

**APPROVED**

**CACHE COUNTY  
COUNCIL MINUTES  
JUNE 28, 2011**

**CACHE COUNTY COUNCIL**  
**June 28, 2011**

AUDIT – 2011 External Audit Report.....	3
BUDGET – Public Hearing- June 28, 2011-6:00 p.m.-Open 2011 Budget.....	4
BUDGET AMENDMENTS – Resolution No. 2011-16.....	6
CDBG SECOND PUBLIC HEARING – Public Hearing-June 28, 2011-5:15 p.m.....	2
CACHE VALLEY VIEW ESTATES REZONE – Ordinance No. 2011-10.....	7
CARDON, WAYNE – Public Comment.....	4
COLDWATER ROAD OPTIONS – Discussion on-Olsen, Mike .....	7
DAVENPORT ROAD – July 12, 2011-5:30 p.m.-Condemnation of Davenport Road Across Four-Mile Ranch .....	5
EXTERNAL AUDIT REPORT – 2011.....	3
FIRE CODE AMENDMENTS – June 28, 2011-6:15 p.m.-Ordinance No. 2011-09-Fire Code Amendments .....	4
FLOOD UPDATE.....	1
HIGH COUNTRY ESTATES REZONE – Public Hearing- June 28, 2011-6:30 p.m.-High Country Estates Rezone-Justin Taylor requesting rezone from A-10 to RU-2 located at 14015 North 8000 West-Beaver Dam.....	5
JAIL – Public Hearing- June 28, 2011-5:30 p.m.-Adopting Maximum Operating Capacity and Inmate Retention Guidelines for Cache County Jail-Ordinance No. 2011-08 .....	3
LOGAN CITY – Proclamation Declaring State of Emergency .....	1
LONG-TERM DISABILITY BENEFIT PROTECTION CONTRACTS COVERING TIER 2 MEMBERS – Discussion.....	7
MULTI-CULTURAL CENTER REPORT .....	3
OLSEN, MIKE – Discussion on Coldwater Road Options .....	7
ORDINANCE NO. 2011-08 – Adopting Maximum Operating Capacity and Inmate Retention Guidelines for the Cache County Jail .....	6
ORDINANCE NO. 2011-09 – Fire Code Amendments-Public Hearing- June 28, 2011-6:15 p.m. ....	4
ORDINANCE NO. 2011-10 – Cache Valley View Estates Rezone.....	7
PROCLAMATION – Logan City Declaring State of Emergency.....	1
PUBLIC COMMENT – Cardon, Wayne.....	4
PUBLIC HEARING – June 28, 2011-5:30 p.m.-Adopting Maximum Operating Capacity and Inmate Retention Guidelines for Cache County Jail .....	3
PUBLIC HEARING – June 28, 2011-6:15 p.m.-Ordinance No. 2011-09-Fire Code Amendments .....	4
PUBLIC HEARING – June 28, 2011-6:00 p.m.-Open 2011 Budget .....	4
PUBLIC HEARING – June 28, 2011-6:30 p.m.-High Country Estates Rezone-Justin Taylor requesting rezone from A-10 to RU-2 located at 14015 North 8000 West-Beaver Dam .....	5
PUBLIC HEARING SET – July 12, 2011-5:30 p.m.-Condemnation of Davenport Road Across Four-Mile Ranch .....	5
RESOLUTION NO. 2011-16 – Budget Amendments .....	6
REZONE – Public Hearing- June 28, 2011-6:30 p.m.-High Country Estates Rezone-Justin Taylor requesting rezone from A-10 to RU-2 located at 14015 North 8000 West-Beaver Dam .....	5
REZONE – Ordinance No. 2011-10-Cache Valley View Estates Rezone .....	7
ROAD – Public Hearing Set- July 12, 2011-5:30 p.m.-Condemnation of Davenport Road Across Four-Mile Ranch .....	5
ROAD STANDARDS – Discussion-Proposed Amendments to the Cache County Road Standards .....	6
RODEO – Introduction of Cache County Rodeo Royalty.....	3
WARRANTS – 05-12-2011, 06-01-2011 to 06-09-2011, 06-10-2011 to 06-16-2011.....	1

**CACHE COUNTY COUNCIL MEETING**  
**June 28, 2011**

The Cache County Council convened in a regular session on June 28, 2011 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

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

**The following individuals were also in attendance:** Janeen Allen, Roger Allen, Allesha Arehart, Corynn Arehart, Mark Arehart, Kevin Brown, Wayne Cardon, Callie Jo Checketts, LaMar Clements, McKenzie Crouch, Trish Gibbs, Sharon L. Hoth, Jeremy Hunter, Cameron Jensen, Jessica Johnson, Sherilyn Johnson, Allan Karras, Norma Martinez, Dave Nielsen, Kylee Noble, Doyle Peck, Jonan Peck, LaMont Poulsen, David Schuster, Justin Taylor, Steven Taylor, Scott Wilkinson, Rick Williams, Walt Young, **Media:** Charles Geraci (Herald Journal).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

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

**REVIEW AND APPROVAL OF AGENDA**

**ACTION:** Motion by Council member Zilles to approve the agenda as written. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Robison to approve the minutes of the June 14, 2011 Council Meeting as written. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

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

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the periods 05-12-2011, 06-01-2011 to 06-09-2011 and 06-10-2011 to 06-16-2011 were given to the Clerk for filing.

**OTHER ITEMS**

- Proclamation Declaring State of Emergency** – Executive Lemon referred Council members to a copy of the proclamation declaring Logan City in a state of emergency due to flooding problems. Providence City will issue a similar proclamation tonight.
- Flood Update** – Relative to flooding concerns Executive Lemon turned some time to Emergency Manager Rick Williams to give an update.

Williams said areas of concern are:

Spring Creek in Providence where the county is acting in a support capacity to the City

Logan River – more sandbags were placed at Birch Glen yesterday

High Creek Canyon – sixty-eight campers were evacuated at 1:00 a.m. Friday morning due to washing out of the roadway. The County Road Department repaired the road sufficiently to remove the vehicles the next day. The Forest Service will close the upper gate and the county will close the lower gate until accessibility is restored.

Ant Flat Road – some washout

Avon Divide Road – still open

Hyrum Dry Canyon has a massive earth slide about 100 x 300 yards

Blacksmith Fork and the Little Bear are no longer a concern

Increased river flows are anticipated with the warming weather.

Last Thursday Williams invited the Natural Resources Conservancy Services and the Corps of Engineers to look at the Millville Bridge area and Blacksmith Fork and it was determined that Cache County may be eligible to do erosion control on the river banks and there is a possibility of the Corps of Engineers doing debris removal from SR 165 to the mouth of Blacksmith Fork Canyon.

Almost 47,000 sandbags have been distributed in Cache County.

In response to Executive Lemon's question, Williams said the Logan River will probably peak Friday, July 1, 2011 and probably Thursday, June 30, 2011 in Providence Canyon. There is still about 28 inches of water to come down.

Executive Lemon praised Williams' work, law enforcement, fire enforcement and the County Road Department for all the work they have done to alleviate flooding problems.

**Council member Yeates arrived at the meeting.**

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

- CDBG Second Public Hearing** – Executive Lemon opened the Public Hearing and stated the purpose of the meeting is to inform citizens or special interest groups about specifics of proposed CDBG projects and give them a chance to express concerns and ask questions.

Lemon said that one project was approved by BRAG – Neighborhood Nonprofit Housing for real property allocation.

Executive Lemon invited public comment. There was none.

**ACTION: Motion by Council member Zilles to close the Public Hearing-CDBG Second Public Hearing-June 28, 2011. Yeates seconded the motion. The vote was unanimous, 7-0.**

**ITEMS OF SPECIAL INTEREST**

- **Introduction of Cache County Rodeo Royalty** – The Rodeo Royalty introduced themselves:

Callie Jo Checketts, Cache County Rodeo Queen from Paradise  
McKenzie Crouch, First Attendant from Tremonton (*absent*)  
Jessica Johnson, Second Attendant from Benson  
Randi Davis, Junior Queen from Tremonton (*absent*)  
Allesha Arehart, Princess from Lewiston  
Kylee Noble, Junior Princess from Wellsville

Queen Checketts offered the speech she presented at the Rodeo Queen competition.

Scott Wilkinson thanked the Council for all the support given the rodeo.

- **2011 External Audit Report** – Mike Kidman of Jones Simkins gave the report noting a change in terminology regarding fund balances and how they are classified and presented in the statements, internal control comments, state compliance and the management letter. There were no significant findings.

Executive Lemon expressed appreciation for the work of Jones Simkins and commended Finance Director Cameron Jensen for his work.

**(Attachment 1)**

**ACTION: Motion by Council member Yeates to accept the external audit report from Jones Simkins. Petersen seconded the motion. The vote was unanimous, 7-0.**

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

**PUBLIC HEARING: JUNE 28, 2011- 5:30 P.M. – ADOPTING MAXIMUM OPERATING CAPACITY AND INMATE RETENTION GUIDELINES FOR CACHE COUNTY JAIL** – Sheriff Nelson reiterated that this is current policy and Cache County Council approval is needed to fulfill the legal obligation.

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

**ACTION: Motion by Council member Petersen to close the Public Hearing-June 28, 2011-5:30p.m.-Adopting Maximum Operating Capacity and Inmate Retention Guideline for Cache County Jail. Yeates seconded the motion. The vote was unanimous, 7-0.**

- **Multi-Cultural Center Report – Norma Martinez**, Acting Director, shared a power point presentation report on the Cinco de Mayo celebration at the Center this year. This is the third year of the celebration and had an increased attendance. Revenues were about \$1,500.00 with expenditures of approximately \$3,500.00.

Council member Petersen asked where the Center was in the process of appointing a new Director. Martinez replied that she is the Acting Director with the opportunity to remain.

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

**PUBLIC HEARING: JUNE 28, 2011- 6:00 P.M. – OPEN 2011 BUDGET** – Executive Lemon reviewed the budget adjustments. *(See Attachment 4 to Resolution No. 2011-16-2011 Budget Amendments for details.)*

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

**ACTION: Motion by Council member Yeates to close the Public Hearing-June 28, 2011-6:00 p.m.-Open 2011 Budget. Robison seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING: JUNE 28, 2011- 6:15 P.M. – ORDINANCE NO. 2011-09 – FIRE CODE AMENDMENTS** – Chairman White opened the Public Hearing and invited public comment.

A citizen asked for an explanation of the proposed amendments.

Chief Rod Hammer explained that the amendments state that one and two-family dwellings must have a mobile water supply and there is no wording requiring fire sprinklers.

A discussion among the Council centered on how this will affect previously approved subdivisions where sprinklers were required. It was decided that the wording of the ordinance, *“This ordinance amends and supersedes...all prior ordinances, resolutions, policies, and actions of the Cache County Council...”* resolves the problem satisfactorily.

Council member Robison indicated she wanted it understood that the result of this ordinance may be that, for those persons choosing to build in an area of the county that is beyond the capacity of the county fire services or reasonable limits of the fire truck to travel from the fire station, the structure will probably not be saved in the event of a fire. Robison asked Chief Hammer if that is a correct statement? He replied it is and that is what the citizens said they wanted at the fire board meetings.

**Wayne Cardon** suggested that additional tenders would help protect existing older homes in the county as well as any new development.

Chief Hammer responded that the county will replace and update the tender fleet on a regular basis and Chairman White noted that there is no room in the fire stations for additional tenders.

Council member Zilles also observed that the mobile water supply required by this ordinance necessitates that any new home in the county must have a twenty-foot wide road to the property access to accommodate fire trucks, etc.

There was no other public comment.

**ACTION: Motion by Vice Chairman Buttars to close the Public Hearing – June 28, 2011 – 6:15 p.m. – Fire Code Amendments. Petersen seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING: JUNE 28, 2011- 6:30 P.M. – HIGH COUNTRY ESTATES REZONE – JUSTIN TAYLOR REQUESTING REZONE FROM A-10 TO RU-2**

**LOCATED AT 14015 NORTH 8000 WEST, BEAVER DAM** – Director Runhaar said that this rezone will allow for a potential of thirty-five building lots and the Spring Ridge subdivision to the east has been approved for thirty-nine lots. This, coupled with the potential twenty-seven lots of the present Box Elder County subdivision bordering this property, creates the potential for a community a little larger than the size of Cornish. The Planning Commission recommends approval with three findings of fact:

- The proposed rezone is appropriately served by suitable public roads, has access to necessary water and utilities, and has adequate public service provision including adequate fire protection.
- The proposed rezone is consistent with the existing development in the area.
- The proposed rezone preserves high value agricultural land.

Runhaar said the rezone meets the necessary criteria of the present ordinance and has some of the best in-ground utilities, etc. for a proposed subdivision; but staff has concerns that the “building of a small city” so far distant from fire and law enforcement services does not meet the purpose of Envision Cache Valley. Staff recommends denial.

Council member Petersen asked if Spring Ridge was known by another name? Runhaar said it is the same as the Allen Burris subdivision.

Council member Zilles questioned if the road is good enough to handle the additional future traffic? Runhaar said it is possibly adequate and would have to be addressed in the subdivision process.

Chairman White opened the Public Hearing and invited public comment.

**Justin Taylor and Steve Taylor** each spoke in support of the requested rezone.

There was no other public comment.

**ACTION: Motion by Council member Yeates to close the Public Hearing – High Country Estates Rezone – Justin Taylor requesting rezone from -10 to RU-2 located at 14015 North 8000 West, Beaver Dam. Petersen seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: JULY 12, 2011- 5:30 P.M. – CONDEMNATION OF DAVENPORT ROAD ACROSS FOUR-MILE RANCH**

**ACTION: Motion by Council member Yeates to set a Public Hearing – July 12, 2011-5:30 p.m.-Condemnation of Davenport Road across Four-Mile Ranch. Potter seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- Discussion – Proposed Amendments to the Cache County Road Standards**  
Director Runhaar indicated a resolution to adopt the Cache County Manual of Roadway Design and Constructions Standards will be considered in another workshop. Executive Lemon suggested a workshop prior to the July 26, 2011 Council meeting. The Council concurred.
- Ordinance No. 2011-08 – Adopting Maximum Operating Capacity and Inmate Retention Guidelines for the Cache County Jail**

(Attachment 2)

**ACTION: Motion by Council member Petersen to adopt Ordinance No. 2011-08- Adopting Maximum Operating Capacity and Inmate Retention Guidelines for the Cache County Jail. Buttars seconded the motion. The vote was unanimous, 7-0**

**Ordinance No. 2011-08:** The vote was 7-0.

	<u>BUTTARS</u>	<u>POTTER</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- Ordinance No. 2011-09- Fire Code Amendments**

(Attachment 3)

**ACTION: Motion by Vice Chairman Buttars to approve Ordinance No. 2011-09 – Fire Code Amendments. Zilles seconded the motion. The vote was unanimous, 7-0.**

**Ordinance No. 2011-09:** The vote was 7-0.

	<u>BUTTARS</u>	<u>POTTER</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- Resolution No. 2011-16 – 2011 Budget Amendments**

(Attachment 4)

**ACTION: Motion by Council member Yeates to approve Resolution No. 2011-16 – 2011 Budget Amendments. Potter seconded the motion. The vote was unanimous, 7-0.**

**INITIAL PROPOSAL FOR CONSIDERATION**

- **Ordinance No. 2011-10 – Cache Valley View Estates Rezone** – Chris Harrild reminded the Council that this was discussed at the last Council meeting and asked if they had any further questions. There were none.

(Attachment 5)

**ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2011-10-Cache Valley View Estates Rezone. Petersen seconded the motion. The vote was unanimous, 7-0.**

**Ordinance No. 2011-10:** The vote was 7-0.

	BUTTARS	POTTER	PETERSEN	ROBISON	WHITE	YEATES	ZILLES	VOTES CAST
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Discussion – Long-Term Disability Benefit Protection Contracts Covering Tier 2 Members** – Executive Lemon explained that due to recent legislation employees employed prior to July 1, 2011 are Tier 1 employees and anyone employed after that date are Tier 2 employees. Presently, Tier 1 employees continue to accrue benefits during the approximate 90 days between disability and activation of long-term disability. Tier 2 employees are not covered during the 90-day interim and the county will have to pay the full premium for those employees to be covered for that time.

Council member Zilles suggested it might be financially beneficial to the county to have a special fund set up from a percentage of employees' wages to cover those employees who might need the 90-day coverage.

Robison, Buttars, Yeates and Potter agreed with Zilles.

Lemon will decline the Tier 2 employees' coverage.

**OTHER BUSINESS**

- ✓ **Mike Olsen – Discussion on Coldwater Road Options** – Olsen has requested a 4:00 p.m. meeting on July 12, 2011.

**COUNCIL MEMBER REPORTS**

**Kathy Robison** distributed the Human Services Board report noting that Cache served from 400-500 individual families which is a 33% increase before the year before.

**Craig Petersen** observed that Chris Sands had abstained from the Planning Commission's recommendation to approve the High Country Estates rezone and wondered if it was a professional conflict? Runhaar replied it was.

**Cory Yeates** shared a handout on E-Groups he received at the UAC Conference in Moab.

**ADJOURNMENT**

The Council meeting adjourned at 7:36 p.m.

---

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

---

**APPROVAL:** Jon White  
Chairman



1011 West 400 North, Suite 100  
P.O. Box 747  
Logan, UT 84323-0747  
Phone: (435) 752-1510 • (877) 752-1510  
Fax: (435) 752-4878

**OFFICERS:**

Paul D. Simkins, CPA  
Michael C. Kidman, CPA, MBA  
Brent S. Sandberg, CPA  
Brett C. Hugie, CPA  
Mark E. Low, CPA  
H. Paul Gibbons, CPA  
Robert D. Thomas, CPA  
Paul R. Campbell, CPA

June 27, 2011

To the Cache County Council  
Logan, Utah

We have audited the financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Cache County, Utah (the County), for the year ended December 31, 2010. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards* and OMB Circular A-133, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated January 28, 2011. Professional standards also require that we communicate to you the following information related to our audit.

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Cache County are described in Note 1 to the financial statements. During 2010, the County implemented Statement of Governmental Accounting Standards No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which changed the definitions and terminology related to fund balance. We noted no transactions entered into by the County during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the County's financial statements was the estimated useful lives of capital assets.

Management's estimate of the useful lives of capital assets is based on expected future use of the asset and prior experience with similar assets. We evaluated the key factors and assumptions

used to develop the estimated useful lives of capital assets in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were related to the changes in capital assets and the changes in long-term obligations, and are located in Note 4 and Note 5, respectively, to the financial statements. The disclosures of the changes in capital assets and the changes in long-term obligations were formulated to include all changes to each respective category during the year.

#### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. The attached schedule summarizes uncorrected misstatements of the financial statements. Management has determined that the effects of these uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. Audit adjustments were recorded to cash, investments, receivables, deferred revenue, accounts payable, revenues, and expenditures.

#### *Disagreements with Management*

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

#### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated June 27, 2011.

#### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

### **Internal Control**

In planning and performing our audit of the financial statements of the County as of and for the year ended December 31, 2010, in accordance with auditing standards generally accepted in the United States of America, we considered the County's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the County's internal control. Accordingly, we do not express an opinion on the effectiveness of the County's internal control.

Our findings related to internal control are found in the schedule of findings and questioned costs in the bound financial statements.

### **Other Matters**

Our audit procedures also identified other matters involving internal control and compliance that, although not considered by us to be significant deficiencies, are weaknesses in internal control for which corrective action might be taken, or are immaterial instances of non-compliance with laws and regulations.

1. A follow up on the recommendations in this letter should be made by the County Council and reflected in the Council meeting minutes.
2. With respect to the County's budgets for governmental funds, the County did not comply with Utah Code 17-36, which requires that expenditures be limited to budgeted appropriations at the department level in the general fund, and at the total fund expenditures level for all other governmental funds. The general fund had one department with expenditures exceeding its budget and total expenditures in the mental health fund exceeded its budget. We recommend budgetary and expenditure controls be strengthened to address the risk of these types of budget violations.
3. With respect to the County's budgets for governmental funds, we noted that the final amended budget for the planning and development fund reflected a budgeted change in fund balance larger than the fund's beginning fund balance (i.e. budgeted for a net deficit). This would constitute a violation of the balanced budget requirements contained in Utah Code 17-36. We recommend strengthening controls over the budgetary amendment process to ensure that budget amendments do not result in this type of violation.
4. We noted that the County's general ledger did not include one of the cash accounts used in the operations of the County Sheriff's office during the year. We recommend that the

County improve its system of monitoring and approving the creation of bank accounts and their subsequent inclusion in the County's accounting records.

We appreciate the cooperation and assistance provided by County personnel during our audit. Their help was very beneficial in the completion of this year's audit.

This information is intended solely for the use of the County Council, management of Cache County, and the Utah State Auditor's Office and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

A handwritten signature in cursive script that reads "Jones Simkins, P.C.".

JONES SIMKINS, P.C.

<b>Cache County</b>				
<b>Listing of Uncorrected Misstatements</b>				
<b>12/31/2010</b>				
<b>Account</b>	<b>Description</b>	<b>Debit</b>		<b>Credit</b>
PJE to record correction to the amount of Cash in Custody of Treasurer for both the general and municipal services funds. A portion of which must be escheated to the State of Utah as unclaimed property.				
100-1121000	CASH IN CUSTODY OF TREASURER	79,793.00		
200-1121000	CASH IN CUSTODY OF TREASURER	10,541.58		
100-2131000	ACCOUNTS PAYABLE			75,352.21
100-36-10000	INTEREST			4,440.79
200-1351000	TAXES RECEIVABLE			10,541.58
PJE to adjust compensated absences liability to actual.				
900-2530000	COMPENSATED ABSENCES	57,000.00		
900-37-30100	GENERAL GOVERNMENT			57,000.00
PJE to record accrual for subsequent receipt of liquor funds related to FY 2010 not recorded by County.				
100-1411000	DUE FROM OTHER GOVERNMENTS	12,299.00		
100-33-58000	ST. LIQUOR ALLOCATION			12,299.00
PJE to record accrual for the subsequent receipt of Land Exchange distribution related to the period of October 2010 through December 2010 not recorded by the client, along with PJE for PY reversing effect (also not recorded last year)				
100-1411000	DUE FROM OTHER	25,683.67		
100-33-11200	MINERAL REV SHARING 25%	38,421.37		
100-2980000	BEGINNING OF YEAR			38,421.37
100-33-11200	MINERAL REV SHARING 25%			25,683.67
PJE to properly record a receivable for a TV project performed but for which funds have not been received and which was improperly recorded as earned revenue in the prior year.				
230-2980000	BEGINNING OF YEAR	13,226.00		
230-2331000	DEFERRED REVENUE			13,226.00

Cache County				
Listing of Uncorrected Misstatements				
12/31/2010				
Account	Description	Debit		Credit
PJE to account for improper classification of fixed asset additions in the current year and accrual of additional capital outlay.				
390-4985-720	BUILDINGS - SHERIFF EECBG	20,000.00		
900-1615000	CONSTRUCTION IN PROCESS	198,569.00		
390-2131000	ACCOUNTS PAYABLE			20,000.00
900-1620000	BUILDINGS			198,569.00
PJE to account for taxes collected in February 2011 that were recorded as deferred revenue at the fund level rather than being recognized as revenue.				
100-2332000	DEF REV - DELINQ TAX RCVBL	58,297.00		
150-2332000	DEF REV - DELINQ TAX RCVBL	16,507.00		
210-2332000	DEF REV - DELINQ TAX RCVBL	4,961.00		
100-31-20000	PRIOR YEARS TAX			58,297.00
150-31-21000	PRIOR YR TAXES -ASSESS & COLL			16,507.00
210-31-20000	PRIOR YEARS TAX			4,961.00

## ORDINANCE 2011-08

### AN ORDINANCE OF CACHE COUNTY ADOPTING MAXIMUM OPERATING CAPACITY AND INMATE RETENTION GUIDELINES FOR THE CACHE COUNTY JAIL

WHEREAS: Cache County has constructed a new jail in 2004; and

WHEREAS: The new construction of the Cache County Jail increased the maximum operating capacity of the Cache County Jail to 304; and

WHEREAS: Recent budget constraints have required a maximum operating capacity of 304 inmates; and

WHEREAS: The available bed space at the Cache County Jail must be monitored to ensure that adequate space is provided for all categories of inmates including pre-adjudicated inmates municipal inmates, county inmates, state inmates and federal inmates; and

WHEREAS: Cache County bonded for the purpose of constructing the jail and now has a obligation to pay bond payments annually; and

WHEREAS: The financial analysis that justified the construction of the larger facility currently in operation relied on a certain percentage of contract inmates that would help defray the cost of construction and operating the Cache County Jail; and

WHEREAS: The Cache Council and the Sheriff feel it appropriate, pursuant to UCA 17-22-5.5(2) to establish a maximum operating capacity for the Cache County Jail and for the number of inmates housed in each designated category, so that Cache County will properly meet the needs of the community and also appropriately budget for the operation of the Cache County Jail.

NOW THEREFORE: The Cache County Council, acting on the recommendation of the Cache County Sheriff, hereby ordains and adopts the following ordinance establishing limits for each category to be housed at the Cache County Jail.

## Sections:

- 1-1 Purpose
- 1-2 Inmate Categories
- 1-3 Category Limits
- 1-4 Correctional Facility Discretion

### Section 1-1. Purpose

This ordinance recognizes that inmates serving time at the Cache County Jail fall into several categories and must be housed in a correctional facility owned and operated by the County. The purpose of this ordinance is to establish a maximum operating capacity for the Cache County Jail and to establish classification guidelines relating to each category of inmates to ensure that the needs of the community are being met using the available space at the Cache County Jail and the resources available to the County. This ordinance supplements the Sheriff's written policies for admission of prisoners to the Cache County Jail and the classification of persons incarcerated in the jail. This ordinance takes into account the fact that the facility was designed to house pre-adjudication individuals charged with felonies and misdemeanors, City and County misdemeanor violators, offenders serving probationary terms as a condition of a felony sentence and offenders being housed by contract with both the State and Federal Government. The ordinance recognizes that the Cache County Jail was built and funded with the agreement that a significant number of inmates would be housed on contract with the State of Utah and the Federal Government and that compensation would be received from both of those entities to assist in funding the cost of constructing and operating the facility. This ordinance is also being adopted to establish facility operating limits to assist the County Council in appropriately establishing an annual budget, taking into account the revenues and costs associated with the operation of the Cache County Jail.

### Section 1-2 Inmate Categories.

The Cache County Jail has established the following hierarchal inmate housing category matrix and inmate limits based on statutory requirements, local needs and funding.

1. **Pre-adjudication misdemeanor and felony prisoners** -- Prisoners incarcerated prior to adjudication on felony and misdemeanor charges.
2. **Sentenced misdemeanor offenders** -- Inmates housed after adjudication on misdemeanor charges serving sentences imposed by City, County, and State Courts.
3. **State contract inmates** -- Offenders who have been convicted of felonies sentenced to the Utah State Prison and are being housed at the County Jail pursuant to a contract with the Utah Department of Corrections.
4. **Federal contract inmates** -- Federal inmates incarcerated prior to adjudication, who are housed under contract with the United States Government.
5. **Felony condition of probation prisoners/parole or probation violators** -- Inmates sentenced for felony violations for which the prison term was suspended and the offender

given time in the county jail as a Condition of Probation (COP). This also includes offenders originally sentenced to the county jail as a COP or others who have been arrested for violation of felony probation/parole holds.

### **Section 1-3. Category Limits.**

The Cache County Council hereby approves and allocates inmate bed space available to the various categories of inmates as follows:

1. Pre-adjudication misdemeanor and felony prisoners: (55)
2. Sentenced misdemeanor offenders: (100)
3. State inmates: (50)
4. Federal contract inmates: (65)
5. Felony condition of probation prisoners/parole or probation violators: (34)

### **Section 1-4. Correctional Facility Discretion.**

- A. The Cache County Sheriff's administration is hereby given discretion to rotate inmates between categories 1, 2, 3 and 4 for the purpose of allowing flexibility in the operation of the jail and in order to allow the facility to properly manage, classify and administer inmates. Authority is also given to the Cache County Sheriff to adjust the limits in each of the above categories based on statutory requirements, local needs, funding and other relevant factors.
- B. The Cache County Jail is given no discretion to increase the number of inmates housed in category 5. It has been determined by the Utah State Legislature that the County and State will share the cost of housing Category 5 inmates and that the State will pay a set budget amount for their share of the inmates cost. Therefore in order to manage the County's budget and assist in managing the inmate population there will be no more inmates allowed in the category than the number listed in Category 5 of section 1-2: Inmate Categories. The number of inmates listed in Category 5 is equal to the amount of bed space Cache County can financially support using county funds and the funds allocated by the Utah State Legislature and appropriated through the legislative process.

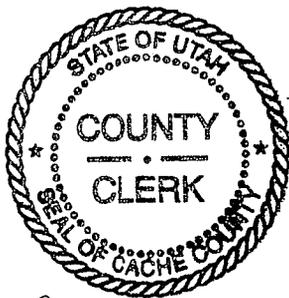
### **Effective Date:**

This ordinance shall take effect 15 days after passage, after required publication and after a copy of the ordinance is deposited with the Cache County Clerk's Office.

This ordinance was approved and adopted by the Cache County Council on the 29 day of June 2011, upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
Craig "W" Buttars	X			
H. Craig Petersen	X			
Val Potter	X			
Kathy Robison	X			
Jon White (Chair)	X			
Cory Yeates	X			
Gordon A. Zilles	X			

CACHE COUNTY COUNCIL



*Jon White*

Jon White, Chair  
Cache County Council

ATTEST:

*Jill Zollinger*

Jill Zollinger  
Cache County Clerk

Publication Date: July 13, 2011

**CACHE COUNTY, UTAH  
ORDINANCE NO. 2011-09**

**Fire Code Ordinance Amendments**

*Disclaimer:*

*This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.*

**AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 15.08, TITLE 15 OF  
THE CACHE COUNTY CODE REGARDING CACHE COUNTY'S FIRE CODE**

WHEREAS, the State of Utah has authorized Cache County to enact ordinances necessary and proper to provide safety, and protect property in the county under 17-53-223;

WHEREAS, the purpose of this ordinance is to provide such safety and property protection to Cache County citizens through the Cache County Fire Department and said Department intends to fully implement State Law;

WHEREAS, the purpose of this ordinance is to update the code to reflect current law; specifically, the State of Utah on July 1, 2010, officially adopted the International Fire Code, which is now the fire code for the entire State of Utah to include cities, counties, fire districts, and the state;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 15 of the Cache County Code to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County;

WHEREAS, on June 28, 2011, at 6:15 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 15 of the Cache County Code, the County Council accepted all comments; and

WHEREAS, the Cache County Council has determined that it is both necessary and proper for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 15.08 of Title 15 of the Cache County Code is hereby amended and superseded as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-53-208 and -223 .

2. Purpose of Provisions.

The purpose of this ordinance is to amend and supersede 15.08 of Title 17 of the Cache County Code regarding Fire Code is to insure compliance and conformity with Utah State law, and the protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. Findings

- A. The amendments to Title 15 of the Cache County Code are in conformity with Utah Code Annotated Sections 17-53-208 and -223 and 53-7-204(3)(c).
- B. The amendments to Title 15 of the Cache County Code are necessary and proper to insure compliance and conformity with Utah State law, and the protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 15 of the Cache County Code be approved.

4. Title 15, Chapter 15.08 of the Cache County Code is amended as follows:

ADOPTION:

D. Board of Appeals:

GENERAL

A101.1 Scope. The board of appeals established within the unincorporated portion of Cache County for the purpose of hearing applications for modification of the International Fire Code pursuant to the provisions of section 108 shall be the Cache County Fire Board.

Delete A 101.2 – A 101.10

E. National Fire Protection Association 1142 Standard for Rural and Suburban Water Supply.

Delete 4.6 Water delivery rate to the fire scene

15.08.030 AMENDMENTS:

F. Section 507.2.3. Group R-3 occupancies. A mobile water supply is approved for fire protection when a water source meeting the required fire flow is not available.

5. Prior Ordinances, Resolutions, Policies And Actions Superseded.

This ordinance amends and supersedes Chapter 15.08 of Title 15 of the Cache County Code, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect on July 13, 2011. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

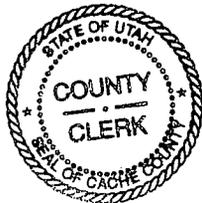
APPROVED AND ADOPTED this 28th day of June, 2011.

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL

*Jon White*

Jon White, Chair  
Cache County Council



ATTEST:

*Jill Zollinger*

Jill Zollinger  
Cache County Clerk

Publication Date: July 13, 2011

RESOLUTION NO. 2011- 16

**A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.**

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2011 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2011 budget for Cache County:

**see attached**

Section 2.

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

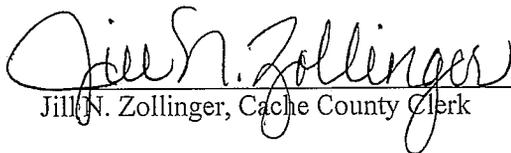
Section 3.

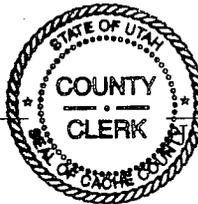
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

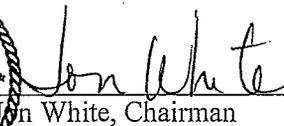
This resolution was duly adopted by the Cache County Council on the 28th day of June 2011.

ATTESTED TO:

CACHE COUNTY COUNCIL

  
Jill N. Zollinger, Cache County Clerk



  
Jon White, Chairman

FUND 100 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current		Recommended		Amended		Reason for Change
		Budget	DEBIT	DEBIT	CREDIT	Budget	Budget	
100-31-10000	CURRENT PROPERTY TAXES	(8,058,591)			(362,231)	(8,420,822)		TO CAPTURE NEW GROWTH REVENUES
100-33-14110	CRIME VICTIM SPEC PROC- VAWA	(125,000)			(1,200)	(126,200)		GRANT AWARD FOR VICTIM SERVICES
10-03-890000	APPROP SURPLUS	(157,622)	26,186			(131,436)		OFFSET CONVERSION COSTS IN A&C to zero approp surplus due to new growth
10-03-890000	APPROP SURPLUS	(131,436)	131,436			-		growth
	Totals		157,622		(363,431)	(205,809)		
	Net Adjustment							

FUND 100 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current		Recommended		Amended		Reason for Change
		Budget	DEBIT	DEBIT	CREDIT	Budget	Budget	
100-4141-740	AUDITOR - CAPITALIZED EQUIPMENT	115,000	56,925			171,925		CONVERSION COSTS FOR SOFTWARE
100-4143-251	TREASURER - NON CAPITALIZED EQUIP	-	1,028			1,028		COST FOR SCANNER
100-4149-250	VICTIM SERVICES- EQUIP SUPPLIES & MAINT	-	700			700		GRANT AWARD FOR VICTIM SERVICES
100-4149-620	VICTIM SERVICES - MISC SERVICES	(200,030)	500			500		GRANT AWARD FOR VICTIM SERVICES
100-4141-999	AUDITOR - A&C Alloc 46%	-	17,500		(26,186)	(226,216)		CONVERSION COST ADJ TO A&C
100-4230-730	JAIL - IMPROVEMENTS	-	40,000			17,500		ASPHALT SURFACE REUIVENATING
100-4410-420	HIGHWAY - FLOOD/DREDGING EXPENSE	-	40,000			40,000		2011 FLOOD EXPENSES
100-4800-990	CONTRIB TO FUND RESERVE	45,206	115,342			160,548		TO BALANCE FUND
	Totals		231,995		(26,186)	205,809		
	Net Adjustment							

FUND 150 ASSESSING & COLLECTING REVENUES

ACCOUNT	DESCRIPTION	Current		Recommended		Amended		Reason for Change
		Budget	DEBIT	DEBIT	CREDIT	Budget	Budget	
150-31-65000	CURRENT PROPERTY TAXES - CO A&C	(1,428,828)			(168,994)	(1,597,822)		TO CAPTURE NEW GROWTH REVENUES
150-31-60000	CURRENT PROPERTY TAXES -MULTI CO A&C	(804,907)			(48,588)	(853,495)		TO CAPTURE NEW GROWTH
	Totals				(217,582)	(217,582)		
	Net Adjustment							

FUND 150 ASSESSING & COLLECTING EXPENDITURES

ACCOUNT	DESCRIPTION	Current		Recommended		Amended		Reason for Change
		Budget	Increase	DEBIT	Decrease	Budget	CREDIT	
150-4141-999	AUDITOR - A&C Alloc 46%	200,030		26,186		226,216		ADD IN CONVERSION COSTS
150-4800-992	CONTRIB -A&C FUND RESERVE	3,500		191,396		194,896		TO BALANCE FUND
	Totals			217,582		217,582		
	Net Adjustment							

FUND 200 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current		Recommended		Amended		Reason for Change
		Budget	Increase	DEBIT	Decrease	Budget	CREDIT	
200-38-90000	APPROP SURPLUS -CLASS B	(877,226)		(39,800)		(917,026)		TO COVER COSTS FOR TO MEET EPA REGS
	Totals			-		(39,800)		
	Net Adjustment					(39,800)		

FUND 200 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current		Recommended		Amended		Reason for Change
		Budget	Increase	DEBIT	Decrease	Budget	CREDIT	
200-4415-310	CLASS B ROAD- PROF & TECH	7,000		15,000		22,000		TO COVER COSTS FOR TO MEET EPA REGS
200-4415-740	CLASS B ROAD- CAPITALIZED EQUIPMENT	240,000		24,800		264,800		EQUIP FOR BEAR RIVER BASIN CORE
	Totals			39,800		39,800		
	Net Adjustment							

FUND 210 HEALTH FUND REVENUES

ACCOUNT	DESCRIPTION	Current		Recommended		Amended		Reason for Change
		Budget	Increase	DEBIT	Decrease	Budget	CREDIT	
210-31-11000	CURRENT PROPERTY TAXES - HEALTH	(685,838)		(28,716)		(714,554)		TO CAPTURE NEW GROWTH REVENUES
	Totals			-		(28,716)		
	Net Adjustment					(28,716)		

FUND 210 HEALTH FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current	Recommended Increase	Decrease	Amended Budget	Reason for Change
210-4800-996	CONTRIB TO FUND RESERVE	53,006	28,716	-	81,722	TO BALANCE FUND
	Totals		28,716	-	28,716	
	Net Adjustment					
	FUND 230 TOURIST COUNCIL FUND REVENUES					

FUND 230 TOURIST COUNCIL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
230-38-70000	CONTRIBUTIONS PRIVAT SOURCES	(9,250)	-	(500)	(9,750)	CV Cruise In
	Totals			(500)	(500)	
	Net Adjustment					
	FUND 240 COUNCIL ON AGING FUND REVENUES					

FUND 240 COUNCIL ON AGING FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
230-4780-490	ADVERTISING & PROMOTIONS	182,150	500	-	182,650	CV Cruise In
	Totals		500	-	500	
	Net Adjustment					
	FUND 240 COUNCIL ON AGING FUND EXPENDITURES					
	Totals			(1,000)	(1,000)	
	Net Adjustment					

FUND 240 COUNCIL ON AGING FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
240-4971-251	CENTER - NON CAPITALIZED EQUIPMENT	-	1,000	-	1,000	BRAG PHP FUNDS
	Totals		1,000	-	1,000	
	Net Adjustment					

**CACHE COUNTY, UTAH  
ORDINANCE NO. 2011-10**

---

**REZONE – CACHE VALLEY VIEW ESTATES**

---

*Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.*

**AN ORDINANCE AMENDING THE CACHE COUNTY ZONING MAP**

WHEREAS, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 *et seq.*, as amended (the “Act”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the County’s legislative body, following a public meeting, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

WHEREAS, the Act also provides certain procedures for the County’s legislative body to adopt or amend the land use ordinance and zoning map for the County; and

WHEREAS, the County Council caused notice of the hearing to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, on May 5<sup>th</sup> 2011, the Planning Commission held a public meeting for a rezone from the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone; and

WHEREAS, on May 5<sup>th</sup> 2011, the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action; and

WHEREAS, on June 14<sup>th</sup>, 2011, at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Code. The County Council accepted all comments; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, and recommendation of County staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones Lot # 01-065-0007 described within Exhibit A from the Agricultural (A-10) Zone to the Industrial Manufacturing (IM) Zone.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the County's zoning map to reflect the rezone of the Property effected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

4. Findings

- A. The property is adequately serviced by a public road.
- B. This specific area is not suitable for agricultural use; therefore there is not a need to preserve this area for agriculture.
- C. The request is comparable to the existing development in the immediate area.
- D. In consideration of the 16' spillway, there are alternative access points to the property, and amending the width of the spillway is not a possibility.

5. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

6. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

7. Exhibits.

Exhibit A: Affected lot of the Cache Valley View Estates rezone: Parcel ID# 01-065-0007

Exhibit B: Zoning Map of Cache County

8. Effective Date.

This ordinance takes effect on July 13<sup>th</sup>, 2011. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 28<sup>th</sup> day of June, 2011.

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL

*Jon White*



Jon White, Chair  
Cache County Council

ATTEST:

*Jill Zollinger*

Jill Zollinger  
Cache County Clerk

Publication Date: July 13, 2011