

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
JUNE 12, 2012**

**CACHE COUNTY COUNCIL
JUNE 12, 2012**

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CACHE COUNTY COUNCIL MEETING
June 12, 2012

The Cache County Council convened in a regular session on June 12, 2012 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Craig "W" Buttars
Vice Chairman: Val Potter (**arrived 5:16 p.m.**)
Council Members: H. Craig Petersen, Kathy Robison, Jon White, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: Denise Ciebien

The following individuals were also in attendance: Janeen Allen, Susan Becker, Denise Ciebien, Jaydene Godfrey, Heidi Hodgson, Sharon L. Hoth, Jennifer Moser, Dave Nielsen, Jill Parker, Tami Pyfer, Craig Zavilla **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

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

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the May 22, 2012 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS

- Accounting Software** – Executive Lemon reported that the cost of programming the GP Dynamics Accounting Software to meet the needs of the county is more than the \$37,000.00 to \$38,000.00 bid the county has received to upgrade the Caselle program and use it. Lemon said it is likely he will recommend returning to the upgraded Caselle program.

In response to Council member Robison's question concerning the responsibility of the vendor to help implement the program, Executive Lemon said the county probably should have had some kind of an agreement with conditions in case the program didn't work.

Executive Lemon said he will keep the Council apprised of decisions regarding the accounting software.

ITEMS OF SPECIAL INTEREST

- **Update on North Valley Landfill** – Issa Hamud distributed handouts to the Council and reviewed the state application process for the Council. Chairman Buttars asked if the Council can view the whole application? Hamud responded he is happy to provide that and noted the state also has a copy on its website.

The application was submitted and is currently under review by the state. There has been ongoing dialog between Hamud and the state through the review process. Once a draft permit is received there will be a public comment period followed by one or more public meetings. Council members asked who would conduct the meetings and where they will be located. Hamud said he thought the state would conduct the meetings and doesn't know the location(s). The next step is to apply for a conditional use permit from the county.

Council member Petersen had asked Hamud about the possibility of incineration and Hamud said his research indicates that it is very expensive – up to \$200 million initial capital – and does not entirely eliminate the need for a landfill because of household hazard waste, etc. and air quality requirements.

The final permit will be issued after the comment period and public meetings and Hamud estimates that will take about three months. The final permit will probably be issued not later than December 2012.

Council member White asked about seismic and ground water testing. Hamud said seven wells were drilled in the area at depths varying from 60 to 200 feet. Some were dry. Water samples taken indicated the ground water at the layer sampled was not drinking water quality and was high in lead and arsenic. The flow goes south or southeast and does not go towards Idaho.

Vice Chairman Potter arrived at the meeting.

Executive Lemon asked if the geology report stating there was a strong possibility of landslides in the proposed landfill area had been investigated? Hamud said the permit application does not ask for an on-site seismic study. Lemon replied the county wants those issues addressed before the application for the conditional use permit is issued. Hamud agreed. Lemon also asked about citizens' concerns with the road issue. Hamud said that will

not be addressed until the permit is issued. If the permit is not issued, there will be no need for it.

(Attachment 1)

- **Utah State Division of Air Quality Presentation – Dave McNeil**, Branch Manager for the Division introduced himself and Joe Thomas, Mobile Source Section Manager, and Patrick Barrington, Technical Analysis Section Manager. McNeil said they are here to explain to the Council the issues pertaining to air quality and proposed control strategies.

McNeil reviewed past county violations of the air quality standard and assured the Council that Cache County does not have the worst air in the country, no matter what the papers say. PM_{2.5} emissions in Cache County are created from point sources (a very small percentage of the problem), area sources (a conglomeration of homes, buildings and small companies) and mobile sources (vehicles). Using computer air quality models projections are made concerning pollution and air quality in Cache County in the future. Control technologies are applied to the model and projections are made on air quality with those controls in place. A vehicle emissions inspection program is recommended. McNeil said Cache County will be able to meet the standard much easier than other counties in the state.

McNeil stated the schedule as follows:

- September 5 – Air Quality Board proposes SIP/rules for public comment
- October 1 – Proposed SIP/rules published in state bulletin & comment period begins
- October – Public hearings – one in each nonattainment area
- November 1 – Comment period closes – staff responds to comments
- November 26 – Mail SIP to Air Quality Board with comments, responses, changes
- December 5 – Air Quality Board – final adoption of SIP/rules
- December 14 – Mail final SIP/rules/Technical Support Document (TSD) to EPA

Executive Lemon and Council member Petersen clarified that Cache County's Inspection/Maintenance (I/M) Ordinance along with the County Attorney's legal opinion on the ordinance language must be sent to the Division of Air Quality. The State Attorney General will review it and issue a legal opinion prior to the document being mailed to the Environmental Protection Agency (EPA) by August 27, 2012. The ordinance can be made effective as of December 2013. The Council needs to have its work on the ordinance completed prior to the August 14, 2012 Council meeting.

Council member Petersen asked what has to be in the ordinance? McNeil replied the ordinance must specify:

- The program network – centrally located or decentralized through the repair industry such as the safety inspection program, or a kiosk where the public performs the test themselves.

- Frequency of inspection – recommend exempting the first four years; then biennial testing through 1996 (On-Board diagnostics [OBD]); 1995 and older – annual test (2-speed idle)
- Inspection cost
- Repair assistance program – or cap amount spent by citizen in any given year

There are exemptions for farm and vintage vehicles.

Vice Chairman Potter asked if the county adopts the I/M Ordinance using a vehicle emissions inspection program and achieves acceptable standards, can the program be canceled or can the ordinance be written with a sunset clause? McNeil answered yes, non-substantive changes such as fees can be done by the Council, but if you decide to use a different network or another major change, the county must go through due process and change the ordinance, submit it to the state and Air Quality Board who sends it to the EPA for approval.

Council member Petersen asked Thomas to send Executive Lemon some existing ordinances for Cache County to use as models to develop its ordinance. Thomas agreed to do so.

In answer to Council member Yeates' question of what happens if the county does not implement control policies McNeil said federal transportation funds will be withheld. Yeates asked Lemon to get the figures to him on how much federal transportation money the county receives.

Council member Petersen suggested a workshop or formation of a committee to develop the ordinance. A committee is preferred by the Council. Possible committee members would be Council members Petersen and White, Jeff Gilbert (CMPO), a repair industry representative or someone from the Bridgerland Technician Training Program, and a representative from the Health Department. Executive Lemon will work on forming the committee.

(Attachment 2)

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Zilles to convene as a Board of Equalization. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Exemption Requests – Amended** *(Details are on file in the office of the Cache County Auditor)* – Community Nursing Services

ACTION: Motion by Council member Yeates to approve the Amended Property Tax Exemption Request. Potter seconded the motion. The vote was unanimous, 7-0.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PUBLIC HEARING SET: JUNE 26, 2012 – 6:00 P.M. – OPEN 2012 BUDGET

Action: Motion by Council member Robison to set a Public Hearing-June 26, 2012 at 6:00 p.m. – Open 2012 Budget. Yeates seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- Approval of RAPZ Tax Committee Recommendations** – Vice Chairman Potter asked if the Council had received any comments from applicants about the recommended allocations? Council member Zilles said the Fair and Rodeo Committee expressed a concern that it had received \$1,000.00 less than asked for. Council member Yeates asked Executive Lemon if there was \$1,000.00 of unappropriated money that could be given to the Fair and Rodeo Committee? Lemon replied there was. Chairman Buttars and Council members praised the RAPZ/Restaurant Tax Committee for their work.

(Attachment 3)

ACTION: Motion by Council member Yeates to approve the RAPZ/Restaurant Tax Committee recommended allocations with an additional \$1,000.00 allocated to the Fair and Rodeo Committee. Potter seconded the motion. The vote was unanimous, 7-0.

- Resolution No. 2012-15 – Appointments to Millville-Nibley Cemetery District Board** – Executive Lemon explained that this includes two alternate members as well.

(Attachment 4)

ACTION: Motion by Council member Petersen to approve Resolution No. 2012-15 – Appointments to Millville-Nibley Cemetery District Board. White seconded the motion. The vote was unanimous, 7-0.

- Discussion – Vehicle Maintenance and Inspection Program – Air Quality SIP** – The Council concurred that discussion of this item earlier in the meeting was sufficient and Executive Lemon reiterated that he will put together a committee to work on the needed ordinance.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2012-14 – Authorizing placement of RAPZ Tax Opinion Question on November General Election Ballot** – Council member Petersen offered a clarification of the statute regarding this item. If Cache County puts the

question on the ballot and it fails countywide, but residents in Logan City approve it, then Logan has the right to put the question on a future ballot.

County Clerk Zollinger said the exact placement won't be known until the whole ballot is organized.

Council member Petersen asked Zollinger if she had reviewed the ballot language and if it met the legal requirement. Zollinger replied it did.

(Attachment 5)

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2012-14-Authorizing Placement of RAPZ Tax Opinion Question on November General Election Ballot. Robison seconded the motion. The vote was unanimous, 7-0.

- **Approval of May Tax Sale Minutes** – Chairman Buttars asked why preferred bids are only accepted from adjacent land owners. Executive Lemon said there is a provision that preferred bids can be accepted from adjacent landowners.

(Attachment 6)

ACTION: Motion by Council member Yeates to approve the May Tax Sale Minutes. White seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **Lewiston 4th of July parade – 9:15 a.m.** – Council members Yeates and Petersen will attend and perhaps Chairman Buttars.
- ✓ **Hyrum 4th of July Parade – 12:00 p.m.** – Council members Robison, White and Zilles will attend.
- ✓ **Logan Pioneer Day Parade – July 24, 2012 at 12:00 p.m.** – Council members Yeates and Petersen and Executive Lemon will attend.

ACTION: Motion by Council member Petersen to convene as the Cache County Redevelopment Agency. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS THE CACHE COUNTY REDEVELOPMENT AGENCY.

ACTION ITEMS

1. **Public Hearing – 6:30 p.m.-Area Plan** – Executive Lemon explained that in 2011 the Richmond Pepperidge Farms plant was competing with three other areas for a plant expansion and went to the state to ask for incentives to enable them to be more competitive. The state would not participate in incentives unless the county did. Cache County formed the Cache County Redevelopment Agency and agreed to a 50-50 split on the incremental tax increase. Beginning in 2015 the tax increase will be split for a ten-year period of time with 50% going to the taxing entities and 50% going back to Pepperidge Farms to help pay for

the expansion. Lemon has contacted the school district superintendent and financial officer, the Richmond Cemetery District and the Mosquito Abatement District and all are supportive.

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

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

THE COUNCIL ADJOURNED FROM THE CACHE COUNTY REDEVELOPMENT AGENCY.

COUNCIL MEMBER REPORTS

Kathy Robison stated that Marsha Herron, County Librarian, is retiring and the county has not received many applications for the 29-hour a week position mainly because of the low pay. Executive Lemon said he has some possible applicants.

Val Potter said he is meeting with Hyde Park Thursday on an airport issue and will report back on that meeting.

Potter suggested August 21, 2012 as a date for the Council Summer Social.

Cory Yeates asked if Council members have heard anything about the Cache Valley Transit District (CVTD) proposing a tax increase? Executive Lemon said CVTD had asked Cache County to consider a tax some time ago and Lemon told them they ought to consider charging a fare rather than raising taxes. CVTD replied they did a study that indicated it would cost as much to implement a fare as CVTD would receive in fares. Council member Potter observed that is probably true in the short-term, but not the long-term.

Yeates reported that the intersection on Highway 30 and 3200 West (Benson Road) does not have a slow down lane for vehicles turning. It is a safety hazard and the shoulder of the road is beginning to break off.

Gordon Zilles said the 3200 South roadwork should be done by tomorrow, but there have not been any flaggers on the road during the repairs nor have there been signs on 1600 West or 1200 West roads.

Craig "W" Buttars said he received a request from a citizen that the County pursue having a veterans' clinic established in Cache County. The citizen understood that the Federal Government owns some land in Cache County for that purpose. Buttars will contact Federal legislators to find out how to begin the process.

Executive Lemon said the Employee Compensation Committee is meeting at 10:00 a.m. on Friday and one of the issues is the proposal that 50% go to employees of ten years or longer and 50% to employees under ten years. Clerk Zollinger said the 50-50 split would probably fix most of the problems with wages that are under market. Lemon

Cache County Council
06-12-2012

said that 2011 won't be closed out until mid-July because of the accounting software problems so any salary adjustments will be made after that time.

ADJOURNMENT

The Council meeting adjourned at 7:02 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Craig "W" Buttars
Chairman

Update on North Valley Landfill

For Cache County Council

6/12/12

1. On March 10th 2012, we submitted permit application
 - a. Municipal solid waste landfill permit to the State of Utah DSHW
 - b. Attached is the table of content for Parts II and III of the application
2. The application is under review
3. We hope to receive draft permit
4. Followed by
 - a. Public notice
 - b. Public comment period, and
 - c. Public meeting
5. The next steps are
 - a. Application for conditional use permit
 - b. Research on public right of way
 - c. Haul route identification
 - d. Road design
 - e. Facility design
 - f. Construction
 - g. Operation 2014/2015
6. Solid waste incineration option
 - a. Very expensive up to \$200 Million initial capital
 - b. Very high operating expenses
 - c. Will not eliminate the need for landfill
 - d. Requires some sorting if all of the waste is handled by the facility
 - e. Will not eliminate local concerns

APPLICATION OPERATE A CLASS I LANDFILL

North Valley Landfill
Cache Valley, Utah

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PERMIT APPLICATION
TO OPERATE A CLASS I LANDFILL

North Valley Landfill - Logan City
Clarkston, Utah

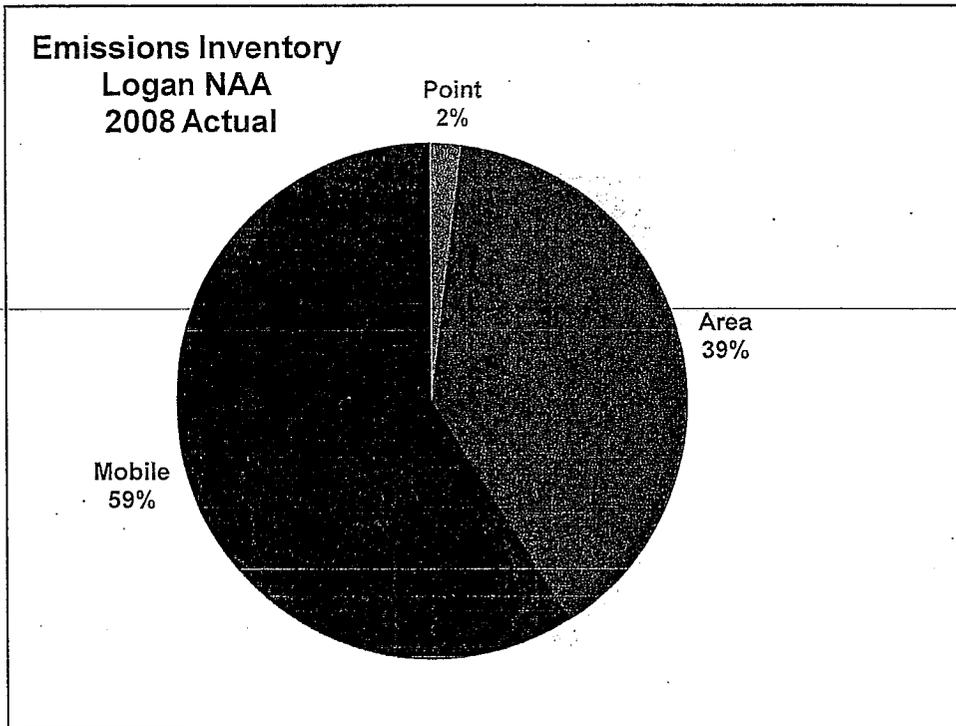
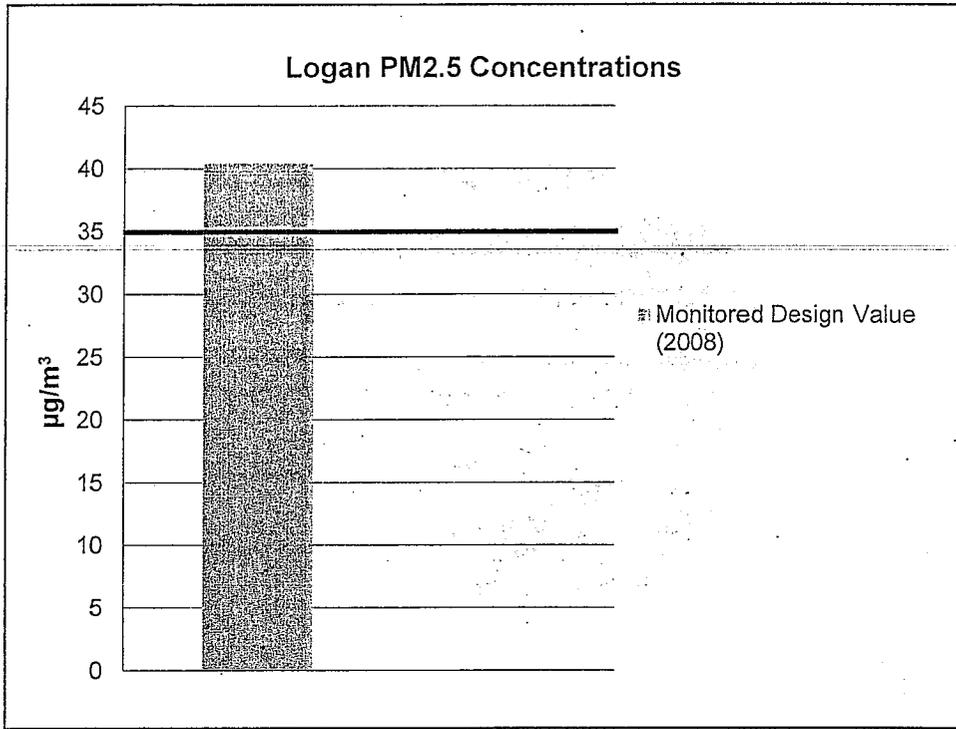
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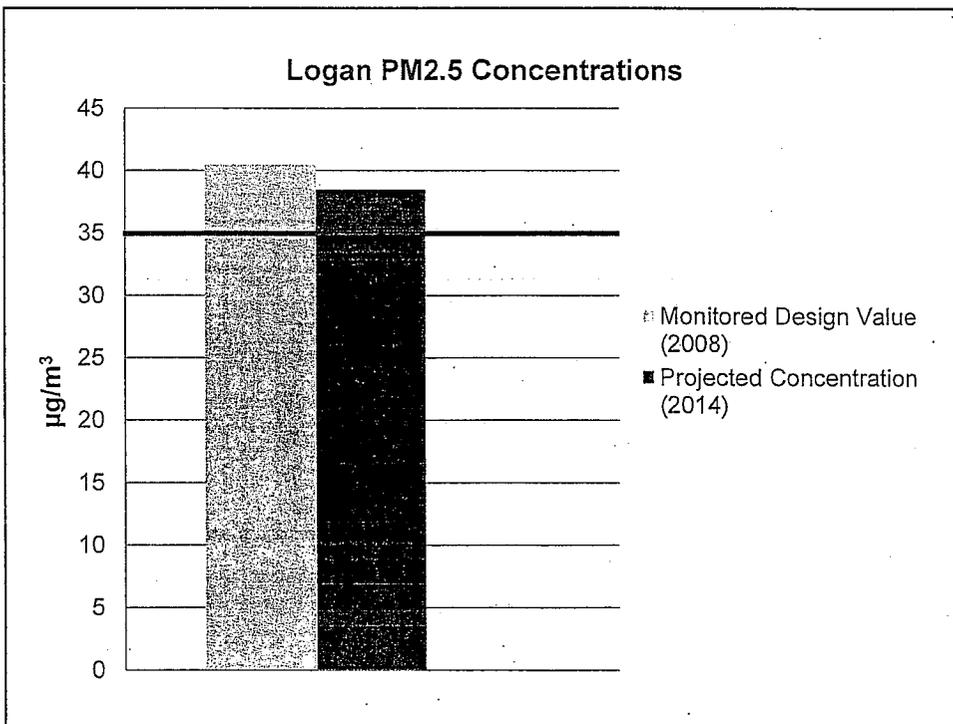
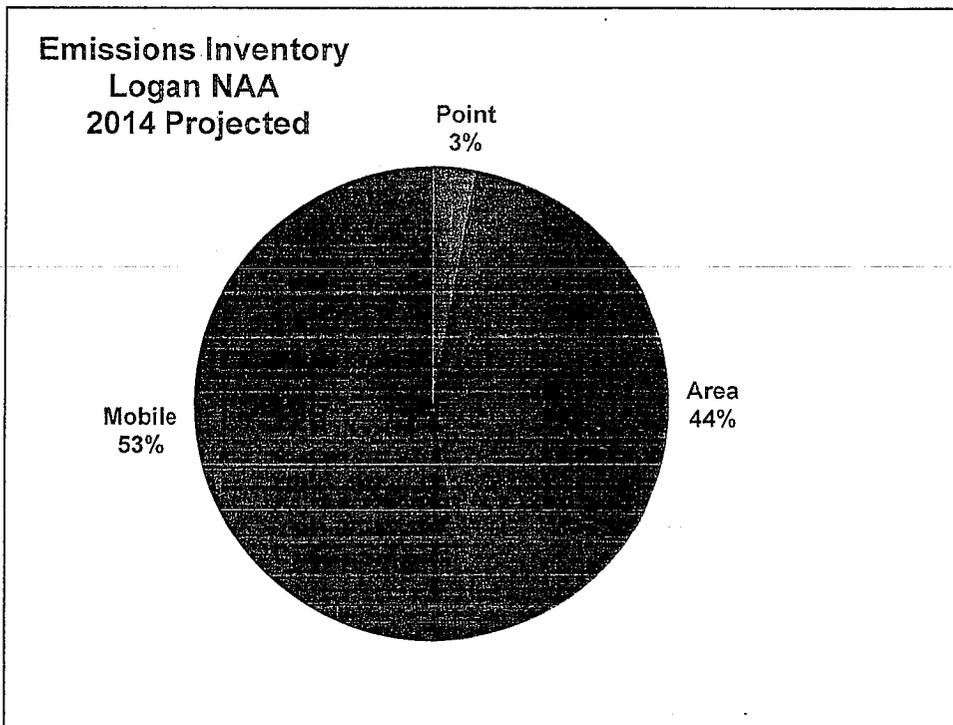
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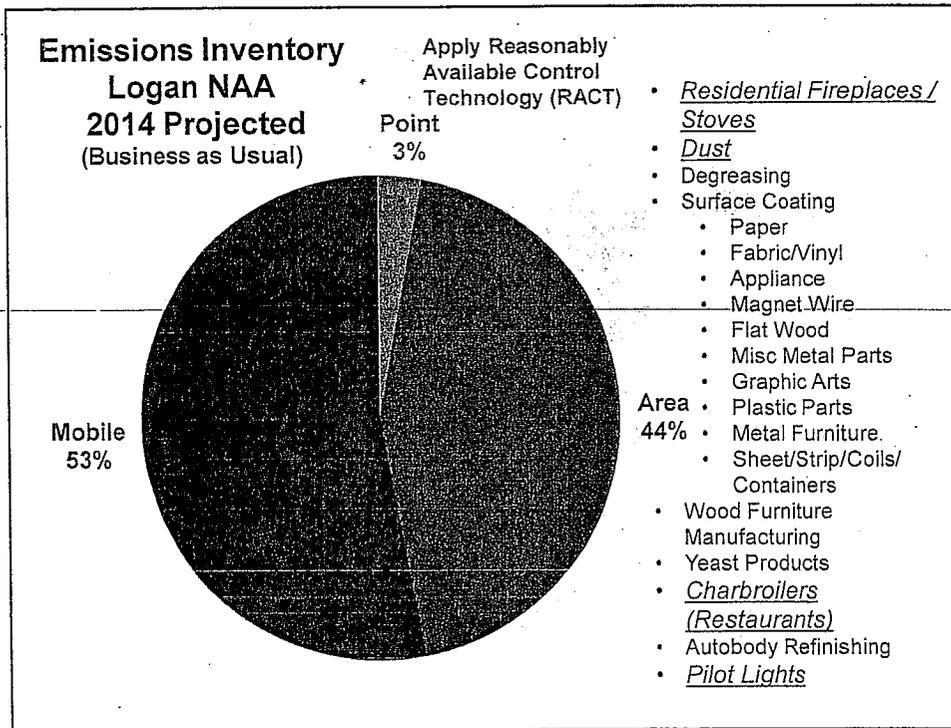
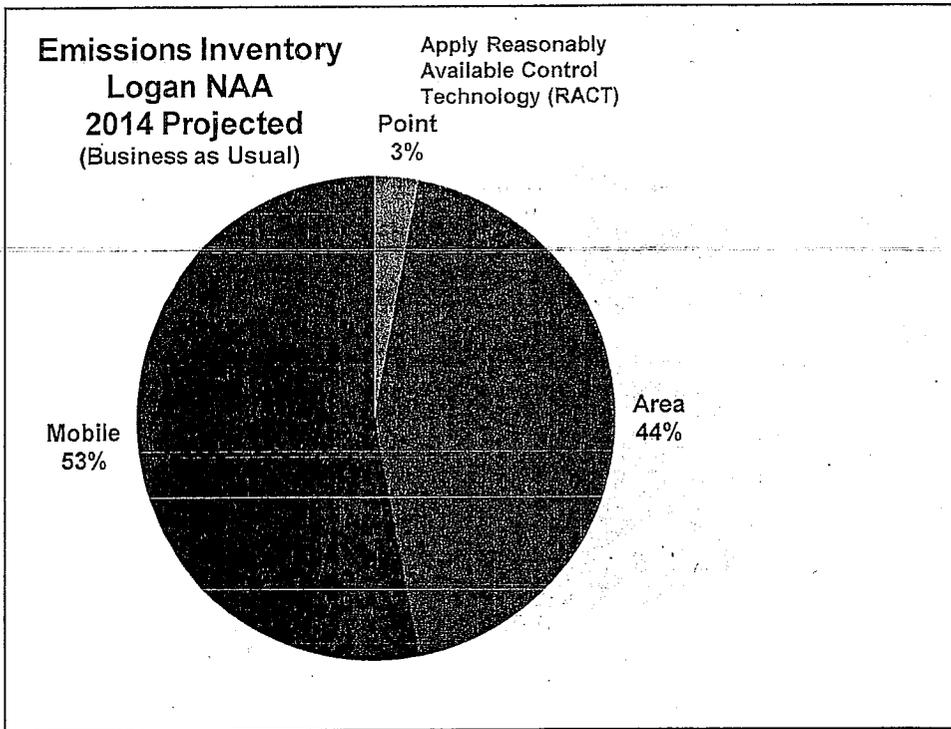
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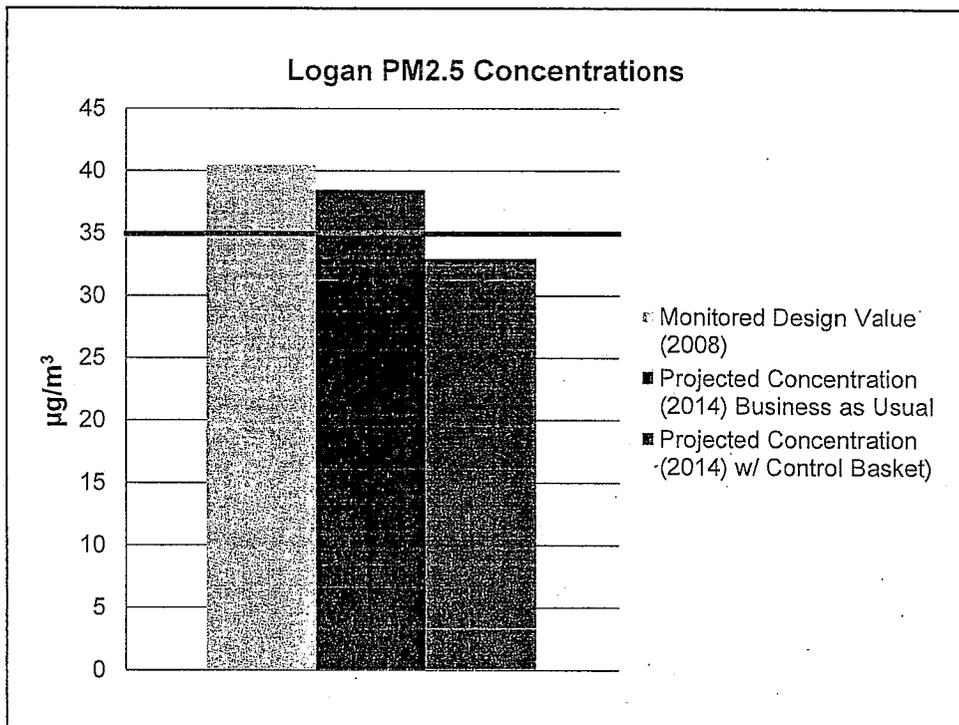
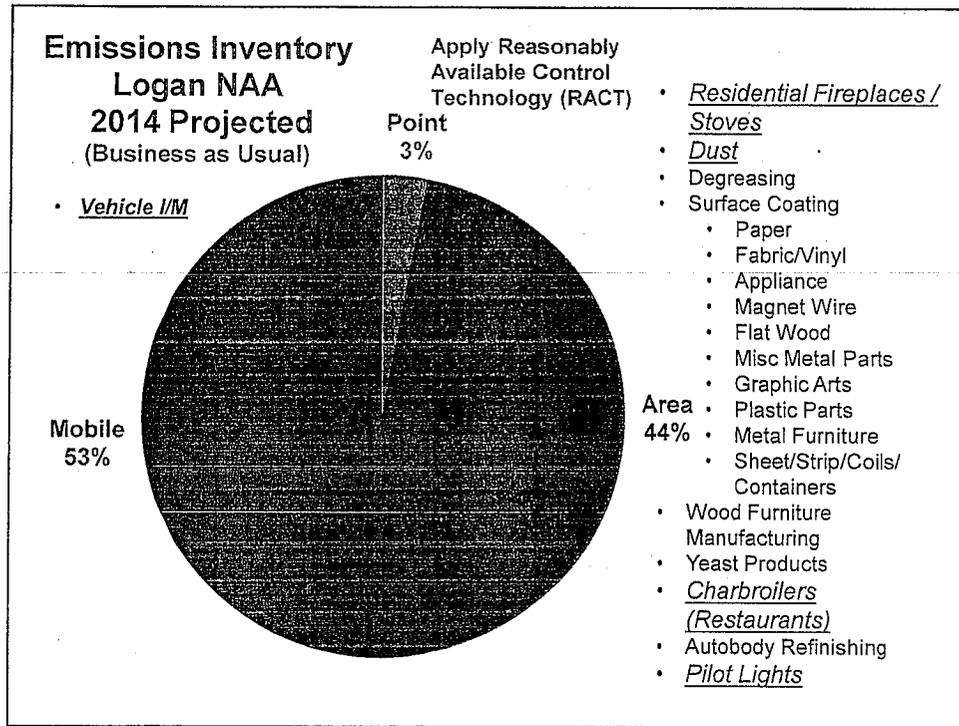
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Date	Event
August 27	Mail SIP to Air Quality Board
September 5	Air Quality Board – Propose SIP / Rules for Public Comment
October 1	Proposed SIP / Rules Published in State Bulletin Comment Period Begins
October	Public Hearings (One in each nonattainment area)
November 1	Comment Period Closes – Staff responds to comments
November 26	Mail SIP to Air Quality Board with comments, responses, changes
December 5	Air Quality Board – Final Adoption of SIP / Rules
December 14	Mail Final SIP / Rules / TSD to EPA

Inspection/Maintenance Program - What is It?

- Vehicle emissions testing program
- Identifies excess vehicle emissions
- Requires vehicle repair for high-emitters
- Discourages tampering with emission control devices
- Encourages regular vehicle maintenance thus improving fuel economy and vehicle reliability

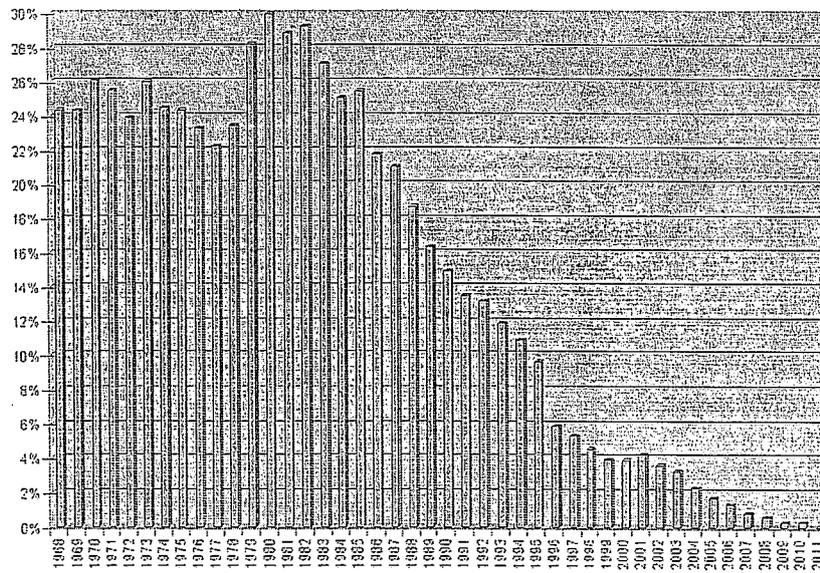
Important Considerations during Program Design and Implementation

- Program network
- Frequency of inspection
- Inspection cost
- Repair assistance program
- Public information and participation
- Auto repair industry participation
- Educate auto technicians on emission related diagnosis and repair

Emissions Testing Methods

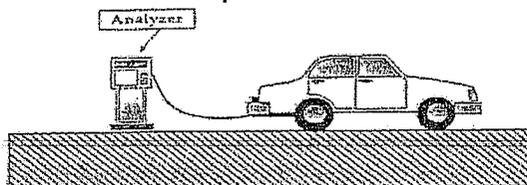
- Exempt First Four Model Years
- Two Speed Idle
 - 1995 and older vehicles
 - Annual inspection
- On-Board Diagnostics (OBD)
 - 1996 and newer vehicles
 - biennial inspection

Wastch Front 2010 Failure Rate per Model Year



Emissions Testing Methods

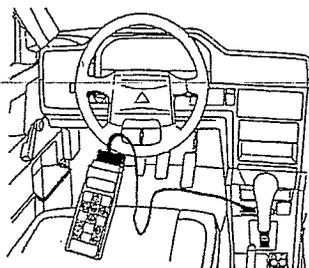
Two-Speed Idle Test



Definition:	A measurement of the tailpipe exhaust emissions of a vehicle while the vehicle idles, first at a lower speed, and then again at a higher speed.
Vehicles Tested:	Model Year 1995 and older vehicles
Equipment:	Analyzer system, Fuel Cap Tester
Available Tests:	Two Speed Idle Emissions test - High Speed Phase (2500 RPM) Low Speed Phase (850 RPM)
Measurements:	Hydrocarbons (HC) and Carbon Monoxide (CO)
Price (new):	Estimated \$6,500

Emissions Testing Methods

On-Board Diagnostics Test (OBD)



Equipment:	Computer, monitor, keyboard & printer
(Tamper Resistant)	• OBD Scan Tool • Fuel Cap Tester • 2-D Bar Code Scan Tool
Measurements:	Vehicle emissions control equipment Fuel metering and ignition system
Vehicles Tested:	Model Year 1996 and newer vehicles
Price (new):	Estimated: \$3,000

Repair Assistance Program

Low Income Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program

- Repair and retrofit assistance provided
 - Vehicle owner responsible for part of the payment
 - Only emissions-related repairs or retrofits are covered
 - Repairs/retrofits must be done at a recognized emissions repair facility, includes diagnostic work
 - Vehicle must pass the post-repair emission inspection

- Vehicle replacement assistance
 - Vehicle must be destroyed, dismantled, or where possible, repaired and used as a replacement vehicle
 - Vehicle must have passed a safety or an emissions test in the previous 15 months

CACHE COUNTY

2012 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
1	Amalga Township	Phase B of Walking Path/Bike Trail and Parking Extension	16,000	12,000
2	American Festival Chorus and Orchestra	2012-2013 Performance Costs	30,000	30,000
3	American Festival Chorus and Orchestra	Multi-media Expansion Campaign into Salt Lake County	30,000	0
4	American West Heritage Center	2012 Programming Operational Support	90,000	77,000
5	Bear River Land Conservancy (BRLC)	Bear River Bottoms Interpretive Nature Trail	10,000	0
6	Bridger Folk Music Society	Concert and Dance Production Support	3,700	3,000
7	Cache Children's Choir	Support of Cache Children's Choir 2012-2013 Season	12,000	11,000
8	Cache Community Connections	Logan Tabernacle Concert and Lecture Series	7,000	7,000
9	Cache County - Benson	Daniel Falslev Eagle Scout Project - Benson Pavillion	400	0
10	Cache County - Development Services	Logan Canyon Gateway Trail	57,256	57,256
11	Cache County - Fair and Rodeo	Advertising and Promoting the Cache County Fair and Rodeo	12,000	12,000
12	Cache County - Fairgrounds	Power Upgrade	12,500	12,500
13	Cache County - Fairgrounds	South Parking Area	83,450	50,000
14	Cache County - Fairgrounds	South Pavilion	68,571	0
15	Cache County - Senior Center	Outside Patio Improvements	4,457	4,457
16	Cache Valley Center for the Arts	Ellen Eccles Theatre Facility Improvement	107,000	90,000
17	Cache Valley Center for the Arts	Arts Education and Outreach Programs	45,000	35,000
18	Cache Valley Center for the Arts	Marketing Ellen Eccles Theatre Touring Productions 2012-2013	15,000	14,000
19	Cache Valley Arts Summit	Cache Valley Arts at a Glance Brochure	5,000	4,000
20	Cache Valley Civic Ballet	Assistance in Funding Ballet Productions for 2012-2013 Season	10,000	9,000
21	Cache Valley Cruising Association	Cache Valley Cruise-In 2012	38,700	25,000
22	Cache Valley Gardeners' Market	Advertising Campaign for Cache Valley Gardeners' Market	5,697	0

CACHE COUNTY

2012 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
23	Cache Valley Historical Society	2012 Historic Home Tour	750	750
24	Cache County - Cache Valley Visitors Bureau	Cache Valley Tourism Marketing Campaign	99,464	95,000
25	Celebrate America Show	Celebrate America Show: "In The Miller Mood"	32,500	15,000
26	Chamber Music Society of Logan	Enhancing Chamber Music in Cache Valley	6,500	5,000
27	Logan City - Parks and Recreation	Canyon Road Canal Trail	130,000	130,000
28	Logan City - Parks and Recreation	2012 Freedom Fire	40,000	20,000
29	Logan City - Parks and Recreation	Phase One - Dog Park / Emergency Site	40,000	40,000
30	Logan City - Parks and Recreation	Re-Plaster Logan Aquatic Center Wading Pool	63,500	63,500
31	Logan City - Parks and Recreation	Logan Community Recreation Center Replacement of Tennis Cour	56,745	40,000
32	Logan City - Parks and Recreation	Sidewalk Connection Across Railway Crossings	20,000	20,000
33	Logan City - Parks and Recreation	Logan Aquatic Center Leisure Pool Boiler System Replacement	50,000	0
34	Logan City - Parks and Recreation	Willow Park Softball Complex Infield Drainage	40,000	0
35	Logan City - Parks and Recreation	Denzil Stewart Nature Park Restroom	66,835	0
36	Logan City - Parks and Recreation	Rendezvous Park Off-Leash Fencing Enclosure	15,015	0
37	Logan City - Parks and Recreation	1000 West Trail Access (Logan River Trail)	25,400	0
38	Clarkston Town	Completion of Town Civic Center	63,904	15,000
39	Cub River Sports Complex - Owned and Opera	Cub River Sports Complex - Playground Installation	75,000	0
40	HopeKids	HopeDay Program of Events	15,000	0
41	Hyde Park City	Lions Park - Restroom, Fencing, Trail Extension and Ladscaping	85,919	45,000
42	Hyrum City	Salt Hollow Park - Trail	40,000	40,000
43	Hyrum City	Blacksmith Park Phase I	40,000	0
44	Lewiston City	Lewiston Community Theater Projector Replacement	45,393	40,000

CACHE COUNTY

2012 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
45	Logan Community Foundation dba Top of Uta	"Les Miserables" (Musical Theatre Production)	41,000	20,175
46	Logan Downtown Alliance	Gran Fondo Expo & Outdoor Recreation Show	2,500	0
47	Millville City	Community Recreation	36,608	30,000
48	Multicultural Center of Cache Valley	Cache Valleys Culture Fest	5,000	4,000
49	Music Theatre West	Broadway Musicals - Youth Performance Workshops	50,000	36,000
50	Newton Town	Remove and Replace Asphalt	45,000	25,000
51	Nibley City	Heritage Park - Baseball Field (Phase 4)	152,650	50,000
52	Nordic United	Promotion of Winter Tourism Involving Groomed Trails & Events	7,000	5,000
53	North Logan Parks and Recreation Departmen	Meadow View Park Phase 1 Improvements	70,000	70,000
54	George S. Eccles Ice Center	Original 15-Year Commitment to BCIA (Maintenance)	92,853	92,853
55	Old Lyric Repertory Company	Old Lyric Repertory Company 2012	22,000	15,000
56	Paradise Town	Finish Remaining Arena Phase & Complete Infrastructure Phase	100,000	25,000
57	Phillip S. Waite, Associate Professor, Landsca	Wellness Park Pavilion	85,000	0
58	Providence City	City of Providence Tennis Court Restoration - Braegger Park	44,857	40,000
59	Richmond City	Richmond Nature Park	40,000	35,000
60	River Heights City	Resurface 3 Tennis Courts	27,850	20,000
61	Smithfield City Parks and Recreation Departm	Civic Center Improvements	66,494	66,494
62	Smithfield City Parks and Recreation Departm	Richard Hansen Baseball Field Lighting	160,000	0
63	Smithfield City Parks and Recreation Departm	Recreation Center Multi-Purpose Flooring - Indoor Track Surfacing	70,657	0
64	Stokes Nature Center	SNC School and Community Programs	29,500	23,000
65	Summerfest Arts Faire	Summerfest Arts Faire	18,000	16,000
66	Unicorn Theatre	Unicorn Theatre	9,000	5,000

CACHE COUNTY

2012 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
67	Utah Festival Opera	2012 Summer Festival and Education Programs	160,000	140,000
68	Utah Festival Opera	2012 Tourism - Marketing Outside Cache Valley	125,000	80,000
69	Utah State University	Utah State University Summer Citizens Program	45,876	30,000
70	Valley Dance Ensemble	Valley Dance Ensemble Spring 2013 Concert	3,000	2,500
71	Wellsville City	Phase 3 of the Wellsville Dam Walking Trail	18,000	18,000
72	Wellsville Foundation	Wellsville Tabernacle Structural Repair	50,000	0
73	Whittier Community Center	Cultural Hall AV Upgrade	10,000	0
74	Whittier Community Center	Playground Plaza	30,000	0
75	Logan City - Willow Park Zoo	Willow Park Zoo Operations Budget	135,700	112,419
76	Youth Discovery Inc	Diversity Initiative Operational Costs		0
AND TOTALS			\$3,469,201	\$1,983,904

**CACHE COUNTY
RESOLUTION NO. 2012 – 15**

A RESOLUTION APPROVING THE APPOINTMENT OF REPRESENTATIVES TO THE MILLVILLE-NIBLEY CEMETERY DISTRICT BOARD.

The County Council of Cache County, Utah, in a regular meeting lawful notice of which has been given, finds that pursuant to 17B-1-304 of the Utah Code, the Cache County Executive shall appoint certain individuals to serve on cemetery district boards.

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

BE IT RESOLVED, that the following individuals have been recommended by the Cache County Executive to serve on Millville-Nibley Cemetery Board.

Section 1. Appointment

Please see "Exhibit A" attached hereto and made a part hereof.

Section 2. Authorization

The Cache County Council hereby ratifies the appointments listed on "Exhibit A" attached hereto and made a part hereof to Millville-Nibley Cemetery District Board pursuant to the recommendation of the Cache County Executive.

Section 3. Terms

The appointment expires on December 31, 2013.

Section 4. Effective Date

These appointments shall become effective immediately upon the adoption of this resolution.

This resolution was adopted by the Cache County Council on the 12th day of June, 2012.

Attest:



By:

Jill N. Zollinger
Jill N. Zollinger, County Clerk

Cache County Council

By:

Craig W. Buttars
Craig "W" Buttars, Chairman

Millville/Nibley Cemetery District

1. Theil L. Jenson, 204 North 100 East, Millville, UT 84326 (435) 752-2003
Reappointed for a four year term expiring on 12/31/2013
2. Paul Anderson, 836 West 3200 South, Nibley, UT 84321 (435) 752-7368
Reappointed for a four year term expiring on 12/31/2013
3. Jim Jenson, 3475 South Main, Nibley, UT 84321 (435) 770-6171
~~Reappointed for a four year term expiring on 12/31/2013~~
4. Wade Anderson, 110 East Center Street, Millville, UT 84326 (435) 760-2711
Appointed for a four year term expiring on 12/31/2013
5. Owen Jensen, 185 East Center, Millville, UT 84326 (435) 760-3893
Appointed for a four year term expiring on 12/31/2013

Alternate Board Members

6. A. LaRay Willden, 660 West 3200 South, Nibley, UT 84321 (435) 752-8870
Appointed for a four year term expiring on 12/31/2013
7. Garth N. Ferrin, 335 North 200 East, Millville, UT 84326 (435) 753-6639
Appointed for a four year term expiring on 12/31/2013

**CACHE COUNTY
RESOLUTION 2012 – 14**

A RESOLUTION AUTHORIZING THE CACHE COUNTY COUNCIL TO PLACE ON THE NOVEMBER 6, 2012 GENERAL ELECTION BALLOT A COUNTY OPTION SALES AND USE TAX REFERENDUM BEFORE THE VOTERS OF CACHE COUNTY TO FUND RECREATIONAL FACILITIES, ARTS ORGANIZATIONS, PARKS, AND ZOOLOGICAL ORGANIZATIONS (RAPZ); AND TO ESTABLISH THE TIME AND LANGUAGE OF THE OPINION QUESTION.

WHEREAS, the Utah Legislature finds and declares that recreational and zoological facilities and the botanical, cultural, and zoological organizations of the state of Utah enhance the quality of life of Utah's citizens, as well as the continuing growth of Utah's tourist, convention, and recreational industries; and

WHEREAS, the state's support for its recreational and zoological facilities and botanical, cultural, and zoological organizations has not been sufficient to assure the continuing existence and growth of these facilities and organizations, and the Legislature believes that local government may wish to play a greater role in the support of these organizations; and

WHEREAS, without jeopardizing the state's ongoing support of its recreational and zoological facilities and its botanical, cultural, and zoological organizations, the Legislature intends to permit the counties of the state of Utah to enhance public financial support of Utah's publicly owned or operated recreational and zoological facilities and botanical, cultural, and zoological organizations through the imposition of a county sales and use tax; and

WHEREAS, on November 5, 2002 the citizens of Cache County approved the same referendum; and

WHEREAS, the funding from the RAPZ Tax has been used to fund many recreational projects, arts organizations, park improvements and the Willow Park Zoo in Cache County.

THEREFORE, BE IT RESOLVED, that the public opinion question shall be presented during the same hours and at the same locations as for the November 6, 2012 General Election, pursuant to Utah Code Annotated §59-12-703.

FURTHER BE IT RESOLVED, that the language presented to the public on the ballot shall read as follows: "Shall the Cache County Council, Utah, be authorized to impose a 1/10th of 1% sales and use tax for the purpose of funding recreation, arts, parks and zoos in Cache County, Utah?"

This resolution shall become effective immediately upon adoption.

DATED this 12th day of June, 2012.

CACHE COUNTY COUNCIL:

By: Craig W. Buttars
Craig "W" Buttars, Chairman

ATTEST TO:



By: Jill M. Zollinger
Jill M. Zollinger, County Clerk

CACHE COUNTY ATTORNEY



MEMORANDUM

TO: The Cache County Council and County Executive

FROM: James M. Swink

DATE: June 12, 2012

REGARDING: Opinion Question / County RAPZ Tax

This is an opinion letter regarding a letter received from Logan City, indicating the City's intention to submit an opinion question on the .1% RAPZ tax. My analysis follows.

Utah Code Ann. § 59-12-1402 allows Logan City to submit an opinion question to the citizens of Logan City regarding whether Logan City residents authorize Logan City to impose a .1% sales and use tax for the purpose of funding recreation, arts, parks and zoos in Logan City. Logan City cannot impose this tax if Cache County imposes a .1% tax for the same purpose. See Utah Code Ann. § 59-12-1402(1)(c).

Further, regardless of the letter sent from the Logan City Mayor's Office indicating Logan City's intent to place the RAPZ opinion question on the ballot, Logan City cannot submit an opinion question on the .1% RAPZ tax to Logan City residents unless it receives notice from Cache County that the County is not going to submit the same opinion question to all of the Citizens of Cache County. This restriction is found in Utah Code Ann. § 59-12-1402(6)(c). This statute provides, in relevant part, as follows:

(c) Notwithstanding Subsection (6)(b), at any time a county legislative body may provide a city or town legislative body . . . a written resolution passed by the county legislative body stating that the legislative body *is not* seeking to impose [a RAPZ] tax, *which permits the city or town legislative body to*

submit . . . an opinion question to the city's or town's residents.

Id. (Emphasis added to the original text).

Two important conclusions can be drawn from the aforementioned statutes: First, if Cache County imposes a county wide RAPZ tax, Logan City cannot impose a similar tax upon Logan City Residents. Utah Code Ann. § 59-12-1402 (1)(c). Second, Logan City cannot ask Logan City residents if the tax should be imposed if Cache County is submitting the same ballot question to all of Cache County Residents. See Utah Code Ann. § 59-12-1402(6)(c).

If the County Council intends to place the question on the ballot this November, then the resolution authorizing the ballot question along with a letter indicating the Council's intent, should be sent to Logan City within 60 days of receipt of Logan City's notification letter. Utah Code Ann. § 59-12-1402 (6)(b). Logan City's letter was dated May 29, 2012.

If you have any other questions or concerns, please do not hesitate to contact my office.

TAX SALE MINUTES

May 31, 2012

The tax lien sale was called to order at 10:00 A.M. May 31, 2012 in the Cache County Multipurpose Room. County representatives present for the sale were Tamra Stones, County Auditor, Michael Gleed, County Recorder, Janice Trygstad, deputy auditor, Derek Salisbury, deputy auditor and Vicky Jensen, deputy County Treasurer. There were five registered bidders for this sale.

All property advertised by the county auditor, as provided in Utah Code 59-2-1351 with delinquent taxes for the 2007 tax year that were delinquent on January 31, 2012 and had not been redeemed by the sale hour were offered for sale.

The sale procedures were outlined as follows:

1. Once a bid has been entered it cannot be withdrawn. (Until the moment of the sale, the owner of record or lien-holder of record may redeem the property to prevent the sale.) Payment should be made to the County Treasurer by 5:00 p.m. today in the form of **cash**; or **certified funds made payable to the Cache County Treasurer in the exact amount of the sale**. Upon payment a temporary receipt will be issued from the County Treasurer.

2. The sales of these properties are conditional and subject to review by the County Council. The council can accept or reject any bid. If the council accepts the bid then the sale will be deemed approved.

3. Any person wishing to contest the sale, must file in writing the basis for the objection, as outlined in the bid procedures, with the County Council through the office of the County Executive within 10 days of the sale.

4. Confirmation of bid forms will need to be completed acknowledging the terms and conditions of the bid as set forth in the bidding procedures. The Treasurer or her deputy will validate the form at the time you make payment.

5. Tax deeds will be issued, by the County Auditor after approval of the Cache County Council and mailed within sixty days together with a permanent receipt.

6. Property that is offered for sale will be struck off to the county by the County Auditor if any of the following situations occur: (1) No bids are received for the property, (2) the apparent high bidder fails or refuses to execute a confirmation of bid or fails or refuses to make full payment of the bid amount in the manner and within the time required or (3) the County Council rejects any bids and thereby disapproves the sale or (4) the parcel is determined to be used for a public purpose.

7. In accordance with Section 59-2-1351(3), Utah Code, the County Auditor will publicly declare that the property has been struck off to the County, make an appropriate record of the action.

8. The property is sold by the county and purchased by the buyer "**AS IS**," and the county makes no warranty whatsoever respecting the condition of property and improvements.

The county will convey title by tax deed. If there are parcels with liens they were noted when the parcel came up for sale. Also, the title reports were made available for participants to view.

Parcel 02-053-0026 has been withdrawn from the sale. The owner has been in contact with the county and we have agreed to allow them to redeem the parcel.

The parcel 09-027-0041 owned by George A Wilson, Tr. will be offered for sale. The title report indicates there are no liens. The county has determined that the parcel qualifies as eligible to be offered for preferential bidders. Adjacent property owners only, may bid on this parcel.

The bidding opened for this parcel:

Parcel number 09-027-0041 owned by George A Wilson, Tr. the legal description is included here

BEG AT NW COR OF SW/4 OF SE/4 OF NE/4 OF SEC 12 T 14N R 1E & TH N89*43'16" E 98.45 FT TH S 0*51'02" W 470 FT TO CENTER OF PRIVATE ROAD THSW'LY ALG SD CENTER TO PTS 0*51' 02" W 496.91 FT FROM BEG TH N 0*51' 02" E 496.91 FT TO BEG SUBJ TO AND WITH R/W OVER S 25 FT CONT 1.09 AC

The minimum bid of taxes, costs etc. are \$994.33. The bidding opened.

<u>AMOUNT OF BID</u>	<u>BIDDER #</u>	<u>BIDDER NAME</u>
Min. bid -\$994.33	4	Clair C. Allen, For Allen Gravel LLC

No other bids were accepted. The minimum bid was \$994.33 entered by Clair C. Allen , the apparent successful bidder.

Mr. Richard Summers offered a bid of \$1000.00 but was not accepted, as he was not an adjacent property owner.

This Tax sale was hereby adjourned at 10:10 A.M..

APPROVAL OF THE SALE:

Parcel number 02-053-0026 was withdrawn by county auditor. Owner contacted county to redeem property.
Parcel number 09-027-0041 sold to Clair C. Allen for Allen Gravel, LLC.

Approved Denied

Date: June 12, 2012



Cache County Council

ATTESTED:

Tamra Stones, County Auditor