

CACHE COUNTY COUNCIL
May 12, 2009

AG ZONE UPDATE..... 7

AIRPORT UPDATE 7

**AIR QUALITY SURCHARGE FEE – Ordinance No. 2009-03-Amending Ordinance No. 2006-06(a) -
Eliminating..... 6**

BIKE TOUR – MS 150 2

CACHE WATER DEPARTMENT REPORT – Fotheringham, Bob..... 2

COUNCIL PICTURE – May 26, 2009-4:30 p.m. 8

COUNCIL SPONSORSHIP OF LEGISLATION 5

COUNTY REVENUE UPDATE..... 7

CUB RIVER SPORTS COMPLEX – Parking..... 8

ENVISION CACHE VALLEY MEETINGS – May 19, 20, 21, 2009 2

FEE – Air Quality Surcharge – Ordinance No. 2009-03-Amending Ordinance No. 2006-06(a)-Eliminating 6

FINAL PLAT APPROVAL – Gay C. Gunnell Subdivision (TABLED)..... 4

FOTHERINGHAM, BOB – Cache Water Department Report 2

GUNNELL, GAY C. SUBDIVISION – Final Plat Approval (TABLED)..... 4

HIGH CREEK ROAD..... 8

HOGAN, TOM – Resignation-Director-Senior Citizens Center 2

LEGISLATION – Council Sponsorship of..... 5

**LIBRARY – Resolution No. 2009-19-Supporting Improved Access to the Logan City Library for
Nonresidents of Logan City..... 5**

LOGAN REGIONAL HOSPITAL..... 8

MS 150 BIKE TOUR..... 2

NATIONAL LAW ENFORCEMENT WEEK AND PEACE OFFICERS’ MEMORIAL DAY – Proclamation ..2

**ORDINANCE NO. 2009-03 – Amending Ordinance No. 2006-06(a) Eliminating Air Quality \$2.00
Surcharge Fee..... 6**

PICTURE – Council – May 26, 2009-4:40 p.m.	8
PROCLAMATION – National Law Enforcement Week and Peace Officers’ Memorial Day	2
PUBLIC HEARING SET – May 25, 2009-6:00 p.m.-Receive Public Comment on RAPZ/Restaurant Tax Allocations	4
RAPZ/RESTAURANT TAX RECOMMENDATIONS – 2009	6
RESOLUTION NO. 2009-19 – Supporting Improved Access to the Logan City Library for Nonresidents of Logan City	5
REVENUE UPDATE – County	7
ROAD – High Creek	8
ROAD IMPROVEMENTS	1
SENIOR CITIZENS CENTER DIRECTOR – Resignation-Hogan, Tom	2
SPONSORSHIP OF LEGISLATION – Council	5
SUNSHINE TERRACE	8
WATER DEPARTMENT REPORT – Fotheringham, Bob	2

CACHE COUNTY COUNCIL MEETING
May 12, 2009

The Cache County Council convened in a regular session on May 12, 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: Don Linton (**James Swink absent**)

The following individuals were also in attendance: Wally Bloss, Mark S. Boas, Bob Fotheringham, El Marie Gunnell, Kurt Gunnell, Sarah Gunnell, Kathy Hansen, Sharon L. Hoth, David Nielsen, Matt Nielson, Pat Parker, Wayne Pease, Candace Peterson, Tami Pyfer, Jackie Robinette, Director Josh Runhaar,
Media: Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jeremy Threlfall (KUTA-TV), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Vice Chairman Gordon Zilles 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 April 28, 2009 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS

- Road Improvements** – Executive Lemon stated that the county purchasing code requires that any capital improvements over \$10,000.00 should be brought before the County Council. Lemon reminded the Council that there is \$3 million in stimulus money that will be used for county road improvements and the Council has previously approved the proposed improvements. Lemon said the end of May is when he would like to put these out for bid and asked if the Council members are in accord with the road

improvement plan. The Council members indicated their approval. Lemon will keep the Council informed of the bid results.

(Attachment 1)

- ❑ **Envision Cache Valley Meetings** – Lemon encouraged the Council to urge citizens to attend one or more of the town meetings scheduled for May 19, 20, and 21, 2009.
- ❑ **MS 150 Challenges** – Lemon reported that the MS Society met with mayors in Cache County to work out potential problems related to their bike tour. There will be a larger law enforcement presence and more bike marshals as well. The event will take place on Saturday, June 27 and on Sunday, June 28, 2009.
- ❑ **Senior Citizens Center Director Tom Hogan – Resignation** – Executive Lemon noted that he had forwarded a copy of Hogan's resignation letter to each Council member effective immediately. Individual departments will continue to function at the Cache County Senior Center and Lemon expects to have the position filled within eight weeks.

ITEMS OF SPECIAL INTEREST

- **Proclamation – National Law Enforcement Week and Peace Officers' Memorial Day**
– Chairman Petersen asked Council member Robison to read the proclamation.

(Attachment 2)

ACTION: Motion by Council member Buttars to adopt the Proclamation designating May 13 as Peace Officers' Memorial Day and the week of May 10-15, 2009 as National Law Enforcement Week. White seconded the motion. The vote was unanimous, 7-0.

UNIT OR COMMITTEE REPORTS

★ **Cache Water Department Report – Bob Fotheringham** stated the mission of the Cache County Water Department is to Provide Water Management Solutions for the Citizens of Cache County and the objectives are to Secure, Preserve and Protect Water for the Citizens of Cache Valley.

Fotheringham indicated he is doing everything he can to promote Cache County and its citizens in the water arena in the state of Utah including the Bear River Commission, Legislative Representatives, Bear River Water Quality Task Force, Bear River Cutler Reservoir Advisory Committee, Watershed Coordinating Council, Executive Water Rights Task Force, Bear Lake Preservation Advisory Committee and the Utah Water Users Association. A goal this year is to be more involved with the Natural Resources and Environmental Interim Committee and the Water Development Commission as well as have more involvement with the water coalitions throughout the year as they discuss water issues.

Fotheringham has done presentations at the Water Users Workshop and the Utah Association of Conservation Districts (UACD).

Fotheringham praised the Council for passing the ordinance creating a county water department and feels this action has precipitated state support for Cache County.

Fotheringham listed specifics under the Department's three objectives including:

1. Securing water - Meets daily with individuals from Cache and other counties about water issues.

2. Preserving water - Filed application for Cache County for 13,000 acre feet of the 25,000 acre feet the state engineer said were available to Cache County which incorporates banking of water so that 1860 priority rights won't be lost. Fotheringham stated he plans on a favorable decision on the application. To determine how the banking process should occur in Cache County he has prepared four grants and is waiting for possible federal money before beginning the grant projects.

The state wants Cache County to develop a water master plan before investing in Cache County and our process so it can determine if the eventual outcome will be beneficial to the state. It will cost about \$5,000.00 to go through the scoping process for the master plan and about \$50,000 to \$150,000 to complete the plan. The master plan would show water resource planners that the county is interested in our water and would help Cache County communities better understand what the county's intentions are in relation to water.

3. Protecting water – The Bear River Development Act embodies 60,000 acre feet of water and involves purchasing water from water resource projects. In conjunction with the act, Fotheringham has met with the Bear River Work Group (which represents the Jordan Valley Water Conservancy District) that has nearly completed a study investigating Washakie Reservoir Site and is finishing the scoping of a project corridor alignment from near Honeyville to near the Slaterville diversion.

Zilles asked Fotheringham to explain what water banking and brokering are. Fotheringham responded that lands coming out of production are in danger of forfeiture of water rights within seven years of nonuse. He wants to map the lands coming out of production and contact individuals or entities to see if they want to contract the water to the county, then the county would sublease water to interested parties. Most people do not understand that unused water does not go back to the county or the public. It goes back to a large water rights interest in the Bear River basin and whatever is not used in Cache County goes to Box Elder County.

Chairman Petersen asked if those who owned water rights could broker the water themselves? Fotheringham replied they could. He would be keeping a record of water so the county and individuals will know what is available. They could still do what they want if they choose not to use the county brokering program.

Chairman Petersen asked what has happened to water rights in the last years in relation to the development in Cache County? Fotheringham stated there has been no official judicial forfeiture of any water rights in Cache County but there is a huge quantity of water in limbo. Fotheringham said the present application can only protect water from 1999 forward. He hasn't yet decided what to do for water rights previous to 1999.

Chairman Petersen suggested there is value in categorizing the loss of water due to development since 1999 and informing individuals affected. Fotheringham agreed there is because most people do not realize changes have occurred in their water rights.

Council member White asked if the county can exact water as cities do? Fotheringham indicated there is a law requiring counties to have a forty-year plan to show need for water before the county can exact water. Fotheringham does not recommend the county exact water. The county should inform people about possible forfeiture of water rights. If they don't want to use the water, they can put it in the county water bank so the water remains in Cache County.

CONSENT AGENDA

- ◇ **Final Plat Approval – Gay C. Gunnell Subdivision** – Chairman Petersen asked if any Council member had concerns and wanted to remove this item from the consent agenda. Matt Nielson asked to be recognized, referred to a letter he sent the Council and stated that the road this subdivision will use is a private road belonging to him and asked that compensation for use of the road be addressed before the subdivision is approved.

Director Josh Runhaar suggested Condition #2 be amended to indicate that an agreement for access to the private lane be settled between the parties. If the access issue is not resolved between the parties, the county will not issue a building permit.

Chairman Petersen removed this item from the consent agenda because of Council concerns over the access road.

Chairman Petersen advised the Council that if this is tabled and remanded to the Planning Commission for further consideration, it will take six weeks to two months.

Vice Chairman Zilles asked if the Council could approve the final plat with a stipulation regarding the access road so there will not be a long delay for the parties.

ACTION: Motion by Council member White to table the Final Plat Approval for the Gay C. Gunnell Subdivision until the access road issue is resolved between the parties involved. Robison seconded the motion. The vote was unanimous, 7-0.

Chairman Petersen directed Pat Parker to schedule this item for the May 26, 2009 Council agenda subject to there having been a resolution to the access issue.

Matt Nielson asked to be notified when this item is scheduled for the Council agenda.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

SET PUBLIC HEARING: MAY 26, 2009 – 6:00 P.M. – RECEIVE PUBLIC COMMENT ON RAPZ/RESTAURANT TAX ALLOCATIONS – Chairman Petersen explained that there were people who wanted to attend this Council meeting to discuss the RAPZ/Restaurant Tax allocations, but a Public Hearing is considered a better venue for that discussion.

ACTION: Motion by Council member Yeates to set a Public Hearing for May 26, 2009 at 6:00 p.m. to Receive Public Comment on RAPZ/Restaurant Tax Allocations. Zilles seconded the motion. The vote was unanimous, 7-0.

Chairman Petersen reminded the Council that the question had been raised in the last Council meeting whether a motion is needed to open or close a Public Hearing. After

consultation with Attorney Swink and Clerk Zollinger, it has been determined that a motion is not needed.

Tape 1, Side B

PENDING ACTION

- **Council Sponsorship of Legislation – Decision** – Chairman Petersen noted that legislative items will be placed on the agenda only if there is a Council member or the County Executive as a sponsor. The Executive or Council member does not have to originate the action, but this means that anyone can approach a Council member or the Executive to sponsor a legislative agenda item for them. As it comes before the Council for action, that Council member or Executive will be informed about the issue and able to share that knowledge with the Council.

ACTION: Motion by Council member White to require legislative County Council agenda items to have a Council member or County Executive as sponsor. Zilles seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2009-19 – Supporting Improved Access to the Logan City Library for Nonresidents of Logan City** – Chairman Petersen advised the Council that Logan City has proposed extending the access to the Logan City Library to all nonresidents of Logan and lowering the fee from \$105.00 to \$100.00 beginning May 31, 2009. This will continue for a period of eighteen months. Petersen recognized Logan City Council member Tami Pyfer and credited her for facilitating this resolution. Logan City added the stipulation that the issue of whether residents of Cache County want a countywide library system will be on the 2010 ballot as an opinion question.

Petersen quoted a portion of the Utah State code stating that if a city has its own library the county cannot tax them for a countywide library system; however, if that city opts to join the countywide system at a later date, they may be allowed in and will pay the tax.

(Attachment 3)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-19 – A Resolution Supporting Improved Access to the Logan City Library for Nonresidents of Logan City. Chambers seconded the motion.

Discussion on the motion:

Council member Buttars asked who will be responsible to provide information to the public prior to the election and how will it be presented? Petersen responded that the County Council will be responsible for the wording and it is thought that the issue will be described and examples will be provided of the cost implication to different parties in the county.

Buttars put forth the situation where an individual lived in a city that had its own library, but had a business in an area that would be participating in a countywide system. That individual would be paying the tax through his/her business.

Council member White asked if it is assumed the Logan Library would be the main library building or if the county had a library somewhere, would that be the main library? Petersen and Pyfer indicated that the Logan Library would be a branch of the countywide system, but because of the size of Logan's library, it would probably be considered the main branch.

White asked if the Bookmobile would still be available if there was a countywide system? White observed that the Bookmobile is more than adequate for his area of the county. Petersen said better data is needed on the Bookmobile and he doesn't know what its status would be with a countywide system.

ACTION: Chairman Petersen called for the vote on the motion. The vote was unanimous, 7-0.

- **2009 RAPZ/Restaurant Tax Recommendations** – Petersen told the Council these recommendations are presented now for discussion and will be acted on at the May 26, 2009 Council meeting.

Council member Chambers asked how many fewer dollars were available this year as a result of removing the sales tax from food and the downturn in the economy? Executive Lemon responded about \$75,000.00 less and there was \$1.5 million more in requests.

In response to Council member Robison's question about years remaining on some of the bond payments Executive Lemon said the Eccles Ice Center has six or seven years left, Hyrum City has one year and the Eccles Theater ends in three years.

Chambers asked when the RAPZ/Restaurant Tax will be on the ballot again? Lemon and Petersen answered that the RAPZ Tax will be on the ballot again in 2012; the Restaurant Tax is reauthorized annually and is not on the ballot.

Council member Buttars asked why allocations have been made for operational support? Petersen said that under the cultural category the RAPZ Tax can only be used to fund operations; whereas, in the recreation category it can also be used for capital projects.

Chairman Petersen asked the Council to review the recommendations and told Pat Parker to place this item on the May 26, 2009 agenda for a decision.

- **Ordinance No. 2009-03 – Amending Ordinance No. 2006-06(a) Eliminating Air Quality \$2.00 Surcharge Fee** – Chairman Petersen turned the time to Council member Yeates for the discussion. Yeates reminded the Council that he had been contacted by many citizens concerning the fee and whether it is being used effectively. After a presentation from the Bear River Health Department at an April 2009 Council meeting, Yeates said he proposes eliminating the tax, but is open to simply reducing it if the Council prefers that option. Yeates stated the ordinance imposing this fee should have had a sunset clause.

Council members and Executive Lemon expressed the opinion that the intent of the fee was to avoid nonattainment, but the standard was lowered which plunged Cache County in to nonattainment. In reference to the probable need for potential control programs, is it proper for the county to impose a tax and save half of the tax for possible future need? Has the Health Department provided programs that are worth the cost? Should the Council repeal the fee and revisit the issue as needed in the future?

Council member White reminded the Council that the county will eventually have to implement control programs and favored leaving the fee as it is.

(Attachment 4)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2009-03 – An Ordinance Modifying the Vehicle and Traffic Ordinance, Title 10, Cache County Code. Zilles seconded the motion. The motion passed, 6 aye – Buttars, Chambers, Petersen, Robison, Yeates & Zilles and 1 nay – White.

Ordinance No. 2009-03: The vote was 6-1.

	<u>CHAMBERS</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>PETERSEN</u>	<u>WHITE</u>	<u>ROBISON</u>	<u>BUTTARS</u>	<u>VOTES CAST</u>
AYE	X	X	X	X		X	X	6
NAY					X			1
ABSTAINED								0
ABSENT								0

Council member Yeates left the meeting.

OTHER BUSINESS

- ✓ **AG Zone Update – Josh Runhaar** presented each Council member and the Executive with binders indexed to code sections to keep and use in the future as this subject will be discussed several times. The Council can replace sections as they are changed and updated. This will avoid unnecessary copying.

Director Runhaar explained the three areas addressed this week:

1. New format of the ordinance:
 - 17.07 – Definitions
 - 17.08 – Schedule of Zoning Uses
 - 17.09 – Zoning Districts Established
 - 17.10 – Site Development Standards
 - 17.11 – Reserved
 - 17.12 – Reserved

Tape 2, Side A

- 17.13 – Mineral Extraction and Excavation Zone
- 17.14 – Resort Recreation
- 17.19 – Utility Corridor Overlay

2. New Zones – To be addressed at Planning Commission workshops in the near future.
3. Comprehensive Plan – Minor revisions to support developing zoning districts.

Chairman Petersen commended Runhaar stating the presentation was thorough and easy to understand.

- ✓ **County Revenue Update – Lynn Lemon** gave the Council a sheet with sales and use tax figures and indicated that the present shortage in tax revenues is adequately covered by vacancy savings in payroll.
- ✓ **Airport Update – Brian Chambers** reported the following five items:

1. Airport Master Plan by J-U-B Engineers.
2. Three major capital improvements.
3. Commuter Air Service
4. Impact of Marriott Spring Hill Suites
5. USU Aviation Program

Council member Chambers also reported that there may be a farm road before winter to alleviate problems for farmers in the area and the FAA will change its approach altitude so the 4200 North road will not need costly changes.

Chambers invited Council members to a regional glider competition at the airport during the second week of August

COUNCIL MEMBER REPORTS

Craig "W" Buttars updated the Council on the High Creek Road issue. He and Forest Service representatives will visit the area later this month to determine where the two proposed gates should be placed. A Cove resident reported going to the top of the road recently and there is no snow, but the gate remains locked which is frustrating to citizens who use the area.

Craig Petersen received an email from the Mayor of Lewiston asking for the county to restrict parking on the road by the Cub River Sports Complex. The road is narrow and people park along it to attend sports events yet there is adequate parking space in the lot. Executive Lemon said he will notify the County Road Department to place "No Parking" signs on the road.

Gordon Zilles reported on the meeting with Logan Regional Hospital and Sunshine Terrace regarding their tax exempt status where he learned that Logan Regional cannot write off uncollected bills as charity which amounted to \$4 million this past year and had an additional \$4 million in reduced fees and charity. Sunshine Terrace has empty beds and the administration believes it is related to the down economy. Chambers wondered if Sunshine Terrace could apply for RAPZ/Restaurant Tax to pay for a water based treadmill? Executive Lemon replied that the facility would have to be publicly owned and publicly operated to qualify.

Pat Parker notified the Council that a Council picture will be taken prior to the next Council meeting and asked Council members to arrive by 4:30 p.m. on May 26, 2009.

ADJOURNMENT

The Council meeting adjourned at 7:12 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Chairman

FY 2009 - FY 2010 Financial Plan
Forest Service Recovery Act Agreement #09-RO-110482B1-010
(ARRA Project # CIM-0419-1)
Cache County, State of Utah

Franklin Basin NFSR # 20006				
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost
Design of Bridge Crossings	Each Bridge Design Package	2	\$ 30,000	\$ 60,000
Construction of Bridges	Each Completion	2	\$ 225,000	\$ 450,000
Road Reconditioning	Miles Graded and Approved by FS	6	\$ 2,000	\$ 12,000
Untreated Aggregate Course (Pitrun)	Cubic Yards placed and Approved by FS	8,800	\$ 10	\$ 88,000
Stock Piling of Pitrun Aggregate Surfacing	Cubic Yards Stockpiled	8,800	\$ 1	\$ 6,600
Culvert Replacement	Each Location	6	\$ 7,500	\$ 45,000
Estimated Cost this Road				\$ 661,600

Temple Fork NFSR # 20007				
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost
Design of Bridge Crossings	Each Bridge Design Package	2	\$ 30,000	\$ 60,000
Construction of Bridges	Each Completion	2	\$ 225,000	\$ 450,000
Road Reconditioning	Miles Graded and Approved by FS	7	\$ 2,000	\$ 14,000
Untreated Aggregate Course (Commercial Source)	Tons placed and Approved by FS	17,500	\$ 20	\$ 350,000
Magnesium Chloride Treatment	Tons placed and Approved by FS	170	\$ 75	\$ 12,750
Estimated Cost this Road				\$ 886,750

Sinks Road NFSR # 20055				
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost
Untreated Aggregate Course (Commercial Source)	Tons placed and Approved by FS	36,000	\$ 20	\$ 720,000
Magnesium Chloride Treatment	Tons placed and Approved by FS	350	\$ 75	\$ 26,250
Estimated Cost this Road				\$ 746,250

Tony Grove NFSR # 20003					
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost	
2" Overlay with Tack Coat and Stripping		301	2,550	\$ 110	\$ 280,500
Estimated Cost this Road				\$ 280,500	

Rock Creek NFSR # 20060				
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost
Road Reconditioning	Miles Graded and Approved by FS	8	\$ 2,000	\$ 16,200
Untreated Aggregate Course (Pitrun)	Cubic Yards placed and Approved by FS	11,900	\$ 15	\$ 178,500
Stock Piling of Pitrun Aggregate Surfacing	Cubic Yards Stockpiled	11,900	\$ 1	\$ 8,925
Estimated Cost this Road				\$ 203,625

FY 2009 - FY 2010 Financial Plan
Forest Service Recovery Act Agreement #09-RO-110482B1-010
(ARRA Project # CIM-0419-1)
Cache County, State of Utah

Cowley Canyon- Herd Hollow NFSR #20047				
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost
Road Reconditioning	Miles Graded and Approved by FS	4	\$ 2,000	\$ 8,800
Untreated Aggregate Course (Commercial Source)*	Tons placed and Approved by FS	6,699	\$ 20	\$ 133,975
Magnesium Chloride Treatment**	Tons placed and Approved by FS	210	-	-
Estimated Cost this Road				\$ 142,775

Dry Bread Dispersed Camp NFSR #20116				
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost
Untreated Aggregate Course (Commercial Source)**	Tons placed and Approved by FS	2,500	-	-
Estimated Cost this Road				\$ -

Entire Project				
Tasks	Deliverables/ Unit of Measure	Quantity	Unit Price	Cost
Data Collection, Design and Construction Package	As invoiced, not to exceed line total	1	\$ 20,000	\$ 20,000
Construction Oversight and Inspection	As invoiced, not to exceed line total	1	\$ 33,000	\$ 33,000
Audits, Invoicing and Reporting	0.85 % of Invoice	0.85%	\$ 3,000,000	\$ 25,500
Estimated Cost				\$ 78,500
Total Estimated Project Cost				\$ 3,000,000

* Amount reduced to match funding, Estimate 22,000 tons to surface entire segment

** If funding is available.

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

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LOGAN, UTAH 84321
TEL 435-755-1850
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COUNTY COUNCIL
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBINSON
BRIAN CHAMBERS
GORDON A. ZILLES
CRAIG "W" BUTTARS
JON WHITE

PROCLAMATION

- Whereas, the Congress and President of the United States have designated May 13 as Peace Officers' Memorial Day, and the week of May 10-15, 2009 as National Law Enforcement week; and
- Whereas, the members of the Cache County Sheriff's Office play an essential role in safeguarding the rights and freedoms of Cache County; and
- Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and
- Whereas, the men and women of the Cache County Sheriff's Office unceasingly provide a vital public service;

NOW THEREFORE, in recognition of all law enforcement officers and in particular the men and women in the Cache County Sheriff's Office, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaims the week of May 10 thru May 15, 2009 as

LAW ENFORCEMENT WEEK

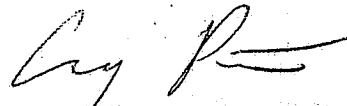
and call upon all citizens of Cache County and all patriotic, civic and educational organizations to observe this week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

and May 13, 2009 as

PEACE OFFICERS' MEMORIAL DAY

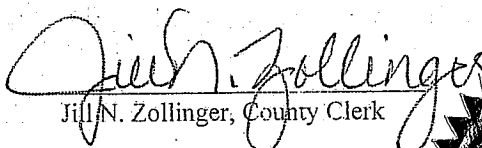
and further call upon all citizens of Cache County to honor those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, as Chairman of the County Council and County Executive, we have hereunto set our hand this 12th day of May, 2009.

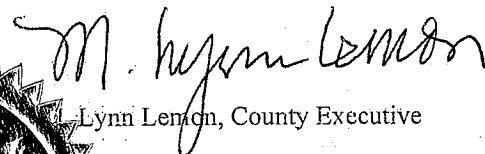


H. Craig Petersen, Council Chairman

Attest:



Jill N. Zollinger, County Clerk



Lynn Lemon, County Executive



CACHE COUNTY, UTAH
RESOLUTION 2009- 19

**A RESOLUTION SUPPORTING IMPROVED ACCESS TO THE LOGAN CITY LIBRARY
FOR NON-RESIDENTS OF LOGAN CITY**

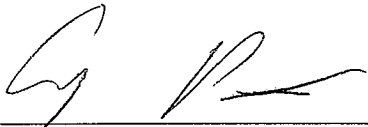
WHEREAS, the Cache County Council desires to facilitate improved access to the Logan City Library for non-residents of Logan City;

WHEREAS, the Logan City Council, by resolution unanimously approved on May 5, 2009, agreed to provide access to the Logan Library to all non-residents of Logan for a fee of \$100, conditioned upon the Cache County Council agreeing to place the issue of a countywide library system on the ballot as an opinion question in the 2010 General Election;

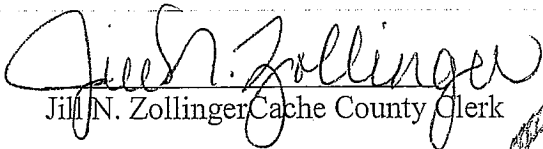
THEREFORE, BE IT RESOLVED BY THE CACHE COUNTY COUNCIL, that the Council supports the seven provisions in Attachment A and that the County Executive is authorized to draft and sign an interlocal agreement with Logan City that will implement those provisions of Attachment A that affect the unincorporated area of the county.

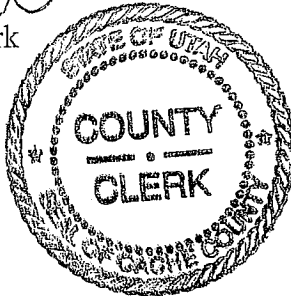
Duly adopted by the Cache County Council this 12th day of May, 2009.

ATTEST



H Craig Petersen, Chair
Cache County Council


Jill N. Zollinger Cache County Clerk



ATTACHMENT A

Provisions for Improved Access to the Logan City Library

1. Citizens living in the unincorporated area of Cache County will be able to obtain Logan City Library cards by paying \$70 per year per card. For each card purchased, Cache County will pay Logan City \$30/year.
2. The terms of Provision #1 will be in effect for a period of 18 months, starting May 31, 2009.
3. Cache County will reimburse Logan City for the value, plus a processing fee, of all items not returned to the library within 90 days of the end of the trial period by residents of the unincorporated area who purchased cards under the terms of Provision #1.
4. Residents of the unincorporated area who have already purchased library cards will not be reimbursed for payments already made.
5. Logan City will provide the County monthly invoices indicating the number of cards purchased during that month. The County will remit payment to Logan City within 30 days of receiving the invoice.
6. The County Council will submit the issue of a forming a countywide library system to all Cache County voters as an opinion question on the November 2010 General Election ballot.
7. This resolution supersedes the provisions of RESOLUTION 2009-14: A RESOLUTION SUPPORTING IMPROVED ACCESS TO THE LOGAN LIBRARY FOR RESIDENTS OF THE UNINCORPORATED AREA OF CACHE COUNTY, which was adopted by the Council on April 14, 2009.

CACHE COUNTY
ORDINANCE NO. 2009-03

AN ORDINANCE MODIFYING THE VEHICLE AND TRAFFIC ORDINANCE,
TITLE 10, CACHE COUNTY CODE

Whereas Cache County has been investigating and studying air quality issues, particularly during winter inversions related to PM 2.5; and,

Whereas Bear River Health Department and Cache County have jointly investigated the problem and are developing alternative solutions; and

Whereas the Bear River Health Department, in conjunction with the State of Utah, has retained various experts and conducted an extensive investigation of the cause of said air quality problems; and,

Whereas, the cause of said problems are related to the topography of Cache Valley; and

Whereas the foregoing expenditures for the investigation and development of alternative solutions are no longer justified or needed at the present time;

NOW THEREFORE, the County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, hereby repeals the Motor Vehicle and Air Pollution Fee of the Cache County Traffic Code as follows:

CHAPTER 10.20

MOTOR VEHICLES AND AIR POLLUTION FEE

SECTION: 1

10.20.10 Repealed

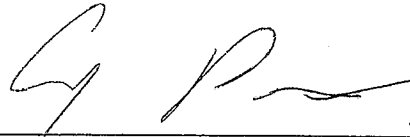
10.20.010 Repealed

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

This Ordinance was adopted by the County Council, Cache County, Utah on the 12 day of May 2009, upon the following vote:

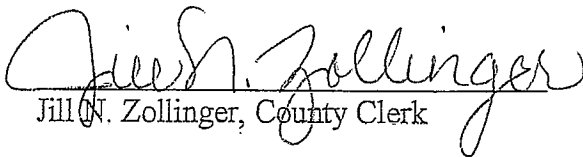
	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Craig "W" Buttars	X			
Jon White		X		
Kathy Robison	X			
Cory Yeates	X			
Gordon Zilles	X			

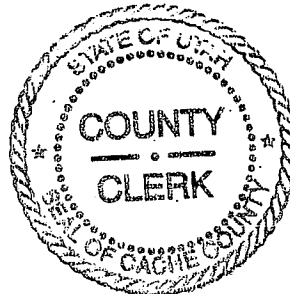
Cache County Council



H. Craig Petersen, Chairman

ATTEST:


Jill N. Zollinger, County Clerk



Publication Date: May 27, 2009