites hotel rooms have increased 25% in Cache County. The proposed tourism budget for the state has been decreased from \$11 million to \$7.5 million. With the present economic downturn, Hollist said the Bureau is targeting the Wasatch Front and southeastern Idaho markets for potential Cache County visitors. Three French tour companies have committed bus tours that will stay in Cache County beginning this spring and summer. Hollist attended a recruitment trip to Arizona and there was more interest in early registration for summer programs than ever before.

Chairman Petersen asked what Hollist considers the top five tourism events each year in Cache County? Hollist listed the Utah Festival Opera as number one followed by the Cache Valley Cruise-In, Top of Utah Marathon, and the events at the Eccles Theater with number five being a toss-up between several sporting events such as Lotoja, MS 150 or the Little Red Riding Hood Bicycle Ride.

- **Cache Valley Center for the Arts Report – Wally Bloss** reported that 105,773 people attended at least one event at the Ellen Eccles Theater, the Bullen Center or the Thatcher/Young Mansion in 2008. The Center is presently ahead of budget in ticket

sales. Of the 89,000 tickets sold in 2008, 21,000 were for the Utah Festival Opera, 24,000 were for the CVCA's national touring artists and 44,000 were for the various other area art presentations. The Ellen Eccles Theater is the most used arts facility in the county. Bloss thanked the Council for the RAPZ/Restaurant Tax funding as well as the sixteen years of payments on the twenty-year bond that was needed when the facility was renovated. There are four years left on the bond payments from Cache County.

Over one-half of the CVCA's tickets are now sold online with no additional fee and a decrease in labor costs. Funds from the Wasatch-Logan Arts Foundation, funded from Logan City, totaled over \$200,000.00 in earnings last year. The endowment will continue to make a difference.

Chairman Petersen asked Bloss to explain the change in Logan City's funding. Bloss explained that Logan City no longer provides any funds for day-to-day operations, but instead committed to \$750,000.00 broken into \$250,000.00 payments to an endowment -- the Wasatch-Logan Arts Foundation. This \$4 million endowment from a valuation on a Fresno, California rental property was established by DeLoy Hansen. Logan retains ownership of the facility and still receives revenue from the cell towers.

UNIT OR COMMITTEE REPORTS

- ★ **Development Services – Josh Runhaar** explained the restructuring of the Development Services through a power point presentation. Prior to Runhaar's appointment as Director of Development Services seven months ago, the Director was also the Countywide Planner. There are now four divisions in the department: County Planning and Zoning, Countywide Planning (Jay Baker), GIS (Kent Braddy), and the Building Department. Runhaar explained the duties and operations of each of the four divisions. Runhaar indicated Development Services is much more proactive in offering help to the various municipalities in Cache County and used Providence as an example. Development Services is helping Providence with its development and protection of the commercial corridor on Highway 165. The county Group Home Facilities ordinance has been shared with cities as a model for their group living ordinances. Many cities don't update their zoning maps because of the cost. The county can provide those maps through the GIS division. Ultimately, this information will be available online. Runhaar will be attending the City Managers' luncheon in March and will ask how the county can help with the cities' needs.

Director Runhaar noted the Envision Cache Valley project is being driven out of Development Services. After almost two years of work, meetings are now set up in various locations in the county.

Jon White asked if there is a comprehensive map that shows all the cities' and the county's zones, roads, etc.? Runhaar responded that Development Services will soon have a book containing all the various maps of the county – zoning, voting precincts, roads, hazards, etc.

The Building Department has assisted school districts and helped with inspections in the Bear Lake area as well as assisting the Cache County Fire Department with fire inspections for annual business licensing in Cache County.

Runhaar illustrated the growth in Cache County over the last fifty years with a county map indicating the locations of building permits issued in each decade with a different color and correlated that map to a graph with the actual numbers of building permits issued during those same decades. Runhaar reminded the Council that the county population will double in less than thirty years. Permits in 2008 were for smaller homes and more remodeling projects.

The current staffing concern is in the Building Department because building is presently slow. Realtors and the Assessor's Office indicate home sales are starting to improve. Building is also beginning to improve. The cost of materials has decreased. Other staffing concerns are that rewriting ordinances and the comprehensive plan is a full-time job and engineering services are now contracted on a consulting basis. Runhaar said engineering needs will increase in the future and the county will have to consider a full-time engineer. Executive Lemon agreed that will probably be a need in the future.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: MARCH 24, 2009 - 6:00 P.M. – UTILITY CORRIDORS CODE AMENDMENT – AMENDMENTS TO COUNTY CODE SECTIONS 17.02 ADMINISTRATION, 17.05 SUPPLEMENTARY AND QUALIFYING REGULATIONS, 17.07 DEFINITIONS, 17.08 SCHEDULE OF ZONING USES, AND 17.19 UTILITY CORRIDOR OVERLAY ZONE

ACTION: Motion by Council member Buttars to set a Public Hearing for March 24, 2009 at 6:00 p.m. – Utility Corridors Code Amendment – Amendments to County Code Sections 17.02 Administration, 17.05 Supplementary and Qualifying Regulations, 17.07 Definitions, 17.08 Schedule of Zoning Uses, and 17.19 Utility Corridor Overlay Zone. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: FEBRUARY 24, 2009 – 6:00 P.M.-AGRICULTURE PROTECTION AREA – CURTIS W. AND K. SUZANNE DENT

ACTION: Motion by Council member Yeates to open the Public Hearing – Agriculture Protection Area – Curtis W. and K. Suzanne Dent. Zilles seconded the motion. The vote was unanimous, 7-0.

Director Runhaar pointed out the area in question on a map and indicated the Planning Commission unanimously passed a recommendation that this land be placed in an agriculture protection area.

Chairman Petersen invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing – Agriculture Protection Area – Curtis W. and K. Suzanne Dent. Robison seconded the motion. The Vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2009-08 – Approval of Agriculture Protection Area – Curtis W. and K. Suzanne Dent**

(Attachment 1)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-08-Approval of Agriculture Protection Area – Curtis W. and K. Suzanne Dent. Buttars seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Vice Chairman Zilles 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.

- **Approving Parcels with Abatements** – Executive Lemon explained the report to the Council which includes all parcels with some kind of property tax abatement. (Details are on file in the Cache County Auditor’s office.)

ACTION: Motion by Council member Chambers to approve the parcels with abatements. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Approve Delinquent Tax Payment Plan Proposal** – Executive Lemon said this is a proposal to pay the delinquent property tax over time to be paid in full by the end of the year. There is no request to waive any penalties or interest. Lemon recommended approval. (Details are on file in the Cache County Auditor’s office.)

ACTION: Motion by Council member Buttars to approve the delinquent tax payment plan proposal. Zilles seconded the motion. The vote was unanimous, 7-0.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PENDING ACTION

- **Four-Day Work Week – Discussion** – Executive Lemon reported that Jim Smith created the detailed report given the Council on Tooele and Juab counties and the state which have all converted to the four-day work week. The four large counties, Weber, Davis, Salt Lake and Utah do not handle the motor vehicle business; it is handled by state offices so those counties are still on the five-day work week. Cache, Tooele, Juab, Morgan and Sanpete counties have adopted the four-day work week as indicated on the report Lemon gave to the Council. Petersen noted that even in those counties that remained with the five-day work week, their DMV offices are closed on Fridays.

Chambers noted that fuel costs have decreased significantly and asked if the high cost of fuel was the main reason for changing to a four-day work week? Lemon responded

that energy savings was the Governor's main reason for changing state offices to the four-day schedule. Lemon said the county didn't see as much savings as he thought it would, but utility companies raised rates and without that increase, the savings would have been greater. Petersen questioned why the Historical Courthouse heating costs have increased so significantly? Lemon said that will have to be looked at.

Chambers stated that he has heard from Title Companies who are the most adversely affected by the Recorder's office being closed on Fridays. Chambers suggested electronic filings as a possible solution to the problem. Executive Lemon asked that Recorder Mike Gleed respond.

Recorder Gleed said a person is still needed in the office to receive the electronic filings or he could have it set up to receive electronic filings at his home. Gleed said about eight or ten counties are set up for electronic filings now. He has contacted the county I T department about setting up Cache County for electronic filings and has been told it doesn't have the time to do that right now. Gleed noted the Council had passed a resolution allowing emergency recordings on Fridays, but many want to record on Fridays who are not in an emergency situation. Gleed wants a definitive policy from the Council stating no filings on Fridays.

Robison said it seems a question of re-educating the public on the office hours. Gleed agreed.

Chambers said he understands there are financial losses incurred because of not being able to record on Fridays.

Lemon said he believes the county should hold a public hearing for comment from the public on the four-day work week. Generally, county employees like it, but there are some who really dislike it but feel they are in the minority and don't feel they can speak out. Lemon receives ongoing comments from the public about the four-day work week.

Petersen noted that most of the counties work five days and close the DMV on Fridays.

Buttars stated the county could close only the DMV on Fridays with notices posted on the doors that DMV has to be closed because the state DMV is closed and the county office cannot function without state support and software interaction. Buttars said he believes it would be of benefit to the county to take this approach.

White said he believes a full year is a better measurement of the schedule and even if fuel costs are lower, there is an existing energy crunch and the county should do what it can to conserve.

Petersen asked if the Council can set a public hearing without it being on the agenda. Petersen directed Parker to place the setting of a public hearing for March 24, 2009 on the March 10, 2009 agenda. Petersen also said the decision should be made at that time whether to terminate the four-day work week or continue it for the full year.

Josh Runhaar asked that the Council consider the employees in its decision. Employees had to make a major transition in personal schedules, etc. to adapt to the four-day work week. Runhaar said he put up with the change through the winter months – he came in the dark and went home in the dark. The potential best benefit to the

employees is in the summer when vacationing and gardening, etc. can take place; whereas, in the winter he could only shovel more snow. Whatever is decided, Runhaar asked that there be time for the employees to make the transition.

Robison preferred to wait the full year before any change is considered.

Yeates favored holding a public hearing to gain input before making a decision.

Paul Berntson, Building Department, said most of the energy savings will occur in the summer, not in the winter. One individual in real estate told Berntson that it wasn't that he couldn't make things work with the Recorder's office being closed on Fridays, he was just a poor planner.

Bracken Longhurst, a mortgage lender and real estate agent, stated that it is not a matter of educating the public about office hours and used the example of a refinance with a seven-day lock on the interest rate with expiration in one week with a three-day right of rescission. That means, if it closes on Monday, then there is Tuesday, Wednesday, Thursday for rescission and it has to record on Friday or the lock is lost. A 7-day lock cannot be done on the Friday before. Longhurst said he has personally lost at least \$2,000.00 to \$3,000.00 in the past three months.

Tape 2, Side A

If you close on a loan on the first of the next month you pay the entire month's interest, regardless. If you don't close on the end of the month, it costs a whole mortgage payment to the buyer. It is not just loan officers or real estate agents who want the Friday recording capability, it is the public. Energy is not Longhurst's concern, but that there be an avenue for the Recorder's office to take recordings on Fridays to prevent financial penalties for the public.

Lemon asked about recording on a Tuesday and then closing on the following Monday? Longhurst explained that banks do interest rates on a daily basis, including Fridays, so if the rate drops on Friday and the loan can't close until the next Monday and record the following Monday, the buyer has lost the extension. The National market is still on a five-day work schedule which creates the problem. Monday holidays exacerbate the problem.

Marilyn Adams indicated that her office has electronic filing and the Council members are welcome to come to see how it works.

- Road Project Funding** – Executive Lemon recommended postponing this discussion until facts about the stimulus package as it relates to the CMPO projects are known. The CMPO is meeting March 9, 2009 and more may be known by the March 10, 2009 Council meeting.
- Final Plat Approval – Shadow Mountain Ranches** – Runhaar stated that, previously, the Council had expressed concern over the irrigation ditch that crossed the property. The irrigation company has been contacted and they have no concerns because the ditch only services the property where the subdivision is proposed.

(Attachment 2)

ACTION: Motion by Vice Chairman Zilles to approve the final plat for the Shadow Mountain Ranches subdivision. Yeates seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2009-06 – Consideration for adoption of a Resolution authorizing the issuance and sale of Cache County, Utah Tax and Revenue Anticipation Notes, Series 2009 in the aggregate principal amount of \$3,000,000, and related matters** – Chairman Petersen said the Council approved this in principle and this finalizes the amount and makes the action official.

(Attachment 3)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-06-Consideration for adoption of a Resolution authorizing the issuance and sale of Cache County, Utah Tax and Revenue Anticipation Notes, Series 2009 in the aggregate principal amount of \$3,000,000, and related matters. Robison seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2009-07 – Transferring of Unexpended Appropriation Balance by Governing Body** - Auditor Stones explained that these funds are to pay for appraising licenses from Marshall and Swift and the fees increased significantly necessitating a transfer of funds from the Assessing and Collecting fund reserve to the Assessors Software Program to cover the expense.

(Attachment 4)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-07-Transferring of Unexpended Appropriation Balance by Governing Body. Chambers seconded the motion. The vote was unanimous, 7-0.

- **Approval of Interlocal agreement between Cache County and the Forest Service for improvements on forest roads** – Executive Lemon was contacted by Chip Sibbersen of the Forest Service who said the economic stimulus plan included about \$3,000,000.00 that can be used to make improvements to forest roads. The final approval for that funding approval has not yet been received and Sibbersen is meeting with the Road Department tomorrow when the approval is expected to be forthcoming. Lemon recommended that, if the funding is available, the county should use it to improve the forest roads and asked the Council authorize him to sign the agreement, if it is necessary to do so before the next Council meeting. If the deadline for signing does not occur before the next meeting, Lemon will bring it to the Council for approval.
- **Resolution No. 2009-09 – Authorizing Executive to execute interlocal agreement between Cache County and the Forest Service for improvements on forest roads**

(Attachment 5)

ACTION: Motion by Council Robison to waive the rules and bring the interlocal agreement between Cache County and the Forest Service for improvements on forest

roads before the Council at a future Council meeting, but if the interlocal agreement must be signed before the next Cache County Council meeting, the Council authorizes Executive Lemon to execute the interlocal agreement between Cache County and the Forest Service for improvements on forest roads (Resolution No. 2009-09). Yeates seconded the motion. The vote was unanimous, 7-0.

- **Final Plat Approvals – Cross J Subdivisions Phase I and II** – Director Runhaar noted these are a 5-lot and a 3-lot subdivision with boundary line adjustments. A corrected plat is needed and Runhaar recommended withholding action until the new plat is received. Concerns over 3200 West were expressed by the Council. Runhaar explained that the road will be widened on the east to accommodate the subdivisions' needs with hard surface expected to be installed with future development on the west side. This item will be on the March 10, 2009 County Council meeting agenda.
- **Countywide Library Results – Discussion** – Chairman Petersen said that Pat Parker collected the information from city councils on this issue. Petersen distributed copies of a summary of the responses to the Council members. Of nineteen communities, eighteen responded. To the question "Are you supportive of a full countywide library system?" four communities indicated support, some with conditions. Thirteen are not supportive. One community's response was inconclusive (no majority vote from their city council). Logan and North Logan are among the supportive cities.

Chambers noted that one entity is not represented in the survey – the unincorporated portions of the county. Chambers suggested exploring alternatives.

Chairman Petersen agreed that he, Chambers and Robison should meet and bring some alternatives back to the Council.

Executive Lemon reminded the Council that Pete Giacoma's recommendation had been not to proceed with a countywide library system since the study only indicated that some people wanted access to the Logan Library. Lemon suggested proposing a test to Logan – to allow citizens to access the Logan Library for a limited time to see what the demand is.

Chairman Petersen said Hyrum's library can be accessed for \$30 by anyone, Smithfield is \$5 and five other libraries are free, so there are opportunities. The main issues have to do with the Logan and North Logan libraries. The proposal Petersen is going to submit to the Herald Journal has to do with those two libraries.

White said the far south end residents like the Bookmobile service. Zilles said College Ward appreciates that service as well.

- **Strategic Planning** – Chairman Petersen stated that the last time he was Council Chair, he implemented a strategic planning program where departments submitted three to five proposed initiatives for the next year which reflected specific stated county goals. Executive Lemon and Chairman Petersen then met with each department head and went over the initiatives or goals. Petersen would like to use this plan again and suggested it can be used in dealing with budget cuts as well and asked for the Council's input.

Robison suggested talking with department heads to see if they felt this was worthwhile.

Executive Lemon said that with the serious budget issues facing the county planning becomes critical.

Petersen recommended asking department heads to consider what they would do if they had a 10% budget cut.

White stated that, if planning hasn't been done for three years, it should be done.

Petersen noted that not all of the initiatives were able to be achieved.

Robison said that perhaps a review of the plans from three years ago would be beneficial. Robison said the Council should be cautious to not overburden the county employees' time.

Tape 2, Side B

Vice Chairman Zilles agreed he would be concerned if this is something that would take a department head hours and hours to do.

Robison asked Clerk Zollinger if it took a long time three years ago?

Zollinger replied it did take time and recommended asking departments to submit only one top priority.

Petersen said maybe it should be cut to one to four or something similar from each department. Descriptions of the departments wouldn't be needed either.

Buttars said department heads could refer back to the previous initiatives and it wouldn't be as hard this time.

Attorney Swink suggested departments might even give recommendations on how departments can better serve each other.

Vice Chairman Zilles responded that he hears quite often that employees would certainly like to have the ear and the time of the IT people more than they receive now.

Auditor Stones noted the county personnel policy needs to be rewritten and that would affect every employee and should be a project on someone's radar.

Chairman Petersen summarized that perhaps in addition to what a department head may want to see happen in his/her department, what do they see as the primary needs in terms of other departments servicing them?

Chambers asked if there should be an item concerning possible budget cuts?

Executive Lemon said he thought it would be good. In personal interviews last year he asked what personnel would a department consider cutting if that became necessary and responses were that they could recommend where other departments could cut personnel.

Chairman Petersen directed that this discussion item be on the agenda for the March 10, 2009 Council meeting.

COUNCIL MEMBER REPORTS

Brian Chambers reported that five candidates have been interviewed for the County Fire Chief position and Executive Lemon indicated he is meeting with one of the candidates tomorrow and by the next meeting there should be a recommendation for a fire chief.

Kathy Robison attended the DWS meeting where it was reported that the Logan region has been a little more insulated from the economy downturn than neighboring counties.

Craig "W" Buttars attended an Envision Cache Valley meeting at Pepperidge Farms and found it very interesting. Runhaar again urged people to attend the kick-off meeting on Wednesday, February 25, 2009 and also the workshops in their areas.

Pat Parker asked if any of the Council members will be attending the UAC Management Conference in Sevier County on April 15-17, 2009? Parker needs to know as soon as possible to make reservations.

Auditor Stones asked who the hearing officers are for the Board of Equalization for the Hospital and for the Sunshine Terrace? It was concluded that the Chairman and Vice Chairman will be the hearing officers.

ADJOURNMENT

The Council meeting adjourned at 7:35 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Chairman

RESOLUTION NO. 2009-08

A RESOLUTION APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA.

The Cache County Council of Cache County, Utah, in a regular meeting, lawful notice of which as been given, finds that the legal requirements for the creation of an agriculture protection area have been met; and, therefore, that the proposal filed by Curtis W. and K. Suzanne Dent should be approved.

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

BE IT RESOLVED that:

The proposal filed with Cache County by Curtis W. and K. Suzanne Dent on December 5, 2008 to create an agriculture protection area on 471.73 acres of real property located at:

See "EXHIBIT A" Attached Hereto and Made a Part Hereof.

is hereby approved.

This resolution shall become effective immediately upon adoption

DATED this 24 Day of February, 2009 .

CACHE COUNTY COUNCIL

By:
H. Craig Petersen, Chairman

ATTEST TO:

Jill N. Zollinger, Cache County Clerk

Parcel 08-017-0009

THE S/2 OF SE/4 SEC 11 T 13N R 1E 80 AC WITH R/WS C908

Parcel 08-020-0002

BEG AT NE COR OF SEC 14 T 13N R 1E W 40 CH S 27.12 CH SE'LY 20 CH TO PT 9.56 CH N OF S LINE SD NE/4 SEC 14 T 13 N R 1E N 10.44 CH E 20 CH TO E LINE NE/4 SEC 14 N 20 CH TO BEG 97.56 AC

Parcel 08-019-0001

BEG 48 RDS E 80 RDS S OF NW COR OF NW/4 SEC 13 T 12N R 1E E 11 RDS S 14 RDS W 11 RDS N 14 RDS TO BEG ALSO NW/4 OF NW/4 SEC 13 T 13N R 1E41 AC C925

Parcel 08-018-0002

ALL SW/4 SEC 12 T 13N R 1E 160 AC C920

Parcel 08-010-0011

BEG AT E/4 COR SE/4 SEC 4 T 13N R 1E & TH N 1*27'08" E 1848.128 FT (N 116 RDS BR) TO PT BR 46 RDS S OF E/4 COR NE/4 SD SEC TH N 87*52'51" W 1462.99 FT (W 80 RDS BR) TH S 1888.94 FT (S 116 RDS BR) ALG 1/16TH SEC LN TO PT N 89*29'10" W OF BEG TH S 89*29'10" E 1415.209 FT (E 80 RDS BR) TO BEG CONT 61.72 AC BY MEAS (62.14 AC BY DEED)

WITH R/W: BEG AT SW COR SEC 3 T 13N R 1E & TH N 0*03'54" E 2490.8 FT TO TRUE POB TH S 88*21'34" E 505.83 FT ALG N LN OF 23 FT R/W TO RAILROAD RAIL & N END OF FIELD GATE TH S 0*03'54" W 23.0 FT TH N 88*21'34" W 505.85 FT TH N 0*03'54" E 23.0 FT TO TRUE POB (ENT 838576 BK 1257 PG 1737)

Parcel 08-003-0013

BEG 33 RDS E OF SW COR OF NW/4 SEC 3 T 13N R 1E N 30 RDS E 18 RDS S .5RDS E 20 RDS N 3 RDS E 8 RDS S 32.5 RDS E 11 RDS S 10.5 RDS W 40 RDS S 5.5 RDS W 18 RDS N 16 RDS E 2 RDS TO BEG 13.07 AC C2258

Parcel 08-003-0012

BEG 108.25 RDS N OF SW COR SEC 3 T 13N R 1E S 88*34' E 29.90 RDS N 1*26' E 40.50 RDS N 88*34' W 30.50 RDS TO W LNE OF SEC 3 S 41.15 RDS TO BEG
ALSO: BEG NW COR OF SW/4 SEC 3 N 31 RDS E 31.5 RDS S 42 RDS W 30.5 RDS N 10.75 RDS TO BEG 15.71 AC

SUBJ TO R/W: BEG AT SW COR SEC 3 T 13N R 1E & TH N 0*03'54" E 2490.8 FT TO TRUE POB TH S 88*21'34" E 505.83 FT ALG N LN OF 23 FT R/W TO RAILROAD RAIL & N END OF FIELD GATE TH S 0*03'54" W 23.0 FT TH N 88*21'34" W 505.85 FT TH N 0*03'54" E 23.0 FT TO TRUE POB (ENT 838576 BK 1257 PG 1737)

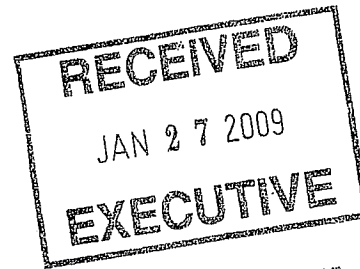
Parcel 08-003-0015

BEG SE COR OF SW/4 OF NW/4 SEC 3 T 13N R 1E E 11 RDS N 6.5 RDS E 1 RD N 26 RDS W 12 RDS S 32.5 RDS TO BEG 2.25 AC C2317



Utah Association of
Conservation Districts

1860 North 100 East
North Logan, Utah 84341-1784
Phone: 435-753-6029
Fax: 435-755-2117
www.uacd.org



January 5, 2009

Cache County Council
Attn: County Executive Lynn Lemon
179 North Main Suite 309
Logan, UT 84321

Re: Application for Agricultural Protection Area

The Cache County Agriculture Protection Area Advisory Board, as outlined in Utah Code 17-41-303 for Cache County, met to consider a recommendation on the Agriculture Protection Area Application for Curtis W. & K. Suzanne Dent on 471.73 acres of land located in the Richmond/Smithfield area of Cache County.

The criteria, as stated in Utah Code 17-41-305, were used to evaluate the application. After looking at each item, it is the board's recommendation that the application be approved.

Thank you for the opportunity to review this Agriculture Protection Area application and for the county's efforts in support of agriculture.

Sincerely,

A handwritten signature in cursive script that reads 'Bruce Karren'.

Bruce Karren, Chairman
Cache County Agriculture Protection Area Advisory Board

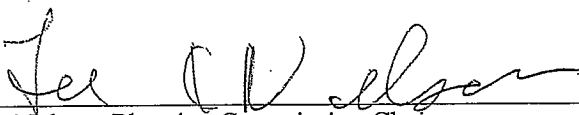
CACHE COUNTY PLANNING COMMISSION
CACHE COUNTY CORPORATION

Memorandum

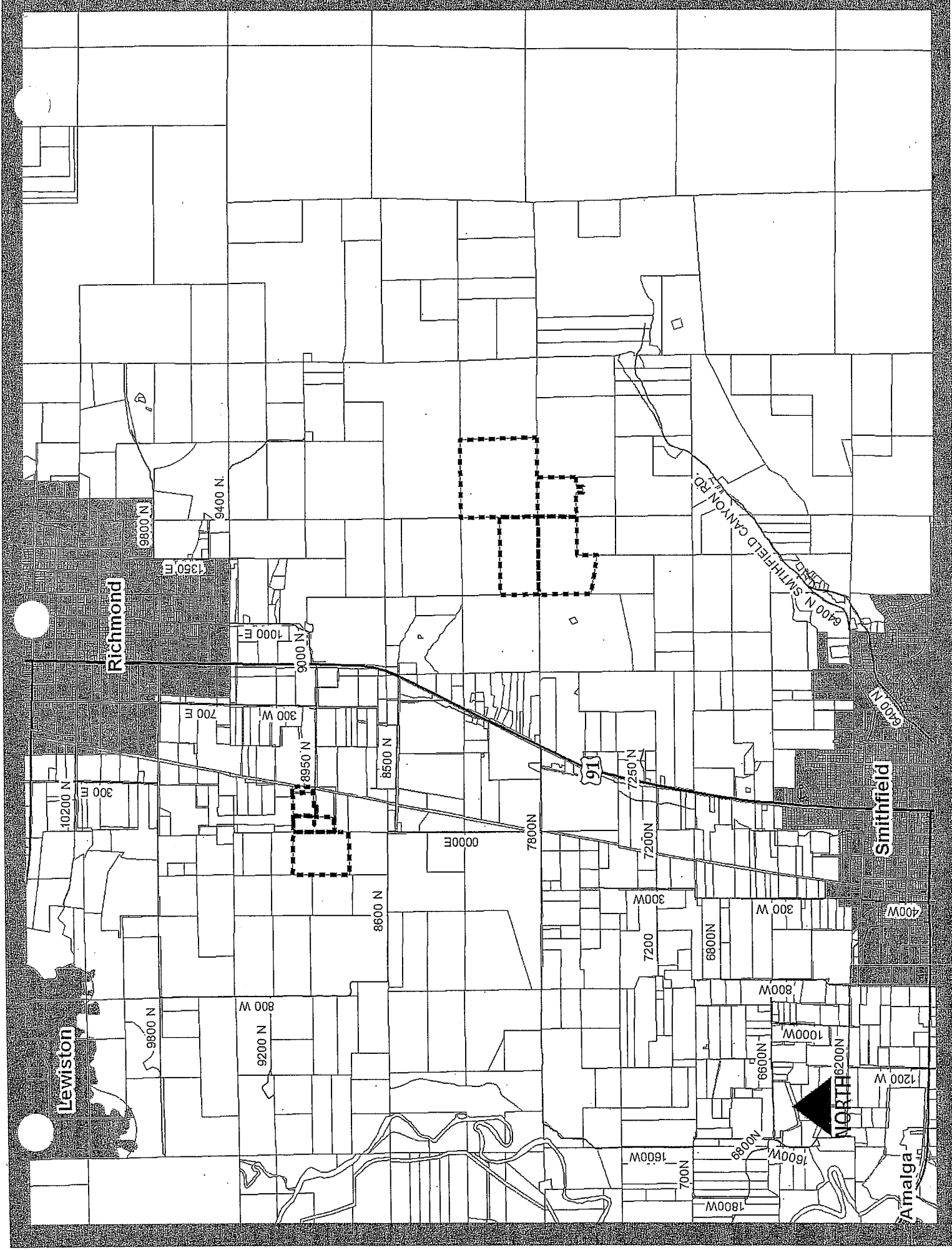
To: Cache County Council
From: Cache County Planning Commission
Date: February 5, 2009
Subject: Dent Agricultural Protection Area

The Cache County Planning Commission recommends that the Cache County Council approve the proposed Dent Agricultural Protection Area for 471.73 acres of land located between Smithfield and Richmond, TIN #08-003-0015, 08-003-0012, 08-003-0013, 08-010-0011, 08-017-0009, 08-018-0002, 08-019-0001, and 08-020-0002. This recommendation is made based on the following findings of fact:

- 1) The land is currently under agricultural production as pasture, hay, and grains.
- 2) The land is within the Agriculture Zone:
- 3) Approximately 100 acres of land area irrigated.
- 4) The 471.73 acres, while two separate unconnected areas, together compose a larger agricultural organization which is agriculturally viable.



Lee Nelson, Planning Commission Chair



1 Cache County Planning Commission (CCPC)

2
3 Minutes for 5 February 2009

4
5 **Present:** Josh Runhaar, Jay Baker, Chris Sands, Lee Nelson, Lamar Clements, Clair Ellis, Leslie
6 Larson, David Erickson, James Swink, Megan Izatt.

7
8 **Start Time:** 5:32:00 (Video time not shown on DVD)

9
10 Nelson welcomed; Baker gave opening remarks.

11
12 Approval of Agenda

13
14 *Larson moved to approve agenda with an amendment to elect a new vice chair. Clements*
15 *seconded; passed 5, 0.*

16
17 Approval of Minutes

18
19 *Sands moved to approve the 08 January 09 minutes. Clements seconded; passed 5, 0.*

20
21 Election of Vice Chair

22
23 *Larson moved to approve Lamar Clements as Vice Chair. Erickson seconded; passed 5, 0.*

24
25 5:37:00

26
27 #1 Agricultural Protection Area (Curtis W. & K. Suzanne Dent)

28
29 **Baker** reviewed Curtis Dent's request for an Agricultural Protection Area on 471.73 acres of
30 property in the Agricultural Zone in the Richmond/Smithfield area.

31
32 **Curtis Dent** if we place this land in a trust, do we need to reapply for the protection area?

33
34 **Swink** I will find out.

35
36 **Runhaar** I think it stays with the land until an application comes in requesting that the protection
37 be lifted.


38
39 5:39:00 – Ellis arrived.

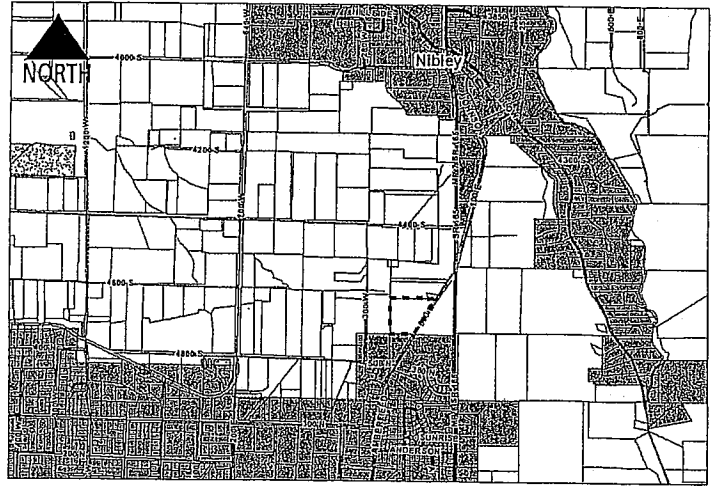
40
41 *Clements moved to approve Curtis Dent's request for an Agricultural Protection Area. Larson*
42 *seconded; passed 5, 0. (Ellis abstained)*

43
44 **FINDINGS OF FACT:**

- 45 1) The land is currently under agricultural production as pasture, hay, and grains.
46 2) The land is within the Agriculture Zone.
47 3) Approximately 100 acres of land area irrigated.
48 4) The 471.73 acres, while two separate unconnected areas, together compose a larger agricultural organization which is agriculturally
49 viable.

**CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT**

Project Name: **Shadow Mtn. Ranches**
Agent: Dallas Elder
Request: 5-Lot Subdivision
Type of Action: Recommend to County Council
Current Zoning: Agricultural (A)
Project Address: 600 North 600 East (Hyrum)
Staff Recommendation: Approval with Conditions
Tax ID: 03-065-0016
Surrounding Uses: North – Agriculture/Residential
South – Agriculture
East – Agriculture
West – Agriculture
Reviewed by: Jay Baker, Associate Planner II 



PURPOSE: To recommend preliminary and final plat approval to the County Council for the Shadow Mountain Ranches Subdivision.

PROJECT SUMMARY

The project is a proposed 5-lot subdivision adjacent to the north boundary of Hyrum City in the Agricultural Zone.

Access:

- Access from County Road 600 East is adequate.
- 600 East is a main road to and from Hyrum City. Staff recommends that the number of accesses be reduced from five individual to two shared.

Water & Septic:

- Adequate water rights shall be approved and in place prior to recordation of the final plat.
- All proposed lots are feasible for wells and shallow onsite septic systems.
- Flood irrigation will not be allowed in the upslope and drainfield areas of the lots.

Service Provision:

- Access for fire protection is adequate. Tender trucks from the Hyrum fire station are 1.9 miles from the site.
- The Fire Department recommends that the number of accesses be reduced to two as this is a highly trafficked route to and from Hyrum.
- Due to the distance from the fire department and a lack of water supply in the area residential fire sprinklers are recommended.
- Garbage collection service will be provided on 600 East.
- An existing school bus stop is located at 393 North 600 East, approximately 2 blocks from the proposed subdivision. The School District recommends that the existing bus stop be utilized.

STAFF DETERMINATION

It is staff's determination that the Shadow Mountain Ranches Subdivision, a four (5) lot subdivision for property located at approximately 600 North 600 East (Hyrum) TIN# 03-065-0016, is in conformance with the Cache County Ordinance and should be recommended for preliminary and final plat approval to the County Council. This determination is based on the following **findings of fact:**

1. The Shadow Mountain Ranches 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.

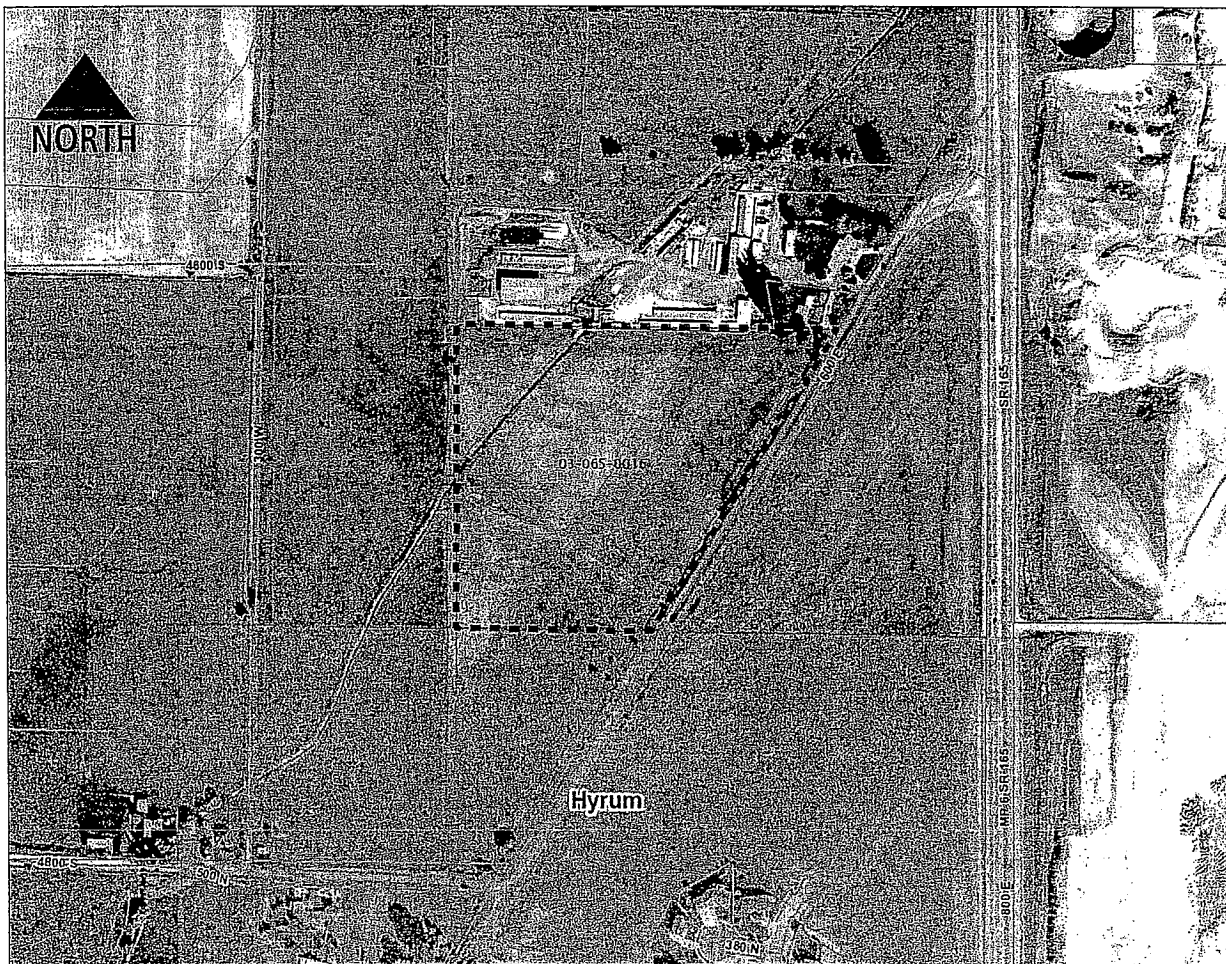
2

2. The Shadow Mountain Ranches Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Shadow Mountain Ranches Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Shadow Mountain Ranches Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. County Road 600 East, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. Access to all lots shall be from shared driveways. The total number of accesses to the subdivision shall be no more than two.
2. Flood irrigation shall not be allowed in the upslope and septic drainfield areas of the lots.
3. Prior to final plat recordation adequate water rights shall be in place.
4. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.



RECEIVED
 JAN 21 2009
 BY: _____

LEGEND

BOUNDARY LINE
 ADJOINER
 ROAD E
 ENGINE FENCE
 EASEMENT (AS NOTED)
 SECTION CORNER
 POST
 SET REMAIN BY PLASTIC CAP
 MARKED PILE 25517
 FORMO REMAIN AS NOTED
 DEED RECORD DISTANCE
 (120' B.S.)

SCALE DATE 1"=60' 6-1-2009

DRAWING BY MCHRYLUM VZDMG

DCL

PROJECT
 SHADOW MOUNTAIN RANCHES
 PART OF THE SOUTHEAST QUARTER OF SECTION 33,
 TOWNSHIP 11 NORTH, RANGE 1 EAST,
 SALT LAKE BASINE AND MERIDIAN
 CACHE COUNTY, UTAH

SURVEYOR'S CERTIFICATE
 I, Jeffrey G. Lynn, a Registered Land Surveyor, had conducted the survey shown on this plat and certify that the same is correct and true to the best of my knowledge and belief, and that the same has been surveyed and staked on the ground as shown on this plat.

LEGAL DESCRIPTION
 Part of the Southeast Quarter of Section 33, Township 11 North, Range 1 East of the Salt Lake Base and Meridian described as follows:
 Commencing at the Southeast Corner of Section 33, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running North 01°05'10" West 1328.73 feet along the east line of the Southeast Quarter of Section 33, Township 11 North, Range 1 East of the Salt Lake Base and Meridian to a point of beginning; then North 89°22'25" West 1118.00 feet along the south side of a road; then North 01°05'10" West 1118.00 feet along the west line of the Southeast Quarter of Section 33, Township 11 North, Range 1 East of the Salt Lake Base and Meridian to a point of beginning, containing 11.18 acres, more or less.

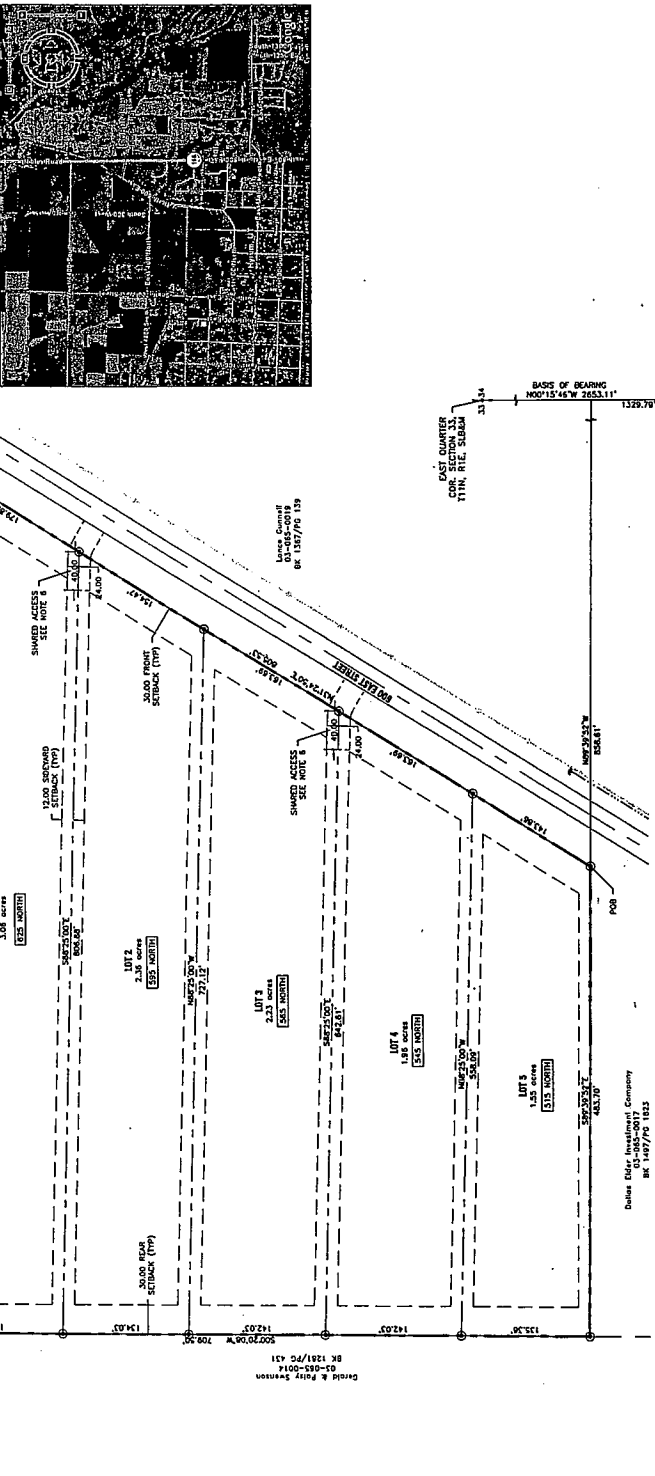
NARRATIVE and SURVEYOR'S NOTES
 1) The purpose of this survey was to create a five (5) acre subdivision from Parcel 01-066-0010 (shown on the plat) into two (2) parcels of 2.5 acres each, to be known as Lots 1, 2, 3, 4, 5, and 6, and to be shown on the plat as follows:
 Section 33, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian.
 2) This boundary is shown on Record of Survey by 2001 dated 4/20/04, Job 749-014.

1 OF 1 SHEET

SHADOW MOUNTAIN RANCHES
 CACHE COUNTY, UTAH
 PART OF THE SOUTHEAST QUARTER OF SECTION 33,
 TOWNSHIP 11 NORTH, RANGE 1 EAST,
 SALT LAKE BASELINE AND MERIDIAN

LEGEND

BOUNDARY LINE
 ADJOINER
 ROAD E
 ENGINE FENCE
 EASEMENT (AS NOTED)
 SECTION CORNER
 POST
 SET REMAIN BY PLASTIC CAP
 MARKED PILE 25517
 FORMO REMAIN AS NOTED
 DEED RECORD DISTANCE
 (120' B.S.)



OWNER ACKNOWLEDGEMENT
 THE UNDERSIGNED, BEING THE OWNERS OF RECORDS OF RECORDS OF THE PARCELS OF LAND TO BE SUBDIVIDED:
 DALLAS ELDERS
 LIMITED LIABILITY ACKNOWLEDGEMENT
 COUNTY SURVEYOR OFFICE

CACHE COUNTY PLANNING COMMISSION
 THIS PLAT WAS REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON THE _____ DAY OF _____, 2009.
 COUNTY SURVEYOR'S CERTIFICATE
 I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 COUNTY ATTORNEY

CACHE COUNTY ATTORNEY
 I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS _____ DAY OF _____, 2009.

BEAR RIVER HEALTH DEPARTMENT APPROVAL
 THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 2009.

NOTES AND PROTECTIVE COVENANTS
 1. CURRENT AND FUTURE PROPERTY OWNERS MUST BE ADVISED OF THE PROTECTIVE COVENANTS AND SHALL ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USES IN THIS SUBDIVISION.
 2. NO INCREASED LEVEL OF STORM WATER DRAINAGE OR WATERWAYS WITHOUT THE PRIOR WRITTEN CONSENT OF THE BEAR RIVER HEALTH DEPARTMENT SHALL BE PERMITTED.
 3. CACHE COUNTY HAS NOT DETERMINED THE FLOOD HAZARD ZONING FOR ANY OF THE LOTS DESCRIBED. ALL OWNERS ARE ADVISED TO OBTAIN A COMMERCIAL WATER SOURCE AND RESERVATION OF A ZONING CLEARANCE, PRIOR TO THE SUBDIVISION OF THIS PLAT.
 4. SETBACK LINES ARE FOR PRIMARY BUILDINGS ONLY.
 5. LOTS 1, 2, 3, 4, 5, AND 6 SHALL HAVE ACCESS AS SUCCESS AS SHOWN.

1 Cache County Planning Commission (CCPC)

2
3 Minutes for 02 October 2008

4
5 **Present:** Josh Runhaar, Jay Baker, Chris Sands, Curtis Dent, Lee Nelson, Troy Allen, Lamar
6 Clements, Clair Ellis, Leslie Larson, Megan Izatt

7
8 **Start Time: 5:31:00 pm** (Video time not shown on DVD)

9
10 Nelson welcomed; Allen gave opening remarks.

11
12 Approval of Agenda

13
14 *Dent moved to approve agenda. Clements seconded; passed 7, 0.*

15
16 Approval of Minutes

17
18 *Larson moved to approve the 04 September 08 minutes. Dent seconded; passed 7, 0.*

19
20 05:35:00

21
22 #1 Shadow Mountain Ranches (Dallas Elder)

23
24 Baker reviewed Dallas Elder's request for a 5-lot subdivision on 11.84 acres of property in the
25 Agricultural Zone east of Hyrum. Access to the subdivision will be limited to 3 points. Contact
26 with Hyrum City regarding annexation has been made and Hyrum may possibly annex this
27 subdivision. Until this area is annexed sewer will not be available and shallow onsite septic
28 systems will be required. Also, while not listed on the plat map currently, there is a canal that
29 runs through the northwest corner of the subdivision.

30
31 Sands would this project benefit from being annexed?

32
33 Brian Lyon not really, while the utilities are there, they're underdeveloped.

34
35 *Clements motioned for recommendation of approval to the County Council with conditions of*
36 *approval 1 being amended to 3 access points. Larson seconded; passed 7, 0.*

37
38 **STAFF DETERMINATION**

39 It is staff's determination that the Shadow Mountain Ranches Subdivision, a four (5) lot subdivision for property located at approximately 600
40 North 600 East (Hyrum) TIN# 03-065-0016, is in conformance with the Cache County Ordinance and should be recommended for preliminary
41 and final plat approval to the County Council. This determination is based on the following **FINDINGS OF FACT:**

- 42
43
44
45
46
47
48
49
1. The Shadow Mountain Ranches 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 Shadow Mountain Ranches Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
 3. The Shadow Mountain Ranches Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
 4. Shadow Mountain Ranches Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

1 5. County Road 600 East, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the
2 proposed use.
3

4 **CONDITIONS OF APPROVAL**

5 The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service
6 providers.

- 7 1. Access to all lots shall be from shared driveways. The total number of accesses to the subdivision shall be no more than three.
8 2. Flood irrigation shall not be allowed in the upslope and septic drain field areas of the lots.
9 3. Prior to final plat recordation adequate water rights shall be in place.
10 4. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.

11
12 **05:47:00**

13
14 **#2 The Hide Out at Scare Canyon (Barry Swartz)**

15
16 **Baker** reviewed Barry Swartz request for a preliminary plat approval for a 49-lot subdivision on
17 2,169.07 acres of property in the FR-40 Zone located in Scare Canyon. All the lots will be
18 accessed by private roads and all will be seasonal cabins. The fire department has recommended
19 that a holding tank be there for secondary uses and fire protection.
20

21 **Nelson** are there any roads in place currently?

22
23 **Barry Swartz** no.

24
25 **Dent** is there any access from Porcupine?

26
27 **Mr. Swartz** no.

28
29 **Clements** are the roads going to be gravel or tracks?

30
31 **Runhaar** all roads will be gravel. The other thing to note is that all the lots have a designated
32 build zone and we will know exactly how long drives are going to be.
33

34 **Ellis** is there water rights for drilling wells?

35
36 **Mr. Swartz** no, but there is a spring.

37
38 **Ellis** is that spring for culinary water?

39
40 **Mr. Swartz** no.

41
42 **Dent** all the roads are private, what about fencing?

43
44 **Mr. Swartz** perimeter fencing will be limited and what land that is not developed we're hoping
45 to put into a conservation easement.
46

47 **Sands** is there a trail system?
48

Logan, Utah
February 24, 2009

The County Councilmembers (the "Council") of Cache County, Utah, (the "County") met in regular session at the regular meeting place of the Council in Logan, Utah on February 24, 2009, with the following members present:

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

Also present:

M. Lynn Lemon	County Executive
Jill N. Zollinger	County Clerk

Absent:

The meeting was duly called to order and upon determining that a quorum was present, the minutes of the preceding meeting were read and approved, and the County Clerk presented the Council a Certificate of Compliance with Open Meeting Law with respect to the February 24, 2009 meeting, a copy of which is attached as Exhibit A.

The following resolution was then introduced in writing, fully discussed by the Council and pursuant to motion duly made by Councilmember Yeates and seconded by Councilmember Robison, adopted by the following vote:

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

NAY:

The resolution was then signed by the Chair of the Council in open meeting and recorded by the County Clerk in the official records of Cache County, Utah. The resolution is as follows:

RESOLUTION NO. 2009-06

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF CACHE COUNTY, UTAH TAX AND REVENUE ANTICIPATION NOTES, SERIES 2009 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,000,000; 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 \$3,000,000 Tax and Revenue Anticipation Notes, Series 2009 (the "Notes") for the purpose of meeting the current expenses of the County for the fiscal year ending December 31, 2009, 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 \$21,060.00 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 \$3,000,000 for the fiscal year commencing January 1, 2009 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 \$3,000,000 Cache County, Utah Tax and Revenue Anticipation Notes, Series 2009 (the "Notes") at a purchase price of par less no more than \$21,060.00 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, 2009, until the payment of taxes and receipt of other revenues of said fiscal year, the County shall borrow the sum of Three Million Dollars (\$3,000,000), 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 2.42% 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 2009," and shall be due and payable on December 30, 2009, 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:

UNITED STATES OF AMERICA
STATE OF UTAH

CACHE COUNTY
TAX AND REVENUE ANTICIPATION NOTE,
SERIES 2009

Unless this certificate is presented by an authorized representative of JPMorgan Chase Bank, N.A. to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of JPMorgan Chase Bank, N.A. (the "Purchaser"), or such other name as requested by an authorized representative of JPMorgan Chase Bank, N.A. and any payment is made to JPMorgan Chase Bank, N.A., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, JPMorgan Chase Bank, N.A., has an interest herein.

Note No. R -1

\$3,000,000

Dated Date: February 27, 2009

Registered Owner: JPMORGAN CHASE BANK, N.A.

Principal Amount: THREE MILLION DOLLARS AND NO/100*****

THIS NOTE HAS BEEN DESIGNATED BY THE COUNTY FOR PURPOSES OF THE EXCEPTION CONTAINED IN SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, RELATING TO THE DEDUCTIBILITY OF A FINANCIAL INSTITUTION'S INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT INTEREST.

Cache County, Utah (the "County"), hereby acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner hereof set forth above or registered assigns or legal representatives the principal amount set forth above in lawful money of the United States of America on the 30th day of December, 2009, upon presentation and surrender hereof at the office of U.S. Bank National Association, Attn: Bondholder Services, 60 Livingston Avenue, St. Paul, MN 55107, as paying agent and registrar (the "Paying Agent"), with interest thereon at the rate of 2.42% per annum from the Dated Date set forth above until paid, payable at maturity. Interest on this Note shall be computed on the basis of a 360-day year based upon the actual days transpired.

This Note is one of a series of notes known as "Cache County, Utah Tax and Revenue Anticipation Notes, Series 2009", which issue is issued in the aggregate principal amount of Three Million Dollars (\$3,000,000) pursuant to the authority contained in Chapter 14, Title 11, Utah Code Annotated 1953, as amended.

This Note is not subject to redemption prior to maturity.

It is hereby covenanted, certified, recited and declared that this Note is given in anticipation of the collection of taxes and other revenues to be levied and collected for the current fiscal year, in evidence of money borrowed to meet current expenses of the County during said current fiscal year until payment of the taxes and other revenues for such year, that taxes and other revenues within the limit provided by law and sufficient to pay principal of and interest on this Note as the same falls due and, together with other budgeted revenues to be received during such fiscal year, sufficient to pay all budgeted maintenance and operation and other expenses of the County for such fiscal year have been or will be levied and collected in such fiscal year on all taxable property within the County and that a sufficient fund has been appropriated for the payment of the principal of and interest on this Note as the same shall fall due.

It is hereby certified, recited and declared that the entire indebtedness of the County hereby incurred and any other indebtedness incurred in anticipation of the collection of taxes and revenues for the current fiscal year are not in excess of seventy-five percent (75%) of the taxes and other revenues levied and collected by the County for the fiscal year ended December 31, 2008, are not in excess of ninety percent (90%) of the taxes and other revenues of the County levied and collected or to be levied and collected for the current fiscal year, and that said indebtedness was and is contracted for the purpose for which said taxes and other revenues are levied and collected.

There shall be levied by the County in the fiscal year beginning January 1, 2009 a sufficient tax and there shall be collected sufficient revenues other than taxes to pay the principal and interest on the Notes as the same fall due, and to pay all budgeted maintenance and operation and other expenses of the County, and there is hereby appropriated from the first collection of taxes and other general fund revenues for said fiscal year, a sum sufficient to pay both principal and interest of the Notes as the same shall fall due. The County shall, at least seven days prior to the maturity date of the Notes, deposit tax and other revenues sufficient to retire the Notes, into a special fund to be designated the "Cache County Tax and Revenue Anticipation Note Fund".

In the event the Internal Revenue Service determines that the interest payable on this Note is not excluded from gross income for federal income tax purposes, or determines that this Note does not qualify for the exception contained in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, relating to the deductibility of a financial institution's interest expenses allocable to tax-exempt interest, the interest rate on this Note shall be adjusted to the JPMorgan Chase Bank, N.A. Prime Rate of interest for commercial loans plus 1.0% per annum and shall accrue from the date of delivery hereof (or such later date as of which such interest is no longer so excluded from gross income or this Note no longer qualifies under said Section 265(b)(3)). If such determination of the Internal Revenue Service occurs prior to this Note being paid in full, the obligation of the County to pay the additional interest accrued on this Note shall be due and payable on the Maturity Date but exclusively from the sources herein described. If, however, such determination by the Internal Revenue Service occurs after this Note is paid in full, the obligation of the County to pay the additional interest accrued on this Note shall be limited to the extent to which such amounts may be legally collected and so applied.

This Note shall be registered on the books of the Registrar and Paying Agent to be kept for that purpose at the office of the Paying Agent set forth above, such registration shall be noted hereon and this Note shall only be transferable upon said books at said office by the registered owner or by his or her duly authorized attorney. Such transfers shall be without charge to the owner hereof but any taxes or other governmental charges required to be paid with respect to the same shall be paid by the owner requesting such transfer as a condition precedent to the exercise of such privilege. The transferring owner shall also assume all responsibility for compliance with all applicable state and federal securities laws and regulations. Upon any such transfer, the County shall execute and deliver in exchange for this Note a new registered Note registered in the name of the transferee in authorized denominations.

It is hereby certified, recited and declared that all acts, conditions and things essential to the issuance of this Note exist, have happened and have been done, and that every requirement of law affecting the issue thereof has been duly complied with, and that this Note is within every debt and other limit prescribed by the Constitution and laws of the State of Utah. The full faith, credit, resources and all taxable property within the limits of the County are hereby irrevocably pledged to the levy of taxes and the collection of other revenues for the fiscal year in which this Note is issued and for the collection and proper allocation of such taxes and other revenues provided for such fiscal year to the prompt payment of principal of and interest on this Note according to its terms.

IN WITNESS WHEREOF, Cache County, Utah, by its County Council, has caused this Note to be signed with the manual or facsimile signature of its County Executive and attested with the manual or facsimile signature of its County Clerk and the manual impression or facsimile of the seal of the County Clerk to be affixed hereto as of this 27th day of February, 2009.

CACHE COUNTY, UTAH

(SEAL)

(Do not sign)
County Executive

ATTEST:

(Do not sign)
County Clerk

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of the within Note, shall be construed as though they were written out in full according to applicable laws or regulations.

- TEN COM – as tenants in common
- TEN ENT – as tenants by the entireties
- JT TEN – as joint tenants with right of survivorship and not as tenants in common

UNIFORM GIFT MIN ACT- _____
(Cust.)

Custodian for _____
(Minor)

under Uniform Gift to Minors Act of _____
(State)

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, _____, the undersigned, hereby sells, assigns and transfers unto

(Social Security or Other Identifying Number of Assignee)

(Please Print or Typewrite Name and Address of Assignee)

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Note on the books kept for registration thereof, with full power of substitution in the premises.

DATED the _____ day of _____, _____.

Signature: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

NOTICE: The signature(s) should be guaranteed by an eligible guarantor institution (banks, stockbrokers, savings and loan associations and credit unions with membership in an approved signature guarantee medallion program), pursuant to S.E.C. Rule 17Ad-15.

Section 4. The Notes shall be executed by the manual or facsimile signature of the County Executive and attested by the manual or facsimile signature of the County Clerk and sealed with the manual seal or facsimile seal of the County Clerk which shall be impressed, imprinted or reproduced thereon. The County Executive is hereby authorized, empowered, and directed to execute, and the County Clerk to attest and affix or cause to be impressed, imprinted or reproduced thereon, the seal of the County Clerk to the Notes, and the acts of said County Executive and County Clerk in so doing are and shall be the act and deed of the County.

Section 5. U.S. Bank National Association, 170 South Main Street, Suite 200, Salt Lake City, Utah 84101, is hereby appointed Registrar and Paying Agent for the Notes. The County shall cause books for the registration and for the transfer of the Notes as provided in this Resolution to be kept by the Registrar. Upon surrender for transfer of any Note at the principal office of the Registrar duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his or her attorney duly authorized in writing with signature guaranteed, the Registrar shall execute and deliver in the name of the transferee or transferees a new, fully registered Note or Notes for a like aggregate principal amount.

In each case the Registrar shall require the payment by the registered owner requesting exchange or transfer, only of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

Section 6. The Notes shall be initially issued in the form of a single certified fully registered Note. Upon initial issuance, the ownership of such Note shall be registered in the registration books of the County kept by the Paying Agent in the name of JPMorgan Chase Bank, N.A. All of the outstanding Notes shall be registered in the registration books kept by the Paying Agent.

Section 7. There shall be levied by the County in the fiscal year beginning January 1, 2009 a sufficient tax and there shall be collected sufficient revenues other than taxes to pay the principal and interest on the Notes as the same fall due, and to pay all budgeted maintenance and operation and other expenses of the County, and there is hereby appropriated from the first collection of taxes and other general fund revenues for said fiscal year, a sum sufficient to pay both principal and interest of the Notes as the same shall fall due. The County shall, at least seven days prior to the maturity date of the Notes, deposit tax and other revenues sufficient to retire the Notes, into a special fund to be designated the "Cache County Tax and Revenue Anticipation Note Fund". Monies on deposit in said fund shall then be invested in government obligations or the State Treasurer's Pool, the interest on which shall accrue to the benefit of the County. On the maturity date of the Notes, the Paying Agent shall disburse to the lawful holder of the Notes an amount sufficient to pay the principal of and interest on the Notes through said maturity date; and after said payment has been made, any remaining funds (representing interest earned on amounts delivered to the Paying Agent from monies transferred to the Paying Agent from the Cache County Tax and Revenue Anticipation Note Fund) shall be paid to the County. The full faith, credit, resources and all taxable property within the limits of the County are hereby irrevocably pledged to the levy of taxes and collection of

other revenues for the fiscal year in which the Notes are issued and for the collection and proper allocation of such taxes and other revenues provided for such fiscal year to the prompt payment of principal of and interest of the Notes according to their terms.

Section 8. The County recognizes that the purchasers and holders of the Notes will have accepted them on, and paid therefor a price which reflects, the understanding that interest thereon is excluded from gross income for federal income tax purposes under laws enforced at the time the Notes shall have been delivered. In this connection, the County agrees that it shall take no action which may cause the interest on any of the Notes to be includible in gross income for federal income tax purposes. Prior to or contemporaneously with the delivery of the Notes, the County Executive, the County Clerk and County Treasurer shall execute a no arbitrage and tax certificate on behalf of the County respecting the investment and the use of the proceeds of the Notes. Said certificate shall be a representation and certificate of the County, and an executed copy thereof shall be filed at the office of the County.

Section 9. The County Executive, County Clerk, County Treasurer and other appropriate officials of the County are each hereby authorized and directed to execute such certificates and agreements as shall be necessary to establish that the Notes are not "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated or proposed thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented or revised.

Section 10. The County further covenants and agrees to and for the benefit of the holders of the Notes that the County (i) will not take any action that would cause interest on the Notes to be includible in gross income for federal income tax purposes, (ii) will not omit to take or cause to be taken, in a timely manner, any action, which omission would cause the interest on the Notes to be includible in gross income for federal income tax purposes, and (iii) will, to the extent possible, comply with any other requirements of federal tax law applicable to the Notes in order to preserve the exclusion from gross income for federal income tax purposes of interest on the Notes.

Section 11. The sale of the Notes to the Purchaser at a price of 100% of the principal amount thereof, less no more than \$21,060.00 in closing costs, plus accrued interest, if any, to the date of delivery, in accordance with the terms of a Note Purchase Contract, submitted by said Purchaser, is hereby in all respects adopted and confirmed, it being the opinion of the Council that said offer to purchase is economically beneficial to the County. The Note Purchase Contract attached hereto as Exhibit B is hereby approved, and the County Executive is hereby authorized and directed to execute and deliver the Note Purchase Contract on behalf of the County. The County Clerk is hereby authorized and directed to affix the seal of the County Clerk to the Note Purchase Contract and to attest said seal and the execution of the Note Purchase Contract.

Section 12. For purposes of and in accordance with Section 265 of the Code, the County hereby designates the Notes as an issue qualifying for the exception for certain qualified tax-exempt obligations to the rule denying banks and other financial

institutions 100% of the deduction for interest expenses which is allocable to tax-exempt interest. The County reasonably anticipates that the total amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by the County and by any aggregated issuer during the current calendar year will not exceed \$10,000,000. For purposes of this Section 12, "aggregated issuer" means any entity which (i) issues obligations on behalf of the County, (ii) derives its issuing authority from the County, or (iii) is directly or indirectly controlled by the County within the meaning of Treasury Regulation Section 1.150-1(e). The County hereby represents that (a) it has not created and does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of such Section 265(b)(3)(C) or (D) of the Code and (b) the total amount of obligations so designated by the County and all aggregated issuers for the current calendar year does not and will not exceed \$10,000,000.

Section 13. The Notes so issued shall be delivered to the Paying Agent (as provided above) and its receipt taken therefor, and the Paying Agent shall authenticate and deliver the Notes to, or on the order of, the Purchaser as and when the Notes may be and are legally issued, upon receipt by the County of the purchase price therefor plus accrued interest, which said price and sale is this day ratified and confirmed.

Section 14. The appropriate officers of the County are hereby authorized to make any alterations, changes or additions in the documents approved by this Resolution necessary to comply with any requirements of the parties to this transaction, to correct errors or omissions therein, to remove ambiguities therefrom, or to conform the same to other provisions of this Resolution or to the provisions of law. The execution and delivery of such documents shall conclusively establish final approval of all such modifications.

Section 15. All resolutions and orders or parts thereof in conflict with the provisions hereof are to the extent of such conflict hereby repealed.

Section 16. This Resolution shall be in full force and effect immediately upon adoption.

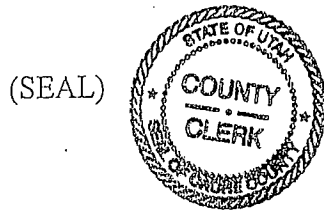
Section 17. All of the covenants, statements, representations, agreements and promises contained in the Notes and all recitals and representations in this Resolution are hereby adopted as the covenants, statements, representations, agreements and promises of the Council and the County.

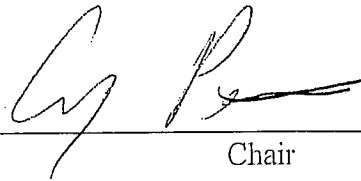
Section 18. The proceeds derived from the sale of the Notes shall be used solely for the purpose of meeting County expenses during the current fiscal year. The holder(s) of the Notes shall not be responsible, directly or indirectly, for the application of the proceeds of the Notes by the Council or the County or any of the officials or employees thereof.

Section 19. All proceedings, resolutions and actions of the Council and its officials, employees, agents and individual members taken in connection with the sale and issuance of the Notes are hereby ratified, confirmed and approved.

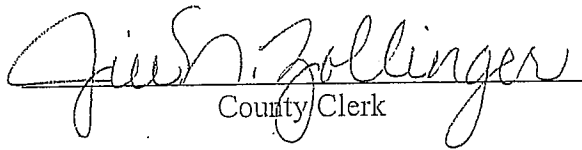
Passed and approved this 24th day of February, 2009 by the County Council of Cache County, Utah.

CACHE COUNTY, UTAH




Chair

ATTEST:


County Clerk

STATE OF UTAH)
 :SS
COUNTY OF CACHE)

I, Jill N. Zollinger, the duly qualified County Clerk of Cache County, Utah, do hereby certify, according to the records of said County in my official possession, that the above and foregoing is a true and correct copy of the minutes of a meeting of the County Council of Cache County, Utah, including a resolution adopted at said meeting, insofar as said minutes pertain to the matters set forth herein.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed herein the seal of the Cache County Clerk, this 24th day of February, 2009.

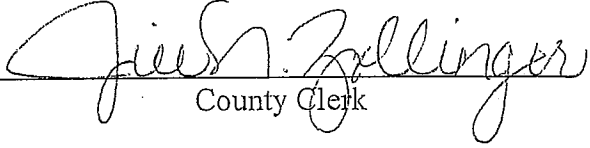

County Clerk



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 in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the February 24, 2009, public meeting held by the County as follows:

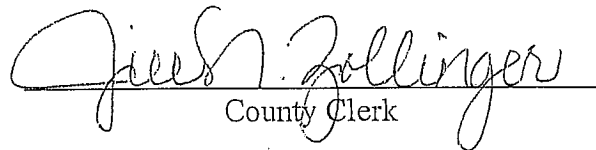
1. By causing a Notice, in the form attached hereto as Schedule A, to be posted at the County's principal offices on February __, 2009, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

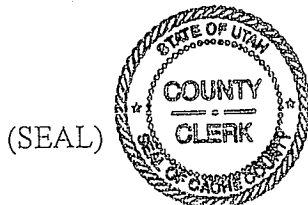
2. By causing a copy of such Notice, in the form attached hereto as Schedule A to be provided to The Herald Journal on February __, 2009, at least twenty-four (24) hours prior to the convening of the meeting; and

3. By causing a copy of such Notice to be posted on the Utah Public Notice Website (<http://pnm.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2009 Annual Meeting Schedule for the County Council (attached hereto as Schedule B) was given specifying the date, time and place of the regular meetings of the County Council to be held during the year, by causing said notice to be (i) posted on _____, at the principal office of the County, (ii) provided to at least one newspaper of general circulation within the County on _____ and (iii) published on the Utah Public Notice Website (<http://pnm.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 24th day of February, 2009.


County Clerk



SCHEDULE A

NOTICE OF REGULAR MEETING

SCHEDULE B

NOTICE OF 2009 ANNUAL MEETING SCHEDULE

EXHIBIT B

NOTE PURCHASE CONTRACT

(See Transcript Document No. 2)

INTER DEPARTMENT BUDGET TRANSFER

RESOLUTION NO. 2009- 07 .

A RESOLUTION TRANSFERRING OF UNEXPENDED APPROPRIATION BALANCE BY GOVERNING BODY.

The Cache county Council, in a duly convened meeting, pursuant to Section 17-36-23, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2009 are reasonable and necessary; that the said budget as been reviewed by the county Auditor with all affected department heads; that the County Council has given due consideration to matters discussed at the public meeting and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2009 budget for Cache County:

see attached schedule

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

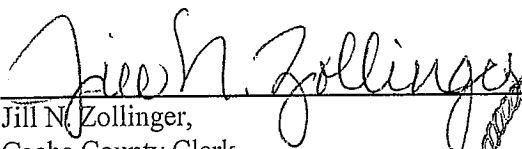
Section 3.

This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.


This resolution was duly adopted by the Cache County Council on the 24th day of February, 2009.

ATTESTED TO:

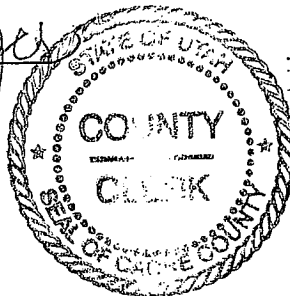
CACHE COUNTY COUNCIL



Jill N. Zollinger,
Cache County Clerk



H. Craig Petersen, Chairman



FUND 15 ASSESSING & COLLECTING FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Decrease CREDIT	Amended Budget	Reason for Change
			Increase DEBIT				
15-4146-311	Assessor - SOFTWARE PROGRAMS	-	47,000			47,000	TO PURCHASE 3 YR MARSHALL & SWIFT PROGRAM
15-4800-992	CONTRIB TO FUND RESERVE	132,282		(47,000)		85,282	TO PURCHASE 3 YR MARSHALL & SWIFT PROGRAM
	Totals		47,000	(47,000)			
	Net Adjustment					-	

CACHE COUNTY
RESOLUTION NO. 2009-09

A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO EXECUTE AN
INTERLOCAL AGREEMENT BETWEEN CACHE COUNTY AND THE FOREST SERVICE
FOR IMPROVEMENTS ON FOREST ROADS

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 Cache County and the Forest Service for improvements on forest roads.

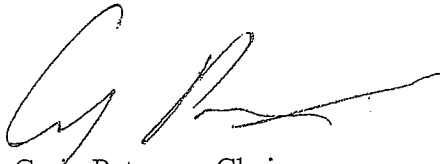
NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the Interlocal Agreement between Cache County and the Forest Service for improvements on forest roads as stated in "Exhibit A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

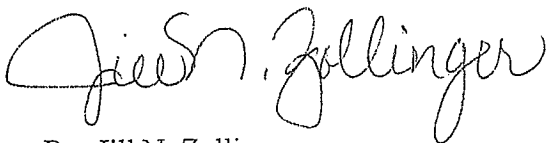
DATED this 24th day of February, 2009

CACHE COUNTY COUNCIL

By:


H. Craig Petersen, Chairman

ATTEST:



By: Jill N. Zollinger
Cache County Clerk