

**CACHE COUNTY COUNCIL**  
**July 14, 2009**

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**LOGAN LIBRARY ..... 2**

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**CACHE COUNTY COUNCIL MEETING**  
**July 14, 2009**

The Cache County Council convened in a regular session on July 14, 2009 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** H. Craig Petersen, absent.  
**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:** Lance Andersen, Adrianna Bayles, Debby Bayles, Wally Bloss, Jaime Christensen, Kelcee Christensen, Trish Gibbs, Sharon L. Hoth, Jim Huska, JaNae Johnson, Kristine Johnson, Lloyd Johnson, Valorie Jones, Jeff Jorgensen, Shania Laird, Carolee McMullin, Jackie McMullin, Lisa Niederhauser, David Nielsen, Pat Parker, Lucy Peterson-Watkins, LaMont Poulsen, Director Josh Runhaar, Marianne Sidwell, Auditor Tamra Stones, Mayor Cary Watkins, Scott Wilkinson, **Media:** Jeremy Threlfall (KUTA-TV).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Executive M. Lynn Lemon 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 Robison to approve the minutes of the June 23, 2009 Council Meeting as corrected. Yeates seconded the motion. The vote was unanimous, 6-0. Petersen absent.**

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** Kristine Johnson                      Cache County Senior Citizens Center Director

**ACTION: Motion by Council member Yeates to approve the appointment of Kristine Johnson as the Director of the Cache County Senior Citizens Center as recommended. White seconded the motion. The vote was unanimous, 6-0. Petersen absent.**

**WARRANTS:** Warrants for the periods 06-19-2009 to 06-25-2009, and 06-26-2009 to 07-02-2009 were given to the Clerk for filing.

**OTHER ITEMS**

- ❑ **Canyon Road Landslide** – Logan City declared the area a disaster area on Saturday and to be able to access state funds the county must declare it a disaster as well. Cache County issued a State of Emergency declaration on Monday.

**(Attachment 1)**

- ❑ **USACCC Meeting** will be in Logan at the Riverwoods Conference Center on Friday, July 17, 2009 from 8:30 a.m. to 4:00 p.m. and Executive Lemon invited Council members to attend.
- ❑ **Forest Service Road Projects** – Executive Lemon noted there was a bid opening Friday, July 10, 2009 and projects were awarded for the following projects: Franklin Basin, Temple Fork, Sinks and Tony Grove. The Rock Creek project is awaiting estimates on the bridges.
- ❑ **Logan Library** – Executive Lemon observed that Cache County has received its first billing from Logan for nonresident library cards. During June there were twenty new cards with five new cards and one renewal being in the unincorporated area.
- ❑ **Truth in Taxation Notices** – Executive Lemon asked Auditor Stones to explain to the Council the statewide assessments. Auditor Stones explained that when the value goes down, the tax rate goes up because the taxing entities are guaranteed the revenue amounts budgeted for the current year. Statewide values have dropped by 15%, but Cache County values have gone up, excepting one northern community in the county. The legislature approved funding a CAMA system for assessments which increases the multicounty levy. Stones said the notices will be mailed July 22, 2009 and wanted Council members to have enough information for citizens who may be contacting them when they receive their notices.
- ❑ **Property Tax Rate and PILT Payment** – Executive Lemon stated he will address this issue at the July 28, 2009 Council meeting.

**ITEMS OF SPECIAL INTEREST**

- **Proclamation – September 28, 2009 Family Day – A Day to Eat Dinner with Your Children** – Vice Chairman Zilles asked Council member Robison to read the proclamation.

**(Attachment 2)**

**ACTION: Motion by Council member Yeates to accept the Proclamation – September 28, 2009 Family Day – A Day to Eat Dinner with Your Children. Buttars seconded the motion. The vote was unanimous, 6-0. Petersen absent.**

- **Employee of the Month** was presented to Deputy Brian Groves of the Cache County Sheriff's Department by Jim Smith.
- **Introduction of Cache County Rodeo Royalty** – LaMont Poulsen thanked Trish Gibbs for all her work and turned the time to the Rodeo Royalty to introduce themselves:

Jackie McMullin	Queen
Jamie Christensen	First Attendant
JaNae Johnson	Second Attendant
Adrianna Bayles	Jr. Queen
Shania Laird	Princess
Kelcee Christensen	Jr. Princess

Queen Jackie McMullin rehearsed her competition speech for the Council.

- **Summerfest Report – Marianne Sidwell** thanked the Council for the RAPZ funding and reported that there were 120 artist exhibitors at the 2009 Summerfest, twenty food vendors and twenty-five performers. Even with the rain artist responses indicated they had a successful show. Revenues are down 21% from last year and donations are down.

*Tape 1, Side B*

### **UNIT OR COMMITTEE REPORTS**

- ★ **200 East Presentation – Mayor Cary Watkins** told the Council the scope of the 200 East Road project has been reduced significantly while still being careful to be totally compliant with the EIS and not compromise possible federal funding in the future. Mayor Watkins turned the time to Jeff Jorgensen, North Logan City Administrator, and Lance Anderson from Cache Landmark Engineering. They reviewed the present plans with the Council including:

- Alignment of 200 East from 1800 North to 2200 North with Phase 2 which will extend to 2500 North
- Roundabouts at 1800 North and 2200 North roads
- Acquisition of right-of-ways for four lanes; however, Phase 1 will only have two lanes
- Funding distribution
- Bid date of August 14, 2009 and completion date of October 15, 2009

Council members asked if some of the cost such as sidewalks, etc. can be paid by future developers of the area and what the purpose of the median is? Jorgensen and Anderson responded that is a possibility and developers will be funding future expansion along the road and federal funds will be utilized for future expansion as well. Roundabouts and medians are to restrict access and slow down traffic and are required by the EIS. Andersen said part of the median will be funded by federal funds or through developers.

Buttars asked if a two-month completion date is realistic? Jorgensen replied that this is not a difficult project. It is on virgin ground. North Logan would like to move the project along as quickly as possible.

White asked what the cost of the landscaping is? Anderson said it is \$134,000.00. White asked what the cost of road only will be? Deduct the landscaping and about \$40,000.00 for concrete for the median and roundabouts from the \$2.4 million estimated cost and that is the approximate cost of road only.

Executive Lemon suggested the sidewalk be narrower at first and widened later as needed.

Chambers pointed out that this road will take a great deal of pressure off of the northern portion of Main Street (Highway 91).

Vice Chairman Zilles stated this item will be on the July 28, 2009 Council agenda for a decision.

### **CONSENT AGENDA**

- ◇ **Final Plat Approval – Niederhauser Subdivision** – Director Runhaar stated there are no concerns with this application.

(Attachment 3)

**ACTION: Motion by Council member Yeates to approve the Final Plat for the Niederhauser Subdivision. Buttars seconded the motion. The vote was unanimous, 6-0. Petersen absent.**

### **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**PUBLIC HEARING:** JULY 14, 2009 – 5:45 P.M. – OPEN 2009 BUDGET – Auditor Stones explained the adjustments to the budget (See Attachment 4 to Resolution No. 2009-231-Adjustments to 2009 Budget for details).

*Tape 2, Side A*

Auditor Stones recommended approval of the adjustments to the 2009 budget.

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

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

### **INITIAL PROPOSAL FOR CONSIDERATION**

- **Resolution No. 2009-21 – Adjustments to 2009 Budget**

(Attachment 4)

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-21-Adjustments to 2009 Budget. Chambers seconded the motion. The vote was unanimous, 6-0. Petersen absent.**

*Vice Chairman Zilles announced that a news conference just reported that the bodies of the mother and one of the children had been recovered from the Canyon Road landslide disaster.*

- **Final Plat Approval – Red Fox Subdivision** – Vice Chairman Zilles said he will abstain from this discussion and possible vote due to a conflict of interest. Director Runhaar distributed a letter from the Bear River Health Department to the Council in reference to the septic tank issue on this property. There is a high water table in the area and Bear River Health Department can grant a septic feasibility with a raised septic tank in fill material. Generally, raising the entire home site with fill and installing the septic tank.

Council member White suggested a notice be placed on the plat indicating that even though the final plat is approved there is the probability of septic failure, thus alleviating liability on the county's part.

Director Runhaar said this was discussed at length by the Planning Commission. The site also has to be protected from flood irrigation on surrounding properties. It is problematic, but Bear River Health Department has the authority to issue feasibility. A wet spring, etc. can cause systems like this to fail. The present county ordinance does not speak to a situation such as this and the county needs to address the issue in the future. Currently, the application meets the county requirements.

Council members Robison and White recommended that the county land ordinance have the language placed in it stating that Cache County has the authority to override Bear River Health Department in a case such as this. Runhaar suggested that rather than override Bear River Health, the county could make its requirements stringent enough that an approval would not be granted in these situations.

**Motion by Council member White to waive the rules and approve the Final Plat for the Red Fox Subdivision.**

**The motion failed for lack of a second.**

Director Runhaar said staff can try to figure out a way to notate septic feasibility issues on the plat and bring that back to the Council on July 28, 2009.

- **Approval of Multicounty Appraisal Trust Interlocal Cooperative Agreement –**  
Executive Lemon said this amends and restates the agreement and noted this is the body that oversees the CAMA or mass appraisal system and recommended approval.
- **Resolution No. 2009-22 – Authorizing Executive to Execute Multicounty Appraisal Trust Interlocal Cooperative Agreement**

(Attachment 5)

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-22 – Authorizing Executive to Execute Multicounty Appraisal Trust Interlocal Cooperative Agreement. Robison seconded the motion. The vote was unanimous, 6-0. Petersen absent.**

- **Cache County Agreement by Clancy Systems International for Parking Lot Enforcement** – Executive Lemon said that before the County agreed to take over the county block parking the parking behind the merchants belonged to Logan City and the city enforced two-hour parking. As part of the agreement for the county to improve the parking, Logan City transferred ownership to the county and the county re-established two-hour parking. The merchants are concerned that people are abusing the two-hour parking. The parking affected is directly behind the merchants and the two center aisles west of that.

Attorney Linton observed that the contract is a fairly standard agreement but has several mistakes in it and needs to be rewritten before approval can be given.

Council member Chambers asked if there is a time when the two-hour limit doesn't apply? Lemon believes it is not enforced after 5:00 p.m. The signs now posted say two-hour parking anytime. If the Council sets a particular time limit, the signs will have to be changed.

Vice Chairman Zilles asked that a provision be included on the back lots that only allows twenty-four hour parking so parties will not leave vehicles there indefinitely. A provision for the time the two-hour limit applies was also recommended – either 8 a.m. to 5 p.m. or 8 a.m. to 6 p.m. There will be a second reading of the agreement at the July 28, 2009 Council meeting.

### **COUNCIL MEMBER REPORTS**

**Cory Yeates** asked Executive Lemon for a ballpark figure on how much sales tax revenues are down? Lemon replied about 7%.

**Kathy Robison** indicated that Attorney Swink wants to know if each Council member wants a copy of the hard cover County Code books or if one or two hard copies in the Executive's office and one online will be sufficient? Council members Buttars and White said they would like their own copies

**Brian Chambers** stated the July 24<sup>th</sup> parade is coming up in North Logan and inquired as to whether the Council received an invitation to participate? Pat Parker said other cities have indicated they no longer send invitations and it is up to the entity to make inquiry. Parker will call North Logan tomorrow to find out their policy.

**Gordon Zilles** reported he is planning on an August date for the shrimp and corn on the cob Council summer party.

Pat Parker reminded the Council that the photo retake will be just prior to the July 28, 2009 Council meeting.

### **ADJOURNMENT**

The Council meeting adjourned at 7:22 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** Gordon Zilles  
Vice Chairman



**LOCAL "STATE OF EMERGENCY DECLARATION"**  
**Cache County, Utah**

WHEREAS, beginning on July 11, 2009, a major landslide occurred in Logan City, Cache County, Utah; and

WHEREAS, this landslide has possibly caused three deaths, major property damage, downed power lines, disrupted utilities, extensive debris and wreckage; and

WHEREAS, urban search and rescue and emergency responder operations are continuing throughout the affected area and are severely straining all responding agencies; and

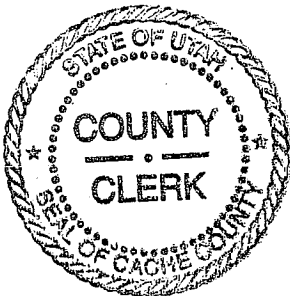
WHEREAS, rescue resources from throughout Cache County, from Region One as well as from the State of Utah have already been utilized and this incident will continue to require these resources; and

WHEREAS, these conditions have the potential to worsen and immediate attention is necessary to combat the threat to the safety, health, and welfare of the citizens of Cache County; and

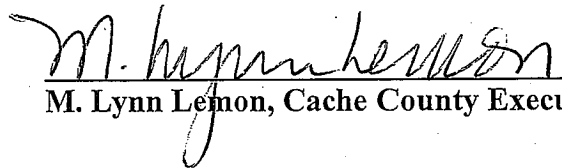
WHEREAS, The City of Logan has declared a "State of Emergency" to Cache County.

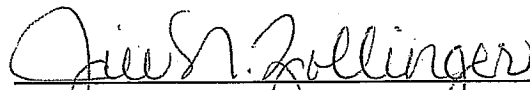
NOW THEREFORE, it is determined that a "State of Emergency" exists due to the aforesaid landslide in Cache County and such area is declared to be a disaster requiring aid, assistance, and relief available pursuant to the provisions of local and state statutes.

DATED this 13 day of July, 2009.



ATTEST:

  
M. Lynn Lemon, Cache County Executive

  
Jill N. Zollinger, County Clerk

CACHE COUNTY  
CORPORATION

M. LYNN LEMON  
COUNTY EXECUTIVE/SURVEYOR

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

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

PROCLAMATION

Whereas, *Family Day* is a national effort to promote family dinners as a natural effective way to reduce teen substance abuse risk and is meant to remind Americans of the value of parental engagement and encourage them to make family dinners a regular part of their lives.

Whereas, *Family Day* is an initiative that helps to reduce substance abuse among children and teens throughout America.

Whereas, research by Center on Addiction and Substance Abuse has consistently found that the more often children eat dinner with their parents, the less likely they are to smoke, use illegal drugs or abuse alcohol.

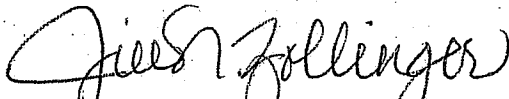
NOW THEREFORE, in recognition of the efforts being made by our nation to promote family dinners as a natural, effective way to reduce teen substance abuse risk, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah hereby proclaims September 28, 2009 as

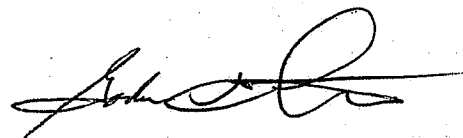
***FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN***

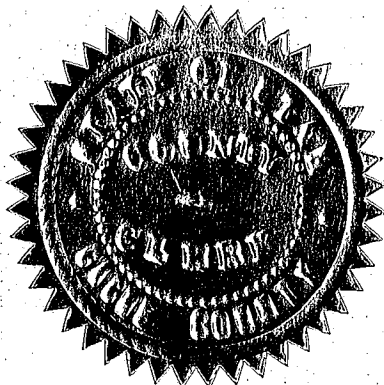
and encourages all citizens to make family dinners a regular part of their lives.

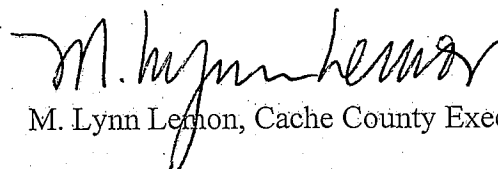
In witness thereof, as Chairman of the Cache County Council and Cache County Executive, we have hereunto set our hand this 14th day of July, 2009.

Attest:

  
Jill N. Zollinger, County Clerk

  
Gordon A. Zilles, Cache Council Vice Chairman



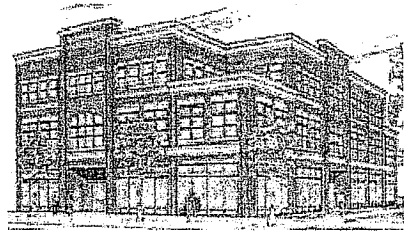
  
M. Lynn Lemon, Cache County Executive

# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

**JOSH RUNHAAR, AICP**  
DIRECTOR/  
ZONING ADMINISTRATOR

**PAUL BERNTSON**  
CHIEF BUILDING  
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987



## Memorandum

To: Cache County Council  
From: Josh Runhaar, Development Services Director & Zoning Administrator  
Date: July 7, 2009  
Subject: Development Services Agenda Items

*A request for the County Council to place the following on the July 14th Agenda:*

### CONSENT AGENDA ITEMS

- (1) **Neiderhouser Subdivision** – Marcel & Lisa Niederhouser are requesting a recommendation of approval to the County Council for a 3-lot subdivision on 3.30 acres of property in the Agricultural Zone located at approximately 3420 West 6800 South, east of Wellsville.  
Recommended Findings of Fact: Five (5)  
Recommended Conditions of Approval: Two (2)  
Planning Commission Recommendation: Approve with Conditions (5-0)

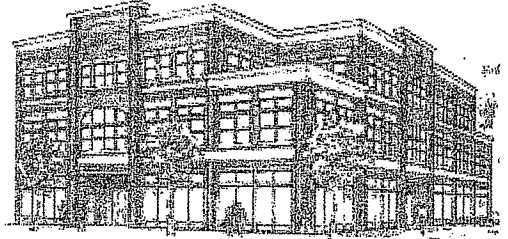
### ITEM FOR INITIAL CONSIDERATION

- (2) **Red Fox Subdivision** – Douglas L. & Claudia Larsen are requesting a recommendation of approval to the County Council for a 3-lot subdivision on 15.24 acres of property in the Agricultural Zone located at approximately 5400 West 2000 South, Mendon, UT.  
Recommended Findings of Fact: Five (5)  
Recommended Conditions of Approval: Six (6)  
Planning Commission Recommendation: Approve with Conditions (5-0)

Attachments:

- Staff Report
- Minutes
- Survey Plat

# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



**GARTH DAY**  
DIRECTOR/  
COUNTYWIDE PLANNER

**JOSH RUNHAAR, AICP**  
COUNTY PLANNER/  
ZONING ADMINISTRATOR

**PAUL BERNTSON**  
CHIEF BUILDING  
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987

**APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE**  
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION  
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA  
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

## PROJECT APPLICATION

### REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

### TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT

Date Received: <u>9-22-08</u>	Received By: <u>MDG</u>	Receipt Number: <u>4057</u>	Application Number: <u>ck # 2799</u> <u>\$ 600<sup>00</sup></u>
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### PROJECT INFORMATION

REQUEST TYPE Divide lot 3  
 PROJECT NAME Niederhanser Subdiv  
 PROJECT ADDRESS 3420 W 6800 S  
Wellsville UT 84339  
 SERIAL NUMBER(S) 10-0470022 & 0040  
 ZONE Agi 3.30 acres

### AGENT/OWNER INFORMATION

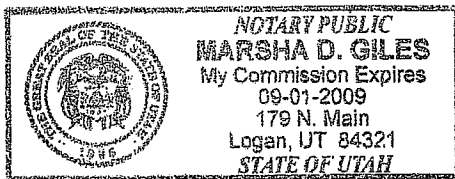
AGENT NAME MARCELL & LISA NIEDERHANSER  
 ADDRESS 3420 W 6800 S  
Wellsville UT  
 TELEPHONE (DAY) 245 4584 (CELL) 232 9700  
 OWNER NAME Stearns & Sterling  
Mt Sterling  
 ADDRESS 3360 W 6800 S  
Mt Sterling UT  
 TELEPHONE (DAY) 245 3391 (CELL) 232 6662

State of Utah )

County of Cache )


On this 22 day of September, 2008, personally appeared before me, Marcell Niederhanser, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

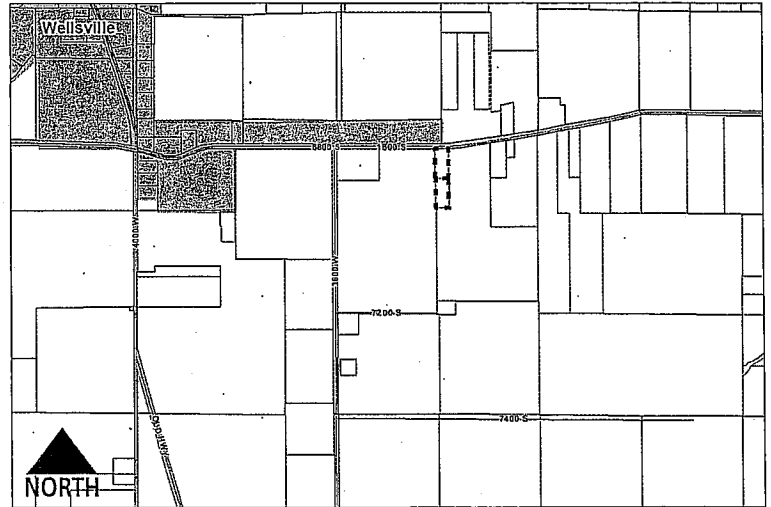
Signed: \_\_\_\_\_  
(Property Owner or Agent)



Marsha D Giles  
Notary Public

**CACHE COUNTY CORPORATION  
DEVELOPMENT SERVICES DEPARTMENT**

*Project Name:* **Niederhauser Subdivision**  
*Agent:* Marcell & Lisa Niederhauser  
*Request:* 3-Lot Subdivision  
*Type of Action:* Recommend to County Council  
*Current Zoning:* Agricultural (A)  
*Project Address:* 3420 West 6800 South (Mt. Sterling)  
*Staff Recommendation:* Approval with Conditions  
*Tax ID:* 10-047-0022  
10-047-0040  
*Surrounding Uses:* North – Agriculture  
South – Agriculture/Home  
East – Agriculture  
West – Agriculture/Home  
*Reviewed by:* Jay Baker, Associate Planner II 



**PURPOSE:** To recommend preliminary and final plat approval to the County Council for the Niederhauser Subdivision.

**PROJECT SUMMARY**

The project is in the Mt. Sterling area approximately 0.75 miles east of Wellsville City in the Agricultural Zone. Only one additional developable lot is proposed. Lots 1 and 3 have existing houses.

*Access:*

- Access from 6800 South is adequate.

*Water & Septic:*

- Adequate water rights are in place.
- The proposed lot is feasible for an onsite septic system and well.

*Service Provision:*

- Access from 6800 South is adequate for fire protection. The Wellsville fire station is 3.2 miles from the site.
- Garbage collection service will be on 6800 South. Residents should provide sufficient space along the side of the road for containers.
- A school bus stop is located at 3420 West 6800 South, adjacent to the proposed development.

**STAFF DETERMINATION**

It is staff's determination that the Niederhauser Subdivision, a three (3) lot subdivision for property located at approximately 3420 West 6800 South (Mt. Sterling) TIN# 10-047-0022, and 10-047-0040, 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 Niederhauser 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 Niederhauser 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 Niederhauser Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Niederhauser Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

5. 6800 South, 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. Prior to final plat recordation adequate water rights shall be in place.
2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.



## Cache County Planning Commission (CCPC)

Minutes for 06 November 2008

**Present:** Josh Runhaar, Jay Baker, Curtis Dent, Lee Nelson, Troy Allen, Lamar Clements, Leslie Larson, George Daines, Megan Izatt

**Start Time:** 5:33:00 pm (Video time not shown on DVD)

Nelson welcomed; Larson gave opening remarks.

### Approval of Agenda

*Clements moved to approve the agenda. Larson seconded; passed 5, 0.*

### Approval of Minutes

*Dent moved to approve the 02 October 08 minutes. Clements seconded; passed 5, 0.*

5:34:00

### Consent Agenda

#### #1 Niederhauser Subdivision

##### FINDINGS OF FACT:

1. The Niederhauser 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 Niederhauser 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 Niederhauser Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Niederhauser Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 6800 South, 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. Prior to final plat recordation adequate water rights shall be in place.
2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.

#### #2 South Cache Storage

*- Dent moved to approve items 1 and 2 on the consent agenda. Clements seconded; passed 5, 0.*

5:35:00

#### #3 Parkinson Gravel Pit (Steven Parkinson)

**Baker** reviewed Steven Parkinson's request for an expansion of a Conditional Use Permit to allow a portable crusher on 40 acres of property in the Agricultural Zone located southeast of

## SURVEY CERTIFICATE

LAND SURVEYING IS A PROFESSIONAL SERVICE WHICH IS SUBJECT TO THE PROVISIONS OF THE PROFESSIONAL LAND SURVEYING ACT, CHAPTER 48, UTAH CODE ANNOTATED, AND THE RULES AND REGULATIONS THEREUNDER. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF HIS SURVEYING AND THE COMPLIANCE THEREWITH WITH ALL APPLICABLE LAWS, RULES AND REGULATIONS.

**OWNER:** MARGOEL NIEDERHAUSER  
**ADDRESS:** WELLSVILLE, UTAH 84439  
**PHONE:** (435)282-9700

**PROJECT:** NIEDERHAUSER SUBDIVISION, CASHE COUNTY, UTAH

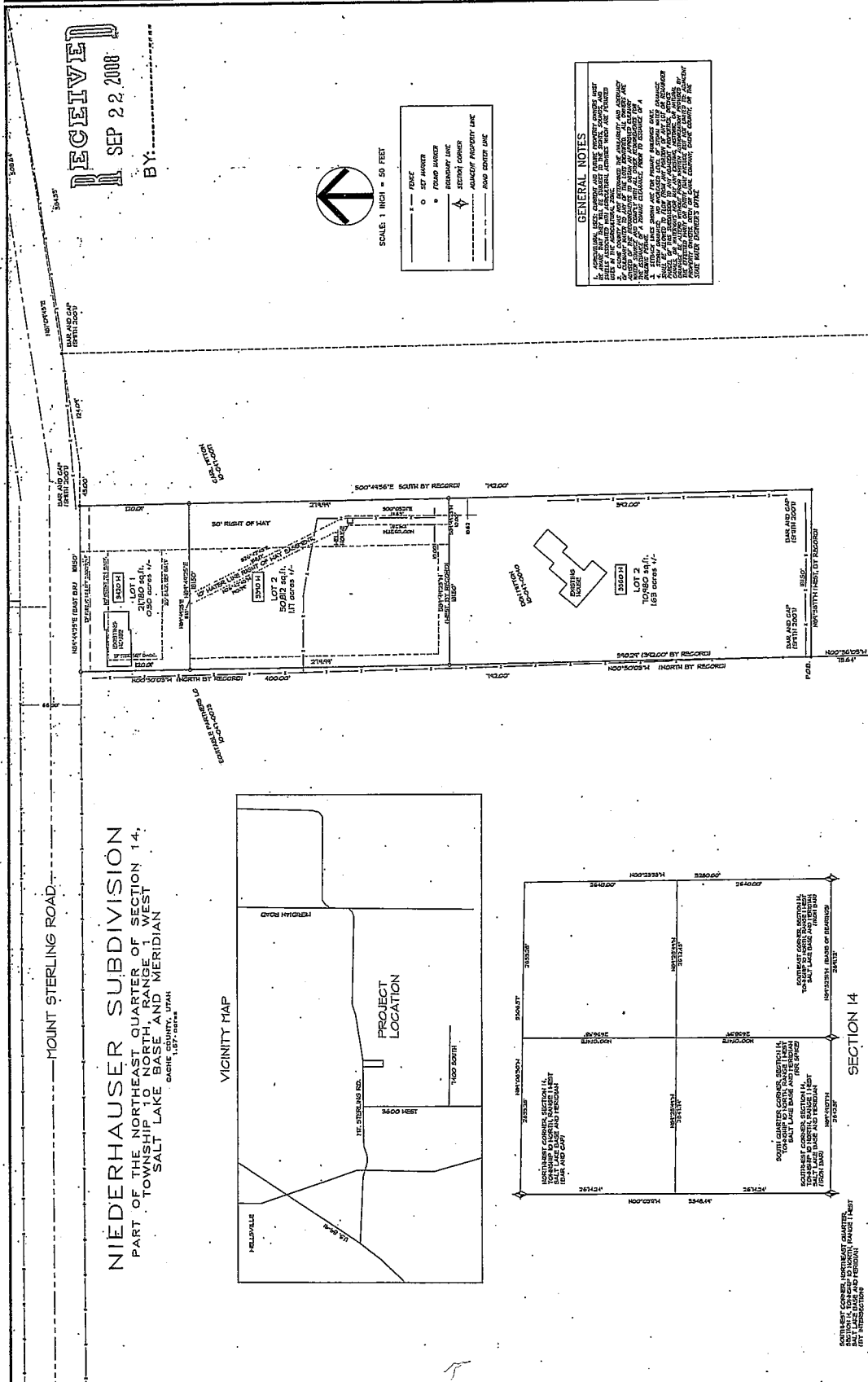
**FINAL PLAN**

**DATE:** 04-15-2009  
**BY:** [Signature]  
**SCALE:** 1" = 200'

DATE	REVISION

Checked By: _____	Project No: _____
Designed By: _____	Date: 04-15-2009
Reviewed By: _____	Sheet No: 1 of 1



**COUNTY SURVEYOR'S CERTIFICATE**

I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND FIND IT TO CONFORM WITH THE PROVISIONS OF THE PROFESSIONAL LAND SURVEYING ACT, CHAPTER 48, UTAH CODE ANNOTATED, AND THE RULES AND REGULATIONS THEREUNDER.

DATE: \_\_\_\_\_ COUNTY SURVEYOR: \_\_\_\_\_

**COUNCIL APPROVAL AND ACCEPTANCE**

THIS PLAN HAS BEEN REVIEWED BY THE CASHE COUNTY PLANNING COMMISSION AND APPROVED AS TO FORM AND SUBSTANCE.

COUNCIL CHAIRPERSON: \_\_\_\_\_ INTER: CLERK: \_\_\_\_\_

**ACKNOWLEDGMENT**

I, the owner, hereby acknowledge that I have read and understand the contents of this plan and that I have agreed to the same.

DATE OF SIGNATURE: \_\_\_\_\_ APPROVED AS TO FORM: \_\_\_\_\_

**OWNER'S DECLARATION**

I, the owner, hereby declare that I am the owner of the land shown on this plan and that I have the authority to execute this plan.

DATE OF SIGNATURE: \_\_\_\_\_ APPROVED AS TO SUBSTANCE: \_\_\_\_\_

**CACHE COUNTY PLANNING COMMISSION**

THIS PLAN HAS BEEN REVIEWED BY THE CASHE COUNTY PLANNING COMMISSION AND APPROVED AS TO FORM AND SUBSTANCE.

CACHE COUNTY RECORDER'S NO.: \_\_\_\_\_

DATE OF RECORDING: \_\_\_\_\_

BOOK AND PAGE: \_\_\_\_\_



RESOLUTION NO. 09- 21

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, 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 has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing 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

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.

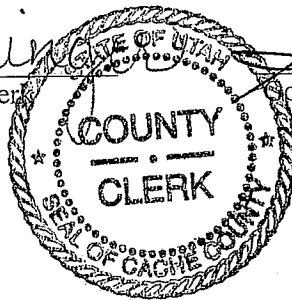
This resolution was duly adopted by the Cache County Council on the 14th day of July, 2009.

ATTESTED TO:

CACHE COUNTY COUNCIL

  
Jill N. Zollinger, Cache County Clerk

  
Gordon A. Zilles, Vice Chairman



FUND 10 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
103110000	Property Taxes	(\$7,865,000)		(\$106,397)	(\$7,971,397)	new growth adjustment
103130000	Sales Tax Revenues	(\$3,800,000)	\$36,128	(\$5,687)	(\$3,763,872)	adjust for prop tax growth
103311110	Mineral Revenue Sharing 25% monies	(\$42,609)		(\$1,000)	(\$48,296)	ADJUST TO ACTUAL COLLECTION
103312000	ST & LOCAL ASSIST GRANT -EMPG	(\$7,000)		(\$8,000)	(\$8,000)	ADJUST TO ACTUAL COLLECTION
103344101	STATE GRANTS - ICAC	(\$10,000)		(\$10,000)	(\$18,000)	Award for FY2009-2010
103423555	INMATE MEDICAL CO-PAYMENTS	\$0		(\$3,000)	(\$3,000)	ESTIMATED REVENUE
103426300	WITNESS FEE REIMBURSEMENTS	\$0		(\$2,500)	(\$2,500)	SEPERATELY ACCOUNT FOR WITNESS FEE REIMB
103475700	FAIRGROUND - RV DUMPING FEES	\$0		(\$10,000)	(\$10,000)	RV DUMPING FEE REVENUES
103510000	MISC COURT FINES	\$0		(\$13,050)	(\$13,050)	SEPERATELY ACCOUNT FOR MISC CRT FINES
103651000	SALE OF SURPLUS VEHICLES	(\$8,000)		(\$159,634)	(\$167,634)	REVENUES FROM SURPLUS VEHICLE SALES
	Totals		\$36,128	(\$159,634)	(\$123,506)	

Net Adjustment

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
104150560	AUDIT	\$38,500	\$1,251		\$39,751	ADJUST AUDIT FEE TO ACTUAL
104210250	SHERIFF - EQUIP SUPPLY & MAINT	\$87,751		(\$400)	\$87,351	TRANSFER FOR TEAM MAYOR'S REPORT
104210620	SHERIFF - MISC SERVICES	\$41,716	\$400		\$42,116	PROGRAMMING
104211481	SUPP SERV - SPEC GRANT EXPENSE -ICAC	\$10,440	\$8,000		\$18,440	Award for FY2009-2010
104230255	JAIL - PRISONERS SUPPLIES -W/RELEASE	\$76,000	\$1,250		\$77,250	TO COVER EXPENSES
104255254	EMERGENCY MGT -(HLS)NON-CAPITALIZED EQUIP	\$129,936		(\$13,500)	\$116,436	TRANSFER FOR ROPE CLASS BATC TRAINING
104255332	EMERGENCY MGT -(HLS) GRANT EDUCATION & TRAINI	\$0	\$13,500		\$13,500	HLS - BATC TRAINING ROPE CLASS
104450115	WEED - OVERTIME PAY	\$0	\$5		\$5	TO COVER EXPENSES
104511240	FAIRGROUNDS - OFFICE EXPENSES	\$1,000	\$1,000		\$2,000	POSTAGE COSTS
104511260	FAIRGROUNDS - MISC SERVICES	\$6,500	\$1,000		\$7,500	TO COVER CLEANING CONTRACT EXPENSE
104623510	DEMO DERBY - INSURANCE	\$0	\$1,253		\$1,253	SEPERATELY ACCT FOR INSURANCE COSTS
104623621	DEMO DERBY - CONTRACT SERVICES	\$10,200		(\$1,253)	\$8,947	TRANSFER TO COVER INS FOR DEMO DERBIES
104960530	TAX ANTICIPATION INTEREST	\$0	\$50,000		\$50,000	INTEREST ON TAX ANTICIPATION BORROWING
104960600	Sundry Expense	\$80,000	\$61,000		\$141,000	Retirement system adj 2 Law Ent Employees
	Totals		\$138,659	(\$15,153)	\$123,506	
	Net Adjustment				\$0	

FUND 15 ASSESSING AND COLLECTING FUND REVENUES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
153160000	MULTI-COUNTY ASSESSING & COLLECTING LEVY	(\$550,000)		(\$169,335)	(\$719,335)	CAPTURE INCREASE FOR MCAT CAMA SYSTEM
153165000	COUNTY ASSESSING & COLLECTING LEVY	(\$1,510,000)		(\$9,721)	(\$1,519,721)	CAPTURE NEW GROWTH PROCEEDS
	Totals		\$0	(\$179,056)	(\$179,056)	

Net Adjustment

FUND 15 ASSESSING AND COLLECTING FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
154146620	Assessor - Multi-County Appraisal Trust for CAMA	\$0	\$128,398		\$128,398	to offset levy increase for CAMA System
154800992	Contrib to fund reserve	\$85,282	\$50,658		\$135,940	new growth adjustment
	Totals		\$179,056	\$0	\$179,056	
	Net Adjustment				\$0	

FUND 17 WATER DEVELOPMENT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
174115480	SPECIAL GRANT EXPENSE	\$0	\$10,000		\$10,000	RESEARCH
174115620	MISC SERVICES	\$61,937		(\$10,000)	\$51,937	Transfer to pay GIS Technician
	Totals		\$10,000	(\$10,000)	\$0	
	Net Adjustment				\$0	

FUND 20 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Recommended Increase CREDIT	Amended Budget	Reason for Change
203356000	Class B Road Allocation	(1,350,000)		(300,000)	(1,650,000)	Road Transfer Funds
203892000	Approp Surplus -MSF	(65,708)		(950)	(66,658)	refund 50% of subdiv application fee 2007
	Totals			(300,950)	(300,950)	
	Net Adjustment					

FUND 20 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Recommended Decrease CREDIT	Amended Budget	Reason for Change
204180620	Zoning - Misc Services	6,000	950		6,950	refund 50% of subdiv application fee 2007
204415410	Class B Road - Road Maintenance	759,650	300,000		1,059,650	Road Transfer Funds
	Totals		300,950		300,950	
	Net Adjustment					

FUND 21 HEALTH FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Recommended Increase CREDIT	Amended Budget	Reason for Change
213111000	Property Taxes	(\$670,000)		(\$10,251)	(\$680,251)	new growth adjustment
	Totals		\$0	(\$10,251)	(\$10,251)	
	Net Adjustment					

FUND 21 HEALTH FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Recommended Decrease CREDIT	Amended Budget	Reason for Change
214800996	Contrib to fund reserve	\$32,550	\$10,251		\$42,801	new growth adjustment
	Totals		\$10,251	\$0	\$10,251	
	Net Adjustment					

FUND 26 RESTAURANT TAX FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
263890000	1% Restaurant Tax	(917,912)		(3,500)	(921,412)	Revenue projected increase
	Totals		\$0	(\$3,500)		
	Net Adjustment				(\$3,500)	

FUND 26 RESTAURANT TAX FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
264810215	Transfers out - DEV SERVICES		3,500		3,500	CPDO AWARD -
	Totals		\$3,500	\$0		
	Net Adjustment				(\$3,500)	

FUND 27 COUNTYWIDE PLANNING & DEVELOPMENT FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
273370000	GRANTS -OTHER LOCAL	(\$23,000)		(\$32,000)	(\$55,000)	ENVISION CACHE VALLEY PROJECT
273892000	APPROP SURPLUS	(\$60,697)	\$17,294		(\$43,403)	UNEXPENDED ENVISION CV FROM 2008
	Totals		\$17,294	(\$32,000)		
	Net Adjustment				(\$14,706)	

FUND 27 COUNTYWIDE PLANNING & DEVELOPMENT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
274181487	ENVISION CACHE VALLEY PROJECT	\$72,188		\$14,706	\$86,894	ENVISION CACHE VALLEY PROJECT
	Totals		\$14,706	\$0		
	Net Adjustment				(\$14,706)	

FUND 28 LIBRARY FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
283870000	Contributions / Donations	\$0		(\$2,159)	(\$2,159)	Macey's book drive donations
	Totals		\$0	(\$2,159)	(\$2,159)	
	Net Adjustment					

FUND 28 LIBRARY FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
284581485	book collection	\$12,500	\$2,159		\$14,659	Macey's book drive donations
	Totals		\$2,159	\$0		
	Net Adjustment				\$2,159	
					\$0	

FUND 62 RAPZ FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
623870000	APPROPRIATED SURPLUS	(\$345,285)		(\$150,000)	(\$495,285)	AWARD TO FESTIVAL OPERA
	Totals		\$0	(\$150,000)	(\$150,000)	
	Net Adjustment					

FUND 62 RAPZ FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
624780482	RAPZ ALLOCATIONS - PROJECTS	\$1,208,977			\$1,358,977	AWARD TO FESTIVAL OPERA
	Totals		\$150,000	\$0	\$150,000	
	Net Adjustment				\$0	

FUND 77 AIRPORT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
77-4460-310	PROF & TECH - FED GRANT PROJECTS	\$1,500	\$162,379		\$163,879	MASTERPLAN PHASE 1 & 2 (INSIDE FENCE)
77-4460-210	SUBSCRIPTIONS & MEMBERSHIPS	\$0	\$1,500		\$1,500	RECLASS FROM PROF & TECH TO DUES/
77-4460-739	FED GRANT PROJECTS			(\$163,879)	(\$163,879)	RECLASS TO PROF & TECH FOR AIP 19 & 20
	Totals		\$163,879	(\$163,879)		
	Net Adjustment				\$0	
					\$0	

CACHE COUNTY  
RESOLUTION NO. 2009-22

A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO EXECUTE THE RENEWAL OF AN AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT KNOWN AS THE MULTICOUNTY APPRAISAL TRUST.

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 Amended and Restated Interlocal Cooperation Agreement known as the Multicounty Appraisal Trust.

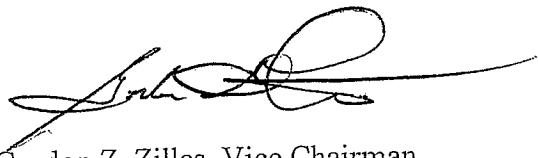
NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the Amended and Restated Interlocal Cooperation Agreement known as the Multicounty Appraisal Trust as stated in "Addendum A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

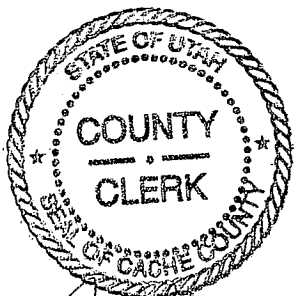
DATED this 14 day of July, 2009

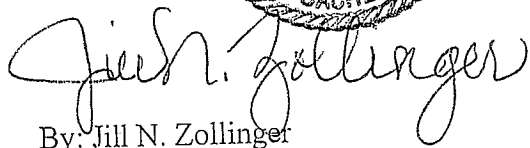
CACHE COUNTY COUNCIL

By:

  
Gordon Z. Zilles, Vice Chairman

ATTEST:



  
By: Jill N. Zollinger  
Cache County Clerk

## Amended and Restated Interlocal Cooperation Agreement

**CONTRACTING PARTIES:** This agreement is by and between the following counties of the state of Utah that are bodies corporate and politic of the state of Utah and that possess the authority to enter into this interlocal cooperation agreement. The counties entering into this agreement are: Beaver County, Box Elder County, Cache County, Carbon County, Daggett County, Davis County, Duchesne County, Emery County, Garfield County, Grand County, Iron County, Juab County, Kane County, Millard County, Morgan County, Piute County, Rich County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County, Tooele County, Uintah County, Utah County, Wasatch County, Washington County, Wayne County, and Weber County.

**TERM OF CONTRACT:** This agreement shall be effective as of August 1, 2009 and shall continue in full force and effect until terminated as provided hereinafter, but shall not exceed a term of fifty (50) years.

**PURPOSE AND STATUTORY AUTHORITY:** This agreement is for the purpose of establishing an interlocal entity separate from the participating counties to be known as the Multicounty Appraisal Trust (the "Trust"). The Trust shall establish and administer a multi-county cooperative effort in appraisal and equalization of property values and effective collection, utilization and distribution of property tax proceeds for the contracting parties. The Trust shall be charged with administering the legislative actions that specifically identifies the Trust, such as UCA Sec. 59-2-1606 relating to a statewide computer assisted mass appraisal system (CAMA system). This agreement and the creation of the Trust are authorized by the Interlocal Cooperation Act, Section 11-13-101, et. seq. Utah Code Annotated, 1953, as amended. The Trust shall have such powers as are specified herein and shall have, unless expressly limited herein, all powers and duties provided for by UCA Sec. 11-13-204 and the Interlocal Cooperation Act. This agreement constitutes an amendment and restatement of the Cooperation Agreement dated to take effect on January 1, 1987.

### GENERAL PROVISIONS

**ORGANIZATION:** There is hereby created a governing body for the Trust (the "Board") which shall act in behalf of the contracting parties to administer the Trust and the provisions of this agreement. The Board shall be composed of one (1) member from each of the contracting counties. Each County legislative body shall designate in writing the person to act as its representative on the Board.

**PAYMENT OF FEES:** Fees and fees for services provided by the Trust, if any, shall be determined by the Board and provisions associated with said fees may be defined in the rules and regulations adopted by the Board. Only those counties which have paid all current and past fees assessed by the Trust shall be represented on the Board.



OFFICERS: The Board shall select from its members an Executive Committee consisting of the following officers: Chair, First Vice-chair, Second Vice-chair, three At-large members, and the immediate Past Chair. The officers shall serve as the Executive Committee of the Board and shall possess the power to act on behalf of the Board if so provided for in the rules and regulations adopted by the Board.

- (a) Tenure. The officers of the Trust shall be elected annually by the members of the Board. The offices of Chair, First Vice-Chair, Second Vice-chair, and Past Chair shall serve for one year or until their successors are elected and take office. The offices of At-large members shall serve as follows: Upon the initial organization of the Board and election of officers, one at-large member shall be elected to a one year term, one elected to a two year term and one elected to a three year term. Thereafter, all at-large terms shall be three year terms. All At-large members shall serve until their successors are selected and take office.
- (b) Nominations. Nominations for officers shall be made by the members of the Board during the annual meeting of the Board. Members attending the annual meeting must nominate at least one nominee for the office of Chair, one nominee for the office of First Vice-chair, two nominees for the office of Second Vice-chair, and two nominees for each of the three At-large members.
- (c) Vacancies. A vacancy occurring in the office of Chair, First Vice-chair, Second Vice-chair or Immediate Past Chair shall be filled by the remaining officers appointing a new officer to fill the unexpired term of the vacancy.
- (d) Chair. The Chair shall be subject to the control of the Board and shall exercise general supervision of the affairs of the Trust. The Chair shall, when present, preside over and conduct all meetings of the Board and of the Executive Committee. The Chair, when authorized by the Board, may sign or execute contracts of other instruments for the Trust, when permitted by this agreement. The Chair shall, in general, perform all duties incident to the office of Chair and such other duties as may from time to time be prescribed by the Board.
- (e) First Vice-chair. In the absence of the Chair, the First Vice-chair shall perform all of the duties of the Chair. When so acting, (s)he shall have all the powers of, and be subject to, all the restrictions placed upon the Chair. The First Vice-chair shall perform such duties as may from time to time be assigned by the Chair of the Board.

- (f) Second Vice-chair. The Second Vice-chair shall perform such duties as may from time to time be assigned by the Chair of the Board.
- (g) At-large. At-large members shall perform such duties as may from time to time be assigned by the Chair of the Board.

### ADMINISTRATIVE CONTRACT

Administrative Contract. The Board may contract administrative services and the contract fees shall be reviewed and approved annually by the Board.

### MEETINGS

Annual Meeting. One annual meeting of all members shall be held on a date set by the Board.

Special Meetings. A special meeting of the Trust for any purpose or purposes may be called by the Chairman of the Board, majority of the Executive Committee or the majority of the Board at any time.

Place of Meeting. The Board may designate any place of meeting convenient for regular or special meetings.

Notification of Meetings. Members to be notified of meetings by United States mailing address, email, or other medium as approved by the Board.

Quorum. No business of the Trust shall be conducted without a quorum present. A quorum shall be a majority of the total Board members for Board meetings and a majority of the Executive Officers for meetings of the Executive Committee, if one is provided for in the Trust's rules or regulations.

Conduct of Meetings. The Board may adopt such rules and regulations as are deemed necessary to ensure the orderly operation of its affairs not contrary to the provisions of this agreement.

### AUTHORITY OF TRUST

The Trust, through its Board members as designated, shall have the power to do the following:

- (a) Designate and perform appraisal and equalization services that will be offered to member counties.
- (b) Contract with private organizations or other entities to acquire, develop, and implement the designated services.

- (c) Hold and expend monies allocated to or received by the Trust to accomplish the objectives stated herein.
- (d) Sell to any other entity the services or products generated as a result of this agreement that are owned by the Trust and retain the proceeds for its use. In the event the Trust shall own any real or personal property, such as computer systems, software, software code, etc. developed under this agreement, said systems or software shall be jointly owned by the Trust in behalf of the member counties. Any systems, software or other processes developed by the Trust may not be sold by any member of this Trust.
- (e) The Board shall establish a general budget to finance its authorized objectives. The budget amount, after deduction for revenues from other sources, shall be allocated to each member county based on a formula established by the Board in the form of a fee. If the general budget is not objected to within thirty (30) days from the date received by the member county, it shall be deemed accepted. Payment of fees by the member county must be made within sixty (60) days of receipt by the member county or membership in the Trust will be suspended for one-hundred and eighty (180) days or until paid. If fees are not reconciled before the end of the one-hundred and eighty (180) days the county membership will be terminated.
- (f) The Board may impose fees to finance projects approved by the Board.
- (g) The Board shall have the authority to administer current and future legislation, in accordance with Utah law, that identifies the Trust. Examples of this are UCA Sec. 59-2-1606 (statewide CAMA system) and UCA Sec. 59-2-704 (factoring or corrective action mediator).

#### WITHDRAWAL

Any party to this agreement may withdraw itself from the Trust and the provisions of this agreement by giving at least ninety (90) days prior written notice to the Board. A party withdrawing from this agreement shall not be entitled to a refund of any monies paid by it to the Trust. Any party withdrawing from this agreement shall not be entitled to sell to any person, firm, or other entity any computer systems or software acquired or developed as a result of this agreement unless the Board agrees to the sale in writing. Ownership of all assets developed by the Trust shall remain the property of the Trust but a withdrawing party shall have a license to continue to use any software developed and owned by the Trust and in the possession of the withdrawing member to the extent allowed by the applicable license. The withdrawing member shall not have a right to updates of the software owned by the Trust released after its withdrawal absent entering into

an agreement with the Trust. Withdrawing members shall have no claim against other assets or accounts of the Trust except as authorized by this section.

If all of the contracting parties agree to terminate this agreement, or if only two (2) parties remain and one of the parties gives its notice to withdraw, then all unencumbered monies being held by the Trust shall, within ninety (90) days, be distributed equally to each member who is then a party to this agreement. Any encumbered monies, defined as monies held by the Trust which are subject to expenditure as a result of a binding agreement between the Trust and others, or otherwise restricted as to use, shall be held by the Trust until such time as they are expended, and each then existing party shall be entitled to the benefit of said expenditure. Said Trust shall be dissolved immediately after its monies are distributed and all of its agreements are fulfilled.

#### MODIFICATIONS

Any alterations, variations, modification or waivers of any provision of this agreement shall be valid only when they have been reduced to writing and duly approved and signed in accordance with state statute and local ordinance by each party to this agreement.

#### INTERPRETATION

The captions which precede the various portions of the agreement are for convenience only and shall in no way affect the manner in which any provision hereof is construed. Whenever the context so requires, the singular shall include the plural and the plural shall include the singular, the whole shall include any part thereof, and any reference to gender shall include both male and female. The invalidity or unenforceability of any provision contained in this agreement shall not affect the validity or enforceability of the remainder.

#### MEETINGS AND RECORDS OF THE TRUST

The Trust shall comply with the applicable provisions of the Utah Open and Public Meetings Act (UCA Sec. 52-4-101, et seq.), and the Utah Government Records Access and Management Act (UCA Sec. 63G-2-101, et seq.) and shall adopt rules and regulations implementing said statutory provisions.

#### EXECUTION OF THIS AGREEMENT

This agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same agreement.

APPLICABLE LAW

This agreement shall be governed by the laws of the state of Utah both as to interpretation and performance.

APPROVAL BY ATTORNEYS

This Agreement shall be submitted to the authorized attorneys for each of the members for approval in accordance with UCA Sec. 11-13-202.5.

NO THIRD PARTY BENEFICIARIES

This agreement is entered into by the parties solely for the benefit of the parties hereto. No obligation, benefit or rights are intended to be created or are created in any third party by the execution hereof.

NOTICES

Any notice required hereunder or issued to or by the Trust shall be effective upon deposit, postage prepaid, in the United States Mail addressed to:

Trust: Multicounty Appraisal Trust, at the official address of the Trust, as established by the rules and regulations adopted by the Board.

Member: County Clerk of the affected County at the official address of the affected County with a copy to the County Attorney at the official address of the affected county.

IN WITNESS WHEREOF, this agreement is duly made and executed in behalf of Cache County by authority of a resolution of its legislative body duly adopted in a lawful meeting duly held and attended by a quorum.

Cache County

By M. Lynn Lemon  
M. Lynn Lemon, County Executive


Date 7/20/09



Attest: Jill R. Zollinger  
Zollinger, County Clerk

Date 7/20/09

Approved as to form and compliance with applicable law:

For   
James Swink, County Attorney

Date 7.15-9