

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
JANUARY 12, 2010**

CACHE COUNTY COUNCIL
January 12, 2010

APPOINTMENT – Bailey, Mayor Thomas-Wellsville-Solid Waste Advisory Board	1
APPOINTMENT – Buist, Mayor Ed-Mendon- Solid Waste Advisory Board	1
APPOINTMENT – Buttars, Craig “W”- Solid Waste Advisory Board	1
APPOINTMENT – Christiansen, Mayor Clair-Newton- Solid Waste Advisory Board	1
APPOINTMENT – Cox, Mayor Bryan-Hyde Park- Solid Waste Advisory Board	1
APPOINTMENT – Hansen, Mayor Joe-Cornish- Solid Waste Advisory Board	1
APPOINTMENT – Knight, Mayor Gerald-Nibley- Solid Waste Advisory Board	1
BAILEY, MAYOR THOMAS – Appointment-Solid Waste Advisory Board.....	1
BEAR RIVER REGION 2009 PRE-DISASTER MITIGATION PLAN.....	3
BOARD ASSIGNMENTS FOR COUNCIL MEMBERS FOR 2010.....	10
BRIDGERLAND LITERACY REPORT	2
BUDGET - Open 2010-Public Hearing Set-January 26,2010-5:45 p.m.....	4
BUIST, MAYOR ED – Appointment-Solid Waste Advisory Board.....	1
BUTTARS, CRAIG “W” – Appointment-Solid Waste Advisory Board.....	1
CCEMS – New Heart Monitor	10
CRP – Request from Farm Service Agency, Department of U.S. Agriculture	9
CACHE COUNTY BOARD OF ADJUSTMENTS – Approval of Cache County Planning Commission and Cache County Board of Adjustment Meeting Calendar for 2010	10
CACHE COUNTY PLANNING COMMISSION – Approval of Cache County Planning Commission and Cache County Board of Adjustment Meeting Calendar for 2010	9
CALENDAR – Approval of Cache County Planning Commission and Cache County Board of Adjustment Meeting Calendar for 2010	9
CARDON, WAYNE – Public Comment	7
CHRISTIANSEN, MAYOR CLAIR – Appointment-Solid Waste Advisory Board.....	1
CLEMENTS, LAMAR – Public Comment	7
COUNCIL MEMBERS BOARD ASSIGNMENTS FOR 2010.....	10
COX, MAYOR BRYAN – Appointment-Solid Waste Advisory Board	1
EMPLOYEE OF THE MONTH – Toone, Deputy Chris.....	2
FARM SERVICE AGENCY – Request from Farm Service Agency, Department of U.S. Agriculture - CRP	10
FINAL PLAT APPROVAL – Pinder Subdivision	3
FINAL PLAT APPROVAL – Tarbet Subdivision	4
FIXED WATER SUPPLIES FOR FIRE PROTECTION WITH THE UNINCORPORATED CACHE COUNTY – Resolution No. 2010-03 – (NO ACTION TAKEN)	7
HANSEN, MAYOR JOE – Appointment-Solid Waste Advisory Board.....	1
HILLYARD, SENATOR LYLE – Jail reimbursement funds, Utah Retirement Fund, Restaurant Tax, Greenbelt rollback tax, cigarette, tax, food tax	8
HYDE PARK – Approval of Cooperative Agreement for engineering for roadway construction of 3100 North from US 91 to 1600 East	5
INDUSTRIAL REVENUE BONDS – Public Hearing Set-February 09 ,2010-6:00 p.m.-Establishing a time for a public hearing to receive input regarding the proposal that the County issue its Industrial Development Revenue Bonds, Series 2010 (Lower Foods Project) in the aggregate principal amount of not to exceed \$3,000,000.00, etc.-Resolution No. 2010-02	4,6

JAIL REIMBURSEMENT FUNDS FROM STATE – Hillyard, Senator Lyle.....	8
KNIGHT, MAYOR GERALD – Appointment-Solid Waste Advisory Board	1
LEGISLATORS' WEEKLY MEETINGS.....	2
LOGAN GATEWAY TRAIL – Resolution No. 2010-05-Cache Support for Logan Gateway	9
LOWER FOODS – Public Hearing Set-February 09, 2010-6:00 p.m.-Establishing a time for a public hearing to receive input regarding the proposal that the County issue its Industrial Development Revenue Bonds, Series 2010 (Lower Foods Project) in the aggregate principal amount of not to exceed \$3,000,000.00, etc.-Resolution No. 2010-02	4,6
NORTH AMERICAN WEATHER CONSULTANTS – December Cloud Seeding Report	2
NORTH LOGAN – Approval of Cooperative Agreement for engineering for roadway construction of 3100 North from US 91 to 1600 East.....	5
ORDINANCE – Public Hearing Set -January 26, 2010-6:00 p.m.-An Ordinance adopting procedures for the application, approval, and issuing permits for Special Events (<i>NO ACTION TAKEN</i>).....	5
PERSONAL LEAVE POLICY CHANGE – Resolution No. 2010-04-Changes to Personnel Policy-Section 6.5.0, Subsection 6.5.5.1.1 Personal Leave	5
PERSONNEL POLICY CHANGE – Resolution No. 2010-04-Changes to Personnel Policy-Section 6.5.0, Subsection 6.5.5.1.1 Personal Leave.....	5
PINDER SUBDIVISION – Final Plat.....	3
PUBLIC COMMENT – Cardon, Wayne	7
PUBLIC COMMENT – Clements, LaMar.....	7
PUBLIC HEARING – January 12, 2010-6:00 p.m.-Adequate Water Systems for Unincorporated Area proposed subdivisions.....	6
PUBLIC HEARING SET – January 26,2010-5:45 p.m.-Open 2010 Budget	4
PUBLIC HEARING SET – February 09 ,2010-6:00 p.m.-Establishing a time for a public hearing to receive input regarding the proposal that the County issue its Industrial Development Revenue Bonds, Series 2010 (Lower Foods Project) in the aggregate principal amount of not to exceed \$3,000,000.00, etc.....	4
PUBLIC HEARING SET – January 26, 2010-6:00 p.m.-An Ordinance adopting procedures for the application, approval, and issuing permits for Special Events	5
RAPZ/RESTAURANT TAX REPORT	3
RESOLUTION NO. 2010-01 – Authorizing Executive to execute a Cooperative Agreement for engineering for roadway construction of 3100 North from US-91 to 1600 East (<i>NOT APPROVED</i>).....	5
RESOLUTION NO. 2010-02 – Consideration of a resolution of the County Council of Cache County, Utah for inducement of not to exceed \$3,000,000.00 of Industrial Development Revenue Bonds, approving a Memorandum of Agreement with Lower Properties, L.L.C., etc.	6
RESOLUTION NO. 2010-03 – Fixed Water Supplies for Fire Protection within the Unincorporated Cache County (<i>NO ACTION TAKEN</i>)	7
RESOLUTION NO. 2010-04 – Changes to Personnel Policy-Section 6.5.0, Subsection 6.5.5.1.1 Personal Leave	5
RESOLUTION NO. 2010-05 – Cache County Support for Logan Gateway	9
RESTAURANT/RAPZ TAX REPORT	3
ROAD – Update on 1000 West Road-UDOT Construction Schedule	2
ROAD – Approval of Cooperative Agreement for engineering for roadway construction of 3100 North from US 91 to 1600 East (<i>NOT APPROVED</i>).....	5
SUBDIVISIONS – Public Hearing-January 12, 2010-6:00 p.m.-Adequate Water Systems for Unincorporated Area proposed Subdivisions	6,7
TARBET SUBDIVISION – Final Plat.....	4
TOONE, DEPUTY CHRIS – Employee of the Month	2
UCIP – Workers Compensation-Utah Local Government Trust	10
UTAH FESTIVAL OPERA – Additional \$150,000.00 RAPZ Funding.....	2
WARRANTS – 11-20-2009 to 11-26-2009, 11-27-2009 to 12-03-2009, 12-10-2009, 12-11-2009 to 12-17-2009 and 12-25-2009 to 12-31-2009.....	2

CACHE COUNTY COUNCIL MEETING
January 12, 2010

The Cache County Council convened in a regular session on January 12, 2010 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Michael Anderson, Danielle Bird, Todd Black, Alex Buxton, Wayne Cardon, LaMar Clements, Zac Covington, Chief Rod Hammer, Senator Lyle Hillyard, Sharon L. Hoth, Lieutenant Chad Jensen, Lieutenant Brian Locke, Alan Lower, Sheriff Lynn Nelson, David Nielsen, Pat Parker, Brad Patterson, Cheryl Pinder, Director Josh Runhaar, Cari Shakespear, Jim Smith, Bruce Tarbet, Laurilee Tarbet, Dan Turner, Lynn Zollinger, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU), Jeremy Threlfall (KUTA-TV).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

Council member Yeates left the meeting.

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 December 08, 2009 Council Meeting as amended. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

<u>APPOINTMENTS:</u>	Mayor Bryan Cox-Hyde Park	Solid Waste Advisory Board
	Mayor Ed Buist-Mendon	Solid Waste Advisory Board
	Mayor Gerald Knight-Nibley	Solid Waste Advisory Board
	Mayor Joe Hansen-Cornish	Solid Waste Advisory Board
	Mayor Clair Christiansen-Newton	Solid Waste Advisory Board
	Mayor Thomas Bailey-Wellsville	Solid Waste Advisory Board
	Craig "W" Buttars	Solid Waste Advisory Board

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

WARRANTS: Warrant for the periods 11-20-2009 to 11-26-2009, 11-27-2009 to 12-03-2009, 12-10-2009, 12-11-2009 to 12-17-2009 and 12-25-2009 to 12-31-2009 were given to the Clerk for filing.

OTHER ITEMS

- Legislators' Weekly Meetings** – Executive Lemon told the Council that County Legislators have expressed a desire to continue the Saturday 11:00 a.m. meetings in the County Council Chambers and asked for the Council's approval of the time. The Council agreed on the day and time for the meetings.

Council member Yeates returned to the meeting.

- North American Weather Consultants** – Executive Lemon noted that the December report indicates that Cache County is 57% of normal for snow and 68% of normal for the water year.
- Update on 1000 West Road** – Executive Lemon said there are delays due to environmental issues and most of the construction will probably take place in 2011 with only a small portion of the construction being done in 2010.
- UFOC \$150,000.00 Additional Funding** – Executive Lemon reported that the additional \$150,000.00 Restaurant/RAPZ funding has been paid to the Utah Festival Opera Company.

Council member Robison asked that UFOC Board Member Ron Godfrey be invited to report to the Council at the January 26, 2010 Council meeting or the February 9, 2010 Council meeting.

Chairman Zilles asked Pat Parker to place Godfrey on one of the requested meeting agendas.

ITEMS OF SPECIAL INTEREST

- **Employee of the Month** award was presented to Deputy Chris Toone of the Cache County Sheriff's Office by Jim Smith.
- **Bridgerland Literacy Report – Danielle Bird** and Cari Shakespear were present and Bird reported that Bridgerland Literacy has achieved National Accreditation. Bridgerland Literacy has been active for twenty-two years and Bird noted that Council member Robison has been a long-time volunteer in the program. Bird also invited the County Council to participate in Bridgerland Literacy's upcoming Scrabble Tournament, perhaps challenging the Logan City Council.

- **2009 “Pre-Disaster Mitigation Plan: Bear River Region” – Zac Covington** explained the plan and stated that in order to keep eligibility for federal funding the plan needs to be adopted by the Council. Covington will leave a hard copy with Cache County and it is also accessible online at www.brag.utah.gov

Chairman Zilles asked if there are response plans for Porcupine and Hyrum Dams? Covington replied that is covered in the dam inundation areas or dam break zones.

Chairman Zilles indicated the plan will be on a future agenda in the form of a resolution for the Council’s approval.

(Attachment 1)

UNIT OR COMMITTEE REPORTS

- ★ **Restaurant/RAPZ Tax Report – Craig Petersen** quickly reviewed a five-year analysis of the Restaurant Tax put together by Dennis Nelson. The last two pages have a five-year summary of where Restaurant/RAPZ Tax funding was awarded. The total is just shy of \$12,000,000.00. Nelson called the Council’s attention to the following recommendations:

- *Develop a recognizable RAPZ Logo that can be used on program brochures and facilities & require programs and facilities to display this logo.

- *Demand more accountability for the use of these funds through onsite visits.

- *Examine other similar programs like ZAP Tax to improve the process of funding.

- *Take a closer look at the Restaurant Tax 15% allocations given to cities based on population to prevent RAPZ funds from being put into general operations.

- *Consider requiring cities to account for matching dollars.

- *Limit the number of applications for any one entity.

- *Create an email contact list for application notifications and deadlines.

- *Move up application process with awards known by May 1.

(Attachment 2)

CONSENT AGENDA

- ◇ **Final Plat Approval – Pinder Subdivision**

(Attachment 3)

ACTION: Motion by Council member Petersen to approve the Final Plat Approval-Pinder Subdivision on the Consent Agenda. Yeates seconded the motion. The vote was unanimous, 7-0.

Council member Buttars asked that the Final Plat Approval-Tarbet Subdivision- be removed from the Consent Agenda and be discussed. The Council concurred.

INITIAL PROPOSAL FOR CONSIDERATION

- **Final Plat Approval – Tarbet Subdivision** – Director Runhaar explained that this is a 3-lot subdivision located at 640 E 11600 North, Richmond, Utah.

Michael Anderson, from Pepperidge Farms, expressed concerns that there might not be an adequate water supply. Pepperidge Farms gets all of its water from a well and a subdivision may create undue strain on the availability of water. Lights at Pepperidge Farms are on 24/7 and Pepperidge also has an alarm system.

Bruce Tarbet explained that even though this is a 74-acre subdivision, only one home is being added. It is not a subdivision with numerous residences and there are no plans to add more lots. There is presently one home on the property and this application only asks for one more. Laurilee Tarbet also noted that the Nelson's, who are the occupants of the present home, receive their water from a spring owned by several homeowners.

(Attachment 4)

ACTION: Motion by Vice Chairman White to approve the Final Plat for the Tarbet Subdivision. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: JANUARY 26, 2010 – 5:45 P.M. – Open 2010 Budget

ACTION: Motion by Council member Yeates to set a Public Hearing – January 26, 2010 at 5:45 p.m. to Open the 2010 Budget. Chambers seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: FEBRUARY 09, 2010 – 6:00 P.M. – Establishing a time for a public hearing to receive input regarding the proposal that the County issue its Industrial Development Revenue Bonds, Series 2010 (Lower Foods Project) in the aggregate principal amount of not to exceed \$3,000,000.00 (the “Bonds”) and loan the proceeds of the Bonds to Lower Properties, L.L.C., or any affiliate thereof (collectively, the “Borrower”), to finance the acquisition, construction, improvement and/or equipping of an expansion and related improvements to a building in use as a manufacturing facility located within the County and owned and used by the Borrower.

ACTION: Motion by Council member Buttars to set a Public Hearing – February 09, 2010 at 6:00p.m. Establishing a time for a public hearing to receive input regarding the proposal that the County issue its Industrial Development Revenue Bonds, Series 2010 (Lower Foods Project) in the aggregate principal amount of not to exceed \$3,000,000.00 (the “Bonds”) and loan the proceeds of the Bonds to Lower Properties, L.L.C., etc. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: JANUARY 26, 2010 – 6:00 P.M. – An Ordinance adopting procedures for the application, approval, and issuing permits for Special Events. – Chairman Zilles informed the Council that information pertaining to this ordinance is in Council members' packets and asked them to read it in preparation for the public hearing.

ACTION: Motion by Council member Robison to set a Public Hearing – January 26, 2010 at 6:00 p.m. – An Ordinance adopting procedures for the application, approval, and issuing permits for Special Events. Chambers seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- Approval of Cooperative Agreement for engineering for roadway construction of 3100 North from US 91 to 1600 East** –Attorney Swink is not in favor of the agreement and stated the agreement needs re-working and he would not recommend approval.

Dan Turner acknowledged the proposal does not have the final language. Originally the submission date was December 31, 2009. The next date for submission is in September 2010 so there is time to work out the details and resubmit the proposed cooperative agreement.

Tape 1, Side B

ACTION: Motion by Vice Chairman White to deny the approval of Cooperative Agreement for engineering for roadway construction of 3100 North from US 91 to 1600 East (Resolution No. 2010-01) and direct the cooperative agreement be resubmitted when details are resolved. Petersen seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2010-01 – Authorizing Executive to execute a Cooperative Agreement for engineering for roadway construction of 3100 North from US-91 to 1600 East** - Approval of Cooperative Agreement denied, to be re-submitted.

(Attachment 5)

- **Resolution No. 2010-04 – Changes to Personnel Policy – Section 6.5.0, Subsection 6.5.5.1.1 Personal Leave** – Attorney Swink reminded the Council that this change was discussed in detail at a previous Council meeting. The Council was unanimous in support of it and this formalizes that decision by way of resolution.

(Attachment 6)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2010-04 – Changes to Personnel Policy – Section 6.5.0, Subsection 6.5.5.1.1 Personal Leave. Robison seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2010-02 – Consideration of a resolution of the County Council of Cache County, Utah for inducement of not to exceed \$3,000,000.00 of Industrial Development Revenue Bonds, approving a Memorandum of Agreement with Lower Properties, L.L.C. in connection with the issuance by Cache County of its industrial Development Revenue Bonds to finance the costs of the acquisition and construction of an expansion and related improvements to a building in use as a manufacturing facility (the “Project”), authorizing Lower Properties, L.L.C. to acquire, construct, furnish and equip the Project to be financed by such Bonds authorizing the execution and delivery of a memorandum of agreement by and between Cache County and Lower Properties, L.L.C. with respect to financing the project, directing the holding of a public hearing; authorizing the publication of Notice of Public Hearing and Bonds to be issued; and related matters.** - Alex Buxton of Zions Bank Public Finance reviewed the details of the Bonds and explained how Lower is using Cache County's tax exempt bonding authority and assured the Council that Cache County incurs no liability with this action. The county's bond rating and bonding capacity are not affected.

Alan Lower described the expansion and the need for it.
Brad Patterson of the law firm Patterson and Spahr offered similar assurances of non-liability of Cache County. This resolution begins the process and another resolution will be presented further along in the proceedings.
Council member Petersen wondered why more businesses have not utilized this process.

(Attachment 7)

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2010-02– Consideration of a resolution of the County Council of Cache County, Utah for inducement of not to exceed \$3,000,000.00 of Industrial Development Revenue Bonds, approving a Memorandum of Agreement with Lower Properties, L.L.C., etc. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: JANUARY 12, 2010 – 6:00 P.M. – Adequate Water Systems for Unincorporated Area proposed subdivisions – Chief Hammer advised the Council that the State of Utah has accepted the International Fire Code as the law for the state and explained the requirements for an adequate water system for buildings in the unincorporated areas of the county.

Council members raised concerns about this requirement being imposed on one residence alone somewhere. There were also concerns that this appears to apply to all structures, even barns, etc.

In response to Chairman Zilles' question about county liability, Attorney Swink said he believes the county could be held liable if the adequate water system requirement is not enforced. Swink also stated that the state legislature now has the authority to approve

the use of this portion of the IFC; whereas, it used to be the Fire Prevention Board that approved or not and it could change in the future, but presently it is the law.

Executive Lemon asked if this would apply to cabins and barns? Hammer said it appears to, but is not sure about barns and other agricultural buildings.

Lemon asked if this means that there will be no buildings allowed to be built anywhere in the state of Utah without an adequate water system? Hammer said some counties are not enforcing where there are only one or two homes, but he doesn't know how they can do that.

Lemon said there are a lot of areas in Utah where this would bring building to a halt.

Chairman Zilles opened the Public Hearing and invited public comment.

LaMar Clements and Wayne Cardon both spoke in opposition to the requirements as they apply to single homes or structures other than homes and suggested asking the legislature if there can be exemptions. Clements said he has had only negative reactions to this from citizens.

There was no other comment.

ACTION: Motion by Council member Yeates to close the Public Hearing – Adequate Water Systems for Unincorporated Area proposed subdivisions. White seconded the motion. The vote was unanimous, 7-0.

Council member Buttars recommended the Council wait for the legislature to discuss this issue before making a decision.

Executive Lemon agreed and said he doesn't believe citizens know this applies even to single homes and urged Council members to think about the people this will affect.

Hammer said his struggle is that he is bound to provide fire service by this law even if he sees problems with it.

Tape 2, Side A

Chairman Zilles, noting the county wants citizens to be completely aware of this issue, suggested re-notifying the public and continuing the Public Hearing held tonight.

ACTION: Motion by Council member Yeates to re-open the Public Hearing- Adequate Water Systems for Unincorporated Area proposed subdivisions-, continue the Public Hearing to January 26, 2010 at 6:30 p.m. and add the words "on all structures" to Resolution No. 2010-03. Buttars seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2010-03 – Fixed Water Supplies for Fire Protection within the Unincorporated Cache County – NO ACTION TAKEN**

ITEMS OF SPECIAL INTEREST

- **Jail Reimbursement Funds from State – Senator Lyle Hillyard** indicated he was glad he heard the discussion on the Adequate Water Systems for Unincorporated Areas. He said the act was passed without the legislature really understanding the ramifications discussed here tonight. There was a lot of debate last session and he was under the impression that the problems had been corrected. Senator Hillyard asked Executive Lemon or Attorney Swink to email him at his law office tomorrow with the question relating to the adequate water systems issue and he will forward it to Mike Christensen, head of legislative research, and get an answer for the Council within twenty-four hours as to exactly what the legislature did, what is now pending, and what action they are taking. The Senator said the Council can email him on any issue they have concerns about.

Senator Hillyard stated that Governor Herbert is a strong supporter of reinstating the jail reimbursement funds to the higher levels. The budget is down about \$200,000,000.00 this year – a 4-5% decrease. The Senator listed other budget proposals, shortfalls and woes and said there is only a finite amount of money available and everyone can't have all the funding they want. It will be a challenging budget session.

Council member Petersen asked Senator Hillyard what his thoughts are on the restaurant tax proposal by the Restaurant Association where the Restaurant Tax would be abolished and a general sales tax instituted that would hold counties harmless and require Cache County and others to redistribute sales tax? Senator Hillyard said he is not familiar with all the details, but opposes collecting tax in one area to be spent in another area.

Council member Buttars asked Hillyard's stance on Representative Draxler's bill for greenbelt rollback tax to go into an AG land preservation fund? Senator Hillyard suspects that most legislators aren't really familiar with the tax and will rely a lot on what local county governments want to do.

Executive Lemon said that Cache County's sales tax notice for October is better than projected and asked if Senator Hillyard has a feel for what the jail reimbursement amount will be? Senator Hillyard said the legislature is not looking to add to any budgets only how to cut. The Governor feels strongly about the jail reimbursement issue and may have some influence, but the Senator feels 2011 will have even greater budget challenges.

Council member Petersen asked if Hillyard thinks the tax on food will be restored? Senator Hillyard said he doesn't think it will be reinstated.

Council member Chambers asked why cigarette tax doesn't have more support when there is so much information on health problems caused by smoking? Senator Hillyard responded that it is because in Utah cigarettes are erroneously perceived as a religious issue instead of a health issue.

Executive Lemon asked about the status of the Utah Retirement program. Senator Hillyard said the state retirement program took a big hit in the stock market; however, vested rights cannot be changed and cannot be taken away.

The intention is to put at least \$70,000,000.00 a year in it for the next twenty years to help make up the losses. The legislature is also considering extending the retirement age and new employees coming on will have a defined contribution plan like a 401K. So-called double-dipping will also be addressed.

Chairman Zilles reminded Senator Hillyard that each year Cache County has received less jail reimbursement dollars from the state. Last year the county received \$400,000.00 less – multiply that by the five years that the money has been decreasing and that is a \$2,000,000.00 loss to the county and said he pleads with all his heart that the legislature does not forget Cache County's plight. Senator Hillyard reiterated the state shortfall woes.

Attorney Swink said that in 2002 there were twenty-two condition-of-parole inmates (inmates who could be housed at the state prison, but have been sent to the county jail for housing). There are now three times that many condition-of-parole inmates in the Cache County jail. This is another financial burden on Cache County citizens.

Senator Hillyard introduced his intern, Justin Williams.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2010-05 – Cache County Support for Logan Gateway** – Chairman Zilles said there is a deadline for the application for the project and invited Director Runhaar to explain. Runhaar said UDOT had an application change which necessitated the short notice on this resolution. The body making the application must pass a resolution listing six mandated items. A bridge will be built over the Logan River and an underpass under a UDOT bridge to connect the trail from the Logan Hydro Park to the trail that starts at the Stokes Nature Center. The total cost will be \$1.2 million. Currently the county has just shy of \$70,000.00 and will be looking for an additional \$150,000.00.

Runhaar intends to apply for Restaurant/RAP funding. Yeates asked if that funding request will be a multiple year request? Runhaar said it will be \$50,000.00 for three years.

(Attachment 8)

Tape 2, Side A

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2010-05-Cache County Support for Logan Gateway. White seconded the motion. The vote was unanimous, 7-0.

- **Approval of Cache County Planning Commission and Cache County Board of Adjustments Meeting Calendar for 2010**

(Attachment 9)

ACTION: Motion by Council member Petersen to approve the Cache County Planning Commission and Cache County Board of Adjustments Meeting Calendar for 2010. Robison seconded the motion. The vote was unanimous, 7-0.

- **Discussion – Request from Farm Service Agency, Department of U.S. Agriculture – CRP** – Chairman Zilles indicated a letter has been received from the Farm Service Agency asking the Council to request that the USDA allow Cache County to continue the CRP program and turned the time to Vice Chairman White for an explanation.

White said the CRP is where farm land is set aside and not farmed. Weeds, etc. must be controlled. In Cache County it is mostly poor quality farm ground placed in the program. The ground is excellent habitat for wildlife. The problem is that two years ago a 5-year extension was allowed. The extensions all expire in the next two years. The federal government has not put out any guidelines for signing up for the program and may not continue it. There are roughly 20,000 acres in Cache County that will be affected. Most of those farmers sold their equipment because the land couldn't be effectively farmed. The new greenbelt provisions would preclude these landowners receiving greenbelt status.

Chairman Zilles, Vice Chairman White and Council member Buttars support the continuation of the program.

Scott Williams' name needs to be added to the list of parties who received copies of the letter.

Council member Buttars pointed out that the word Commission should be Council in the last paragraph on page 1 of the letter.

Chairman Zilles said this will be on the January 26, 2010 Council agenda for decision.

OTHER BUSINESS

- ✓ **Board Assignments for Council Members for 2010** – Changes were as follows:
Cache County Municipal Building Authority – *Gordon Zilles as Registered Agent and President and Jon White as Vice-President*
North Park Interlocal Cooperative Governing Board (Ice Arena) – *Craig Petersen to replace Gordon Zilles*
County Block Committee – *discontinue*
Cache County Agricultural Advisory Board – *Jon White to replace Gordon Zilles;*
Water Committee – *Add County Attorney James Swink*
Agricultural Subdivision Ordinance Committee – *discontinued*
Law Enforcement Advisory Board – *Gordon Zilles as Council Chairman and Jon White as Council Vice Chairman*

COUNCIL MEMBER REPORTS

Jon White noted that the CCEMS wanted him to express their gratitude for the county funding which was used to purchase the heart monitor that saved a man's life last week.

Kathy Robison asked the status of the proposed return to UCIP for workers compensation? Executive Lemon replied that the Utah Local Government Trust said the county had given a verbal commitment to them. Lemon met with Attorney Swink and Jim Smith and the decision was made to go with the Trust.

Robison asked that a discussion concerning commemorative plaques in the Historic Courthouse be placed on one of the February agendas.

Robison reported she had visited with Tom Jensen about the Senior Citizen Center and the first proposal is going back to Logan Planning and Zoning this Thursday, but Jensen is looking at exploring other options.

Chairman Zilles observed that the County Attorney had asserted that the county could not legally enter into an agreement on the first proposal. Chairman Zilles also indicated the Council needs to address the issue of what to do with the Senior Citizen Center at a future date.

Craig Buttars commented in reference to Vice Chairman White's statement that even though the fire department personnel had only received one day of training on the new heart monitor, they were able to execute the procedure correctly and save a life.

ACTION: Motion by Council member Petersen to adjourn from the County Council meeting and move to an Executive Session to discuss the character, professional competence, or physical or mental health of an individual(s). Yeates seconded the motion. The vote was unanimous, 7-0.

The Council moved to an Executive Session at 7:59 p.m.

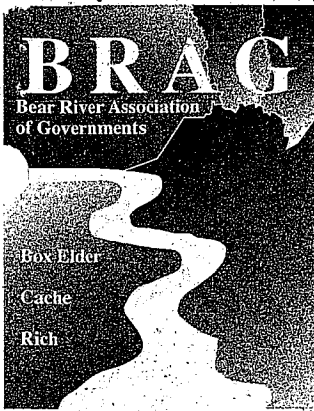
The Executive Session adjourned at 8:47 p.m.

ADJOURNMENT

The Council meeting adjourned at 7:54 p.m.

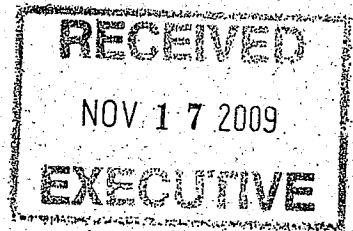
ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Gordon A. Zilles
Chairman



BEAR RIVER ASSOCIATION OF GOVERNMENTS
170 N. Main, Logan, Utah 84321 ♦ (435) 752-7242 ♦ FAX (435) 752-6962 ♦ Home Page: www.brag.utah.gov

November 12, 2009



fat
Please put this
on 1st Meeting on
January 2010
Thank you

EXECUTIVE DIRECTOR
Roger C. Jones

GOVERNING BOARD

Chairman
M. Lynn Lemor
County Executive

BOX ELDER COUNTY

Lou Ann N. Christensen
Mayor
Jay Hardy
Commissioner
Bud L. Knudsen
Mayor
Brian Shaffer
Commissioner
Rich VanDyke
Commissioner

CACHE COUNTY

Brian Chambers
Councilman
Wattkins
Mayor
Randy Watts
Mayor
Cordell (Cory) Yeates
Councilman

RICH COUNTY

William Cox
Commissioner
Craig Showalter
Mayor
Norman A. Weston
Commissioner
Thomas J. Weston
Commissioner
McKay Willis
Mayor

County Executive Lynn Lemon
Cache County
199 N. Main Street
Logan, UT 84321

Dear County Executive Lemon,

The 2009 "Pre-Disaster Mitigation Plan: Bear River Region, Utah" has been approved by the Federal Emergency Management Agency (FEMA). This means the plan is now ready for adoption by each municipality and County in Box Elder, Cache, and Rich Counties.

The plan identifies natural hazard areas, estimates potential losses to life and property, and documents potential hazard mitigation projects for each jurisdiction. If implemented, mitigation projects could save lives and prevent damage to infrastructure and property. According to the Hazard Mitigation Act of 2000, adoption of a FEMA-approved plan is required for each local jurisdiction that desires to be eligible for federal pre- and post-natural disaster funding.

GOOD NEWS! Over the past year and a half, the Bear River Association of Governments (BRAG) has been working with local jurisdictions through County working groups to update the plan. Now that the plan is completed and approved, jurisdictions need to adopt the plan by formal resolution to retain or gain funding eligibility. While jurisdictions are *not* mandated by law to adopt the plan, not doing so will forfeit federal funding eligibility.

Please have your local governing body adopt the plan by formal resolution, and have the Chief Elected Official of your jurisdiction sign the enclosed promulgation form (or create and sign a similar form) by January 15, 2010. Send signed forms back to BRAG, Attention: Zac Covington, 170 N. Main, Logan, Utah 84321. A CD of the plan is enclosed, or you can download it from the BRAG website at <http://www.brag.utah.gov/>. If you have any questions, please call me at (435)713-1423 or e-mail at zacc@brag.utah.gov. Thank you!

Sincerely,

Zac Covington
Regional Planner

encl

Serving northern Utah since 1971

Ageing Services ♦ Community Development & Planning ♦ Economic Development ♦ Housing & Human Services

SECTION 1:

**PRE-REQUISTES & ADOPTION BY THE LOCAL
JURISDICTIONS**

INTRODUCTION

The three northernmost Utah counties that make up the Bear River Region are vulnerable to natural, technological, and man-made hazards that have the possibility of causing serious threat to the health, welfare, and security of our citizens. The cost of response and recovery from potential disasters, both in terms of potential loss of life or property, can be lessened when attention is turned to mitigating their impacts before they occur or re-occur.

This plan attempts to identify the region's hazards, understand our vulnerabilities and craft solutions that can significantly reduce threat to life and property. The plan is based on the premise that hazard mitigation works! With increased attention to managing natural hazards, communities can do much to reduce threats to existing citizens and avoid creating new problems in the future. In addition, many solutions can be implemented at minimal cost.

This is not an emergency response or management plan. Certainly, the plan can be used to identify weaknesses and refocus emergency response planning, which is an important mitigation strategy. However, the focus of this plan is to support better decision making directed toward avoiding future risks, and the implementation of activities or projects that will eliminate or reduce the risk for those that may already have exposure to a natural hazard threat.

In 2004, all of the region's jurisdictions participated except for Trenton Town. During this update process, all BRAG communities participated in the planning process and adopted the plan. See below:

Table 1-1: Bear River Region Participating Jurisdictions

<u>Box Elder County</u>	<u>Cache County</u>	<u>Rich County</u>
Bear River City	Amalga	Garden City
Brigham City Corps.	Clarkston	Laketown
Corinne City	Cornish Town	Randolph
Deweyville	Hyde Park City	Woodruff
Elwood	Hyrum City	
Fielding	Lewiston City	
Garland City	Logan City	
Honeyville City	Mendon City	
Howell	Millville City	
Mantua	Newton	
Perry City	Nibley	
Plymouth	North Logan City	
Portage	Paradise	
Snowville	Providence City	
Tremonton City Corps.	Richmond City	
Willard City	River Heights City	
	Smithfield City Corps.	
	Trenton	
	Wellsville City	

HOW THE PLAN IS ORGANIZED

Section 1 of the plan provides a general overview of the process, scope, purpose, and overall goals of the plan. Section 2 documents the planning process and public involvement component of the plan. Section 3 gives some general background on the region's demographic, economic, and physiographic characteristics.

Section 4, the Risk Assessment section, provides definitions for each natural hazard and documents how the hazards were chosen for analysis, and how potential losses were determined. Section 5 is the Bear River Region Risk Assessment. Because of the uniformity of the hazard risk throughout the region and the similarity of vulnerabilities, severe weather, drought, and agricultural hazards were analyzed at the regional level (which includes Box Elder, Cache, and Rich Counties) in this section. All the other hazards were analyzed and mapped in Sections 6-11, at the County and community level in each of the three County risk assessment sections.

Section 12 presents a capability assessment for the region. This section documents the staffing and technical natural hazards planning capabilities for each of the included jurisdictions. Finally, Section 13 discusses plan maintenance, and describes strategies for implementation of this plan into local land use planning and other decision making processes.

HOW THE PLAN SHOULD BE USED

First, the plan should be used to help local elected and appointed officials plan, design, and implement programs and projects that will help reduce their community's vulnerability to natural hazards. Second, the plan should be used to facilitate inter-jurisdictional coordination and collaboration related to natural hazard mitigation planning and implementation. Third, the plan should be used to develop or provide guidance for local emergency planning. Finally, if adopted, the plan will bring communities in compliance with the Disaster Mitigation Act of 2000, qualifying jurisdictions to apply for funding for pre-disaster mitigation projects and for receiving federal aid in the event of a presidentially declared disaster.

WHAT IS HAZARD MITIGATION?

Hazard mitigation is defined as any cost-effective action(s) that has the effect of reducing, limiting, or preventing vulnerability of people, property, and the environment, to potentially damaging, harmful, or costly hazards. Hazard mitigation measures, which can be used to eliminate or minimize the risk to life and property, fall into three categories. First, are those that keep the hazard away from people, property, and structures. Second, are those that keep people, property, and structures away from the hazard. Third, are those that do not address the hazard at all but rather reduce the impact of the hazard on the victims, such as insurance. This mitigation plan has strategies that fall into all three categories.

Hazard mitigation measures must be practical, cost effective, and environmentally and politically acceptable. Actions taken to limit the vulnerability of society to hazards must not in themselves be more costly than the value of anticipated damages.

The primary focus of hazard mitigation actions must be on capital investment decisions, and based on vulnerability. Capital investments, whether for homes, roads, public utilities, pipelines, power plants, or public works greatly determine the nature and degree of hazard vulnerability for a community. Once a capital facility is in place, very few opportunities will present themselves over the useful life of the facility to correct any errors in location or construction with respect to hazard vulnerability. It is for these reasons that zoning and other ordinances - which manage development in high vulnerability areas along with building codes and guidelines, are often the most useful mitigation approaches a city can implement.

In general, mitigation measures are the most neglected programs within emergency management. Since the priority to implement mitigation activities is generally low in comparison to perceived threat, implementation may be a timely and highly involved process. Mitigation success may be achieved however, if accurate information is portrayed through complete hazard identification and impact studies, followed by effective mitigation management. Hazard mitigation is the key to eliminating long-term risks to people and property from hazards and their effects. Preparedness for all hazards includes response and recovery plans, training, development, management of resources, and the need to mitigate each jurisdictional hazard.

The State Division of Emergency Management and Homeland Security (DESHS) identified the following hazards to be analyzed by each county. These hazards include avalanche, dam failure, debris flow, drought, earthquake, flood, flash flooding, infestation, landslide, problem soils, summer storms, tornados, urban and rural fires, and winter storms.

This multi-jurisdictional plan evaluates the potential impacts, risks and vulnerabilities associated with natural hazards for jurisdictions in the Bear River Region. The plan supports, identifies, describes, and documents potential mitigation projects for municipalities in each county. The suggested actions and plan implementation contained in this document for local governments may reduce the impact severity of future disasters. Only through coordinated partnerships with emergency managers, political entities, public works officials, community planners, and other individuals working to implement this program will the goals of the plan be accomplished.

The planning services of the Utah Association of Governments were enlisted to develop the mitigation plan as the result of consultation between the Utah DESHS, the Governor's Office of Planning and Budget, the Utah League of Cities and Towns, and the U.S. Department of Housing and Urban Development. The seven Utah Associations of Governments are comprised of the following regional entities:

1. Bear River Association of Governments
2. Wasatch Front Association of Governments / Wasatch Front Regional Council
3. Mountainland Association of Governments
4. Six County Association of Governments
5. Southeast Utah Association of Governments
6. Southwestern / Five County Association of Governments
7. Uintah Basin Association of Governments

PURPOSE

This Pre-Disaster Mitigation Plan is meant to provide awareness to local and State officials, as well as interested agencies and the public regarding threats to life and property that are associated with natural hazards. The intent of this document can be summarized into several overarching goals that serve to:

- Fulfill Federal, State, and local hazard mitigation planning responsibilities
- Promote pre- and post-disaster mitigation measures, short/long range strategies that minimize suffering, loss of life, and damage to property resulting from hazardous or potentially hazardous conditions to which citizens and institutions within the State are exposed
- Eliminate or minimize conditions which would have an undesirable impact on our citizens, the economy, environment, and the well-being of the state of Utah.

SCOPE

The Utah pre-disaster mitigation planning phase is statewide. The State of Utah will work with all local jurisdictions by means of the seven regional Associations of Governments. The Bear River Association of Governments (who provides regional planning assistance to Cache, Rich, and Box Elder Counties) will submit a current updated plan to the Utah Division of Emergency Services and Homeland Security by March 1, 2010. Future monitoring, evaluating, updating and implementing will take place as new incidents occur and/or every five years. The hazard mitigation plans and strategies will also be included in local planning efforts and plans.

OVERALL GOALS

Coordinate with participating local governments to develop a regional planning process that will meet Local Multi-Hazard Mitigation Planning guidelines identified in the FEMA Region VIII Crosswalk. Additional goals include planning to meet expectations set by the State and addressing the concerns of local jurisdictions.

LOCAL GOALS

The goals below form the basis for the development of the PDM Plan and are shown from highest to lowest priority. They are:

1. Protection of life before, during, and after the occurrence of a disaster.
2. Protection of emergency response capabilities (critical infrastructure).
3. Improved communication and warning systems.
4. Emergency medical services and medical facilities.
5. Identification of critical facilities.
6. Government continuity across jurisdictional boundaries during natural hazard events.
7. Protection of developed property, homes and businesses, industry, educational opportunities, and the cultural fabric of a community, by combining hazard loss reduction strategies with a community's environmental, social, and economic needs.

8. Protection of natural resources and the environment when considering mitigation measures.

LONG-TERM GOALS

1. Eliminate or reduce the long-term risk to human life and property by identifying natural and technologic hazards.
2. Aid both the private and public sectors in understanding the risks they may be exposed to from identified hazards, and find mitigation strategies that reduce those risks.
3. Avoid risk of exposure to identified hazards.
4. Minimize the impacts of natural hazard risks when they cannot be avoided.
5. Mitigate the impacts of damage as a result of identifying hazards.
6. Implement mitigation strategies in a way that minimizes negative environmental impacts.
7. Provide a basis for funding projects which are outlined as hazard mitigation strategies.
8. Establish a regional platform to enable communities to take advantage of shared goals, resources, and other available resources.

LOCAL ADOPTION OF THE PLAN

After a 30-day public comment period running from August 4, 2009 to September 3, 2009, comments from communities, the public, county working groups, Utah Department of Homeland Security and Emergency Services, FEMA, and other interested parties were implemented as revisions in the plan. After revisions to the draft plan were completed, letters were sent to each jurisdiction with a CD of the plan explaining the benefits of adopting a FEMA-approved plan. Blank promulgation forms were also included for convenience, and communities were asked to send the completed promulgation forms to BRAG for inclusion as an appendix in the plan.

PLAN UPDATES AND CHANGES

During the 2008-2010 planning process, it was determined that some aspects of the plan should be updated as needed and some should remain as they were in the 2004 version. Background information, such as hazard definitions, the purpose for the plan, scope, goals, local adoption, and other sections remained relatively the same in both plans. However, some changes in this version were necessary, such as general document layout, the planning process, economic and demographic information, risk assessment methods and data, mitigation strategy updates, and the community capability assessments. Following are some of the changes that were made to these sections.

Document layout and organization has been altered to create a user friendly and accessible document. The headings named "Part" were renamed "Section" and given a conventional numbering system instead of roman numerals. County risk assessments were renamed to provide a community emphasis, such as "Box Elder County – Community Risk Assessments" to give a sense of ownership for communities and to make the plan easier to navigate. Also, the term "Annex" was removed to avoid confusion and sections were renamed "Box Elder County Hazard Mapping," for example, to simplify sections.

The planning process was altered slightly as well. The first group that met about the plan was comprised of emergency managers, planners, and others involved in emergency planning in the region. BRAG staff sought input for, and built county working groups based on, meeting input and references from those initial contacts. The working groups were also added to as needed depending on what existing working group members thought was necessary. BRAG staff invited all jurisdictions in the region to send representatives as part of the working group, and invited State and Federal Agencies with land management responsibilities in the Bear River Region. Any other suggestions for members were integrated into the working group as needed. The use of surveys was employed similarly to the 2004 plan, and letters were sent regularly throughout the process to each community inviting representatives to meetings, and giving many opportunities for community involvement. BRAG staff also made many phone calls to communities to solicit information critical to the plan.

Understandably, economic and demographic data was updated in the plan, as was historical data and natural hazard event data. New sources were sought where data was limited in the 2004 version, such as historical landslide data, historical wildfire data, and earthquake epicenter data.

New risk assessment methods and up-to-date GIS data was also used in this plan in an attempt to reflect current conditions (See Risk Assessment Methodology section). New landslide susceptibility, geological faults, wildfire, and dam failure data was used in this updated plan. Some floodplain data was also digitized for this plan which was not available digitally in the 2004 plan. Specifically, Woodruff, Nibley, Millville, Corinne, and Willard Flood Insurance Rate Maps (FIRM) were digitized into GIS format and analyzed in the community risk assessments. The biggest difference in analysis methodology was the use of GIS parcel data, which contains building types and current market values. This contributed greatly to a more accurate analysis. While the new methods seem to be more accurate than those used in the 2004 plan, it is understood that better methods may be employed in the future with better data and up-to-date analysis techniques. Also, Rich County is currently in the process of completing their first version of GIS parcel data, and the dataset is currently incomplete. It is estimated that by the time the next update is needed, this parcel data may be complete, rendering a more accurate risk assessment for those jurisdictions.

Mitigation strategies were also updated and solicited from Counties and communities. Some strategies from 2004 were completed, some were kept in this plan, and new strategies were created by communities and during working group meetings for each County.

Some communities in the region have either grown and added new employees or now have greater data and GIS capabilities. These capabilities were documented at the end of this document as well, with the realization that some communities will continue to have needs for hazard mitigation planning assistance from BRAG and other State and Federal agencies.

MITIGATION STRATEGIES IMPLEMENTED FROM 2004-2010

During the 2004 planning process, communities in the Bear River Region produced mitigation strategies that would help to reduce risk to life and property from natural hazards. Twenty-four of these strategies were completed as listed below, which have benefited the communities that

implemented them. Many of the 39 municipalities in the three counties of the Bear River Region have very small populations. Tax base for these communities is usually minimal, making it difficult to implement projects that are not related to maintaining infrastructure and community functions. However, it is believed that as communities search for funding resources and use available resources, future projects can be implemented, protecting citizens and property.

The mitigation strategies below were implemented largely through local planning mechanisms such as public works, planning, and emergency services departments. Where appropriate, these communities contracted with, or solicited assistance from, public and private organizations.

Table 1-2: Mitigation Strategies Implemented from 2004-2010				
Hazard	Jurisdiction	Objective	Project Description	Year Completed
Dam Failure	Brigham City	Protect residents from a failure of Mantua Dam.	Brigham City (Box Elder County) purchase City Watch (Reverse 9-1-1) and have identified residents living along Box Elder Creek and in the flood area of a dam failure.	2005
Dam Failure	Brigham City	Protect residents from a failure of Mantua Dam.	Brigham City has developed and implemented a flood plan which includes stream maintenance from the diversion structure to 1200 West in Brigham City.	2005
Drought	Brigham City	Conserve water resources in Brigham City.	Develop capacity to pump water back underground during non-peak periods for storage	2005
Drought	Brigham City	Conserve water resources in Brigham City.	Brigham City has developed a tiered water rate schedule to assist with conserving water and also has a plan to address shortages of water.	2005
Drought	Brigham City	Conserve water resources in Brigham City.	Brigham City has a plan and procedures for pumping water back into the underground storage during the off peak water seasons. This allows Brigham City to recharge the underground storage and not waste water.	2005

Earthquake/ Landslide	Brigham City	Avoid placing new development at risk from geologic hazards.	Geo. Tech. reports are due on all homes or developments within the environmental sensitive zone of Brigham City.	2007
Earthquake/ Landslide	Brigham City	Avoid placing new development at risk from geologic hazards.	Environmental sensitive zone restricts developments within this zone and avoids putting residents at risk.	2007
Earthquake/ Landslide	Brigham City	Prepare Brigham City residents for an earthquake event.	Brigham City has developed an education presentation on all hazards (earthquakes) and it is presented throughout the community. Brigham City also sponsors an all hazards preparedness fair once a year during the Preparedness month (September).	2006
Earthquake/ Landslide	Brigham City	Prepare Brigham City residents for an earthquake event.	Brigham City Emergency Management Committee all has 72 hour kits and the City passed an ordinance allowing employees to use vacation or sick leave to purchase 72 hour kits and other preparedness supplies/equipment.	2005
Flooding	Brigham City	Moderate impact of flooding.	Brigham City has updated and adopted our storm water drainage plan. All major parks are now part of the drainage system.	2006
Multi-Hazard	Brigham City	Prepare for severe weather events.	Brigham City is a Storm Ready Community.	2007
Multi-Hazard	Brigham City	Improve emergency response capability.	Brigham City has mutual aid agreements with all surrounding communities, the Northern Utah Homeland Security region partners, and with several communities within the Salt Lake Valley.	2005

Multi-Hazard	Brigham City	Improve the reliability of electric power delivery.	Brigham City contracts each year for commercial tree trimming within our power grid.	2005
Problem Soils	Brigham City	Avoid development impacts on problem soils.	Brigham City has developed an environmental sensitive zoning to address requiring Geo. Tech. reports on all areas that may have problem soils.	2007
Wildfire	Brigham City	Become "Fire Wise" communities.	Brigham City adopted an ordinance outlining an environmental sensitive zone. Brigham City has also adopted fire codes that address building within the wild land-urban interface.	2007
Wildfire	Brigham City	Reduce the risk to property from wildfire.	Brigham City has an educational package that is shared on a regular basis with residents living in the wild land-urban interface.	2007
Wildfire	Brigham City	Reduce the threat of wildfire.	Brigham City continues to maintain fire breaks on the east bench.	2006
Earthquake & Landslide	All Cache County Jurisdictions (20 total)	Make better informed decisions regarding earthquake and landslide hazards.	Obtain better earthquake information for local level decision makers; this work has been done for the Newton, Wellsville, Logan and Smithfield 7.5 USGS Quads. Complete similar work for the Clarkston, Richmond, Trenton and Paradise 7.5 Quads	2009
Multi-Hazard	Cache County	Prepare for severe weather events.	Become a National Weather Service "Storm Ready" Community	2006
Flooding	Cache County, Nibley	Reduce the threat of flooding from Blacksmith Fork River.	Dredge and widen the river channel, and build up river bank at 5200 S. on the parallel to Hollow Road. Improve River channel throughout its extent in Nibley.	2006

Wildfire	Garden City, Rich County	Become "Fire Wise" communities.	Enact ordinance and planning procedures to ensure development in fire prone areas is done wisely. Provisions for multiple access routes, firebreaks, wide roads, and adequate water sources should be included. Standards for homes should be enforced that require defensible space and fire-wise building materials and designs.	2007
Wildfire	Garden City, Rich County	Build citizen capacity.	Educate and train property owners in wild land/urban interface areas on how to protect their property from wildfire.	2006
Earthquake	Logan City	Improve capacity to deal with an earthquake.	Protection of Dewitt Spring water supply. Install remote controlled shutoff valves. Replace source line with ductile tape.	2004
Human-Caused Hazards	Logan City	Protect critical infrastructure from unauthorized human tampering.	Protect water sources and above ground system infrastructure with fencing and mason barriers. Replace hatches with diamond plate aluminum. Change critical security locks to a different standard key.	2005

While the above mitigation projects were completed before this plan update, many of the 2004 projects were not completed for various reasons. Out of a total of 67 mitigation strategies for the region in 2004, 24 projects were completed.

A total of 13 strategies were kept from the 2004 PDM Plan Update to the 2009 PDM Plan. Of the 67 mitigation strategies identified in 2004, 43 were not completed. This is due largely to lack of community funds or other resources. Communities re-evaluated the 2004 mitigation strategies to determine which strategies to maintain based on financial, political, and community priorities.

PLEASE READ:

Included in this packet is the first section of the 2009 "Pre-Disaster Mitigation Plan: Bear River Region, Utah." This section includes the following: Introduction, plan organization, plan use, defines hazard mitigation, outlines the purpose and scope of the plan, lists goals, discusses plan adoption, outlines plan updates and changes, and lists mitigation strategies completed from between 2004 and 2010. If you would like to review other sections of the plan or the plan in its entirety, a CD is included with plan in pdf format. You can also download plan sections on the BRAG website at <http://www.brag.utah.gov/>.

On page two of this section (fourth paragraph), it states that "During this update process, all BRAG communities participated in the planning process and adopted the plan." This was done in the hope that each jurisdiction would adopt the plan. However, until BRAG sends your completed promulgation form to the State (who sends it to FEMA), your community has not technically adopted the plan. Jurisdictions are not legally required to adopt the plan, and if any community does not wish to adopt the plan, this section will be revised to state which community(s) did not. However, communities that do not adopt the plan will not be eligible for FEMA funding for pre- or post-disaster project funding.

If you have any questions, please call me at (435)713-1423 or e-mail at zacc@brag.utah.gov. I would be happy to attend City/County Council or Commission meetings to answer any questions you may have about the plan or the promulgation process.

Thank you,



Zac Covington
Regional Planner
Bear River Association of Governments

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	General Comments about the use of funds.	Matching Funds	Recognition Methods
--------	------------------------------------------	----------------	---------------------

Alliance for the Varied Arts	<p>The process works well as far as the timing and form. Make sure that the announcement of funds comes out by at least May 15 so plans can be made and budgets considered. Digitalize the form so that it can be electronically submitted. Make sure the arts and recreation allotments and percentages are maintained.</p> <p>We have been able to expand programs because this money can be used for operating. We rely on RAPZ but would be able to continue in a lesser degree without it. We use the funding for partial marketing and payroll.</p> <p>This agency was not in agreement with the special consideration that one group got this year which was to receive double what they had received in the past. Politics have no place in the allotment of funds.</p>	<p>No match but it is used on application for other funds.</p>	<p>There is a recognition plaque in Thatcher Mansion and on Program Materials.</p>
------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------	------------------------------------------------------------------------------------

Amalga Township	<p>We wouldn't be able to do the projects if we didn't have RAPZ money. Bids only good for 30 days on projects, but it takes longer for notification, so some of the bids are outdated before funds are announced. Rarely would we get more than \$8000. We match this money with \$2000 plus either city or volunteer labor.</p>	<p>Yes, \$ and Labor</p>	<p>Small sign</p>
-----------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	-------------------

American West Heritage Center	<p>The funds are used for operations and programmatic purposes including manpower and supplies to support programs events and activities.</p> <p>If they didn't have the funds the program department would be reduced dramatically and numerous programs would need to be reduced or eliminated. The center would essentially revert back to becoming the Jensen Historical Farm. The center has doubled their visitor numbers over the past five years, from 30,000 to 60,000 annual visitors. There is not another entity in the county that serves as many community members.</p>	<p>Yes, partial match with volunteer labor</p>	<p>On all program materials and use of banners at events</p>
-------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------	--------------------------------------------------------------

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity

General Comments about the use of funds.

Steve is okay with the process. He likes the fact that it is simple because he doesn't have a grant writer on staff. The timing for application is good. It would be helpful to make the commitment for a longer period of time for agencies using the funds for operations (two years) It would help in planning for programs and in preparation for programs that are on-going.

Matching Funds Recognition Methods

Bridgerland Community Ice Arena

Several major projects have been completed using RAPZ funds. These funds have been extremely valuable in allowing these projects to be completed. Without them we would take multiple years to complete. The fact is this ice arena would not exist if were not for restaurant and RAPZ tax funds.

Some donors are gained as a result of this funding
Plaque and program materials

Bridger Folk Music

Did not apply this year because they forgot and there was no notification from county. Recommend putting together email list. It would help if the cycle were moved up. Without the money we would be in trouble. The application form is fine as is.

No Match Program

Cache Children's Choir

The application form is simple and easy to use. Timing is good and works for us. We would have to cut back some of our offerings and raise tuition for participants without the funding. We value the money and are careful to use it for what it was intended. We don't see additional funds as a result of RAPZ funding.

Does not generate matching funds
Program Brochures

Cache County - Cache Valley Visitors Bureau

To alert applicants there needs to be a systematic announcement both in the paper and by email of the application availability. These funds have been instrumental in enabling us to apply for matching funds from the state. Without these funds our budget would be devastated. RAPZ funding has increased the quality of life throughout the county. More money needs to be directed toward marketing, because this is the umbrella which captures the attention of participants to all of the

Matching funds from the state
Brochures

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	General Comments about the use of funds.	Matching Funds	Recognition Methods
Cache County - Fair and Rodeo	The bleachers at the fair grounds have been upgraded to make them safer and prevent children from falling through the benches. We finished a most needed bathroom and concession stand on the east side of rodeo grounds. A new pavilion was built near the existing fair buildings. All of these were needed for health and safety purposes	No matching funds	No recognition
Cache County - Search and Rescue	We would like to see the awards given out by May 1 if possible. We replaced a sno-cat that was 45 years old. It was a safety concern. The rescue dive team was able to get equipment so that we didn't need to contact other agencies to assist with Tony Grove recovery efforts.	Not matching funds	None other that verbal
Cache County - Senior Center	They have a new director who was interested in where this funding was used in the past and is interested in applying for funding in the future. They will use student help from the university to run programs in the future so funding could be used for other purposes. Past director was unavailable for comments.	No Matching	Brochures
Cache Regional Theatre Company	The process is good leave it like it is. This money has kept us afloat. It has meant that we don't need to get an equity loan to keep the theatre open. As it is we charge participants \$50 to be in the show.	No match	In Program
Cache Valley Center for the Arts	Common RAPZ branding is needed and monitoring of the projects. Need to have requirements of notification recognition as part of the application process. The Cache Valley Arts summit could assist with this. Need to put together requirements like the Utah Arts Council which requires certain acknowledgement as a minimum. The application period is relatively short. Longer application period	Funds but not direct match	In Program materials and publicity

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity

General Comments about the use of funds.

Matching Funds Recognition Methods

awarding sooner for those that run on the calendar year instead of the fiscal year. Take applications as early as November. Need to have more transparency in the process: Allow those interested in the process into the deliberation hearings to better understand the process. They wouldn't be able to speak but would be privy to the discussion. Set out the criteria clearly that the funds will be determined by. Have a weight scale of up to 100. Maintain the percentages of 50% Rec. 40% Arts and 10% Zoo.

Investigate other funding bodies like the ZAP tax in SLC and how they work with a Tier I and Tier II applicant file.

This program uses the funding very effectively. It is very important to the programs existence.

No Match

Program Material

Cache Valley Civic Ballet

No letter mailed or emailed and that is why we applied late. Most of the money is spent each year before we get notification on what we have received. We would like earlier notification. We acknowledge RAPZ funding on all literature. If the funding were not available in would have a negative impact. The funding would be taken out of advertisement. If we don't advertise we won't bring in the people. Then merchants don't benefit. We bring in approximate \$750,000 to the valley.

No Match

All Literature

Cache Valley Cruising Association

We are not getting adequate notification of applying times and availability of applications. The timing works for us because our funding year starts on October 1 each year not July 1.

Enables the Common Ground to run the arts program. The RAPZ funding is definitely leverage for receiving additional funding from

Additional Funding

Program information

Common Ground

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity

General Comments about the use of funds.

Matching Recognition
Funds Methods

other funding sources.

We use the quarterly newsletter to give recognition of RAPZ funding.

The newsletter is distributed to 2400 addresses and another 1400 Email addresses. In any of the planning and program development it is made known to all entities that we are using RAPZ funding.

but not a
match

Celebrate America Show

The process is fine the way it is with the committee determining the amounts. The key is for the committee to follow the general principles of the purpose of this funding. It would be helpful to have funding announced sooner.
Overall this is a most needful boost to our program. There is no way that we can meet the expenses without it. This program would become a memory. Two thirds of the participants are from out of the valley and many of those stay overnight and add to the multiplier effect economically.

No Match Brochure and
promotion

Chamber Music Society of Logan

The process works for us. The application is simple and easy to fill out. Need a better process of notification when application is available. The availability of these funds make it possible to offer the programs. Without these funds we would be financially strapped.

Encourages Program
other materials and
donors other print.

Hyde Park City

Hyde Park has made a master plan for a new trail and park on the east side of the city as a result of this funding. RAPZ funding has instigated other grants. The Lion's Park project used \$50,000 RAPZ funding to put in a parking lot and playground and matched this with \$20,000 from the city along with the manpower and equipment to make it happen. The city used the additional 15% and put it with the RAPZ funding to complete the projects at the Lion's Park and Lee's Park Restroom projects. The RAPZ funding has helped finish some projects that the city has started and instigated some great new projects that would not have been possible in the near future.

40% match No consistent
of \$ plus recognition
man-power
and
equipment

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity

General Comments about the use of funds.

Matching Funds Recognition Methods

Notify applicants by email and stick to the time line so notification can be given of awards no later than May 1st.

Brent was obviously discouraged that they did not get their application in on time for 2009 funding. He is willing to accept their mistake, but do not like it that another applicants turned in their application late but still got funding. The RAPZ funding has provided opportunities for the city to complete some projects that have really benefited the city.

Hyrum City

He is pleased with the application process and timing. The city has been able to complete tennis courts, playground, paving for parking lot by the rodeo grounds, new seats at the arena, and gazebo on city block. They have done a good job of placing signs indicating the source of funding. The 15% for population is being used for parks.

Match with man-power and equipment
Plaques on playground equipment and facilities

RAPZ funding has been a strong supporter of Lewiston City. Thirty percent of the labor was used toward the project, especially on the pavilion. Fifteen percent of city labor is used toward maintenance on the Cub River Sports Complex. Involvement of the community brought about community spirit and devotion. It developed a sense of community. People stay in Lewiston to have family reunions, now that the pavilion is complete. As a result of getting RAPZ funding the city was able to get additional funds to put toward the movie theater.

Matching funds from community but only 30%
No physical Recognition.

Lewiston City

They like the user-friendly process. Enough information but not too much is requested. As far as the timing the application needs to be out sooner and the notice given of funding by May 1st

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	General Comments about the use of funds.	Matching Funds	Recognition Methods
--------	------------------------------------------	----------------	---------------------

Logan City	<p>Logan is pleased with the opportunities that the funding has provided. For example they purchased new thermal blankets for their outdoor pool. The blankets cost them \$35,000 but the city saved \$12,000 on their heating bill the first year. It will only take three years to recoup the cost expended. Logan has put significant funding into the Willow Park complex including picnic tables, replacing bleacher seats on the west side, a new bathroom and concession for the east side, and a bowerly near the other fair buildings. Like many cities Logan contributes matching funding in the form of manpower and equipment.</p>	<p>Funds were matched with manpower and equip.</p>	<p>Recognition was limited no plaques on any of the facilities</p>
------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------	--------------------------------------------------------------------

Russ has used the 15% funding to put toward these projects but it has been used to bail out programs or support others that didn't work the way they should. Russ emailed me details on this funding. The project on the Boulevard is an example of the city's contribution. Most of the RAPZ money has covered materials. The labor and equipment was contributed by city employees.

Logan City has not put up signs to recognize this funding and was encouraged to do so. Russ suggested that the County should come up with a logo and signs that can be put on projects. The application form being online has been a great improvement. The timing is good, but even having the application earlier would be good. Russ feels like the RAPZ committee is working better now than when it first started.

The funding for projects like the boulevard trail would not have been possible without RAPZ. It was critical in receiving matching funds from other sources.

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	General Comments about the use of funds.	Matching Funds	Recognition Methods
Mendon City	<p>Have the application online and stay with the same date it is available from year to year. RAPZ funding has allowed the city to move forward with projects that would take many years to complete otherwise.</p> <p>The countertops in the concession booth are an example of needs expressed by the health department that were met with this funding. They like the fact that the county has been flexible in using funds that were earmarked for a different project. This was helpful to address a more pressing problem that was identified after funds were applied for and awarded for another project.</p> <p>The county needs to create a logo and possibly a plaque that would be uniform across the county.</p>	<p>Not direct match but manpower and equip.</p>	<p>Plaque is on the wall at station otherwise no recognition.</p>
Millville City	<p>Most of the money in Millville has been used for the development of the city's North Park project. It started with funding to purchase the property, followed by constructing two tennis courts, installing a playground and finally putting up a pavilion. The city contributed to the project by paying the parking lot putting in the grass and landscaping. The funding for the purchase of the property was matched with the developer for the land. The pavilion has a new kitchen area and bathrooms and is booked continuously through the summer. There is no plaque or recognition on the facility and Harry thought having the county come up with a logo and sign was a good idea.</p> <p>As far as the application process is concerned he is pleased with the simplicity of the application. He would like to have everyone on an email list and alerted when applications are available.</p> <p>There is some redundancy in the application but it is streamlined and by in large we like it. We appreciate that you are now requiring verification as a non-profit agency to help screen out those that are not legally qualified. Some organizations like ours have gone to great lengths to make sure we meet the requirements</p>	<p>Developer matched land purchase.</p> <p>Some match with city employees and equipment.</p>	<p>No plaque</p> <p>Program and Handbills</p>
Music Theatre West	<p>There is some redundancy in the application but it is streamlined and by in large we like it. We appreciate that you are now requiring verification as a non-profit agency to help screen out those that are not legally qualified. Some organizations like ours have gone to great lengths to make sure we meet the requirements</p>	<p>Helps secure additional funding</p>	<p>Program and Handbills</p>

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity

General Comments about the use of funds.

Matching Funds Recognition Methods

Newton City

We wouldn't build the projects that we have without this funding from RAPZ. Believe that it would be best to alternate funding between Arts and Recreation. Suggest county come up with plaque or logo for RAPZ recognition

Labor from community No recognition

The city has contributed labor and equipment to all projects. Larry Andher feels like the application materials and process is one of the best he has seen. It is straight-forward and easy to completed.

Nibley City

Larry doesn't like the 15% for population idea. Put it all in the pot. They put it in a separate account in the budget and use it to buy trees and other small landscaping for the parks. He would be in favor of funding large projects up front and then not applying for funds each year. The RAPZ and Restaurant funding has been extremely important to a city like Nibley. The complete development of the park has been possible because they could use this funding to get apply for additional funds. Recommend that you email agencies to let them know that applications can now be filled out. Follow this up by a second notice to see that they are ready to turn in their application. Scarlet would prefer having the application available by December 31 and notification by March 1st. The use of the committee to determine funding seems to be working.

Labor and equipment from city. Put plaque on pavilion and restrooms

Nordic United

The tourism promotion of these trails has increased use by one third. The application process works the way it is. Don't recommend changes.

No Match Newsletter

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	General Comments about the use of funds.	Matching Funds	Recognition Methods
--------	------------------------------------------	----------------	---------------------

Providence	<p>The 15% has been used in the Parks for running programs. Scarlet would not be against putting this back into the pot especially if it provided enough money to fund the entire project even if this means not getting funding each year.</p> <p>Providence has used the funding to build two park restrooms, assist with building a park and to build a trail and plans for a trail up Providence canyon in cooperation with the U.S. Forest Service.</p> <p>Providence uses in-kind match of labor and equipment. The hours were not kept track of. They could keep track if need be.</p> <p>No signs have been put up to recognize the funding, but recommend that the county design such a sign and logo.</p> <p>The RAPZ funding has helped to build things that do not qualify for impact fees. Such as trails. Providence suggests taking the 15% and fund a county wide recreation program. This would include the manpower and facilities. A needs assessment needs to be conducted.</p>	Labor and equipment in-kind match	No recognition on facilities built.
------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------	-------------------------------------

North Logan City	<p>The use of the RAPZ money is great to help get a lot of projects done that would of taken longer. All of the projects at Elk Ridge Park including the walking track, playground and Tennis courts have made this park a multi-use park for the entire city. The funding for the King Nature Park restroom at the mouth of Green Canyon is an example of a project that is of benefit to the entire valley. Keeping track of the in-kind work. Process has worked great, we feel like it is fair. The money has forced the city to keep thinking ahead on projects. They have developed a master plan. Need to do a better job of recognizing RAPZ for the funding on facilities.</p>	In-kind work and city equipment	Plaque on some facilities.
------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------	----------------------------

Northern Utah Youth Symphony & Orchestras	<p>We have no problem with the process, but it would be helpful to move up the time-line. This would also help in securing additional funding because many of the application deadlines are earlier. The first year we purchased instruments. Without RAPZ funding we would not have gotten of the ground. These funds have kept us going. In other parts of</p>	Smaller Grants	Printed Program
-------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------	-----------------

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	Matching Funds	Recognition Methods
--------	----------------	---------------------

the state where funding is not available have been dropped.

<p>Old Lyric Repertory Company</p>	<p>No match</p>	<p>Program Brochure</p>
------------------------------------	-----------------	-------------------------

The timing of the announcement of funding doesn't work for our plays. We need to know in April or May at the latest. There needs to be a beginning and ending date for funding to be used. There is no accountability or progress reports.

We would really scramble if there was cut backs. We would have to do away with publicity. The funding has been a Godsend. Production costs is not as expensive as personnel. Only 25 – 30% earned income for a play. They are only asking 11-12% of the cost of funding. He asked the question should there be a percentage of cost for a program that RAPZ funding covers.

<p>Richmond City</p>	<p>Doubled the funds</p>	<p>Plaque on facilities</p>
----------------------	--------------------------	-----------------------------

We love RAPZ funding. With the funding we have been able to upgrade our facilities to meet health standards. We have doubled the money we receive with city funds and in-kind contributions. We would like to see the award information given out no later than first of May.

<p>River Heights City</p>	<p>Match 25 – 40% with in-kind</p>	<p>Plaque on Restroom</p>
---------------------------	------------------------------------	---------------------------

Timing is good. The application is good it makes you think through the process. We match most projects with 25%-40%. It lets us do things that smaller communities like ours would not do. It has been a boon for the city. Receiving the funding encourages others to contribute.

Smithfield has matched the money with in-kind labor and equipment for the entire project at Forrester Acres. Smithfield took the approach of planning out a large project that could be completed in phases knowing that they would not get all of the funding from the start. The fact is they would not be ready to do the entire project in one year.

The application process is simple and I like that. Make sure that awards

<p>Smithfield City</p>	<p>Matched with in-kind labor and</p>	<p>Signs at entrance to park. Web page and</p>
------------------------	---------------------------------------	------------------------------------------------

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	General Comments about the use of funds.		Matching Funds	Recognition Methods
Stokes Nature Center	<p>Notification of awards could be moved up. It is a key funding source for the nature center. Without a doubt RAPZ funding helps us to secure matching funds. We like the fact these are unrestricted funds that can be used for programs. The merit of the proposals needs to be weighed using a criteria sheet with scores.</p>		<p>equipment</p>	<p>brochures.</p>
Unicorn Theatre	<p>For a small operation like ours these funds are absolutely necessary. The application process works for us. It would be helpful to have announcement of funds earlier like end of April first of May.</p>		<p>Not matched</p>	<p>Program Materials</p>
Utah Festival Opera	<p>RAPZ funding is a great service for the community. Lila Geddes feels like the process is working but would suggest moving the time line up a little. If they could know the amount available by May 1 it would be helpful. Would like the council to look at a tier system with some first tier organizations guaranteed funding based on a percentage of taxes taken in that year.</p> <p>To help with patrons knowing about RAPZ funding they do a give back to the community night or event where local residents get a reduction in ticket price. This helps acknowledge the source of the funding.</p>		<p>Arts Council funds help but no match</p>	<p>All program materials including brochures and radio.</p>
Wellsville City	<p>The money's we have received is a God-send to small communities. It has provided funding for projects that we would probably never have the money to complete. It has also given us an opportunity to receive matching funding from other sources.</p> <p>Don likes the process that we currently have. Receiving funding and</p>		<p>Partial Match with the use of city</p>	<p>No plague on buildings or facilities.</p>

RAPZ/Restaurant Report First Five Years (2004 – 2008)

Entity	General Comments about the use of funds.	Matching Funds	Recognition Methods
<p>not receiving all of the money to complete a project is okay, because small cities don't have the manpower to complete a project in one year anyway.</p> <p>The 15% is put into the general fund budget. Wellsville is quite satisfied with the process including the timing and the application forms. The timing could be moved up if we were notified by April 1 about funding for the year it would be helpful.</p> <p>Wellsville has used the money to develop the Park around the Dam including restroom, playground, pavilion and soon to be completed trail around the dam. They have also developed an equestrian park up above Red Cliffs subdivision.</p>	<p>employees and equipment.</p> <p>Application for grant submitted using RAPZ as match.</p>	<p>Signs at the entrance</p>	
<p>Willow Park Zoo</p>	<p>RAPZ funding keeps the Zoo afloat. It is a lifesaver. The city of Logan puts no money toward the zoo except in the form of snow removal and liability coverage. There are no operating funds being given. We have been able to complete a number of projects that would not have been completed.</p> <p>The following projects have been completed:</p> <ul style="list-style-type: none"> Wildlife Learning Center Exhibits in the Center Row. Perimeter Fencing Elk and Deer exhibit area New animal acquisitions Replace used pickup truck Maintenance and operations <p>Over the past five years they have used \$289,996. They have received \$556,910 so there appears to be some funds yet unused.</p>	<p>No Matching funds</p>	<p>Signs at the entrance</p>

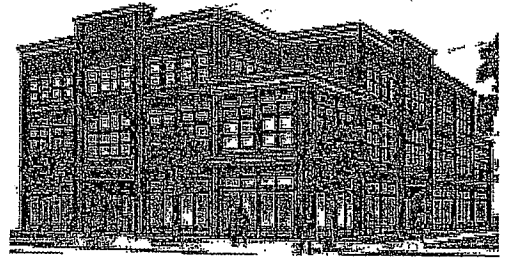
**CACHE COUNTY
RESTAURANT AND RAPZ TAX AWARDS
2004-2009**

	2004	2005	2006	2007	2008	2009	TOTAL
Alliance for the Varied Arts	\$ 15,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 30,000	\$ 18,000	\$ 123,000
Amalga Township	5,000	6,000	9,500	7,200	7,100	-	34,800
American West Heritage Center	82,500	97,500	97,500	107,500	112,500	80,000	577,500
American Festival Chorus	-	-	-	-	-	25,000	25,000
Bel Canto Women's Chorus	-	-	-	-	2,000	-	2,000
Boys & Girls Club of Cache Valley	-	-	-	3,000	3,000	-	6,000
Bridger Folk Music Society	3,900	3,900	3,900	4,000	4,500	-	20,200
Bridgerland Audubon Society	-	-	30,000	-	-	-	30,000
Bridgerland Radio Control Club	-	-	1,100	750	1,190	-	3,040
Bridgerland Community Ice Arena	122,853	122,853	122,855	122,853	122,853	142,853	757,120
Cache Childrens Choir	-	8,000	8,000	10,000	11,000	10,000	47,000
Cache Community Connections	-	-	2,000	8,000	8,000	8,000	26,000
Cache County - CV Visitors Bureau	105,000	90,000	45,000	60,000	75,000	75,000	450,000
Cache County - Develop. Services	10,000	105,000	89,000	85,723	-	3,500	293,223
Cache County - Fair and Rodeo	7,650	10,000	10,000	10,000	10,000	10,000	57,650
Cache County - Fairgrounds(Included with Logan City prior to 2008	-	-	-	-	171,460	60,000	231,460
Cache County - Search & Rescue	-	-	15,000	15,000	25,000	-	55,000
Cache County - Senior Center	10,000	15,000	9,000	16,450	10,000	1,300	61,750
Cache Regional Theater	-	10,000	20,000	20,000	25,000	15,000	90,000
Cache Valley Arts Summit	-	-	-	3,000	4,000	4,000	11,000
Cache Valley Center for the Arts	32,500	40,000	53,000	70,000	113,000	108,000	416,500
Cache Valley Civic Ballet	5,000	5,000	7,000	8,000	10,000	8,000	43,000
Cache Valley Historical Society	-	-	-	-	-	500	500
Cache Valley Cruising Assoc.	15,000	15,000	15,000	20,000	25,000	15,000	105,000
Cache Valley Musers	-	-	-	2,000	3,000	2,000	7,000
Celebrate America Show	20,000	-	10,000	10,000	15,000	15,000	70,000
Chamber Music Society	6,000	-	5,000	5,000	5,500	5,000	26,500
Clarkston Town	-	-	60,000	-	65,000	-	125,000
Common Ground	-	-	10,000	10,000	12,000	-	32,000
Daughters of Utah Pioneers	-	-	4,000	-	-	-	4,000
Hyde Park City	-	51,760	55,000	17,000	21,000	20,000	164,760
Hyrum City	20,000	60,000	65,000	75,000	93,000	25,000	338,000
Lewiston City	-	18,841	-	80,000	40,000	44,000	182,841
Logan City - Eccles Theatre	76,815	76,815	77,385	76,820	77,165	76,375	461,375
Logan City - Parks & Recreation	171,000	121,000	200,000	162,000	54,038	363,140	1,071,178
Logan City - Willow Park Zoo	77,243	107,012	113,110	124,837	134,708	115,375	672,285
Logan Ranger District	-	-	-	9,480	-	-	9,480
Mendon Arts Council	2,500	-	-	5,000	2,010	1,500	11,010
Mendon City	35,000	40,000	10,900	33,061	11,000	35,000	164,961
Mendon Comm. Youth Council	-	-	-	-	3,864	-	3,864
Millville City	25,000	40,000	25,000	55,000	55,000	4,950	204,950

**CACHE COUNTY
RESTAURANT AND RAPZ TAX AWARDS
2004-2009**

	2004	2005	2006	2007	2008	2009	TOTAL
Music Theatre West	-	-	-	10,000	25,000	20,000	55,000
Newton City	18,000	-	-	-	-	20,000	38,000
Nibley City	40,000	70,000	-	100,000	-	150,000	360,000
No. Utah Youth Symphony & Orchestra	10,000	-	10,100	20,000	25,000	10,000	75,100
Nordic United	-	-	3,000	4,000	5,000	5,000	17,000
North Logan City	-	50,000	45,000	45,000	55,945	40,000	235,945
Old Lyric Repertory Company	20,000	33,700	29,000	30,000	25,600	16,500	154,800
Paradise Town	-	17,730	80,000	-	-	-	97,730
Providence City	37,500	58,300	27,500	45,000	-	-	168,300
Richmond City	25,000	18,842	30,000	20,000	36,000	15,000	144,842
River Heights City	4,000	-	15,100	41,000	90,000	-	150,100
Smithfield City	64,000	64,000	60,000	60,000	67,904	70,000	385,904
Stokes Nature Center	10,000	20,000	20,000	22,000	24,000	22,000	118,000
Summerfest Arts Faire	-	-	-	15,000	25,000	15,000	55,000
Trenton City	-	37,789	10,090	-	-	-	47,879
Unicorn Theatre	8,000	8,000	-	5,000	7,000	5,000	33,000
USU - Mtn. West Ctr for Reg. Studies	-	-	5,000	-	-	-	5,000
USU - Summer Citizen Program	20,000	20,000	25,000	25,000	23,000	-	113,000
Utah Festival Opera	135,000	135,000	135,000	145,000	155,000	405,000	1,110,000
Valley Dance Ensemble	-	3,000	3,000	3,000	3,000	3,000	15,000
Wellsville City	21,000	40,000	60,000	59,849	57,030	25,000	262,879
Wellsville Foundation	11,000	7,500	40,000	-	35,000	-	93,500
Allocation to Cities Based on Population	107,530	160,517	169,664	187,255	202,062	173,063	1,000,091
TOTALS	\$ 1,378,991	\$ 1,808,059	\$ 1,960,704	\$ 2,093,778	\$ 2,224,429	\$ 2,286,056	\$ 11,752,017

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERTSON
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>11-4-09</u>	Received By: <u>M DG</u>	Receipt Number: <u>4784</u>	Application Number: <u>\$600⁰⁰ #1007</u>
----------------------------------	-----------------------------	--------------------------------	------------------------------------------------------------

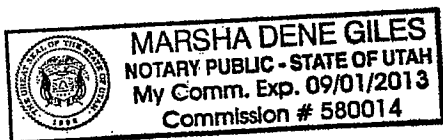
PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>2 lot subdivision</u>	AGENT NAME <u>Cheryl Pinder</u>
PROJECT NAME <u>Pinder Subdivision</u>	ADDRESS <u>765 S. 3200w.</u>
PROJECT ADDRESS <u>3</u>	<u>Logan, ut 84321</u>
SERIAL NUMBER(S) <u>11-003-0017</u>	TELEPHONE (DAY) <u>435-752-5812</u> (CELL) <u>760-1901</u>
<u>11-003-0016</u>	OWNER NAME <u>Curt + Cheryl Pinder</u>
ZONE <u>A6</u>	ADDRESS <u>765 S. 3200w.</u>
PROJECT LOCATION <u>Youngward</u>	<u>Logan, ut 84321</u>
	TELEPHONE (DAY) <u>752-5812</u> (CELL) <u>760-1901</u>

State of Utah)

County of Cache)

On this 4 day of November, 2009, personally appeared before me, Cheryl Pinder, 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 Cheryl Pinder
(Property Owner or Agent)



Marsha Dene Giles
Notary Public

1 **Cache County Planning Commission (CCPC)**

2
3 Minutes for 3 December 2009

4
5 **Present:** Josh Runhaar, Leslie Mascaro, Chris Sands, Curtis Dent, Lee Nelson, Lamar Clements,
6 Clair Ellis, David Erickson, Leslie Larson, Donald Linton, John White, Megan Izatt

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

9
10 **Clements** welcomed; **Dent** gave opening remarks

11
12 **Approval of Agenda**

13
14 *Dent made a motion for the approval of the agenda; Erickson seconded; passed 7, 0.*

15
16 **Approval of Minutes**

17
18 *Ellis made a motion for approval of the 01 October 2009; Sands seconded; passed 7, 0.*

19
20 *Erickson made a motion for approval of the 05 November 2009; Dent seconded; passed 7, 0.*

21
22 **Approval of 2010 Meeting Schedule**

23
24 *Larson made a motion to approve the 2010 meeting schedule with the change of July's meeting*
25 *moving from the 11th to the 8th; Erickson seconded; passed 7, 0.*

26
27 **Election of Officers**

28
29 *Dent made a motion to nominate Clair Ellis as Planning Commission Chairman; Larson*
30 *seconded; passed 7, 0.*

31
32 *Erickson made a motion to nominate Lamar Clements as Vice Chairman; Dent seconded;*
33 *passed 7, 0.*

34
35 **5:43:00**

36
37 **Consent Agenda**

38
39 **#1 Pinder Subdivision (Cheryl Pinder)**

40
41 *Sands made a motion to remove item #1 from the consent agenda; Clements seconded; passed*
42 *7,0.*

43
44 **Mascaro** reviewed Ms. Cheryl Pinder's request for a 2-lot subdivision on 103.13 acres of
45 property in the Agricultural Zone in Young Ward. County road 600 South provides adequate
46 access to the site. The private drive shall not be any wider than 30 feet. Garbage collection will
47 be picked up along 600 S.

1
2 **Runhaar** this evening we will be discussing the subdivision of the property. The use of the
3 property will be changing, but we will discuss this at a later date.
4

5 **Mr. John Easley** myself and the other neighbors have met with the Pinders. We are concerned
6 about the Pinders running a tucking company from the property. We were told the situation
7 would be strongly monitored. I fell like there is an infringement on my lifestyle with this. We
8 would like the land to stay in the Agricultural zone and not be rezoned to industrial. This does
9 change our quality of life. We're concerned with the wildlife out there; some of the birds have
10 moved on due to the construction. We're concerned with the seasonal wetlands and understand
11 there will be no septic tank.
12

13 **Nelson Cheryl**, would you please explain what you want to do. And everyone keep in mind that
14 trucks are part of agriculture.
15

16 **Cheryl Pinder** we came in for a building permit. We used to run 90% of Agriculture, and 10%
17 of commercial, but have had to move our trucks to more commercial because of the economy.
18 We would like to try and keep the land in the Agricultural zone because if we move it out, we
19 have 7 years of back taxes to pay. We ran into opposition of the building with the neighbors and
20 we've tried to remedy that. The neighbors wanted to discuss the issues they had which were
21 lighting, truck noise, water issues, spillage, and oil leaks. All the oil from our trucks goes
22 straight to the landfill. It would be better to stay in the Agriculture zone instead of commercial
23 or industrial. We want to be good neighbors and not cause havoc. We are asking to stay in the
24 Agriculture zone and run our trucks.
25

26 **Nelson** if you rezone to commercial or industrial anything can go in there.
27

28 **Runhaar** it's not going to work. Where they do commercial hauling they are a wholesale
29 business, and that is not currently permitted in the Agricultural Zone.
30

31 **Nelson** what do you haul
32 X bc
33

34 **Ms. Pinder** grain, hay, cattle; we run a lot of Ag.
35

36 **Clements** I don't see a problem.
37

38 **Runhaar** we need to discuss the subdivision, not the use. The use is an administration decision.
39

40 **Ellis** what is the background of the subdivision?
41

42 **Ms. Pinder** we own all 103 acres. We had neighbors who wanted to live there; they were not
43 allowed to build because of septic. 2 years ago we purchased it back and changed everything
44 back into our name. We didn't know we need to come before the planning commission. We
45 didn't know it needed to be recorded.
46

47 **Mascaro** it is currently subdivided without necessary board approvals and is restricted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

Sands it meets all the requirements?

Runhaar it does.

Mr. Pinder if I put a house on it I won't have a problem is that correct?

Runhaar no, that is not correct.

Mr. Pinder but there was a house there, that lot was cut out.

Runhaar when you cut a lot out illegally, it becomes restricted.

Ms. Pinder that lot has always been cut out for at least 100 years.

Runhaar not according to the records.

Dent if it wasn't recorded, why does it need to be subdivided?

Runhaar according to the Recorder's office, it was recorded. We have to create the subdivision to make the lots legal.

Mr. Easley there was a house there when we moved there in 1990. This is turning into a fiasco. The building is up; why can't he just use it and leave everything like it is?

Nelson because we can't have a restricted lot.

Mr. Easley if he gets this cleared up, can he approach it as an Ag use?

Runhaar no.

Easley what if he wants to store corn?

Runhaar yes, then he can stay in the Ag zone; but only corn.

Planning Commission and staff discussed restricted lots, the uses of Agricultural buildings, and usage of Agricultural land.

Sands I need to disclose that I am a neighbor of the Pinders; I pay them to cut my hay.

FINDINGS OF FACT

1. The Pinder 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 Pinder 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 Pinder Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Pinder Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

- 1 5. 600 South, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed
2 level of development.
3

4 **CONDITIONS OF APPROVAL**

- 5 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
6 2. Adequate, approved, domestic water rights will be in place at the time of final plat recordation unless the property is rezoned
7 Commercial/Industrial.
8 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
9 Cache County.
10 4. The private drive shall meet the maximum 30' wide requirement as per 17.22.070b of the Cache County Ordinance. The drive shall be
11 properly delineated.
12 5. Lot 1 shall provide sufficient space along 600 South for placement of refuse and recycle containers so they do not interfere with traffic.
13

14 *Larson made a motion to recommend approval to the County Council for the 2-lot Pinder*
15 *Subdivision; Clements seconded; passed 6, 0 (Sands abstained).*
16

17 6:06

18
19 **#2 Tarbet Subdivision and Boundary Line Adjustment (Bruce R. & Laurilee N. Tarbet)**
20

21 **Mascaro** reviewed Mr. Bruce Tarbet's request for a 3-lot subdivision and complete a Boundary
22 Line Adjustment on 74.70 acres of property in the Agricultural Zone near Richmond. Lot 1 is
23 restricted because the lack of obtaining the necessary board approvals; there is currently a home
24 on this lot. Lot two is being created for residential use. Lot 3 will remain in Agriculture.
25 County road provides adequate access. All lots are feasible for septic tank systems, and a well.
26

27 **FINDINGS OF FACT**

- 28 1. The Tarbet Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within
29 the public and administrative records.
30 2. The Tarbet Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and
31 17 of the Cache County Code and the requirements of various departments and agencies.
32 3. The Tarbet Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County
33 Subdivision Ordinance.
34 4. The Tarbet Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area
35 properties.
36 5. 11600 North, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed
37 level of development.
38

39 **CONDITIONS OF APPROVAL**

- 40 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
41 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
42 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
43 Cache County.
44 4. Lots 1 and 2 shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
45

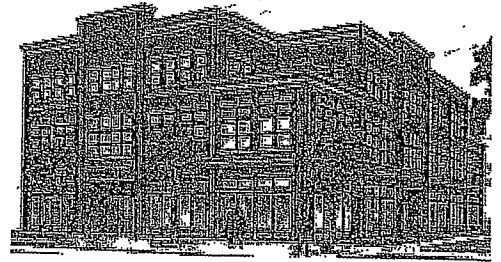
46 *Larson made a motion to recommend approval to the County Council for the 3-lot Tarbet*
47 *Subdivision; Dent seconded; passed 7, 0.*
48

49 6:08:00

50
51 **Board Member and Staff Reports**

52
53 Planning Commission and staff discussed fire code, fire sprinklers, and fire response times.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERTSON
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>11-2-09</u>	Received By: <u>MDG</u>	Receipt Number: <u>4778</u>	Application Number: <u>\$900⁰⁰ #6352</u>
----------------------------------	----------------------------	--------------------------------	------------------------------------------------------------

PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>3-Lot Subdivision</u>	AGENT NAME <u>Bruce R & Laurilee N. Tarbet</u>
PROJECT NAME <u>Tarbet Subdivision one lot</u>	ADDRESS <u>181 E 200 N</u>
PROJECT ADDRESS <u>640 E 11600 N</u>	<u>Smithfield, UT 84335</u>
<u>Richmond ut</u>	TELEPHONE (DAY) <u>801-512-6260</u> (CELL) <u>801-512-6260</u>
SERIAL NUMBER(S) <u>09038 0013, 0012, 0007</u>	OWNER NAME <u>Bruce R & Laurilee N. Tarbet</u>
ZONE <u>single</u>	ADDRESS <u>181 E 200 N</u>
PROJECT LOCATION <u>Richmond</u>	<u>Smithfield, UT 84335</u>
	TELEPHONE (DAY) <u>801-512-6260</u> (CELL) <u>801-512-6260</u>

State of Utah)
 §
County of Cache)

On this 2 day of November 2009, personally appeared before me, Bruce R Tarbet, 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 Bruce R Tarbet
(Property Owner or Agent)

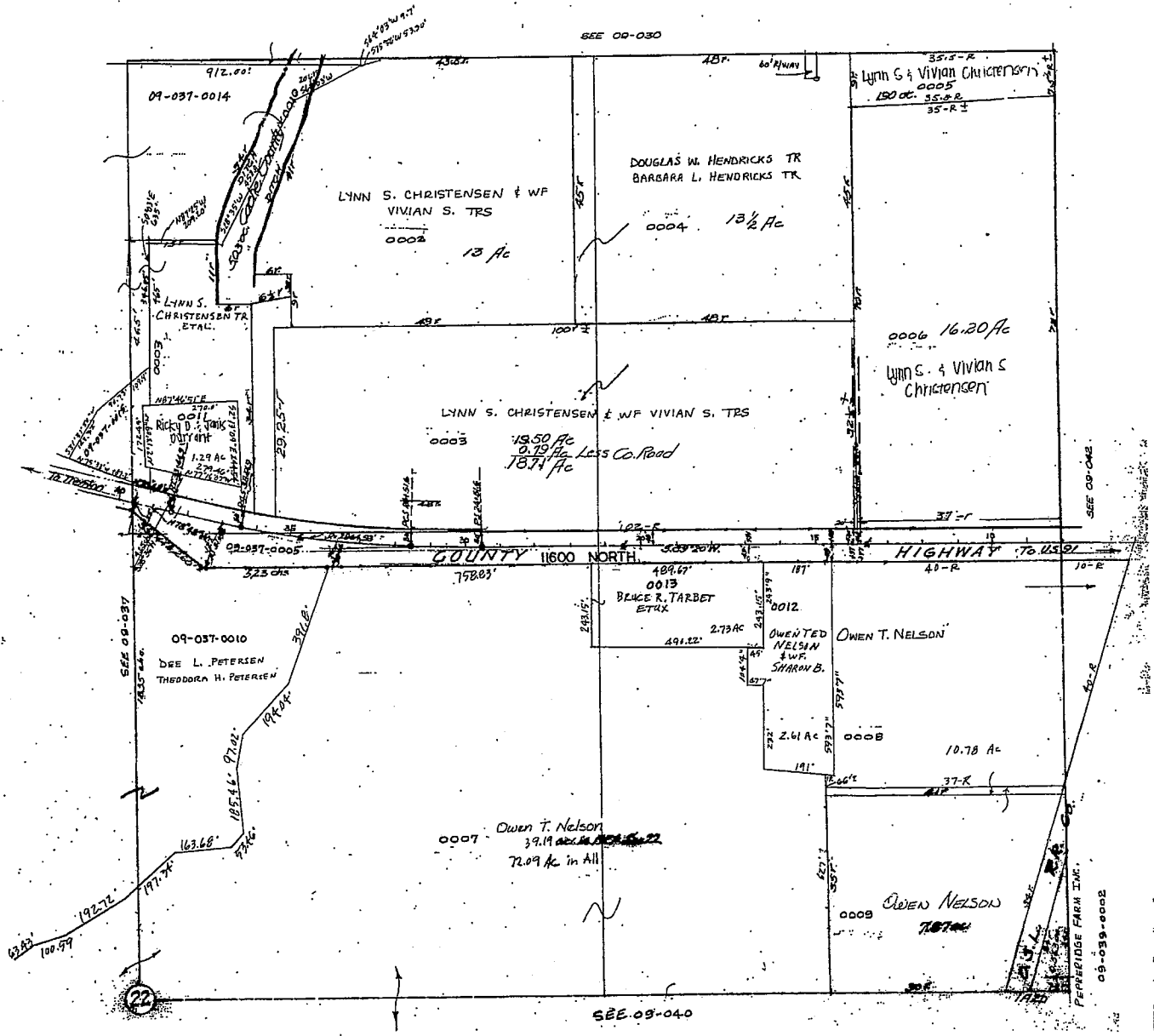


Marsha Dene Giles
Notary Public

NE 4 SECTION 22, TOWNSHIP 14 NORTH, RANGE 1 EAST
 SCALE 1 INCH = 3 CHAINS

09-038

TAX UNIT 17



- 1 5. 600 South, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed
2 level of development.
3

4 **CONDITIONS OF APPROVAL**

- 5 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
6 2. Adequate, approved, domestic water rights will be in place at the time of final plat recordation unless the property is rezoned
7 Commercial/Industrial.
8 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
9 Cache County.
10 4. The private drive shall meet the maximum 30' wide requirement as per 17.22.070b of the Cache County Ordinance. The drive shall be
11 properly delineated.
12 5. Lot 1 shall provide sufficient space along 600 South for placement of refuse and recycle containers so they do not interfere with traffic.
13

14 *Larson made a motion to recommend approval to the County Council for the 2-lot Pinder*
15 *Subdivision; Clements seconded; passed 6, 0 (Sands abstained).*
16

17 6:06

19 **#2 Tarbet Subdivision and Boundary Line Adjustment (Bruce R. & Laurilee N. Tarbet)**

20
21 **Mascaro** reviewed Mr. Bruce Tarbet's request for a 3-lot subdivision and complete a Boundary
22 Line Adjustment on 74.70 acres of property in the Agricultural Zone near Richmond. Lot 1 is
23 restricted because the lack of obtaining the necessary board approvals; there is currently a home
24 on this lot. Lot two is being created for residential use. Lot 3 will remain in Agriculture.
25 County road provides adequate access. All lots are feasible for septic tank systems, and a well.
26

27 **FINDINGS OF FACT**

- 28 1. The Tarbet Subdivision has been revised and amended by the conditions of project approval, to address the issues and concerns raised within
29 the public and administrative records.
30 2. The Tarbet Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and
31 17 of the Cache County Code and the requirements of various departments and agencies.
32 3. The Tarbet Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County
33 Subdivision Ordinance.
34 4. The Tarbet Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area
35 properties.
36 5. 11600 North, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed
37 level of development.
38

39 **CONDITIONS OF APPROVAL**

- 40 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
41 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
42 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
43 Cache County.
44 4. Lots 1 and 2 shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
45

46 *Larson made a motion to recommend approval to the County Council for the 3-lot Tarbet*
47 *Subdivision; Dent seconded; passed 7, 0.*
48

49 6:08:00

51 **Board Member and Staff Reports**

52
53 Planning Commission and staff discussed fire code, fire sprinklers, and fire response times.

1
2
3
4
5
6
7
8
9

Planning Commission and staff discussed the Ruby River Pipeline.

Planning Commission and staff discussed the Parkinson Gravel Pit CUP Expansion.

6:31:00

Adjourned

DRAFT

CACHE COUNTY
RESOLUTION NO. 2010-01

*NOT
approved
to be
re submitted*

A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO EXECUTE THE COOPERATIVE AGREEMENT WITH PEPG ENGINEERING FOR ROADWAY CONSTRUCTION OF 3100 NORTH FROM US-91 TO 1600 EAST .

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 a Cooperative Agreement for professional services for roadway construction of 3100 North from US-91 to 1600 East through Hyde Park, North Logan and Cache County.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the Cooperative Agreement for professional services for roadway construction of 3100 North from US-91 to 1600 East through Hyde Park, North Logan and Cache County as set forth in "Exhibit A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

DATED this _____ day of ~~December~~, 2009

CACHE COUNTY COUNCIL

By:
Gordon A. Zilles, Chairman

ATTEST:

By: Jill N. Zollinger
Cache County Clerk

From: DAN TURNER <turnerdesigneng@msn.com>
To: <pat.parker@cachecounty.org>
Date: 11/24/2009 2:37:10 PM
Subject: 3100 North

Pat,

Attached is the portion of the meeting notes from the Hyde Park city council meeting of 10-14-09 where they approved the agreement for 3100 North. I also spoke with Jeff Jorgensen at North Logan city and he said the minutes from the meeting of 11-18-09 were not yet available. However, he said he would draft a letter summarizing the discussion and the approval and send it to you directly. Please let me know if you need anything else.

-Dan Turner

Hyde Park City Council Meeting

**East Center Street
Hyde Park, Utah**

October 14, 2009

The Hyde Park City Council meeting of October 14, 2009 began at 7:05 p.m. and was conducted by Mayor David Kooyman

Hyde Park City Officials Present

Mayor David Kooyman, City Council members Robert Christensen, Carol Johnson, Brent Kelly, Bryan Cox and Charles Wheeler, Planning Commission members Reed Elder, Mark Lynne and Mark Hurd and City Recorder Marsha Hymas.

Others Present

Von Hill, Afton Tew, Dana Ivins, Fred Krusi, Dan Turner and Marvin Biggs.

City Council - Discussion on the PEPG Engineering, L.L.C Agreement for the Future Construction of the 600 South/ 3100 North Road

The Mayor, the Council and Dan Turner reviewed and discussed a professional services contract with PEPG Engineering for the construction of 600 South/3100 North Road from U.S.-Highway 91 to 1200 East. The agreement would include Hyde Park City, North Logan and Cache County, with Hyde Park City to be the lead agency for the project. The estimated budget for the construction of the entire road project would be approximately \$5,187,750.00. This agreement would allow PEPG Engineering to design a concept plan, and then work with various agencies in obtaining funds for the project. If they aren't successful in receiving any grant funds, the City isn't committed to move forward with the project. Hyde Park City's portion of the agreement would be approximately \$5,000.00. Mayor Kooyman said that Mayor Watkins of North Logan and Lynn Lemon from the Cache Council haven't met and discussed this agreement with their Council's. The Council discussed the agreement and their concerns in regard as to how much of a financial obligation the City would be committing to. They discussed the total cost of the project, the commitments and procedures involved with the use of grant funds, doing the work without grant monies, the need for clarification on exactly what the City is committing to by signing this agreement, and the ability to opt out of the agreement if grant funds aren't received. Council member Brent Kelly moved that the Hyde Park City Council approve the Professional Services Agreement with PEPG Engineering, L.L.C. contingent on North Logan and Cache County approving it and adequate legal and financial protection being added for the City per the City attorney's recommendations. Council member Robert Christensen seconded the motion. Council members Brent Kelly, Robert Christensen, Bryan Cox and Charles Wheeler voted in favor of the motion. Council member Carol Johnson was opposed to the motion. The motion carried 4-1.



Professional Services Agreement

This Agreement is made and entered into on this ____ day of _____ by and between Hyde Park City, North Logan City and Cache County hereinafter called the OWNER and PEPG Engineering, a Limited Liability Company, hereinafter called the CONSULTANT.

OWNER hereby contracts with CONSULTANT to provide professional services as detailed below in the Scope of Services and Pricing section. The CONSULTANT represents to the OWNER that they are qualified and willing to provide these services and that they carry all applicable licenses and registrations in accordance with local and state laws and regulations. The OWNER agrees to compensate CONSULTANT based on the pricing, terms and conditions in this Agreement.

OWNER and CONSULTANT furthermore agree to all of the terms and conditions of this agreement as detailed in **Attachment A**.

Description of Project

Roadway construction of 3100 North from US-91 to 1600 East through Hyde Park, North Logan, and Cache County. The cooperative agreement shall be signed with North Logan City and Cache County that Hyde Park City shall be the lead agency for this project.

Scope of Services and Pricing

The work to be done for the above described project is divided into detailed tasks with cost estimates. A work order/notice to proceed shall be issued on each project and/or task. This work order is attached and shown as **Attachment B**.

All work will be invoiced at the hourly rate as shown in **Attachment C** and shall not exceed the given estimates without an agreed upon change order. The total estimated budget required to complete this project from start to finish is \$5,187,750. The work detailed under this agreement will prepare the project for construction.



Concept Plan / Funding / Environmental Evaluation – \$15,000

PEPG will design a concept plan, then work with various agencies, state, and federal governments to fund the project. The concept plan shall be in a study format and shall be comprised of a preliminary plan, costs estimates, schedule of work to be done and/or phasing of the project, and support letters from the CMPO, county commission, UDOT region 1, owners, and others. We will keep a list of the agencies contacted with the requested amounts of grant and/or loan funding. PEPG will be working with the staff at these agencies as the concept plan is being accomplished and PEPG will set up meetings when the concept plan is complete. A final meeting will be set up with the staff agency to determine the amount of funding available for the city. We will first go after the UDOT CMPO and other UDOT funding. This request has to be completed between October 1 and December 31, 2009. Other Federal and State Agencies will also be contacted and their funding Cycles end by January 15, 2010.

PEPG will also evaluate the environmental impact and mitigation options in order to minimize the environmental impact. This step will help reduce the chance of an EIS being required.

Task I – Environmental Study – \$150,000

Depending on the funding, road projects are set in 3 categories – EIS, EA, or Cat-X, or it may require a design study report. We are assuming an EA for this project.

Task II – Design Survey (Right-of-Way, Geotechnical Study, & Aerial Survey) – \$76,000

This task will provide the necessary survey work for the pre-construction engineering. This work includes detailed alignment topography, section control breakdown and right-of-way plats. A geotechnical study will be required to determine pavement structure thickness, and the ground water table. This price also includes aerial photography (not mapping) of the entire project. Right-Of-Way negotiation for the entire route will be shown on the work order before beginning the work.

***Task III – Engineering and Design – \$195,000***

This task will include all engineering and design items necessary to move this project through the process to construction. This includes, but is not limited to, design of the following: Roadway horizontal and vertical alignment, grading and drainage design, and construction document preparation. All design work will be in accordance with the AASHTO and UDOT Policies and Procedures and Specifications as required by the funding guidelines.

Construction Engineering

PEPG will also complete the construction engineering under a separate contract. These services include oversight, materials testing, staking, as-builts, and engineering administration.

Schedule

PEPG will start on this project immediately upon receipt of the signed contract and a work order – notice to proceed (see **Attachment B**). It is imperative that this project be started right away as there are certain deadlines that need to be met in order to obtain and use the funding for this project. It is projected that it will take 6 months to know if this project has been approved for funding after the contract has been signed.

The Environmental Study will proceed as soon as funding is available. This environmental document relies heavily on the other tasks as well. As it is the critical path item, it is imperative that these tasks be completed as soon as possible.

PEPG will work diligently to keep this project on schedule and work to accelerate this schedule if the construction funds for this project become available earlier than projected.

The signers of this agreement certify that they are authorized to enter into a binding agreement on behalf of their respective organizations and hereby enter into and agree with the terms of this agreement.



Hyde Park City:

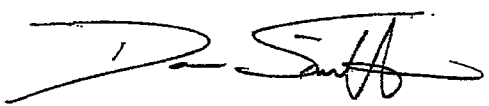
By: _____
Authorized Signatory

Printed Name

Title

Date: _____

PEPG ENGINEERING, LLC:

By: _____


Darrin Smith, P.E., Principal Engineer

Date: _____



Attachment A

Standard Terms and Conditions

1. Indemnification and Liability

- a. The CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold the OWNER harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the CONSULTANT's negligent acts, errors or omissions in the performance of professional services under this Agreement and those of his or her sub-consultants or anyone for whom the CONSULTANT is legally liable. It is specifically understood and agreed that in no case shall the CONSULTANT be required to pay an amount disproportional to their culpability, or any share of any amount levied to recognize more than actual economic damages.
- b. The OWNER agrees, to the fullest extent permitted by law, to indemnify and hold the CONSULTANT harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the OWNER's negligent acts, errors or omissions and those of his or her contractors, subcontractors or consultants or anyone for whom the OWNER is legally liable, and arising from the project that is the subject of this Agreement.
- c. The CONSULTANT is not obligated to indemnify the OWNER for the OWNER's own negligence.
- d. In recognition of the relative risks and benefits of the project to both the OWNER and the CONSULTANT, the risks have been allocated such that the OWNER agrees, to the fullest extent permitted by law, to limit the liability of the CONSULTANT and his or her sub consultants to the OWNER and to all construction contractors and subcontractors on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of the CONSULTANT and his or her sub consultants to all those named shall not exceed the CONSULTANT's total fee for services rendered on this project. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

2. Notification of Defects in Service

OWNER, OWNER's personnel, and OWNER's contractors and subcontractors shall promptly report in writing to the CONSULTANT any defects or suspected defects in the CONSULTANT's work or services, in order that the CONSULTANT may take prompt, effective measures which in the CONSULTANT's opinion will minimize the consequences of a defect in service.



3. Acts or Omissions of Others

The CONSULTANT shall not be responsible for acts or omissions of any other party or parties involved in planning, designing, or construction of any project(s) for construction associated with this Agreement or the failure of any contractor or subcontractor to construct any item on the project in accordance with recommendations contained in any instructions issued by the CONSULTANT. The CONSULTANT, by the performance of services hereunder, does not in any way assume, abridge or abrogate any of those duties, responsibilities or authorities with regard to any project(s) associated with this Agreement customarily vested in project architects, other design engineers, or any other design agencies or authorities.

4. Reliance on Public Records or Other Non-CONSULTANT Reports and Data

Unless otherwise described in this proposal, the CONSULTANT accepts no responsibility for the correctness or accuracy of data or conclusions contained in public records, reports or other documents which were not published by the CONSULTANT, but which are discovered by the CONSULTANT in performance of the services required by this Agreement. OWNER waives any claim against the CONSULTANT, and agrees to defend, indemnify and hold the CONSULTANT harmless from any claim or liability for injury or loss allegedly arising from errors, omissions or inaccuracies in such public records or in such other reports or documents.

5. Billing Process and Collection

CONSULTANT will invoice for services performed in the prior month on a monthly basis. OWNER agrees to pay valid invoices for services rendered within thirty days of invoice date. It is the responsibility of the OWNER to notify the CONSULTANT of any discrepancy in invoicing within thirty days of the invoice date. Any unpaid portion of this invoice after thirty days is subject to an annual interest rate of 18% compounded monthly (1-½% Monthly). OWNER agrees to pay any and all late charges and fees necessary to collect any unpaid portion of valid invoices.

6. Reliance on Public Records or Other Non-CONSULTANT Reports and Data

Unless otherwise described in this proposal, the CONSULTANT accepts no responsibility for the correctness or accuracy of data or conclusions contained in public records, reports or other documents which were not published by the CONSULTANT, but which are discovered by the CONSULTANT in performance of the services required by this Agreement. OWNER waives any claim against the CONSULTANT, and agrees to defend, indemnify and hold the CONSULTANT harmless from any claim or liability for injury or loss allegedly arising from errors, omissions or inaccuracies in such public records or in such other reports or documents.



7. Materials Developed and/or Acquired

CONSULTANT, during the performance of the services specified by this agreement may prepare, develop, acquire, or complete materials including all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports, which shall become the property of the OWNER and shall be delivered to the OWNER during the contract period as long as OWNER complies with the specifics of this Agreement and is current on paying all invoices. CONSULTANT at any time without prior written consent and approval of the OWNER, shall not release any such materials. It is understood and agreed that such materials are to be prepared exclusively for work required under this agreement, and that their use on other projects may not be appropriate. Hence, OWNER agrees that its use of said materials on other projects shall be at its own risk and peril unless prior thereto CONSULTANT has given its written consent for such use.

8. Estimates, Projections, and Schedules

CONSULTANT, in providing estimates of probable cost, financial analysis, economic feasibility projections, and schedules for the project, disclaims any control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Hence, CONSULTANT makes no warranty, either expressed or implied, that the OWNER'S actual project costs, financial aspects, economic feasibility or schedules will not vary from the CONSULTANT'S opinions, analysis, projections, or estimates.



**Attachment B
Work Order
Notice to Proceed**

Owner:

Department:

To: PEPG Engineering, LLC

Hyde Park City Project #

Federal #

PEPG #

Work Order #

Name of Project:

Work to be accomplished:

This work order must be completed and signed before any work is accomplished.

Completion date or # days:

Amount of time by PEPG:

Total Amount \$ _____ to accomplish the project

_____ **Date** _____

PEPG Engineering

Approved _____ **Date** _____



Attachment C Billing Rates

PEPG Engineering offers a complete range of Engineering related services. In order to provide our clients with the best possible product for the most economical price, we offer a complete range of experienced staff with associated rates.

ENGINEERING STAFF	RATE	SURVEY STAFF	RATE
Principal/Senior Engineer	\$ 115.00	Principal Surveyor	\$ 115.00
Project Manager	\$ 105.00	Surveying Manager	\$ 85.00
Project Engineer	\$ 100.00	Surveying Technician III	\$ 65.00
Staff Engineer	\$ 85.00	Surveying Technician II	\$ 55.00
Senior Designer	\$ 80.00	Surveying Technician I	\$ 40.00
Engineering Technician IV	\$ 70.00	2-Man Survey Crew	\$ 120.00
Engineering Technician III	\$ 60.00	3-Man Survey Crew	\$ 155.00
Engineering Technician II	\$ 50.00		
Engineering Technician I	\$ 40.00		
Land Planner	\$ 95.00		
Landscape Architect	\$ 80.00		
ENVIRONMENTAL STAFF	RATE	MATERIALS STAFF	RATE
Principal Scientist	\$ 115.00	Construction Manager	\$ 85.00
Environmental Manager	\$ 90.00	Geotechnical Scientist	\$ 85.00
Environmental Technician III	\$ 80.00	Field Inspector	\$ 55.00
Environmental Technician II	\$ 60.00	Field Technician	\$ 45.00
Environmental Technician I	\$ 45.00	Laboratory Technician	\$ 40.00
ADMINISTRATION	RATE		
Administrative Staff	\$ 40.00		
Copies (24" x 36")	\$ 1.00		

Effective Date: August 13, 2007

PEPG ENGINEERING, L.L.C.

(888) 488-PEPG

WWW.PEPG.NET

INFO@PEPG.NET

PRIMARY CONTACTS

Darrin Smith, PE

Derrick Smith, PLS

CACHE COUNTY, UTAH
RESOLUTION NO. 2010- 04

A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION PERSONNEL POLICY AND PROCEDURE MANUAL

WHEREAS, the Cache County Council on December 8, 2009, in a regular meeting of which lawful notice had been given, considered amending Section 6.5 of Cache County Corporation Personnel Policy & Procedure Manual so as to limit the number of personal leave days an employee may take in a continuous twelve month period; and

WHEREAS, on December 8, 2009, the Cache County Council unanimously approved the proposed amendments to Section 6.5 of the Cache County Corporation Personnel Policy & Procedure Manual; and

WHEREAS, the Cache County Council finds that it is necessary, appropriate, and in the best interest of the County and its personnel that the Cache County Corporation Personnel Policy and Procedure Manual be amended;

NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County approves the adoption of the following resolution:

1. Amendments: The Cache County Corporation Personnel Policy and Procedure Manual is hereby amended as set forth in the attached Schedule "A."
2. Application: The amendment to the County Corporation Personnel Policy and Procedure Manual shall apply to all current and future County employees.
3. Prior Resolutions and Policies: This Resolution and the amendments specified in Schedule "A" to the Cache County Corporation Personnel Policies and Procedures manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specific provisions of this Resolution and the attached Schedule "A."
4. Effective Date: This Resolution shall be effective immediately upon its adoption.

Adopted by the County Council of Cache County, Utah, this 12th day of January, 2010.



ATTEST:

Jill Zollinger

Jill Zollinger
Cache County Clerk

CACHE COUNTY COUNCIL

Gordon A. Zilles

Gordon A. Zilles, Chair
Cache County Council

SCHEDULE "A"

6.5.0

PERSONAL LEAVE

- 6.5.1 The County provides personal leave for all merit employees. Non-merit, temporary, and seasonal employees are not eligible for personal leave.
- 6.5.2 The County's Personal Leave policy empowers the employee with the option to use their time off for such things as a personal vacation, a personal illness or injury or that of a family member, or for times of bereavement. Personal Leave can also be used for medical or dental appointments or for a special occasion that requires you to be in attendance.
- 6.5.3 A new merit employee accrues through the year, 18 days of Personal Leave. Personal leave accrues on a per pay period basis. A new employee may use his or her accrued leave during their probationary period with the approval of their department head.
- 6.5.4 A part-time merit employee shall accrue personal leave, on a pro-rated basis per the average number of hours worked per day, according to the schedule.
- 6.5.5 Personal leave may be accrued and accumulated up to a maximum of 520 hours at the end of any calendar year. Any accrued personal leave over this limit must be used during the year in which it is earned. Accrued personal leave over the maximum of 520 hours at the end of a calendar year will be forfeited.
- 6.5.5.1 An employee who leaves the County's employment shall be compensated for all personal leave accrued to the date of termination, subject to the conditions on accumulation.
- 6.5.5.1.1 In order to accommodate best business practices for the County, an employee may only take up to 30 days of personal leave in any continuous twelve (12) month period, unless the personal leave is used for personal health or family health issues. Any exception to policy must be approved by the County Executive.
- 6.5.5.1.2 An employee may choose one of the following options for their personal leave pay-out:
- A. Total Cash pay-out;
 - B. Roll the sum of money into their URS 401k/457 account in accordance with IRS guidelines and limitations;
 - C. Combination of A and B.

Logan, Utah

January 12, 2010

The County Council (the "Council") of Cache County, Utah (the "County"), met in regular session at the regular meeting place of the Council at 179 North Main Street in Logan, Utah at 5:00 p.m. on January 12, 2010, with the following members present:

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

Also present:

M. Lynn Lemon	County
Jill N. Zollinger	County
James Swink	County

Absent: None

Handwritten signatures of Gordon A. Zilles and Jon White, written diagonally across a rectangular box.

The Chairman stated that the meeting was called pursuant to notice for the purpose, among other things, of approval of a resolution of inducement for up to \$3,000,000 of Industrial Development Revenue Bonds of the County. The following resolution was then introduced, in written form, whereupon Councilmember Petersen moved that such resolution be adopted. The motion was seconded by Councilmember Yeates, and adopted by the following vote:

Aye: Zilles; White, Petersen, Buttars, Chambers, Robison
Yeates

Nay: None

The resolution is as follows:

RESOLUTION NO. 2010-02

RESOLUTION OF INDUCEMENT FOR NOT TO EXCEED \$3,000,000 OF INDUSTRIAL DEVELOPMENT REVENUE BONDS; APPROVING A MEMORANDUM OF AGREEMENT WITH LOWER PROPERTIES, L.L.C. IN CONNECTION WITH THE ISSUANCE BY CACHE COUNTY OF ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE THE COSTS OF THE ACQUISITION AND CONSTRUCTION OF AN EXPANSION AND RELATED IMPROVEMENTS TO A BUILDING IN USE AS A MANUFACTURING FACILITY (THE "PROJECT"); AUTHORIZING LOWER PROPERTIES, L.L.C. TO ACQUIRE, CONSTRUCT, FURNISH AND EQUIP THE PROJECT TO BE FINANCED BY SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN CACHE COUNTY AND LOWER PROPERTIES, L.L.C. WITH RESPECT TO FINANCING THE PROJECT; DIRECTING THE HOLDING OF A PUBLIC HEARING; AUTHORIZING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND NOTICE OF BONDS TO BE ISSUED; AND RELATED MATTERS.

WHEREAS, Cache County, Utah (the "Issuer") is authorized and empowered by the provisions of the Utah Industrial Facilities and Development Act, Chapter 17, Title 11, Utah Code Annotated 1953, as amended (the "Act"), to issue revenue bonds for the purpose of protecting and promoting the health, welfare and safety of the citizens of the Issuer and the State of Utah (the "State") by assisting entities to finance, acquire, own, or lease a project for such purposes; and

WHEREAS, the Issuer has previously issued its \$3,000,000 Industrial Development Revenue Bond, Series 2006 (Lower Properties, L.L.C.) (the "Series 2006 Bonds") to finance the costs of the acquisition, construction, furnishing, and equipping of a building for use as a manufacturing facility located in Cache County, Utah and owned by Lower Properties, L.L.C., a Utah limited liability company (the "Borrower"); and

WHEREAS, it is proposed that the Issuer finance a project within the meaning of the Act, constituting the acquisition and construction of an expansion of and related improvements (the "Project") to the project funded with the Series 2006 Bonds, to be located in Cache County, Utah, and to be owned by the Borrower; and

WHEREAS, it has been represented to the Issuer that the Borrower is financially responsible to assume all obligations in connection with the Project, and is engaged in

business activities that will protect and promote the health, welfare and safety of the citizens of the State; and

WHEREAS, to protect and promote the health, welfare and safety of the citizens of the Issuer and the State and to improve local health and the general welfare, the Issuer proposes to assist the Borrower to construct, equip and furnish the Project and otherwise to finance the Project for the Borrower; and

WHEREAS, it is considered essential that the Project be initiated at the earliest practicable date, but, at the same time, the Borrower needs assurances from the Issuer that when the applicable conditions are met the Bonds will be issued to pay the costs of financing the Project; and

WHEREAS, the Issuer considers that the acquisition, rehabilitation, improvement, equipping and furnishing of the Project and the financing of the same for the Borrower will promote and further the purposes of the Act and the public purposes of the Issuer; and

WHEREAS, the Issuer intends to hold a public hearing to give interested parties the opportunity to comment on the proposed Project of the Borrower; and

WHEREAS, this resolution is intended to express an official intent to reimburse (the "Official Intent") to satisfy the requirements of the Income Tax Regulations of the United States Treasury Department with respect to the issuance of industrial development bonds and the reimbursement of costs paid by the Borrower with proceeds of tax-exempt bonds.

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

Section 1. The acquisition, construction, improvement, equipping and furnishing of the Project and the financing thereof by the Issuer, through the issuance of industrial development revenue bonds pursuant to the Act, will protect and promote the health, welfare and safety of the citizens of the State and the Issuer, and thereby serve the public purposes of the Act.

Section 2. In order to finance the Project consistent with the Memorandum of Agreement (the "Memorandum") attached hereto and made part hereof and identified as Exhibit A, with the resulting public benefits which will flow from the operation thereof, the Issuer will issue and sell its bonds (the "Bonds") pursuant to the provisions of the Act in a principal amount sufficient to pay all or a portion of the cost of financing the Project, together with costs incident to the authorization, sale and issuance of the Bonds (to the extent permitted by law), the aggregate cost of the Project and the cost of authorization, sale and issuance of the Bonds being presently estimated not to exceed \$3,000,000.

Section 3. The Issuer will (i) issue the Bonds in an amount not exceeding \$3,000,000 with the particular amount, maturities, fixed or variable interest rates, redemption terms and other terms and provisions to be determined by a further resolution

of the Issuer; (ii) loan the Bond proceeds to the Borrower or otherwise finance the Project for the Borrower, pursuant to an agreement by and between the Issuer and the Borrower whereby the Borrower will be obligated, among other things, to make payments to the Issuer in amounts and at times so that such payments will be adequate to pay the principal of and premium, if any, and interest on all of the Bonds being issued for the Project; and (iii) require the Borrower to secure the Bonds in such manner as the Issuer and the Borrower deem appropriate. If the proceeds from the sale of the Bonds are insufficient to finance the entire cost of the Project, the Issuer will, upon request of the Borrower and to the extent permitted by law, consider the issuance from time to time in the future of additional Bonds, whether on a parity with the Bonds or otherwise, for the purpose of paying the costs of completing the construction and equipping of the Project. The Issuer will not and cannot pledge its credit or taxing power for the payment of the Bonds or the financing of the Project.

Section 4. The proceeds of the Bonds will be used to finance the Project and to pay the costs incident to the authorization, sale and issuance, in one or more issues or series, of the Bonds.

Section 5. A public hearing concerning the Project is hereby scheduled to be held during the meeting of the Issuer on February 9, 2010. The County Clerk is hereby authorized to publish (i) in *The Herald Journal*, a "Notice of Public Hearing and Notice of Bonds to Be Issued" and (ii) on the Utah Public Notice Website at least fourteen (14) days prior to February 9, 2010, the hearing date set forth in said Notice, and the Issuer will meet in public session on February 9, 2010, to receive public comment on the proposed issuance of Bonds. The Notice of Public Hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
OF IRON COUNTY, UTAH, AND
NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Cache County, Utah (the "County"), will meet on February 9, 2010, at 199 North Main St. in Logan, Utah, in the County Council chambers, at 5:00 p.m., or as soon thereafter as the matter may be heard, for the purpose of conducting a public hearing regarding a proposal by the County that pursuant to the provisions of Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act"), the County issue Industrial Development Revenue Bonds, Series 2010 (Lower Properties Project) in the aggregate principal amount of not to exceed Three Million Dollars (\$3,000,000) (the "Bonds") and loan the proceeds of the Bonds to Lower Properties, L.L.C., or any affiliate thereof (collectively, the "Borrower"), to pay all or a portion of the costs of acquiring, constructing, and equipping certain expansion and improvements to a food manufacturing facility located at approximately 700 South Highway 91, Logan, Utah 84333 (the "Project") which will be owned and used by the Borrower.

The County is authorized to issue the Bonds pursuant to the Act. The Bonds will be special limited obligations of the County payable solely from amounts provided by the Borrower. The Bonds and the interest thereon will not be a debt of the County or of the State of Utah or any political subdivision of the State, and neither the County nor the State of Utah or any political subdivision of the State will be liable thereon. In no event will the Bonds or the interest thereon be payable out of any funds or properties other than those of the County expressly pledged as security for the Bonds. The Bonds will not constitute an indebtedness of the County within the meaning of any constitutional or statutory debt limitation or restriction.

The public hearing is required by the Tax Reform Act of 1986. Interested individuals are invited to express their views, both orally and in writing, on the proposed issue of Bonds and the location and nature of the Project. Comments at the public hearing are invited. Written comments may be submitted to the County Clerk's office located at 179 North Main St., Suite 102, Logan, Utah 84321 until 5:00 p.m. on February 9, 2010. Additional information may be obtained from the County at its office shown above or by calling (435) 755-1460. Subsequent to the hearing, the County Council will consider approving the issue of the Bonds to finance the Project.

A copy of the proceedings authorizing the issuance of the Bonds, including an authorizing resolution and a loan agreement, are on file in the office of the County Clerk of Cache County at 199 North Main St., Logan, Utah 84321 where they may be examined during regular business hours of the County Clerk from 7:00 a.m. to 6:00 p.m., Monday through Thursday, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the above-referenced resolution, indenture, loan agreement, or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

Date: January 12, 2010.

/s/ Jill N. Zolinger
County Clerk

Section 6. The Issuer will enter into a loan agreement with the Borrower to finance the Project as more fully described in the Memorandum. The form and substance of the proposed Memorandum (in substantially the form presented to this meeting) by and between the Issuer and the Borrower setting forth the undertakings of the Issuer and the Borrower with respect to the issuance of the Bonds and the providing of the Project are hereby approved. The Chair is hereby authorized on behalf of the Issuer, to execute and deliver the Memorandum and the County Clerk of the Issuer is hereby authorized to affix the seal of the Issuer thereto and to attest the same, in substantially the form thereof presented to this meeting, with such changes in terms and form as the Chair shall approve. The execution thereof by the Chair shall constitute conclusive evidence of the approval.

Section 7. Without obligating itself or the taxpayers of the Issuer, the Issuer hereby acknowledges that the Borrower may pay any of the costs of the Project from sources other than the Bonds (i) to acquire, construct, improve, equip and furnish the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, and in general to do all things which may be requisite or proper for completing the Project; and (iii) to prepare, publish and distribute an official statement or disclosure document with respect to the Bonds. In addition, the Borrower is hereby authorized to advance such funds as may be necessary to accomplish such purposes, and to the extent permitted by law, to reimburse itself therefor, but solely out of the proceeds of the Bonds, provided that the Issuer shall have no liability to the Borrower for any costs or funds so advanced if the Bonds are not issued.

Section 8. The officers, employees and agents of the Issuer are hereby authorized to work with the Borrower and others to prepare, for submission to the Issuer, all documents necessary to effect the authorization, issuance and sale of the Bonds.

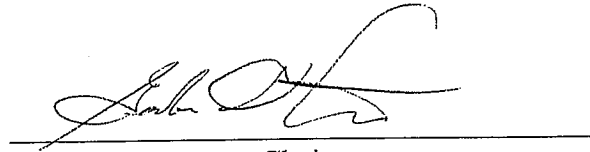
Section 9. The Chair and the County Clerk are hereby authorized and directed to distribute copies of this resolution and the Memorandum to the Borrower and to do such further things or perform such acts as may be necessary or convenient to implement the provisions thereof.

Section 10. The law firm of Ballard Spahr LLP is hereby appointed to serve as Bond Counsel to the Issuer with respect to the issuance of the Bonds.

Section 11. The officers, employees and agents of the Issuer are hereby authorized to participate in the preparation and submission of an application for a Volume Cap Allocation relating to the Bonds in accordance with the applicable provisions of Utah law. This application shall be submitted to the Governor's Office of Economic Development of the State of Utah for consideration by the Private Activity Bond Review Board. Although the Issuer will cooperate with the Borrower in an attempt to obtain an allocation of volume cap, no assurance can be given of the success of such efforts. All prior actions of the officers, employees and agents of the Issuer in receiving and executing such an application are hereby ratified.

Section 12. This resolution shall take effect immediately upon its approval and adoption by the Council.

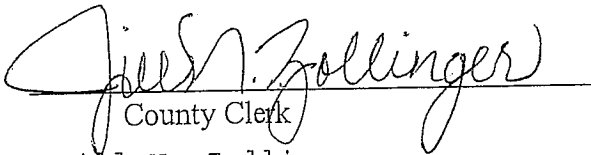
PASSED, APPROVED AND ADOPTED by the County Council of Cache County, Utah this 12th day of January, 2010.



Chair

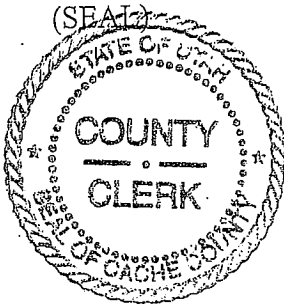
Gordon A. Zilles

ATTEST:



County Clerk

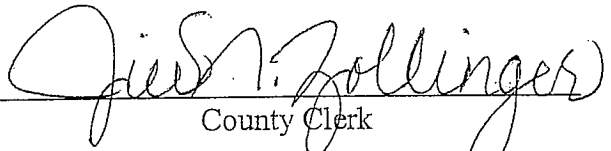
Jill N. Zollinger



STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

I, Jill N. Zollinger, the duly qualified and acting County Clerk of Cache County, Utah (the "Issuer"), do hereby certify according to the records of the Issuer's County Council (the "Council") in my possession that the foregoing constitutes a true, correct and complete copy of the minutes of the regular meeting of the Council held on January 12, 2010 as it pertains to a resolution (the "Resolution") adopted by the Council at said meeting, as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer this 12th day of January, 2010.


County Clerk
Jill N. Zollinger



CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

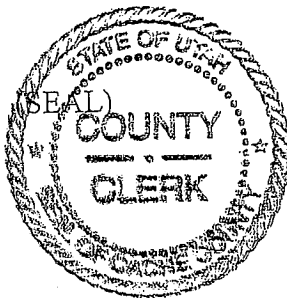
I, Jill N. Zollinger, the duly qualified and acting County Clerk of Cache County, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the January 12, 2010 public meeting held by the Issuer as follows:

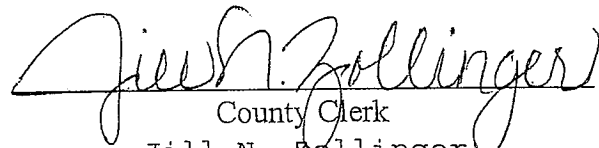
(A) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the Issuer's principal offices on 01/07, 2010, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting.

(B) By causing a Notice, in the form attached hereto as Schedule 1, to be delivered to The Herald Journal, a newspaper of general circulation within the Issuer, on 01/07, 2010, at least twenty-four (24) hours prior to the convening of the meeting, and to each local media correspondent requesting notice of the Council's meetings.

(C) By causing a Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the 2010 Notice of Annual Meeting Schedule for the Issuer, in the form attached hereto as Schedule 2, was given specifying the date, time and place of the regular meetings of said Board to be held during the year, by causing said Notice to be (i) posted on 12/01, 2009, at the principal office of the Board, (ii) provided to at least one newspaper of general circulation within the County on 12/01, 2009 and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.




County Clerk
Jill N. Zollinger

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

AMENDED
January 7, 2010

Public Notice is hereby given that the Cache County Council of Cache County, Utah will hold a Regular Meeting in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 at 5:00 p.m. on TUESDAY, JANUARY 12, 2010.

4:00 Workshop – Restaurant Association of Utah – Monte Evans

- 5:00
1. Call to order
 2. Opening/Pledge – Craig “W” Buttars
 3. Review and approval of agenda
 4. Review and approval of minutes (December 8, 2009)
 5. Report of County Executive
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. Items of Special Interest
 - 5:10* a. Employee of the Month – Presented by Jim Smith
 - 5:15* b. Bridgerland Literacy Report – Danielle Bird
 - 5:20* c. 2009 “Pre-Disaster Mitigation Plan: Bear River Region”
Zac Covington
 - 5:30* d. Jail Reimbursement Funds from State – Senator Lyle Hillyard
 7. Unit or Committee Reports
 - a. Restaurant/RAPZ Tax Report – H. Craig Petersen (attached)
 8. Consent Agenda
 - a. Final Plat Approval – Pinder Subdivision (attached)
 - b. Final Plat Approval – Tarbet Subdivision (attached)

9. Budgetary Matters

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

10. Public Hearings, Appeals and Board of Equalization matters

- a. Set Public Hearing – 5:45 p.m. - January 26, 2010 – Open 2010 Budget
- b. Set Public Hearing - 6:00 p.m. – February 9, 2010 – Establishing a time for a public hearing to receive input regarding the proposal that the County issue its Industrial Development Revenue Bonds, Series 2010 (Lower Foods Project) in the aggregate principal amount of not to exceed \$3,000,000.00 (the “Bonds”) and loan the proceeds of the Bonds to Lower Properties, L.L.C., or any affiliate thereof (collectively, the “Borrower”), to finance the acquisition, construction, improvement and/or equipping of an expansion and related improvements to a building in use as a manufacturing facility located within the County and owned and used by the Borrower.
- c. Set Public Hearing - 6:00 p.m. – January 26, 2010 - An Ordinance adopting procedures for the application, approval, and issuing permits for Special Events.
- 6:00** d. Public Hearing – Adequate Water Systems for Unincorporated Area proposed subdivisions

11. Pending Action

- a. Approval of Cooperative Agreement for engineering for roadway construction of 3100 North from US 91 to 1600 East (attached)
- b. Resolution No. 2010-01 – Authorizing Executive to execute a Cooperative Agreement for engineering for roadway construction of 3100 North from US-91 to 1600 East (attached)

12. Initial proposal for consideration of action

- a. Resolution 2010-03 – Fixed Water Supplies for Fire Protection within the Unincorporated Cache County. (attached)
- b. Resolution 2010-04 - Changes to Personnel Policy – Section 6.5.0, Sub-Section 6.5.5.1.1 Personal Leave (attached)
- c. Resolution 2010-02 – Consideration of a resolution of the County Council of Cache County, Utah for inducement of not to exceed \$3,000,000.00 of Industrial Development Revenue Bonds, approving a

Memorandum of Agreement with Lower Properties, L.L. C. in connection with the issuance by Cache County of its industrial Development Revenue Bonds to finance the costs of the acquisition a construction of an expansion and related improvements to a building in use as a manufacturing facility (the "Project"), authorizing Lower Properties, L.L.C. to acquire, construct, furnish and equip the Project to be financed by such Bonds authorizing the execution and delivery of a memorandum of agreement by and between Cache County and Lower Properties, L.L.C. with respect to financing the project, directing the holding of a public hearing; authorizing the publication of Notice of Public Hearing and Bonds to be Issued; and related matters. (attached)

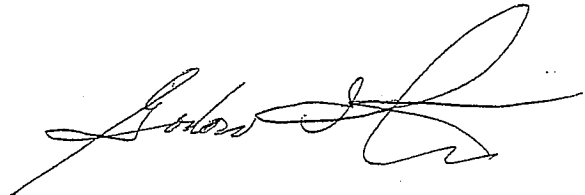
- d. Resolution 2010-05 – Cache County Support for Logan Gateway
- e. Approval of Cache County Planning Commission and Cache County Board of Adjustments Meeting Calendar for 2010 (attached)
- f. Discussion – Request from Farm Service Agency, Department of U.S. Agriculture - CRP (attached)

13. Other Business

- a. Board Assignments for Council Members (attached for 2009)
- b. Cache County Council Goals for 2010
- c. EXECUTIVE SESSION – Discussion of the character, professional, competence, or physical or mental health of an individual(s)

14. Council Member Reports

15. Adjourn



Gordon Z. Zilles, Chairman

*Designated time for Special Interest Items

** Citizens desiring to be heard are encouraged to submit their messages in writing during or prior to the hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Pat Parker, Cache County Council, at 755-1850 at least three working days prior to the meeting.

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE

PUBLIC NOTICE is hereby given that the 2010 meeting schedule of the Cache County Council is as follows:

JANUARY	12 th and 26 th	JULY	13 th and 27 th
FEBRUARY	9 th and 23 rd	AUGUST	10 th and 24 th
MARCH	9 th and 23 rd	SEPTEMBER	14 th and 28 th
APRIL	13 th and 27 th	OCTOBER	12 th and 26 th
MAY	11 th and 25 th	NOVEMBER	9 th and 23 rd
JUNE	8 th and 22 nd	DECEMBER	7 th and 14 th

Special meetings and emergency meetings may be called as necessary pursuant to State law.

Regular meetings of the Council will be held in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 beginning at 5:00 p.m., unless notice is given otherwise.

The following legal holidays will be observed in 2010 by Cache County Government: County offices, except emergency services shall be closed on these days:

JANUARY	1 st	Friday	New Years Day
JANUARY	18 th	Monday	Human Rights Day
FEBRUARY	15 th	Monday	Presidents Day
MAY	31 st	Monday	Memorial Day
JULY	5 th	Monday	Independence Day*
JULY	23 rd	Friday	Pioneer Day
SEPTEMBER	6 th	Monday	Labor Day
OCTOBER	11 th	Monday	Columbus Day
NOVEMBER	11 th	Thursday	Veterans Day
NOVEMBER	25 th	Thursday	Thanksgiving Day
NOVEMBER	26 th	Friday	Preference Day
DECEMBER	24 th	Friday	Christmas Day

And all days which may be set apart by the President of the United States, or the Governor of this State by proclamation as days of Fast or Thanksgiving shall also be observed as legal holidays.

Witness my hand and official seal this 10th day of November, 2009.

Attest:

Jill N. Zollinger
Jill N. Zollinger
Cache County Clerk



H. Craig Petersen
H. Craig Petersen, Chairman
Cache County Council

Publication Date: December 1, 2009

SCHEDULE 2

ANNUAL MEETING SCHEDULE

EXHIBIT A

MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (this "Agreement") is between Cache County, Utah, a body corporate and politic and a legal subdivision of the State of Utah, whose address is 179 North Main Street, Logan, Utah 84321 (the "Issuer") and Lower Properties, L.L.C., a Utah limited liability company whose address is 700 South Highway 91, Richmond, Utah 84333 (the "Borrower").

ARTICLE I

Preliminary Statement

Among the matters of mutual inducement which have resulted in the execution of this agreement are the following:

1.1 The Issuer is authorized and empowered by the provisions of the Utah Industrial Facilities and Development Act, Chapter 17, Title 11, Utah Code Annotated 1953 (the "Act") to issue its industrial development revenue bonds for the purpose of financing a "project" (as defined in the Act) upon such terms and conditions as the Issuer may deem advisable.

1.2 The purposes of the Act include the protection and promotion of health, welfare and safety of the citizens of the state of Utah. The Act vests the Issuer with all powers necessary to enable it to accomplish such purposes, including the power to issue industrial development revenue bonds (the "Bonds").

1.3 The Borrower has requested that the Issuer finance the cost of the acquisition and construction of an expansion and improvements to a manufacturing facility located within the Issuer at approximately 700 S. Highway 91, Richmond, Utah and the improvement, equipping and furnishing of the manufacturing facility (the "Project"), and otherwise finance the Project for the Borrower.

1.4 The Borrower hereby represents to the Issuer that (i) the financing of the cost of the Project, through the issuance of the Issuer's tax-exempt Bonds, will encourage and assist in providing an industrial facility; (ii) acquisition of the Project by the Borrower has not been consummated as of the date hereof; (iii) the loan payments required to be made to the Issuer by the Borrower will be sufficient to amortize the principal and interest on the Bonds, or credit enhancement will be obtained by the Borrower in a form acceptable to the Issuer and in an amount sufficient to satisfy such debt service; (iv) the transactions contemplated are not primarily for the purpose of directly or indirectly refinancing the obligations of or providing working capital and other funds for the Borrower or any related entity of the Borrower; (v) based on current best estimates, the proceeds of the Bonds will not be in excess of the costs of financing the Project; (vi) the Borrower agrees, in accordance with the Act, to provide for the payment of ad valorem taxes and all other taxes, fees and assessments associated with the Project; and (vii) the Project will constitute a "project" as defined in the Act.

1.5 The Issuer has determined that the acquisition, construction, improvement, equipping and furnishing of the Project and the financing for the Borrower will promote and further the purposes of the Act.

1.6 On January 12, 2010, the Issuer adopted a resolution (the "Resolution") agreeing to undertake such financing in order to assist the Borrower and to effectuate the purposes of the Act and, subject to the happening of all acts, conditions and things required precedent to such financing, to issue and sell its Bonds in an aggregate principal amount not exceeding \$3,000,000 to pay the costs of the Project and expenses incidental thereto.

1.7 In the Resolution the Issuer authorized the Borrower to acquire, construct, improve, equip and furnish the Project, all subject to the terms and conditions stated in the Resolution and this Agreement.

ARTICLE II

Undertakings on the Part of the Issuer

Based upon the statements, representations and undertakings of the Borrower and subject to the conditions set forth herein, the Issuer agrees as follows:

2.1 The Issuer will authorize, sell and deliver Bonds, pursuant to the terms of the Act, in an aggregate principal amount not to exceed \$3,000,000 for the purpose of financing the cost of the Project. The Bonds shall not be guaranteed by the Issuer nor secured with a pledge of the credit of the Issuer and the purchasers of the Bonds shall not in any event have recourse against the general funds or general credit of the Issuer. The Issuer does not and shall not warrant that the amount of the proceeds of the Bonds will be sufficient to pay all of the costs of the Project.

2.2 The Issuer will adopt, or cause to be adopted, such proceedings and authorize the execution of such documents as may be necessary or advisable for (i) the authorization, issuance and sale of the Bonds; and (ii) the financing of the Project for the Borrower all as shall be authorized by law and be mutually satisfactory to the Issuer and the Borrower.

2.3 The Issuer will enter into a loan agreement to finance the Project for the Borrower (the "Loan Agreement"). The Loan Agreement shall obligate the Borrower to make aggregate basic payments in an amount at least sufficient to pay the principal of and interest and premium, if any, on the Bonds issued with respect to the Project as and when the same shall become due and payable. The Loan Agreement may also require the Borrower to furnish credit enhancement in a form acceptable to the Issuer and in an amount sufficient to meet such debt service requirements. The Loan Agreement shall contain provisions required by law and such other provisions as shall be mutually acceptable to the Issuer and the Borrower, including any notes, mortgages, trust deeds or other security instruments required by the financing arrangement or transaction.

2.4 The Borrower is hereby authorized by the Issuer (i) to acquire, construct, improve, equip and furnish the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, and in general to do all things which may be requisite or proper for completing the Project; and (iii) to prepare, publish and distribute an Official Statement or a private placement disclosure document with respect to the Bonds. In addition, the Borrower is hereby authorized to advance such funds as may be necessary to accomplish such purposes and, to the extent permitted by law, to reimburse itself therefor out of the proceeds of the Bonds issued with respect to the Project; provided that the Issuer shall have no liability to the Borrower for any costs or funds so advanced if the Bonds are not issued.

2.5 If the proceeds from the sale of Bonds referred to in Section 2.1 hereof are insufficient to finance the entire costs of the Project, the Issuer will, upon request of the Borrower and to the extent then permitted by law, consider the issuance from time to time in the future of additional bonds, whether on a parity with such issue of Bonds or otherwise, for the purpose of paying the costs of completing the acquisition, construction, improvement, equipping and furnishing of the Project.

2.6 The Issuer will take or cause to be taken such other acts, and adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in pursuance thereof.

ARTICLE III

Undertakings on the Part of The Borrower

Based upon the statements, representations and undertakings of the Issuer and subject to the conditions set forth herein, the Borrower agrees as follows:

3.1 As a condition precedent to the issuance of the Bonds to finance the Project, the Borrower will obtain a firm commitment for the sale or the underwriting of sale of the entire issue of said Bonds, and will cause a bond purchase agreement to be submitted to the Issuer for approval and execution.

3.2 The Borrower will, to the extent deemed by it to be necessary or desirable, enter into a contract or contracts for the acquisition, construction, improvement, equipping and furnishing of the Project, and on the terms and conditions set forth in the Loan Agreement.

3.3 Contemporaneously with the delivery of the Bonds, the Borrower will enter into the Loan Agreement with the Issuer containing the terms and conditions described in Section 2.3 hereof.

3.4 (a) The Borrower shall indemnify and hold the Issuer harmless from all losses, expenses, claims, damages and liabilities arising out of or based on the Issuer's participation in the matters described herein, including without limitation, (i) labor, services, materials and supplies, including equipment,

ordered or used in connection with the construction, improvement, equipping and furnishing of the Project (including any expenses incurred by the Issuer in defending any claims, suits or actions which may arise as a result of any of the foregoing), whether such claims or liabilities arise as a result of the Borrower acting pursuant to the authority conferred upon it by Section 2.4 hereof or otherwise, and/or (ii) any untrue statement or alleged untrue statement of a material fact included in the preliminary official statement relating to the Bonds, the final official statement relating to the Bonds or any other disclosure document relating to the Bonds or the omission or alleged omission to state therein a material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(b) The Borrower shall indemnify and hold the Issuer harmless from all claims and liabilities for loss or damage to property or any injury to or death of any person that may be occasioned by any cause whatsoever in relation to the Project, including any expenses incurred by the Issuer in defending any claims, suits or actions which may arise as a result of the foregoing.

(c) The Borrower shall secure the Bonds in such manner as the Issuer and the Borrower deem appropriate.

3.5 The Borrower will take such further action and adopt such further proceedings as may be required to implement this aforesaid undertakings or as is deemed appropriate in pursuance thereof.

ARTICLE IV

General Provisions

4.1 All commitments of the Issuer under Article II hereof and of the Borrower under Article III hereof (except those set forth in Section 3.4) are subject to (i) the obtaining of all necessary governmental permits and approvals, including compliance with the Issuer's land use conditions and planning and zoning requirements, and (ii) the condition that the Issuer and the Borrower shall have agreed upon mutually acceptable terms for the Bonds for the Project and for the sale and delivery thereof, mutually acceptable terms and conditions for the Loan Agreement, and any other document or instrument required or necessary for the financing transactions contemplated hereunder. If mutually acceptable terms and conditions for all aspects of the bond transaction contemplated hereunder cannot be reached, this Agreement shall be void (except for the provisions of Section 3.4 hereof, which shall survive), and except for the provisions hereof and of Section 4.2, the Borrower or the Issuer shall have no obligations or liabilities hereunder. The execution of this Agreement by the Issuer shall not be considered as an approval of the Project with respect to the Issuer's planning, zoning and land use development requirements.

4.2 The Borrower agrees that it will reimburse the Issuer for all reasonable and necessary expenses which the Issuer may incur as a consequence of

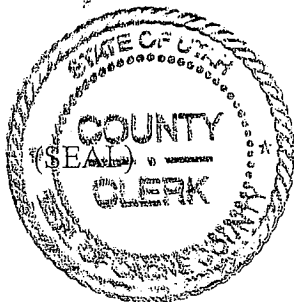
executing this Agreement or performing its obligations hereunder as such expenses relate to the Project.

4.3 The Issuer will not and cannot guarantee the Bonds or pledge its credit or taxing power to secure the Bonds.

4.4 The Issuer hereby agrees to cooperate with the Borrower in making application to the State of Utah for a Volume Cap Allocation for the Bonds. No assurance can be given that the State will allocate volume cap in response to the application of the Issuer.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the 12 day of January, 2010.

CACHE COUNTY, UTAH



By: *Gordon A. Zilles*
Chair
Gordon A. Zilles

ATTEST:

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

LOWER PROPERTIES, L.L.C.

By: _____
President

**CACHE COUNTY, UTAH
RESOLUTION NO. 2010-05**

Resolution of Support for the Logan Canyon Gateway Trail

WHEREAS, Cache County recognizes the benefit and need for trail systems throughout the County; and

WHEREAS, the proposed Logan Canyon Gateway Trail project will reduce reliance on US Highway 89 by motorists, cyclists and pedestrians for access to Logan Canyon and its recreational amenities; and

WHEREAS, a trail link from the existing Ray Hugie Park to the Stokes Nature Center will complete a critical trail connection that will provide access from existing recreational facilities and parking areas at the mouth of Logan Canyon to the entire network of trails and recreational amenities within Logan Canyon;

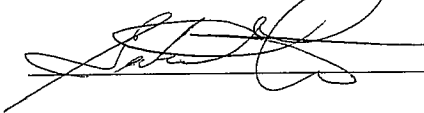
NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County adopts the following:

Cache County supports the proposed Logan Canyon Gateway Trail Project and the request for an additional \$500,000 from the Utah Department of Transportation through the Transportation Enhancement Program and, upon award of the requested funding, commits to the following:

1. A 20% match of the requested UDOT Enhancement funds in the amount of \$125,000 and an overmatch of \$25,000; and
2. Funding of the project scoping, environmental, design, right-of-way and utility clearances; and
3. That the proposed trails project will be ready for advertisement in 2012; and
4. Pay for any and all project cost overruns; and
5. Pay UDOT for any and all review or permit fees as necessary; and
6. Reimburse UDOT/FHWA for all federal funds used if Cache County cancels the project.

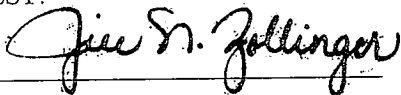
Adopted by the County Council of Cache County, Utah, this 12th day of January, 2010.

CACHE COUNTY COUNCIL



Gordon Zilles, Chair
Cache County Council

ATTEST:



Jill Zollinger
Cache County Clerk



2010 Meeting Dates and Application Deadlines

Updated 12/02/2008

	Planning Commission 5:30 PM (-) 5 weeks (-) 4 weeks 1st Survey Deadline @ 3:00 PM Application Deadline @ 3:00 PM MEETING DATE	County Council 5:00 PM 2nd & 4th Tuesday Meeting Date	Board of Adjustments 4:00 PM (-) 3 weeks Application Deadline @ 3:00 PM MEETING DATE
January	2-Dec 9-Dec 7-Jan	12-Jan 26-Jan	30-Dec 21-Jan
February	30-Dec 6-Jan 4-Feb	9-Feb 23-Feb	28-Jan 18-Feb
March	27-Jan 3-Feb 4-Mar	9-Mar 23-Mar	25-Feb 18-Mar
April	24-Feb 3-Mar 1-Apr	13-Apr 27-Apr	25-Mar 15-Apr
May	31-Mar 7-Apr 6-May	11-May 25-May	29-Apr 20-May
June	28-Apr 5-May 3-Jun	8-Jun 22-Jun	27-May 17-Jun
July	2-Jun 9-Jun 8-Jul	13-Jul 27-Jul	24-Jun 15-Jul
August	30-Jun 7-Jul 5-Aug	10-Aug 24-Aug	29-Jul 19-Aug
September	28-Jul 4-Aug 2-Sep	14-Sep 28-Sep	26-Aug 16-Sep
October	1-Sep 8-Sep 7-Oct	12-Oct 26-Oct	30-Sep 21-Oct
November	29-Sep 6-Oct 4-Nov	9-Nov 23-Nov	28-Oct 18-Nov
December	27-Oct 3-Nov 2-Dec	7-Dec 14-Dec	24-Nov 16-Dec