

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
AUGUST 14, 2012**

**CACHE COUNTY COUNCIL
AUGUST 14, 2012**

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CACHE COUNTY COUNCIL MEETING
August 14, 2012

The Cache County Council convened in a regular session on August 14, 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
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 (**James Swink absent**)

The following individuals were also in attendance: Janeen Allen, Mikelshan Bartschi, Rod Blossom, Clair Christiansen, Brandon Douglas, Jill Douglas, Clair Ellis, Michael Gates, Josh Green, Chief Rod Hammer, Blake Hansen, Chris Harrild, Brea J. Hawkes, David A. Hawkes, Elaine Hawkes, Lindsey D. Hawkes, Sharon L. Hoth, Jennifer Jenkins, Cameron Jensen, Michael Kidman, Karin Kunz, Thad Kunz, Lieutenant Brian Locke, Matt McKell, Jennifer Moser, Lee Nelson, Sheriff Lynn Nelson, Dave Nielsen, J. Nielson, Doyle Peck, Juliene Robins, Director Josh Runhaar, Craig Schaugaard, Dennis Spraggins, Don Summit, Joe Thomas, Brent Ventura, Garret Webb, Tom Willmore, Kyle Yonk, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Executive Lynn Lemon 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. Potter seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the July 31, 2012 Council Meeting as amended. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were none.

OTHER ITEMS

- North American Weather Consultants** – Executive Lemon reported the annual report indicates the county generally gets 15%-17% increased snow water or

moisture as a result of cloud seeding. This year it was only about 5.9% because of unfavorable conditions. Lemon noted he has copies of the report if any of the Council members want to review it.

- ❑ **State Division of Natural Resources** – Executive Lemon received a letter from the Division asking if Cache County wants to participate in the cloud seeding program again.
- ❑ **Cache County Fair and Rodeo** – Executive Lemon praised Clerk Zollinger and LaMont Poulsen and all those working with them on the fair and rodeo and stated it was a great event. Chairman Buttaris concurred.

ITEMS OF SPECIAL INTEREST

- **Presentation of 2011 Audit – Mike Kidman** reviewed the audit and stated it was a clean opinion with no qualifications and as presented is materially correct. Kidman referred Council members to pages 14, 17, 68, 73, 75, 76, 79, 80, 81, and 84. Kidman thanked Cameron Jensen, Auditor Tamra Stones and staff for the help and cooperation. *(The entire audit report is on file in the Cache County Executive's Office.)*

(Attachment 1)

ACTION: Motion by Council Member Yeates to approve the 2011 Audit Report. Potter seconded the motion. The vote was unanimous, 7-0.

- **Native Trout Restoration Project – Matt McKell-State Division of Wildlife Resources** described via a PowerPoint presentation the scope and details of the project to be conducted on the right hand fork of the Logan River to restore the Bonneville Cutthroat Trout. The project proposes the use of Rotenone for the removal of Brown Trout. There will be a second treatment in 2013. McKell said that Utah State University and Cache Anglers have partnered with the state in the project.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: AUGUST 14, 2012 – 5:30 P.M. – SIERRA ESTATES REZONE – Michael Burton requesting approval for a rezone of a 10.57 acre property in the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone located approximately 10525 South Old Highway 1685, south of Paradise – Chris Harrild explained this request is for another home to be built on the 10 ½ acre property. Staff recommends denial based on the findings of fact; specifically, No. 2 stating that this type of spot zoning is another way to allow more homes on the property. The Planning Commission recommended approval on a split 3-2 decision.

Director Runhaar said at issue is the setting of a precedent for density in the area. The adjacent properties need to be looked at for a comprehensive understanding of the effects of the proposed rezone.

Council member Robison asked if the property would still be eligible for greenbelt, if rezoned? Runhaar replied it probably would not be.

Chairman Buttars opened the Public Hearing and invited public comment.

Lee Nelson, a next-door neighbor expressed concerns about allowing more homes in the area because he operates a dairy farm which has manure pits and he also has concerns about the high water table in the area.

There was no other public comment.

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

- o **Set Board of Equalization Dates** – Executive Lemon recommended hearing dates of September 4, 6, 11, 13, 18, 19, 25 and 27, 2012. If additional dates are required, they will be set at a future date.

ACTION: Motion by Council member Zilles to set Board of Equalization Hearing dates as recommended. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: AUGUST 28, 2012 – 5:30 P.M. – ARMOR STORAGE HYRUM REZONE – Marshall Saunders requesting approval of a rezone from the Agriculture (A-10) Zone to the Industrial Manufacturing (IM) Zone of four parcels; a total of 24.82 acres located approximately 50 West 4400 South, north of Hyrum

ACTION: Motion by Council member Zilles to set a Public Hearing – August 28, 2012-5:30 p.m.-Armor Storage Hyrum Rezone. Potter seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- Ordinance No. 2012-09 – Implementation of a Vehicle Emissions and Maintenance Program in Cache County (FAILED)** – Chairman Buttars turned the time to Executive Lemon to explain revisions to the ordinance.

Council member Petersen said the department of Air Quality (DAQ) was very helpful in developing the ordinance. Petersen also said he recognizes that this is not a popular program, but other counties have had a vehicle emissions program in place for many years. Cache County's program is more lenient and distinguishes between older and newer vehicles and is less expensive to citizens.

Vice Chairman Potter stated he has had many citizens contact him expressing opposition to the establishment of a vehicle emissions testing program. Potter said he doesn't see that there will be significant improvement in air quality by following this program, it is not worth the time and money and adjacent counties are not being asked to participate. Cache County is being selected unjustly and the stipulation that the program will be reviewed in five years is really an exercise in futility because the program cannot be cancelled. Relative to the maximum repair cost, Potter asked why require a citizen to spend the money if it doesn't solve the problem. Potter said this is creating another government bureaucracy.

Council member Robison said she is also bothered by the fact that Franklin County is not required to implement a vehicle emissions program. Joe Thomas, DAQ, explained that air monitoring indicated that emissions in Cache County are mostly from vehicles while Franklin County emissions are coming from agriculture.

Executive Lemon suggested the county agree to all the control strategies except the vehicles emission testing and only implement it, if needed. Lemon said he doesn't know how to justify the vehicle emissions testing to the citizens of Cache County if other counties don't have to do it and the cost versus benefits is so poor.

Council member White observed that this will only cost the average citizen \$21.00 every two years.

Council member Yeates asked what will happen if the Council does not approve the ordinance? Thomas said the State Implementation Program (SIP) will be submitted without it and the EPA will probably immediately disapprove the SIP and consequences can then be enforced.

(Attachment 2)

ACTION: Motion by Council member White to adopt Ordinance No. 2012-09 – Implementation of a Vehicle Emissions and Maintenance Program in Cache County. Petersen seconded the motion. The motion failed, 2 aye – Petersen & White and 5 nay – Buttars, Potter, Robison, Yeates & Zilles.

Ordinance No. 2012-09: The vote was 7-0.

	BUTTARS	POTTER	PETERSEN	ROBISON	WHITE	YEATES	ZILLES	VOTES CAST
AYE			X		X			2
NAY	X	X		X		X	X	5
ABSTAINED								0
ABSENT								0

- Approval of Employee Compensation Committee Recommendations**
Chairman Buttars said if this approved the additional \$306,000.00 for employee compensation with be based on a 35%/65% split, with employees of 10 years or more receiving 35% and employees under 10 years receiving 65%.

(Attachment 3)

ACTION: Motion by Council member Yeates to approve the Employee Compensation Committee Recommendations. Potter seconded the motion.

Discussion on the motion:

Council member White questioned the split. The focus should be on the market and who is under market.

Council member Robison recommended letting the department heads make the decision on how the money is used to bring their employees up to market.

Council member Zilles reminded Chairman Buttars that he had asked to have an item on this agenda for discussion of an additional \$200,000.00 to be used for employee compensation. Chairman Buttars said that will be addressed after this item.

ACTION: Motion to amend the main motion by Council member White to change the distribution split to 30%/70%. Potter seconded the motion. The motion passed, 4 aye – Buttars, Potter, Robison & White and 3 nay – Petersen, Yeates & Zilles.

Some Council members expressed the feeling that the market should not be the maximum.

ACTION: Motion to amend the main motion by Council member Petersen setting the maximum at 10% above the market average. Robison seconded the motion. The vote was unanimous, 7-0.

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

- **Discussion of Additional Funding for Employee Compensation** – Council member Zilles reminded the Council he had entertained the idea of having an additional \$200,000.00 earmarked for employee compensation because sales tax has kept fairly ahead of 2011; however, local sales tax is down. He asked for input from the Council.

Council member Yeates noted there is more construction activity this year.

Vice Chairman Potter commented that Executive Lemon is sometimes accused of being ultra conservative with the budget, but at this point there are budget unknowns such as retirement and health insurance costs. The Council hasn't seen budgets from Department Heads yet. Additional employee compensation might better be addressed later in the year.

Council member Yeates said he thought the Council had committed to looking at employee compensation earlier in the year – July or August.

Council member White said that if the additional money is given, what happens if a department needs to hire another employee? Where will the money come from?

Executive Lemon favored waiting for the retirement and health insurance numbers that should be available by September or October before awarding additional money for employee compensation. He favors a one-time bonus rather than a salary increase.

- **Recommendations for County 401k Contributions** – The state has notified Executive Lemon that the county is over contributing to employees' 401k accounts and Lemon recommends giving the money to the employees to let

them determine whether they keep it or contribute to their 401k. The problem is with the Tier Two employees and as this goes on there will be more Tier Two employees. There is a disparity because of an oversight in budgeting regarding the county 401k contribution. Lemon would like the problem addressed now.

Sheriff Nelson asked if it is possible to put the money towards health insurance instead of back into wages? Lemon said it might be possible, but it would be more complicated.

Petersen asked what this will cost in terms of retirement and social security? Lemon said he will get those numbers and bring them to the next meeting.

INITIAL PROPOSAL FOR CONSIDERATION

- **Urban Development: Swift Beef Upgrade Pond 3 Conditional Use Permit – Don Summit requesting approval of a conditional use permit to allow the lining and capping of an existing sewage treatment pond on 70.17 acres in the Agriculture (A-10) Zone and Public Infrastructure (PI) Overlay Zone located approximately 4195 South 1200 West, between Nibley and Hyrum** – Chris Harrild said this was recently rezoned to the public overlay zone and they are now requesting a conditional use permit to fell or eliminate Pond 2 and reconfigure or cap Pond 3. They have already received approval from the State Department of Environmental Quality. Nibley City has given verbal approval. Staff recommends approval.

(Attachment 4)

ACTION: Motion by Council member Zilles to approve the Swift Beef Upgrade Pond 3 Conditional Use Permit. Potter seconded the motion. The vote was unanimous, 7-0.

- **Design Exception: Subdivision Amendment: Benson Country Estates – Tom Willmore requesting an amendment to the unrecorded Benson Country Estates Subdivision to allow a design exception to the Manual of Roadway Design and Construction Standards as regarding the required shoulder width for the portion of the roadway along the frontage of said subdivision** – Director Runhaar said the applicant is requesting an amendment to the conditions of the subdivision regarding shoulder improvement change. The staff has concerns as there are more homes further down the road and all of the shoulder will have to be fixed at some time in the future. Staff recommends denial.

Applicant Tom Willmore said he has farmed in the Benson area for over twenty years. He is requesting that the shoulder improvement requirement be removed on a portion of the road because of an adjacent property owner's pipe that is in the barrow pit which changes the point of diversion for irrigation water. This creates a problem for shoulder widening at that point which will be costly to correct. Willmore contends the county allowed the pipe placement. Willmore does not believe this forms a precedent and that as the "last man" coming in, he is being unduly punished. The road ends at Cutler Marsh and will never be a through road. The county put in the culvert many years ago where the railroad

grade was which created the steep drop-off. Safety is not an issue because this is defined as a rural road which has low or medium speeds.

Executive Lemon asked if the neighbor had obtained an encroachment permit from the county for his pipe? Willmore didn't know.

After discussion, the Council decided to visit the site before making a decision.

This will be an agenda item for the August 28, 2012 Council meeting.

- **Ordinance No. 2012-10 – Adopting the Cache County Pepperidge Farm Project Area Plan and Related Matters** – The Council was reminded that this was approved by them as the Cache County Redevelopment Agency Board by resolution and now must be adopted by them sitting as the Cache County Council by ordinance.

(Attachment 5)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2012-10 – Adopting the Cache County Pepperidge Farm Project Area Plan and Related Matters. Potter seconded the motion. The vote was unanimous, 7-0.

Ordinance No. 2012-10: 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

- **Ordinance No. 2012-11 – Spring Ridge Estates Rezone – Justin & Steven Taylor requesting approval for a rezone of 349 acres from the Agriculture (A-10) Zone to the Rural 2 (RU-2) Zone located approximately 2150 North 8000 West, Petersboro (NO ACTION TAKEN)** – Chairman Buttars said that the developer had asked for and been granted time to address the Council on this issue.

Director Runhaar explained to the Council their packet includes a Record of Decision in the event of denial and Ordinance No. 2012-11 if approved.

Brent Ventura informed the Council that he and Rod Blossom will be representing the development now, not Justin and Steven Taylor. Ventura assured the Council that even though Cache County may need to upgrade its general plan as recommended by Director Runhaar, but the county is ready for this type of development and it can all be handled satisfactorily with a development agreement which he has worked with before. All the details – a traffic study, water and septic issues – would all be addressed in a development

agreement. The county engineer should be able to identify what adequate water is and should be familiar with state codes for water and sewer.

Council member Petersen asked about the possibility of phased RU-2 zoning, but Ventura felt that would require a "big leap of faith" on his part.

Council member Zilles asked if septic approval has been obtained. Ventura replied approval from the state has been received for about half of the lots as a septic zone and tests still have to be done in the area.

Zilles observed he has watched water run out of the ground in the spring on the whole sidehill where the proposed subdivision would be and questioned whether a septic permit would be obtainable. Developers often do perc tests in the spring which fail and in July or August, when the ground dries out, they finally get a good perc test that is approved. Zilles asked if Ventura and Blossom are prepared to put in a sewer system if needed? Ventura said they would have to see if it would be financially feasible.

Kyle Yonk, a nearby land owner, asked the Council to not approve this rezone.

Vern Nelson, Petersboro, gave the Council paperwork regarding water in the area which he says is a prime recharge area that will be adversely affected by a large development. Nelson urged the Council to listen to their planning staff which has the expertise to make informed recommendations.

Juliene Robins contacted the Division of Drinking Water because of her reservations about the proposed subdivision and their office is concerned. A major area of concern is that Box Elder County doesn't know what Cache County is doing and vice versa. The whole picture needs to be looked at because of the potential to dramatically affect the area's water.

OTHER BUSINESS

- ✓ **Meeting with Senator Hatch – August 21, 2012 at 12:00 p.m.** – Chairman Buttars reminded the Council of the meeting at the Elements Restaurant. Petersen and White cannot attend. Buttars said he would like to discuss the vehicle emissions issue with the Senator. Janeen Allen will contact Senator Hatch's office to provide attendance information.
- ✓ **Wellsville Founders' Day Parade – September 3, 2012 at 10:00 a.m.** – Zilles, White and Lemon will attend.
- ✓ **River Heights Apple Day Parade – September 22, 2012 at 3:30 p.m.** – Zilles, Lemon, Potter and Yeates will attend.

COUNCIL MEMBER REPORTS

Cory Yeates said a call center is going to be established by the Romney campaign and suggested the Council consider volunteering time there.

Cache County Council
08-14-2012

Val Potter reminded the Council of the Council Summer Social on Tuesday, August 21 at 6:30 p.m. at his home.

Potter asked if anyone knew what was happening with Dr. Goble and the canal project? Denise Ciebien said Goble is encouraging Logan Mayor Watts to get involved in trying to keep some of the canal as open water. Ciebien said Goble has no water rights.

Potter also reported that the Airport Authority decided to cease pursuing a commercial service airline in Cache County.

Director Runhaar noted there was no action taken on the Spring Ridge Rezone request and wanted to know if the Council needs more information? The answer was no.

ADJOURNMENT

The Council meeting adjourned at 8:15 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Craig "W" Buttars
Chairman



JONES
P.C.
SIMKINS

Certified Public Accountants

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Paul R. Campbell, CPA

August 10, 2012

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, 2011. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards* and Office of Management and Budget 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 3, 2012. Professional standards also require that we communicate to you the following information related to our audit.

Auditors' Communication with Those Charged with Governance

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the County are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2011. We noted no transactions entered into by the governmental unit 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 these estimates in determining that they are 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.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit. However, there were delays in the timing of the audit related to accommodating the County's ongoing changes to their accounting software.

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 receivables, deferred revenue, accounts payable, fund balance, revenues, and expenditures.

Disagreements with Management

For purposes of this letter, a disagreement with management is 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 August 10, 2012.

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 County's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Information in Documents Containing Audited Financial Statements

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, context, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Internal Control

In planning and performing our audit of the financial statements of the County as of and for the year ended December 31, 2011, 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.

Comments, if any, related to internal control were reported in the Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards.

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. 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 as well as a general

payroll cash account opened near year end. 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 management of the County, the County Council and the State of Utah 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.

Cache County
Listing of Uncorrected Misstatements
12/31/2011

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
PJE to account for taxes collected in February 2012 that were recorded as deferred revenue at the fund level rather than being properly recognized as revenue.			
100-2332000	DEF REV - DELINQ TAX RCVBL	44,988	
150-2332000	DEF REV - DELINQ TAX RCVBL	12,632	
210-2332000	DEF REV - DELINQ TAX RCVBL	3,832	
100-31-20000	PRIOR YEARS TAX		44,988
150-31-21000	PRIOR YR TAXES -ASSESS & COLL		12,632
210-31-20000	PRIOR YEARS TAX		3,832

failed
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ORDINANCE 2012-09

IMPLEMENTATION OF A VEHICLE EMISSIONS AND MAINTENANCE PROGRAM IN CACHE COUNTY

1.0 PURPOSE

The purpose of this ordinance is to reduce air pollution levels in Cache County by requiring emission inspections of on-road motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the prescribed standards so as to:

- 1.1 Protect and promote the public health, safety, and welfare;
- 1.2 Improve air quality;
- 1.3 Comply with the federal regulations contained in 40 CFR part 51 subpart S;
- 1.4 Comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 Utah Code Annotated, 1953, as amended.

2.0 POWERS AND DUTIES

- 2.1 The Cache County Council (hereafter, "Council") has authority to implement a vehicle inspection and maintenance program under Section 41-6a-1642, Utah Code Annotated, 1953, as amended.
- 2.2 The Council is presently required by the EPA and the State of Utah to implement a vehicle emission inspection and maintenance program.
- 2.3 The Council hereby delegates its authority as an administrative body under Section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River District Board of Health (hereafter "Board"), to address all issues pertaining to the adoption and administration of the vehicle emission inspection and maintenance program.
- 2.4 The Council authorizes a fee to be assessed upon every motorized vehicle registered in Cache County at the time of registration under Section 41-1a-1223, Utah Code Annotated, 1953, as amended. This fee will be known as the Air Pollution Control Fee.
 - 2.4.1 The Air Pollution Control Fee is set at \$3.00 for each motor vehicle registration within the county for a motor vehicle registration under Section 41-1a-215, Utah Code Annotated, 1953, as amended.
 - 2.4.2 The Air Pollution Control Fee is set at \$2.25 for each motor vehicle registration within the county for a six month registration period under Section 41-1a-215.5, Utah Code Annotated, 1953, as amended.

2.4.3 The Air Pollution Control Fee will be assessed beginning July 1, 2013.

2.4.4 A motor vehicle that is exempt from the registration fee, and a commercial vehicle with an apportioned registration shall be exempt from this fee as per Section 41-1a-1223, Utah Code Annotated, 1953, as amended.

3.0 GENERAL PROVISIONS

3.1 The Board, in conjunction with its staff, will administer and enforce this ordinance.

3.2 The Board shall adopt vehicle emission and inspection rules and regulations which meet EPA and State Implementation Plan requirements.

3.3 The Council shall approve the initial Rules and Regulations established by the Board.

3.4 The Board shall consult with the Council for substantive changes in Rules and Regulations.

4.0 GUIDELINES TO BE FOLLOWED BY THE BEAR RIVER BOARD OF HEALTH IN IMPLEMENTING A VEHICLE INSPECTION AND MAINTENANCE PROGRAM IN CACHE COUNTY

4.1 Vehicles registered in Cache County that are not exempt from the program (see 41.6a-1642(3), Utah Code Annotated, 1953, as amended) will be inspected on the following schedule:

4.1.1 Vehicles manufactured 1996 and later:

No emissions inspection for the first four years after manufacture and starting with year five after manufacture, inspected every other year thereafter.

4.1.2 Vehicle manufactured 1995 and earlier:

Inspected during the first year the program is implemented and every other year thereafter.

4.2 A maximum testing fee of \$15.00 shall be set for vehicles 1996 and newer. A maximum testing fee of \$20.00 shall be set for vehicles 1995 and older. Any changes to these fees shall be approved by the Council.

4.3 If a vehicle fails the emissions inspection, a waiver may be granted that will allow the vehicle to be registered. In order to qualify for a waiver, the vehicle owner/operator must spend \$200.00 on emissions related repairs and meet any other requirements approved by the Board. A waiver will be issued once during the lifetime of the vehicle. Any changes to this fee shall be approved by the Council.

4.4 Emission inspections in Cache County will be conducted by private firms. The Board shall establish criteria to be used to identify which firms are allowed to conduct inspections and the training that is required.

5.0 REVIEW OF NEED FOR PROGRAM

The Council shall review the vehicle emissions and maintenance program at the end of five years to evaluate the continuing need for the program.

6.0 EFFECTIVE DATE

This ordinance shall become effective on August 15, 2012 after adoption by the Cache County Council.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS
AUGUST 14, 2012.

	In Favor	Against	Abstained	Absent
Potter		X		
Buttars		X		
White	X			
Petersen	X			
Robison		X		
Yeates		X		
Zilles		X		
Total	2	5		

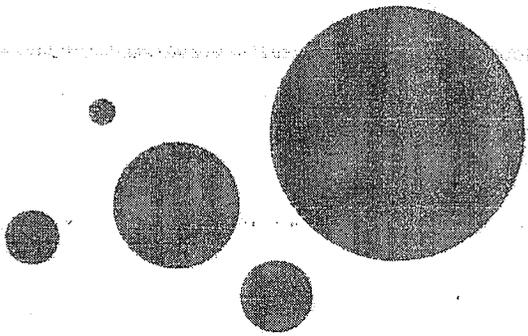


CACHE COUNTY

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

ATTEST:

Jill N. Zollinger
Jill N. Zollinger, County Clerk



**PROPOSED CACHE COUNTY
COMPENSATION PROGRAM**

PART II

July 31, 2012

GUIDELINES:

Review of Part I (May 8, 2012):

- I. The county will continue to follow a Pay-for-Performance program. *Not Step & Grade*
- II. Performance Reviews will be conducted annually in July
- III. Compensation budget will be identified in August prior to the annual budget process. *WR5 & Health Insurance*
- IV. The proposed comparative Market includes the four counties just larger in population and the four counties just smaller in population to Cache County AND selected municipalities:

- | | | | |
|-------------------------------------|-------------------|-------------------------------------|-----------------------|
| <input checked="" type="checkbox"/> | Utah County | <input checked="" type="checkbox"/> | Summit County |
| <input checked="" type="checkbox"/> | Davis County | <input checked="" type="checkbox"/> | Logan City |
| <input checked="" type="checkbox"/> | Weber County | <input checked="" type="checkbox"/> | Ogden City |
| <input checked="" type="checkbox"/> | Washington County | <input checked="" type="checkbox"/> | Brigham City |
| <input checked="" type="checkbox"/> | Tooele County | <input checked="" type="checkbox"/> | Hyrum City |
| <input checked="" type="checkbox"/> | Box Elder County | <input checked="" type="checkbox"/> | Smithfield City |
| <input checked="" type="checkbox"/> | Iron County | <input checked="" type="checkbox"/> | Pocatello City, Idaho |

GUIDELINES:

- ~~V.~~ *Maximum - 10% Above*
The Market position will be the Cache County
MAXIMUM position; *20% Below/Starting Position*
- ~~VI.~~ Once an employee reaches the Market position for their job classification, they will not be eligible for an increase in wages until the market moves up or they promote to another position with greater duties/responsibilities.
- ~~VII.~~ Ten (10) years will be the standard length of time it takes for an employee to move from the Minimum of the Range to their Market/Maximum position.
- ~~VIII.~~ Compensation budget for Elected Officials will be determined prior to the next election cycle

GUIDELINES:

Part II:

- ~~IX.~~ Balance of funds identified for 2012 salary adjustments to be dispersed as follows:
- ~~30%~~ 35% of monies directed to full-time employees who have been with the county for 10 years or more and who have an Acceptable performance appraisal rating or better;
 - ~~70%~~ 65% of monies to be directed to full-time employees who have been with the county less than 10 years and who have an Acceptable performance appraisal rating or better.
- ~~X.~~ Compensation Budget is contingent upon funding availability.



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Paula Doughty, *Chair*
Steven P. Simpson, *Vice-Chair*
Myron E. Bateman
Clyde L. Bunker
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
Neal L. Peacock
Gregory L. Rowley
Amanda Smith
Daniel C. Snarr
Jeffery L. Tucker
Walter L. Baker
Executive Secretary

May 3, 2012

Jerry Peterson
General Manager
JBS Swift
410 North 200 West
Hyrum, UT 84319-1024

Dear Mr. Peterson:

Subject: **Construction Permit**
JBS Swift, Beef Plant Wastewater Treatment Plant Facilities Improvements
Anaerobic lagoon No.3 modifications
Hyrum, Cache County, Utah

We have completed our review of the plans and specifications for the modifications to anaerobic lagoon #3, JBS Hyrum wastewater facility project submitted by The Wells Resource LLC on February 6, 2011, April 3, 2012, and April 27, 2012. The plans and specifications, sealed by James Wells, P.E. on April 27, 2012 basically comply with R317, Administrative Rules for Water Quality, Utah Administrative Code. A Construction Permit, as constituted by this letter, is hereby issued subject to the following conditions:

1. Any revisions or modifications to the approved plans and specifications must be submitted to the Division for review and approval before construction or implementation thereof.
2. The permitted facilities must not be placed in service until the Division has made a final inspection and has authorized you, in writing, to do so.
3. This construction permit does not cover biosolids treatment, monitoring, record keeping, reporting and disposal/reuse.
4. A Storm Water Permit may be required for this project. Contact Jeff Studenka with the Division at (801) 536-4395.
5. All existing UPDES limits apply throughout construction.
6. Overflow from anaerobic lagoon #3 shall flow to lagoon #1, not to lagoon #4 as stated in the specifications (Construction Specifications, Division 40, page 3, Section 2.5, paragraph 2).

Letter of Intent – Conditional Use Permit

In describing your proposed use, address *all* items in the list below. Attach additional sheets as necessary. For conditional uses that will require phasing to accomplish development, a master plan for all phases of development is required.

1) What is the use type (retail, wholesale, service, manufacturing, etc) and services offered?

Type: Wastewater Treatment

Services: Treat wastewater from SWIFT BEEF PLANT before it is discharged to the irrigation ditch (no change)

2) How many people do you propose to employ? (Include all residents and/or non-residents of this property).

Residents: 6 people (no change)

Non-residents:

3) What are your proposed hours of operation? (Specify days of week and hours each day).

24 hr operations (no change)

4) List the type and number of deliveries to and from this business. (Mail, semi-truck, UPS, etc).

Chemicals (one time/day), pressed sludge to composter (4 times/day)

5) Will there be any signage on the structure or site? If yes, attach a dimensioned graphic of the proposed signage.

3' x 4' sign on the gate (no change)

6) Will all waste/garbage be disposed of by Logan City? If not, how will you dispose of waste/garbage from your proposed use?

Yes, garbage will go to Logan's landfill. Pressed sludge solids will go to Miller Companies' composting operations. (no change)

7) What equipment will be used for this use? (Office equipment, vehicles, machinery, etc.)

Wastewater treatment equipment (no change)

8) How will you provide adequate parking for customers and /or employees?

there is already adequate parking for employees and visitors

I, Don Summit hereby state that the above information is an accurate and complete description of my proposed business.

Don Summit 7/2/12
Signature Date

1 **#1 Swift Beef Upgrade Pond 3 Conditional Use Permit (Don Summit)**

2
3 **Harrild** reviewed Mr. Don Summit's request of a recommendation of approval to the County
4 Council for a conditional use permit (CUP) to allow the lining and capping of an existing sewage
5 treatment pond on 70.17 acres of property in the Agricultural (A-10) Zone and Public
6 Infrastructure (PI) Overlay Zone located at approximately 4195 South 1200 West, between
7 Nibley and Hyrum. This item qualifies as urban development and so final approval must come
8 from the County Council. This area does lie within Nibley City's annexation area and Nibley
9 has given verbal support of the proposal and we anticipated that Nibley City will also submit a
10 letter in writing before the County Council sees this issue. The current request is to fill Pond #2
11 and eliminate it entirely, line and cap Pond #3 for power generation, and make the necessary
12 updates to the existing infrastructure to support the use of methane from Pond #3 for power
13 generation. This will not change the level of use that currently occurs on the site. Staff
14 recommends approval for this item.

15
16 Staff and commission discussed the requirement from the EPA for a storm water permit. The
17 county requires that no extra water runoff occur and if there is extra storm water runoff the
18 applicant will have to deal with that. The county is requiring that the applicant provide a copy of
19 all the permits the state and the federal government requires for this project.

20
21 **Don Summit** I work for JBS Swift. There is a requirement for the storm water permit. It is a
22 blanket form that the state requires we fill out and it requires us to check it once a week and pay
23 the fee. We have the paperwork all filled out but haven't submitted it with the fee because we
24 need your approval first. We have already received permission and funds from our head
25 company in Colorado.

26
27 **Sands** thank you for sending me the additional information after the last meeting. Could you
28 please highlight it really quick for the rest of the commission?

29
30 **Mr. Summit** first, it's going to be used in our boilers. We have to sterilize the utensil we use to
31 cut the meat between every cut and that requires a lot of hot water. We can supply a ¼ of that
32 need with the methane we will be capturing. This will also supply a ¼ of the need for the cogent
33 project also. This is considered a reusable natural resource that can be harnessed and used.

34
35 **Sands** it is a great benefit for air quality.

36
37 **Watterson** as far as safety and odor, there will be benefits?

38
39 **Mr. Summit** It will actually help to get rid of the smell. Ponds 4 and 5 don't actually smell

40
41 **Runhaar** we did not have to notify Hyrum about this, but in the past they have always been
42 supportive of action that will help reduce the smell.

43
44 *Sands motioned to recommend approval to the County Council for the Swift Beef Pond 3*
45 *Conditional Use Permit with the stated conditions and findings of fact; Watterson seconded;*
46 *Passed 6, 0.*

47

Staff Determination and Findings of Fact (3)

It is staff's determination that the request for a conditional use permit for Swift Beef Upgrade Pond 3, located in the Agricultural (A-10) Zone and the Public Infrastructure (PI) Overlay Zone at approximately 4195 South 1200 West with parcel # 03-051-0015 is in conformance with the Cache County Ordinance and should be recommend for approval to the County Council. This determination is based on the following findings of fact:

1. The Swift Beef Upgrade Pond 3 conditional use permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Swift Beef Upgrade Pond 3 has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Swift Beef Upgrade Pond 3 conditional use permit has been reviewed in conformance with §17.06.070 of the Cache County Ordinance, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval, as follows:
 - a. The use applied for at the location proposed is necessary or desirable to provide a facility that will contribute to the general well being of the area and the county.
 - b. The proposed use is compatible with the intent, function and policies established in the Cache countywide comprehensive plan.
 - c. The proposed use is compatible with the character of the site, adjacent properties and other existing and proposed development.
 - d. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation has been assessed and deemed adequate.
 - e. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

Conditions of Approval (3)

The following conditions must be met for the development to conform to the County Ordinance and the requirements of county service providers:

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. The proponent shall abide by the site plan and construction specifications as submitted to the Cache County Development Services Office, and by all presentations made by the proponent or the proponent's representative to the Planning Commission during the permitting process.
3. Prior to operation, the proponent shall provide a copy any required permits from the Utah Department of Environmental Quality associated with the upgrades to Pond #3 and the associated infrastructure.

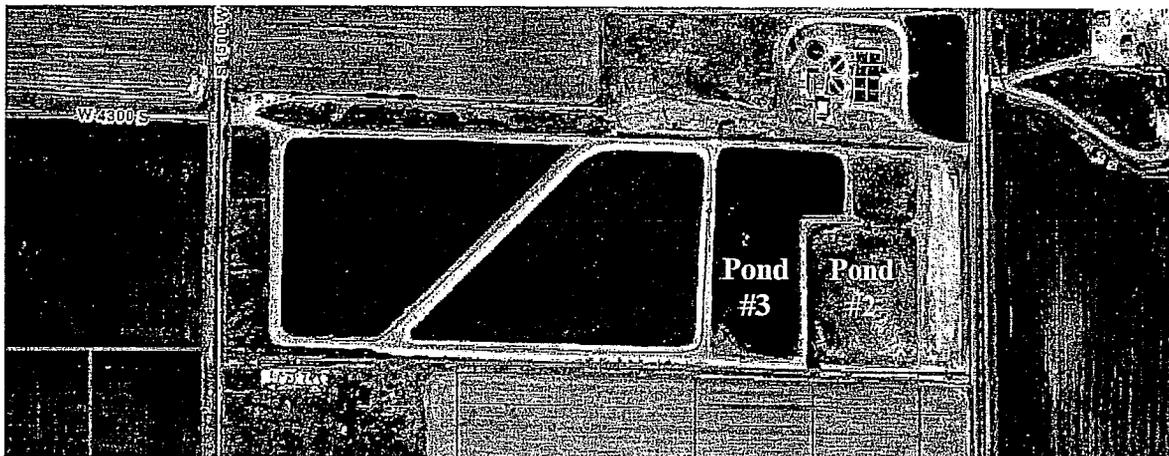
permitted as a conditional use in the Public Infrastructure (PI) Overlay Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses. These procedures are detailed under §17.06.060 Conditional Uses and §17.06.070 Standards and Criteria for Conditional Use.

Project Summary:

This parcel was rezoned to include the Public Infrastructure (PI) Overlay Zone on June 6, 2012. The existing CUP was approved for expansion in 1987, 1988, 2006, and 2010. The current request is to fill Pond #2 and eliminate it entirely, line and cap Pond #3 for power generation, and make the necessary updates to the existing infrastructure to support the use of methane from Pond #3 for power generation.

This work has been necessitated by excessive leakage occurring in Ponds #2 and #3. A construction permit for the changes to Pond #3 has been issued by the State Department of Environmental Quality, Division of Water Quality (DEQ). Refer to the DEQ letter for specific details as relates to the upgrades to Pond #3 and related infrastructure.

There will be no change to the following: the type of use or services offered, the number of employees, the hours of operation, deliveries, signage, waste removal, or parking.



Access:

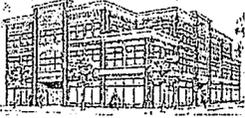
- The access from county road 1200 West is a 30 foot wide paved road and is adequate.
- The access from county road 1500 West is a 20 foot wide paved road and is adequate.

Water & Septic:

- See DEQ letter

Service Provision:

- Fire department access is acceptable, there is no on-site water supply for fire suppression, therefore the Hyrum fire department will provide water for fire suppression.



CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP
 DIRECTOR / ZONING ADMINISTRATOR
 PAUL BERNTSON
 CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

Staff Report: Swift Beef Upgrade Pond 3 Conditional Use Permit

August 2, 2012

Agent: Don Summit

Parcel ID#: 03-051-0015

Staff Determination: Approval with conditions

Type of Action: Administrative

Project Location

Reviewed by: Chris Harrild, Planner II

Project Address:

4195 South 1200 West

Logan, Utah 84321

Current Zoning: Acres: 70.17

Ag. (A-10) and Public Infrastructure (PI)

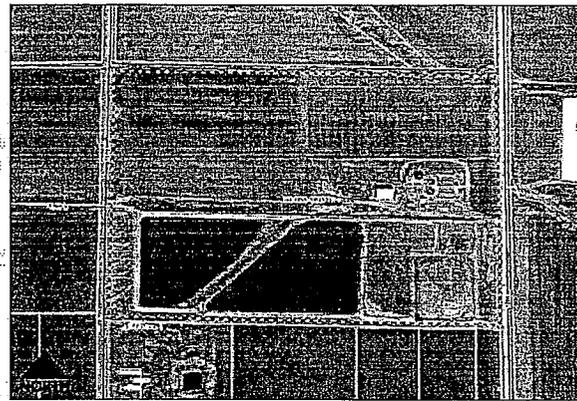
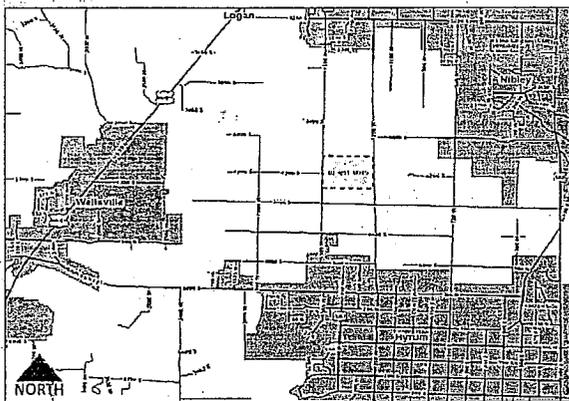
Surrounding Uses:

North – Agricultural/Box Elder County

South – Agricultural/Residential

East – Agricultural/Residential

West – Box Elder County/Residential



Project Purpose, Applicable Ordinance, and Summary

Purpose:

To review and make a recommendation to the County Council regarding the request for a conditional use permit to allow the lining and capping of an existing sewage treatment pond to capture the methane for use in power generation.

State Code and County Ordinance:

As per State Code §10-2-401[1][k] urban development is defined as a commercial or industrial development for which cost projections exceed \$750,000 for all phases. This proposal qualifies as urban development. State Code §10-2-402 [5] also states that the County may not approve urban development within a city's expansion area without the city's consent, or a formal response from the county to any objections made by the city.

This proposal lies within Nibley City's annexation area. Nibley City has given verbal support of the proposal and is in the process of providing a letter.

This proposed use is best defined as "Public Uses, Utilities, and Infrastructure" under Cache County Ordinance §17.07.020 Definitions, and as per §17.09.030 Schedule of Uses by Zone, this use is

JBS Swift Construction Permit, Anaerobic Lagoon #3 Modifications

May 3, 2012

Page 3 of 3

Sincerely,

Utah Water Quality Board



Walter L. Baker, P.E.

Executive Secretary

WLB:SK:sk

Enclosure: Contract Documents (2 volumes)

cc: Don Summit, JBS Beef Plant, 410 North 200 West, Hyrum, UT 84319

Grant Koford, Environmental Health Director, Bear River County Health Department, 655 East
1300 North, Logan, Utah 84341 (w/o enclosure)

W. James Wells, The Wells Resource. LLC, 3506 Hawthorne Ave., Omaha, NE 68131 (w/o
enclosure)

F:\DWQ projects\Hyrum -Amecc\JBS Hyrum Beef plant\04102012Anaerobic lagoon #3 update Hyrum Beef Plant WWTP
CP.docm

FILE: Municipal files: JBS Swift, Cache County

This project consists of the modification of existing Pond #3 into an anaerobic equalization lagoon. Pond #2 will be eliminated entirely, and Pond #3 will be relined due to excessive leakage in both ponds. Pond #3 will be made deeper to provide enough volume for equalization. Pond #3 will have a double liner, each layer composed of 60-mil HDPE. Leakage captured by the lower liner will be pumped back into Anaerobic Lagoon #3. A groundwater removal system collects groundwater below the middle of the lagoon in a perforated pipe that flows to a groundwater lift station. The lift station pumps the groundwater along with any emergency overflow from WAS Pond #1 to a manhole that flows into the effluent of Anaerobic Lagoon #3.

A new 18-inch influent line will be constructed from the Influent Splitter Structure to Anaerobic Lagoon #3 that will be installed below the minimum water level in the anaerobic lagoon in such a way that the existing bypass pumps, which will be connected to the new line, can draw either influent flow or pump flow from the influent end of the anaerobic lagoon to the existing anoxic basins.

Biogas which is produced in the anaerobic lagoon during the second stage of anaerobic digestion will be conveyed to the new biogas building through a heat exchanger, flare trap assembly, two (2) PD blowers (one active, one standby), and to an existing boiler building. A 12-inch diameter HDPE pipe will convey effluent from Anaerobic Lagoon #3 to the existing blower building, then back to the existing system.

The issuance of this permit does not relieve you in any way, of obtaining applicable permits from local jurisdictions. You may contact Mr. Grant Koford, Bear River County Health Department, for compliance with any other local requirements.

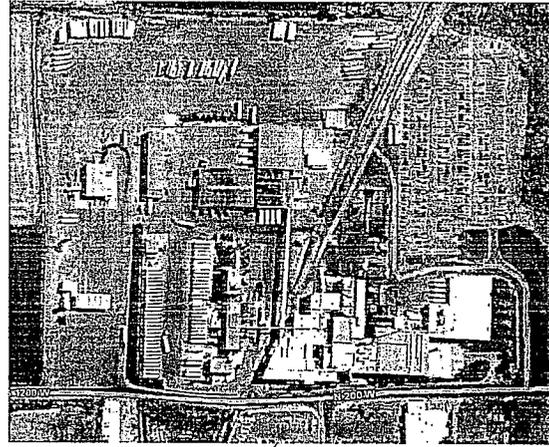
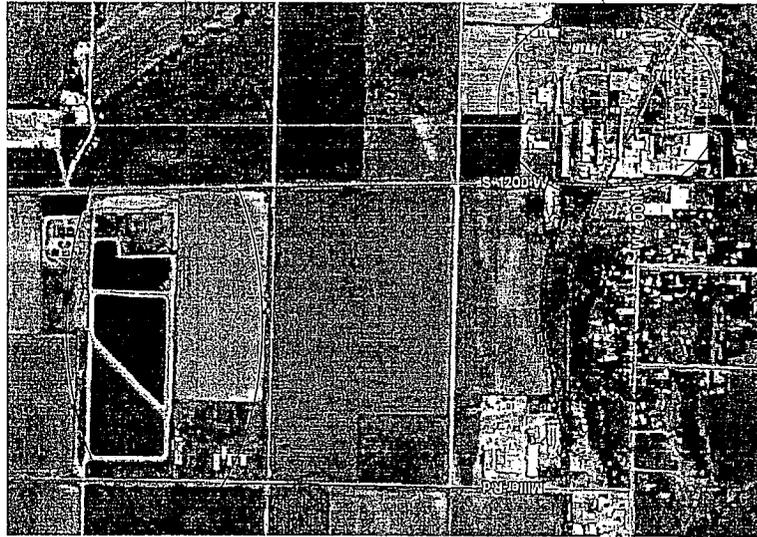
This construction permit will expire one year after the date of this permit, unless substantial progress is made in constructing the approved facilities or the plans and specifications have been resubmitted and the construction permit is reissued. This permit does not relieve you in any way of your obligations to comply with other applicable local requirements.

We are retaining one set of the submitted plans for our file, with an imprint of our construction permit stamp and returning one set to you. The stamped set must be kept available for examination and inspections to be conducted by the Division and the Health Department, or for resolution of any conflicts or discrepancies that may arise during construction or installation.

The Division of Water Quality values your feedback to help us improve the permitting process to better meet your needs. Please go to <http://www.waterquality.utah.gov/> and take a few minutes to complete our customer feedback form (give us feedback using the link on the lower left side of the page).

We appreciate the cooperation of your consulting engineers and staff in the various meetings and discussions with us. If we can be of further assistance, please contact Svetlana Kopytkovskiy of my staff at 801-536-4345.

JBS USA HYRUM
 UPGRADE OF
 ANAEROBIC LAGOON #3
 HYRUM, UTAH



APPROVED FOR
 BIDDING
 04/26/2012

SHEET INDEX

SHEET #	SHEET TITLE
1	LOCATION MAP SHEET INDEX
2	GENERAL NOTES
2A	STANDARD DETAILS
3	SEQUENCE OF CONSTRUCTION
4	TREATMENT PROCESS HYDRAULIC PROFILE AND P&ID
5	ANAEROBIC LAGOON NO. 3 LAYOUT
6	X-SECTION LOCATION FOR MODIFIED LAGOON #3
7	TYPICAL X-SECTION OF LINER
8	X-SECTIONS FOR LAGOON #3
9	BIOGAS PIPING PLAN FOR LAGOON #3
9 A	SITE PIPING DETAIL
9 B	BIOGAS PIPE TO BIOGAS BUILDING
10	MODIFICATIONS TO EXISTING SPLITTER STRUCTURE
11	SPLITTER STRUCTURE
12	ANAEROBIC LAGOON #3 INFLUENT LINE
13	ANAEROBIC COVER DETAILS
14	ANAEROBIC COVER DETAILS
15	SECTIONS AND DETAILS
16	BIOGAS PIPING PROFILE
17	BIOGAS PIPING TREATMENT PLANT
18	BIOGAS PIPING TREATMENT PLANT
19	BIOGAS PIPING TREATMENT PLANT
20	BIOGAS LINE TO EXISTING BOILER BUILDING
21	BIOGAS PIPING TREATMENT PLANT
22	BIOGAS BUILDING FLOOR PLAN
23	SECTION DETAILS
23 A	SECTION DETAILS
24	BLOWER BUILDING AND M.H. SECTIONS
25	ROOF FRAMING PLAN
25	SOIL BORING LOG

THE WELLS RESOURCE, LLC
 3008 HATHORNE AVE
 OMAHA, NE 68131
 PHONE: 402-556-4504
 WWW.WELLSRESOURCE.COM

ISSUED BY: []
 CHECKED BY: []
 DATE: []



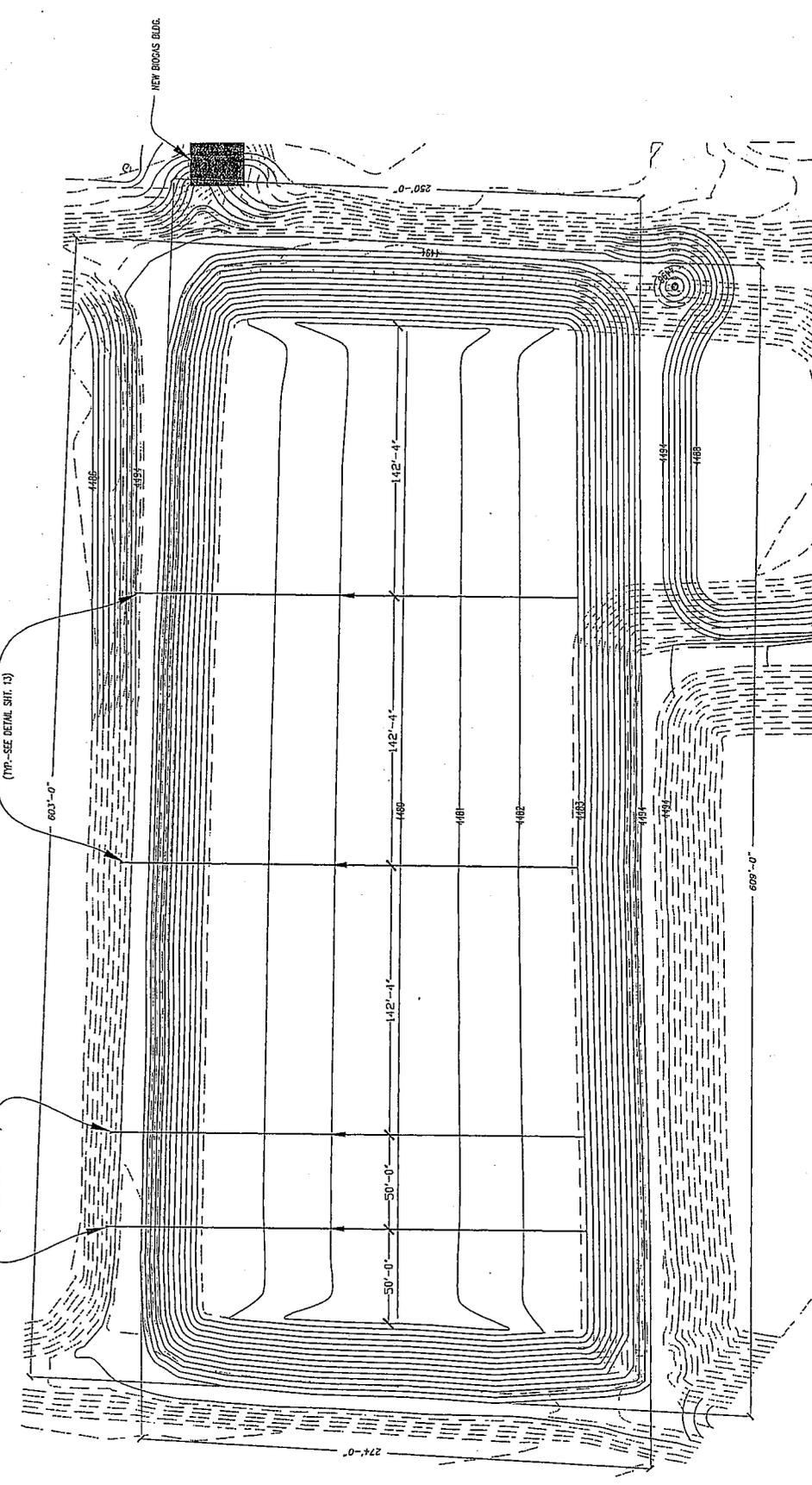
JBS USA HYRUM
 UPGRADE OF
 ANAEROBIC LAGOON #3
 HYRUM, UTAH

PROJECT: []
 A: 02/17/12 LAYOUT CHANGES
 B: 02/17/12 LAYOUT CHANGES
 C: []
 D: []

LOCATION MAP
 SHEET INDEX

DATE: 04/01/12
 SHEET: 1 OF 1

- NOTE:
1. LAGOON IS DIMENSIONED TO THE TOP OF THE INSIDE FACE OF THE DUNE
 2. ALL BELOW GROUND PIPES WILL BE BELL AND SPIGOT
 - AUD ALL ABOVE GROUND PIPES WILL BE FLANGED



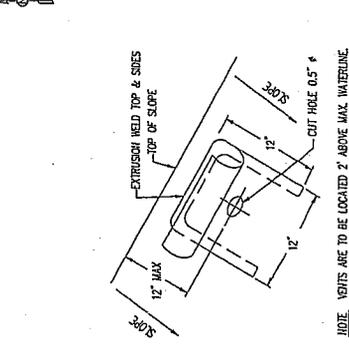
APPROVED FOR
 BIDDING
 4/26/2012



UPGRADED LAGOON NO. 3
 SCALE 1"=30'

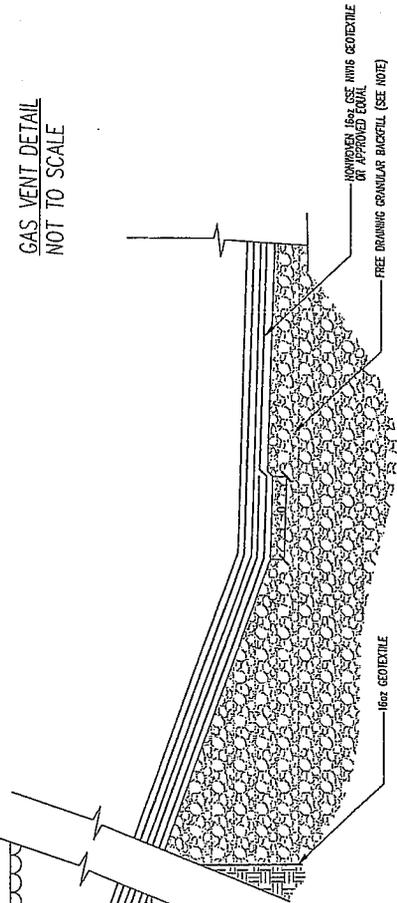


DATE	DESCRIPTION
1/24/12	ISSUE FOR PERMIT
2/15/12	REVISED FOR COMMENTS

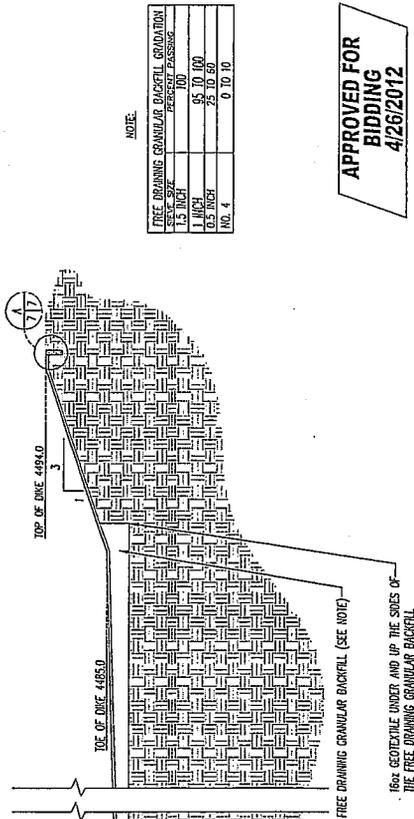


GAS VENT DETAIL
 NOT TO SCALE

NOTE: VENTS ARE TO BE LOCATED 2' ABOVE MAX. WATERLINE.



LAGOON SLOPE DETAIL
 NOT TO SCALE

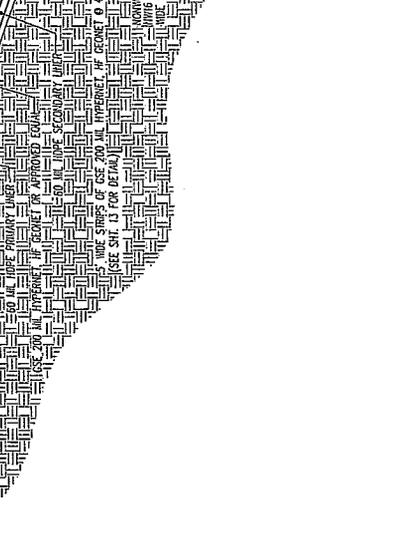
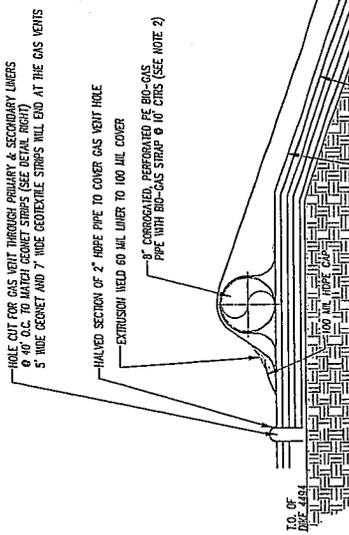


TYPICAL X-SECTION
 NOT TO SCALE

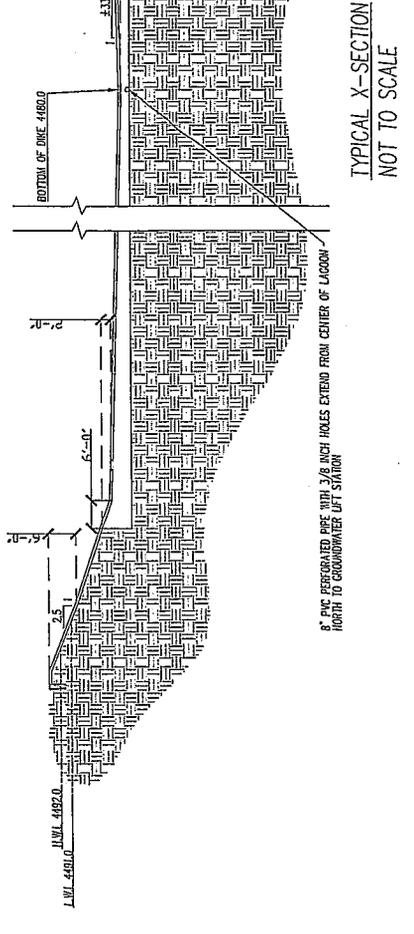
NOTE:

FREE DRAINING GRANULAR BACKFILL GRANULATION	NO. 4
FREE DRAINING GRANULAR BACKFILL PERCENT PASSING	0 TO 10
FREE DRAINING GRANULAR BACKFILL PERCENT RETAINED	25 TO 50
FREE DRAINING GRANULAR BACKFILL MAXIMUM SIZE	65 TO 100
FREE DRAINING GRANULAR BACKFILL MINIMUM SIZE	1.5 INCH
FREE DRAINING GRANULAR BACKFILL PERCENT	0.5 INCH

APPROVED FOR BIDDING
 4/26/2012



LAGOON SLOPE DETAIL
 NOT TO SCALE

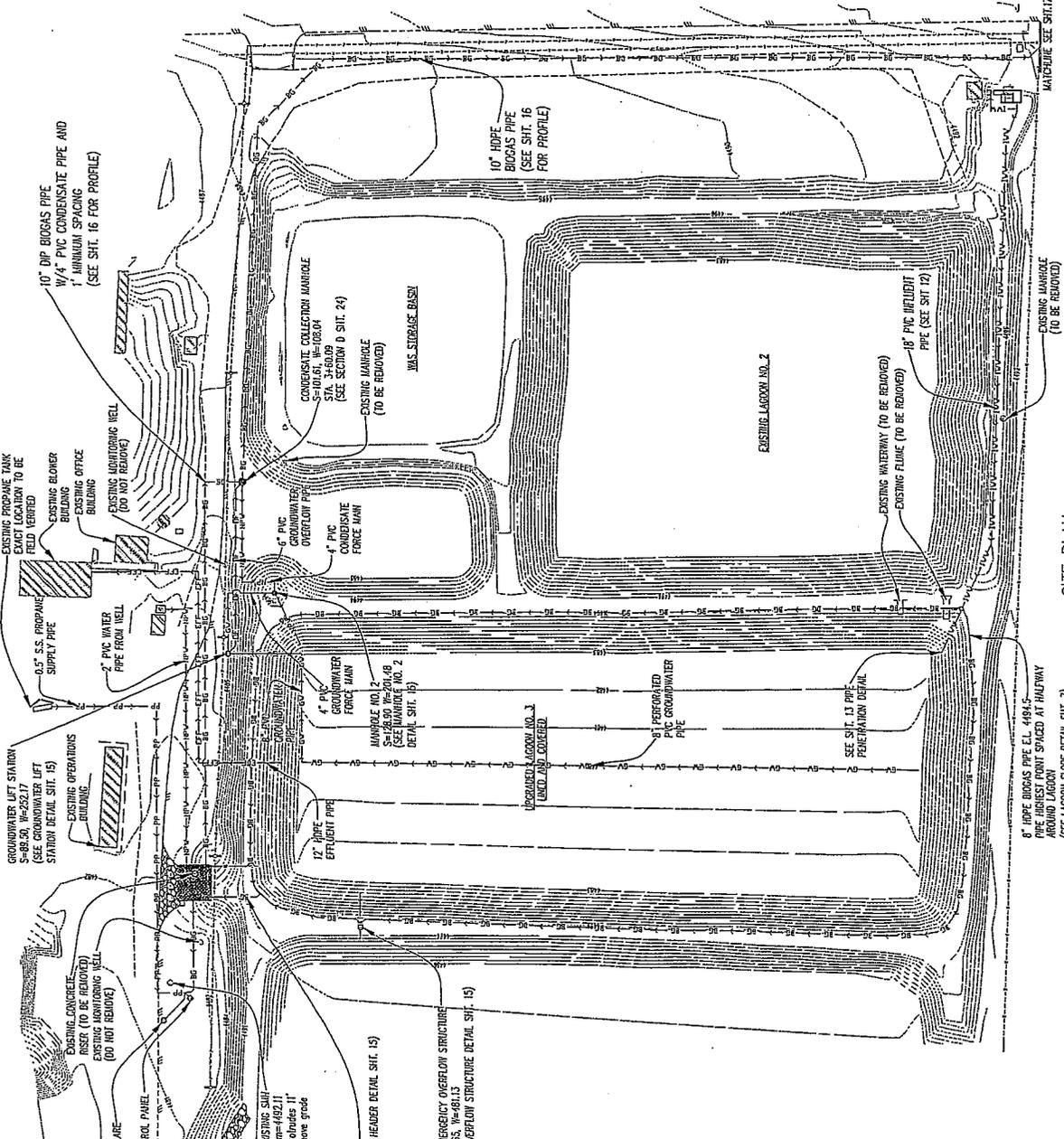


TYPICAL X-SECTION
 NOT TO SCALE

8" PVC PERFORATED PIPE WITH 3/8" HOLES EXTEND FROM CENTER OF LAGOON NORTH TO CHRONOWATER LIFT STATION



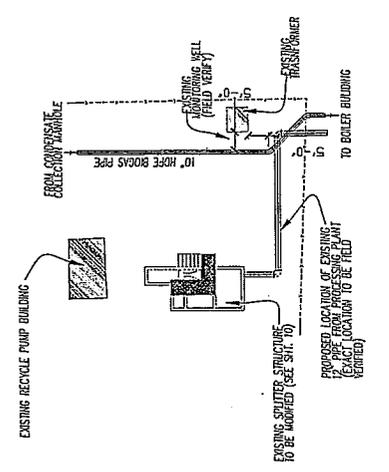
DATE	BY	DESCRIPTION
04/10/12	110701	FOR LAGOON NO. 3
03/21/12	110701	LAND USE CHANGES
03/21/12	110701	LAND USE CHANGES



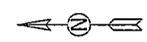
APPROVED FOR
 BIDDING
 4/26/2012

SITE PLAN
 SCALE 1" = 50'

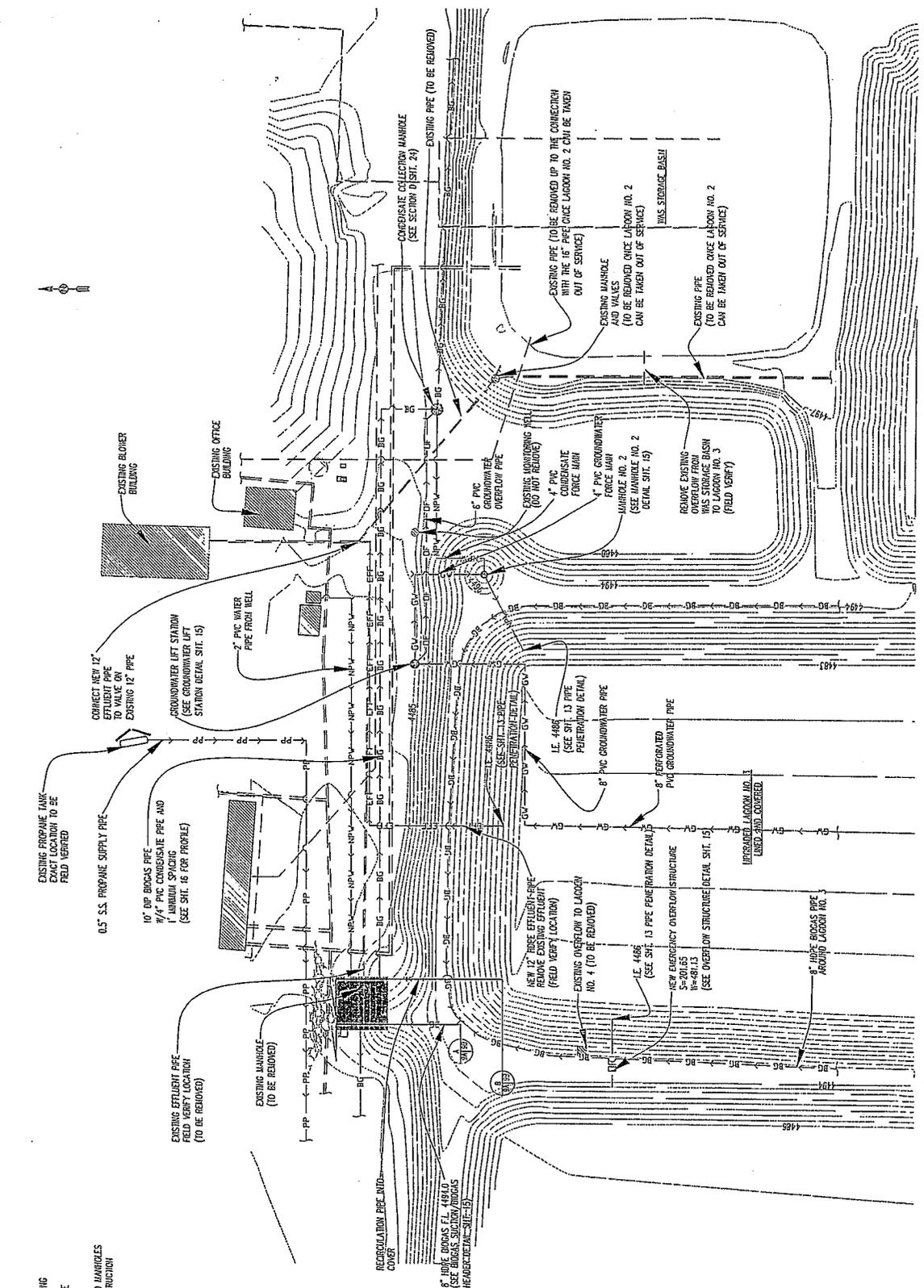
- NOTE:
1. FOR ALL ITEMS SHOWN AS TO BE REMOVED, REFER TO CONSTRUCTION SEQUENCE IN SPECIFICATIONS.
 2. ALL CONSTRUCTION AREAS ARE TO BE CENTER OF THE STRUCTURE/OBJECT UNLESS SPECIFIED OTHERWISE.
 3. ALL ABOVE GROUND PIPES WILL BE FLANGED AND ALL BELOW GROUND PIPES WILL BE BELL AND GASKET UNLESS OTHERWISE NOTED.
 4. ABANDON ALL EXISTING PIPES AND MANHOLES UNLESS REQUIRED FOR NEW CONSTRUCTION.



DETAIL OF BIOGAS PIPING AT TRANSFORMER
 SCALE 1" = 30'



APPROVED FOR BIDDING
 4/26/2012



- NOTE:
1. ALL EXISTING PIPES ARE REPRESENTED WITH DASHED LINES
 2. LOCATIONS AND DEPTHS OF EXISTING PIPES TO BE FIELD VERIFIED
 3. ALL ABOVE GROUND PIPES WILL BE PLACED 18\"/>
 - 4. ABANDON ALL EXISTING PIPES AND MANHOLES UNLESS REQUIRED FOR NEW CONSTRUCTION

UPGRADED LAGOON NO. 3
 SCALE 1" = 30'

SCALE TO FIELD

THE WELLS RESOURCE, LLC

3508 HATHORNE AVE.
OHARA, NE 68131
PHONE: 402-556-4504
WWW.WELLSRESOURCE.COM

DATE: 04/26/12
PROJECT NO: 110701
SHEET: 0 B



JBS USA HYRUM
UPGRADE OF
ANAEROBIC LAGOON #3

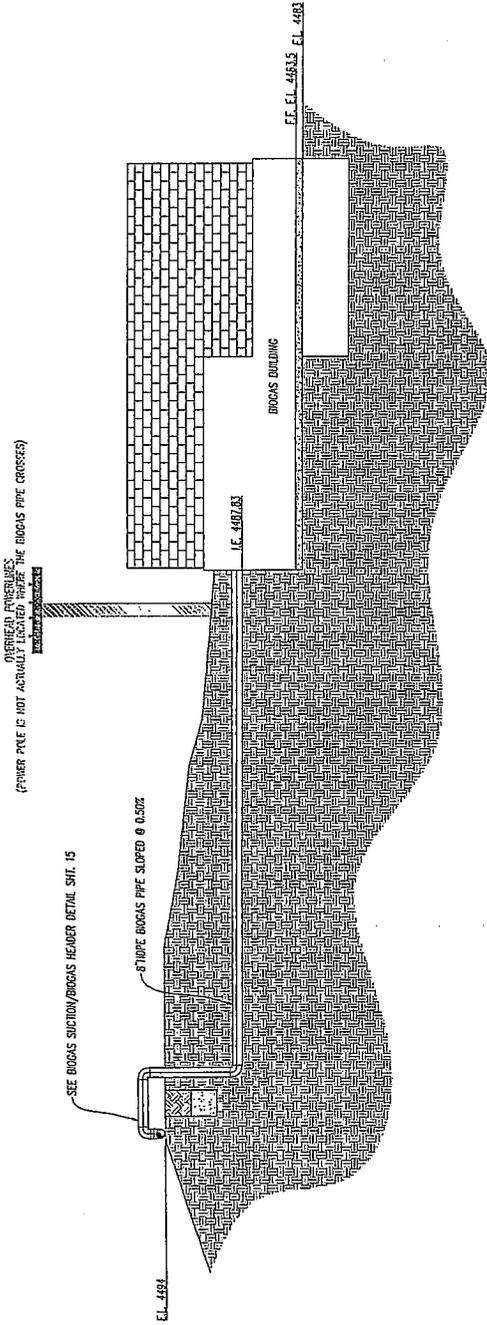
PROJECT

DATE: 04/26/12
PROJECT NO: 110701
SHEET: 0 B

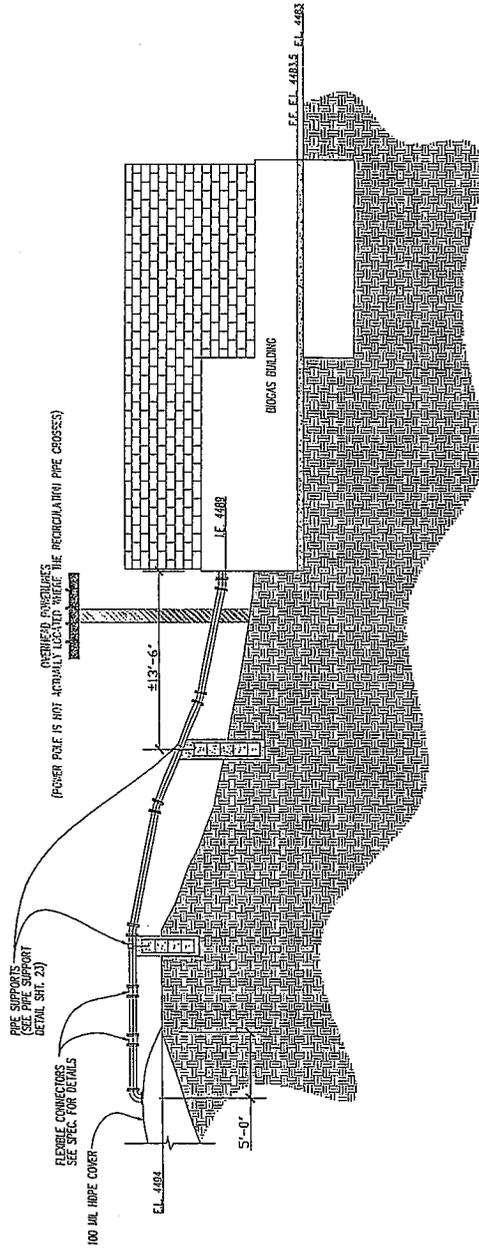
BIOGAS PIPE TO
BIOGAS BUILDING

APPROVED FOR
BIDDING
4/26/2012

SCALE TO TYPICAL

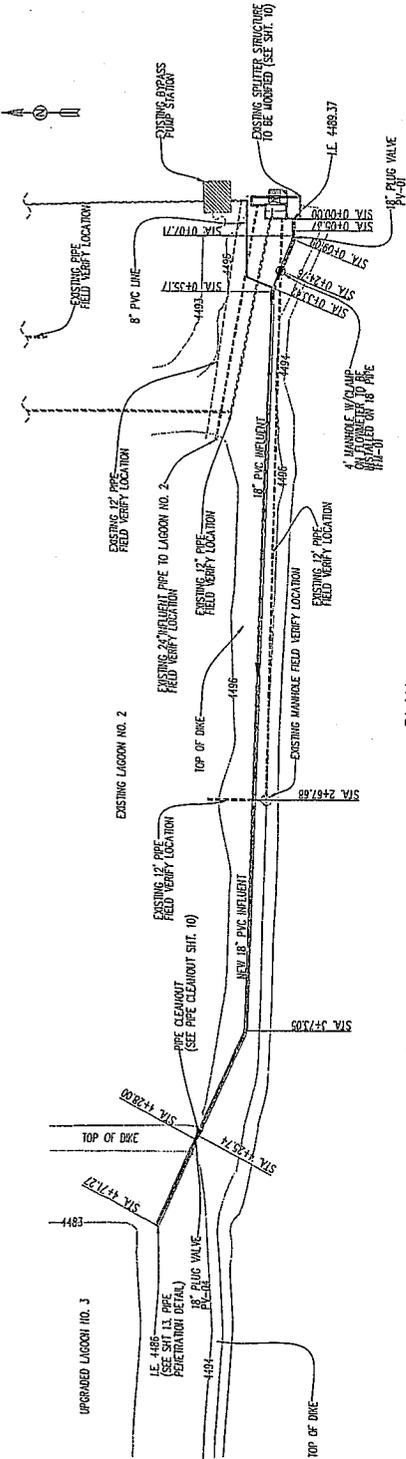


BIOGAS PIPE DETAIL
SCALE 1"=5.0'

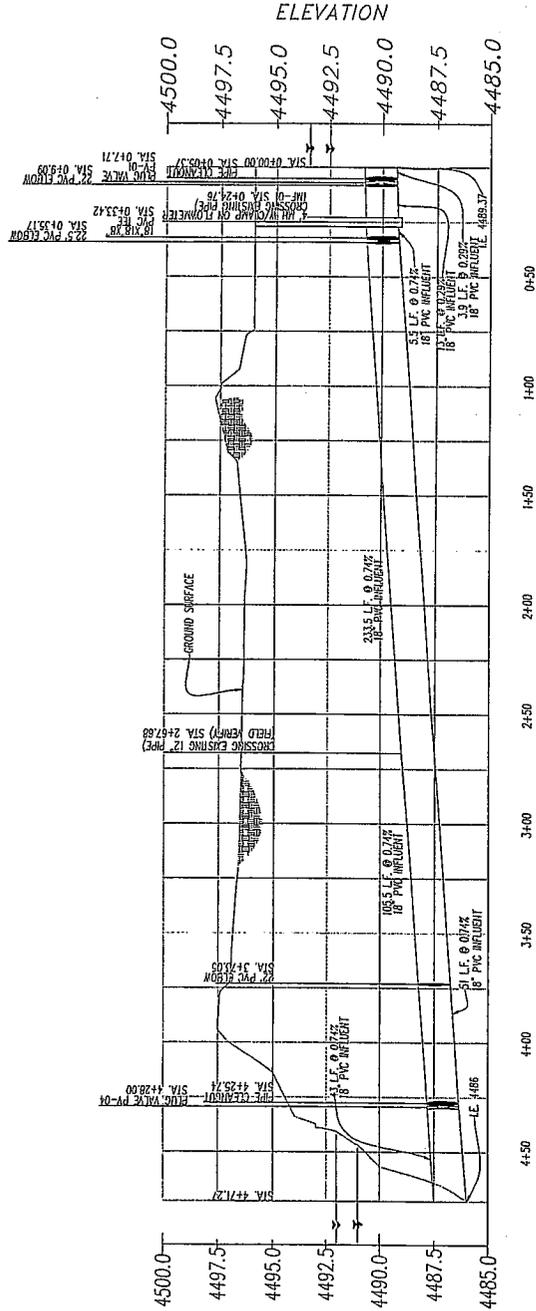


RECIRCULATION PIPE DETAIL
SCALE 1"=5.0'

- NOTE:
1. ALL EXISTING PIPES ARE REPRESENTED WITH DASHED LINES
 2. ALL BELOW GROUND PIPES WILL BE CONSTRUCTED WITH 12" PVC
 3. MANHOLE AND EXISTING PIPES AND MANHOLES UNLESS REQUIRED FOR NEW CONSTRUCTION



PLAN



PROFILE

NEW INFLUENT LINE TO MODIFIED ANAEROBIC LAGOON NO. 3
 SCALE HORIZONTAL 1"=30'
 SCALE VERTICAL 1"=3.0'

APPROVED FOR BIDDING
 04/26/2012

THE WELLS RESOURCE, LLC
 2368 W. 140TH AVE.
 OLYMPIA, WA 98512
 PHONE: 425-555-4504
 WWW.WELLSRESOURCE.COM



JBS USA HYRUM
 UPGRADE OF
 ANAEROBIC LAGOON #3
 HYRUM, UTAH

REV	DATE	BY	CHKD
1	04/26/12	JBS	JBS
2	04/26/12	JBS	JBS

ANAEROBIC LAGOON NO. 3 INFLUENT LINE
 SHEET NO. 12 OF 12
 DATE: 04/26/12



Ordinance No. 2012-10 RDA

Logan, Utah

August 14, 2012

The County Council (the "County Council") of Cache County, Utah (the "County") met in regular public session at its regular meeting place in Logan, Utah, on Tuesday, August 14, 2012, at 5:00 p.m. The meeting was called to order by the Chairman of the County Council with the following being present, and constituting a quorum:

Craig W. Buttars	Chairman
Val Potter	Vice Chairman
H. Craig Petersen	Council member
Kathy Robison	Council member
Jon White	Council member
Cory Yeates	Council member
Gordon A. Zilles	Council member

Also present:

M. Lynn Lemon	County Executive
Jill N. Zollinger	County Clerk

After the meeting had been duly called to order and after other matters not pertinent to this Ordinance had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this August 14, 2012, meeting was presented to the County Council, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Ordinance was approved and adopted on the following recorded vote:

AYE: 7

NAY: 0

The Ordinance is as follows:

ORDINANCE NO. 2012-10

AN ORDINANCE OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH ADOPTING THE CACHE COUNTY PEPPERIDGE FARM PROJECT AREA PLAN, AND RELATED MATTERS.

WHEREAS, the Cache County Redevelopment Agency (the "Agency") is a community development and renewal agency (a public body, corporate and politic) duly created, established, and authorized to transact business and exercise its powers, all under and pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the "Act"); and

WHEREAS, the Agency has authorized the preparation of a draft Cache County Pepperidge Farm Project Area Plan (the "Plan"), hereby incorporated by reference, for a Community Development Project Area (the "Project Area") located north of Richmond, Utah on property owned by Pepperidge Farm, Inc. (parcels 09-043-0001 and 09-039-0002), the legal description of which is attached hereto as Exhibit B; and

WHEREAS, the Agency has prepared the Plan in order to promote community development and job creation within the Project Area and to increase the property tax base within the Project Area through the expansion of the Pepperidge Farm plant; and

WHEREAS, pursuant to the Act, the Agency held a public hearing to receive comment regarding the Plan on June 12, 2012, and provided notice of such hearing in accordance with the Act; and

WHEREAS, the Agency has found and determined that the adoption of the Plan will: (a) satisfy a public purpose, (b) provide a public benefit as shown by the analysis in the Plan, (c) be economically sound and feasible, (d) conform to the general plan of Cache County, and (e) promote the public peace, health, safety, and welfare of the community in which the Project Area is located; and

WHEREAS, by resolution adopted July 31, 2012, the Agency has approved the Plan, without revision, as the community development project area plan for the Project Area; and

WHEREAS, pursuant to the Act, the County Council of Cache County, Utah (the "County Council") now desires to adopt the Plan as approved by the Agency;

NOW, THEREFORE, THE COUNTY COUNCIL OF CACHE COUNTY, UTAH ORDAINS AS FOLLOWS:

Section 1. All terms defined in the recitals hereto shall have the same meaning when used herein. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the County Council and County officers and by the Board of Directors and Agency officers directed toward the preparation of the draft Plan are hereby ratified, approved, and confirmed.

Section 2. The County Council hereby finds and determines that the adoption of the Plan will: (a) satisfy a public purpose, (b) provide a public benefit as shown by the analysis in the Plan, (c) be economically sound and feasible, (d) conform to the general plan of the County, and (e) promote the public peace, health, safety, and welfare of the community in which the Project Area is located.

Section 3. The County Council hereby adopts the Plan for the Project Area, the legal description of which is attached hereto as Exhibit B, and designates the Plan as the official community development plan of the Project Area.

Section 4. Immediately after its adoption, this Ordinance shall be signed by the Chairman and attested by the County Clerk and shall be recorded in the ordinance book kept for that purpose. A summary of this Ordinance, in substantially the form attached hereto as Exhibit C, shall be published (A) one time in the Herald Journal, a newspaper of general circulation within the Agency's and County's boundaries, (B) on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (C) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, with such publication to take place as soon as possible after the adoption of this Ordinance; and shall cause a copy of this Ordinance (together with all exhibits hereto) and the Plan to be kept on file in the office of the County Clerk for public examination during the regular business hours of the County Clerk for a period of at least thirty (30) days from and after the last date of publication thereof. This Ordinance shall take effect immediately upon its passage and approval and publication as required by law, but in no event earlier than 15 days after its passage.

Section 5. The appropriate officers of the County and the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 6. If any one or more sections, sentences, clauses, or parts of this Ordinance shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

All resolutions or ordinances of the County in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, ordinance, by-law or regulation, or part thereof, heretofore repealed.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS
 AUGUST 14, 2012.

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7	0	0	0



CACHE COUNTY

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

ATTEST:

Jill N Zollinger
 Jill N Zollinger, County Clerk

Publication Date: August 29, 2012

Pursuant to motion duly made and seconded, the County Council adjourned.



By: Craig W Butters
Chairman

ATTEST:

By: Josh Zollinger
County Clerk

STATE OF UTAH)
) ss.
COUNTY OF CACHE)

I, Jill N. Zollinger, the duly qualified and acting County Clerk of Cache County, Utah (the "County"), do hereby certify according to the records of the County in my possession that the foregoing constitutes a true, correct, and complete copy of the minutes of the regular meeting of the County Council of the County (the "County Council ") held on August 14, 2012, as it pertains to an ordinance (the "Ordinance") adopted by the County Council at said meeting, including the Ordinance, as said minutes and Ordinance are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the County this August 14, 2012.



By: Jill N. Zollinger
County Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jill N. Zollinger, the undersigned County Clerk of Cache County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the August 14, 2012, public meeting held by the County Council of the County (the "County Council") as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the County on August 9, 2012, at least twenty-four (24) hours prior to the convening of the meeting; said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Herald Tribune, on August 9, 2012, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>).

In addition, the Notice of 2012 Annual Meeting Schedule for the County Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the County Council to be held during the year, by causing said Notice to be (i) posted on _____ at the principal office of the County Council, (ii) provided to at least one newspaper of general circulation within the County on _____, and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 14, 2012.



By: Jill N. Zollinger
County Clerk

[To be attached:]

SCHEDULE 1—NOTICE OF MEETING

SCHEDULE 2—NOTICE OF ANNUAL MEETING SCHEDULE

SCHEDULE J Notice of Meeting
CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

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

COUNTY COUNCIL
CRAIG "W" BUTTARS
VAL K. POTTER
JON WHITE
KATHY ROBISON
H. CRAIG PETERSEN
CORY YEATES
GORDON A. ZILLES

August 9, 2012

PUBLIC NOTICE is hereby given that the Cache County Council of Cache County, Utah will hold a Regular Meeting in the Cache County Historic Courthouse, County Council Chambers, 199 North Main, Logan, Utah 84321 at 5:00 p.m. on TUESDAY, AUGUST 14, 2012.

AGENDA

3:30 p.m. WORKSHOP - USE OF RURAL 2 (RU-2) ZONE

- 5:00 p.m.
1. Call to Order
 2. Opening / Pledge – M. Lynn Lemon
 3. Review and Approval of Agenda
 4. Review and Approval of Minutes (July 31, 2012)
 5. Report of County Executive
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. Consent Agenda
 7. Items of Special Interest
 - a. Presentation of 2011 Audit – Mike Kidman
 - b. Native Trout Restoration Project – Matt McKell, State Division of Wildlife Resources
 8. Unit or Committee Reports
 9. Budgetary Matters
 10. Public Hearings, Appeals and Board of Equalization Matters
 - a. Set Board of Equalization Dates
 - b. Set Public Hearing for August 28, 2012 at 5:30 p.m. – Armor Storage Hyrum Rezone
Marshall Saunders requesting approval of a rezone from the Agriculture (A-10) Zone to the Industrial Manufacturing (IM) Zone of four parcels; a total of 24.82 acres located approximately 50 West 4400 South, north of Hyrum
 - c. Public Hearing – *Sierra Estates Rezone* – Michael Burton requesting approval for a rezone of a 10.57 acre property in the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone located approximately 10525 South Old Highway 1685, south of Paradise
- 5:30 p.m.*

11. Pending Action

- a. *Ordinance 2012-09* – Implementation of a Vehicle Emissions and Maintenance Program in Cache County
- b. Approval of Employee Compensation Committee Recommendations
- c. Recommendations for County 401k Contributions

12. Initial Proposal for Consideration of Action

- a. **Urban Development: Swift Beef Upgrade Pond 3 Conditional Use Permit** – Don Summit requesting approval of a conditional use permit to allow the lining and capping of an existing sewage treatment pond on 70.17 acres in the Agriculture (A-10) Zone and Public Infrastructure (PI) Overlay Zone located approximately 4195 South 1200 West, between Nibley and Hyrum
- b. **Design Exception: Subdivision Amendment: Benson Country Estates** – Tom Willmore requesting an amendment to the unrecorded Benson Country Estates Subdivision to allow a design exception to the Manual of Roadway Design and Construction Standards as regarding the required shoulder width for the portion of the roadway along the frontage of said subdivision
- c. *Ordinance 2012-10* – Adopting the Cache County Pepperidge Farm Project Area Plan, and Related Matters
- d. *Ordinance 2012-11* – Spring Ridge Estates Rezone – Justin & Steven Taylor requesting approval for a rezone of 349 acres from the Agriculture (A-10) Zone to the Rural 2 (RU-2) Zone located approximately 2150 North 8000 West, Petersboro

13. Other Business

- a. Meeting with Senator Hatch – August 21, 2012 at 12:00 p.m.
- b. Wellsville Founders' Day Parade – September 3, 2012 at 10:00 a.m.
- c. River Heights Apple Day Parade – September 22, 2012 at 3:30 p.m.

14. Council Member Reports

15. Adjournment


Craig "W" Buttars, Chairman

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

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

Notice of Annual Meeting Schedule
CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

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

COUNTY COUNCIL
JON WHITE
CRAIG "W" BUTTARS
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBISON
VAL K. POTTER
GORDON A. ZILLES

NOTICE OF THE ANNUAL CACHE COUNTY COUNCIL MEETING AND COUNTY OFFICES HOLIDAY SCHEDULE

PUBLIC NOTICE is hereby given that the 2012 meeting schedule of the Cache County Council is as follows:

JANUARY	10 and 24	JULY	10 and 31
FEBRUARY	7 and 28	AUGUST	14 and 28
MARCH	13 and 27	SEPTEMBER	11 and 25
APRIL	10 and 24	OCTOBER	9 and 23
MAY	8 and 22	NOVEMBER	13 and 27
JUNE	12 and 26	DECEMBER	4 and 11

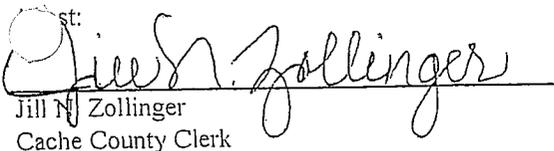
Regular meetings of the Council will be held in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 beginning at 5:00 p.m. unless notice is given otherwise. Special and emergency meetings may be called as necessary pursuant to Utah State law.

The following legal holidays will be observed in 2012 by Cache County Government. County offices, except emergency services, shall be closed on these days:

JANUARY	2	Monday	New Year's Day
JANUARY	16	Monday	Dr. Martin Luther King, Jr. Day
FEBRUARY	20	Monday	Washington and Lincoln Day
MAY	28	Monday	Memorial Day
JULY	4	Wednesday	Independence Day
JULY	24	Tuesday	Pioneer Day
SEPTEMBER	3	Monday	Labor Day
OCTOBER	8	Monday	Columbus Day
NOVEMBER	12	Monday	Veteran's Day
NOVEMBER	22	Thursday	Thanksgiving Day
NOVEMBER	23	Friday	Personal Preference Day
DECEMBER	24	Monday	Christmas Eve (County offices will close at noon)
DECEMBER	25	Tuesday	Christmas

And all days which may be set apart by the President of the United States, or the governor of the State of Utah by proclamation as days of fast or thanksgiving shall also be observed as legal holidays.

Witness my hand and official seal this 22nd day of November, 2011.

st:

Jill N. Zollinger
Cache County Clerk



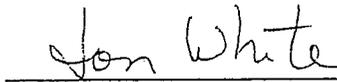

Jon White, Chairman
Cache County Council

EXHIBIT B

LEGAL DESCRIPTION OF PROJECT AREA

Parcel 09-039-0002

BEG AT SW COR SEC 22 T 14N R 1 N 35' E 110 FT N'LY ALG CENTER OF CUB RIVER N 50°16'50" E 168.63 FT N 15°12'20" W 158.442 FT TH N 89°28' E 127.5 FT N 31' W 672.2 FT S 89°41'30" E 887.5 FT N 1°22'10" W 678.04 FT N 80°50' W 204.8 FT N 1°18'30" W 1064 FT S 84°18'30" E 1479.5 FT S 2°51' E 369.7 FT N 83°21' E 225.8 FT S 82°50' E 175.8 FT S 4°11'40" W 244.32 FT N 54°21' E 190.7 FT S 81°09' E 122.8 FT S 65°18' E 265.5 FT S 72°50' E 288.8 FT S 33°10' E 145.6 FT S 80°26' E 113.4 FT N 20°59' E 102.1 FT N 55°54' E 94.1 FT S 61°42' E 274.9 FT S 77°15' E 152.4 FT N 12°36' E 789.5 FT N 89°26' E 750.6 FT TO R OF W OF UP RR S 17° W 2750 FT W 4380 FT TO BEG CONT 228.25 AC ALSO BEG S 1°33' W 3614.51 FT & N 89°53' W 651 FT FROM INTRSEC OF S R OF W OF CO HWY& W R/W OF HIGHWAY 91 N 89°53' W 673 FT S 24' E 240 FT W 270 FT N 17° E 3178 FT ALG R/W OF UP RR TO E LINE SD SEC 22 S 2805 FT TO BEG CONT 29.49 AC TOTAL 257.74 ACRE C2374

Parcel 09-043-0001

BEG IN W LN OF HWY 91 S 1°33' W 439.8 FT FROM INTERSEC OF S LN OF CO ROAD S-252 & W LN OF HWY 91 (SD INTERSEC BEING S 6 RDS & E 46.33 RDS FROM NW COR OF S/2 OF NW/4 SEC 23 T 14N R 1E) & TH S 1°33' W 760 FT ALG HWY TH W 165 FT TH S 1°33' W 2434.71 FT TH N 89°53' W 486 FT TO W LN OF SEC 23 T 14N R 1E TH N 2805 FT TO E LN OF UP RR TH NE'LY 390 FT TO PT N 88°22' W 628.6 FT OF BEG TH S 88°22' E 628.6 FT TO BEG CONT 40.92 AC LESS: PARCEL TO UDOT FOR HWY 91 ENT 863477 CONT 0.47 AC NET 40.45 AC

EXHIBIT C

SUMMARY OF ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday, August 14, 2012, the County Council of Cache County, Utah (the "County Council"), adopted an ordinance (the "Ordinance") adopting the Cache County Pepperidge Farm Project Area Plan (the "Plan") for a Community Development Project Area (the "Project Area") located north of Richmond, Utah on property owned by Pepperidge Farm, Inc. and designating the Plan as the official community development plan of the Project Area. The County Council found and determined that the adoption of the Plan will: (a) satisfy a public purpose, (b) provide a public benefit as shown by the analysis in the Plan, (c) be economically sound and feasible, (d) conform to the general plan of Cache County, Utah and (e) promote the public peace, health, safety, and welfare of the community in which the Project Area is located. The County Council members that voted in favor of the Ordinance are as follows: 7 and those that voted against the Ordinance are as follows: 0.

Complete copies of the Ordinance and the Plan are available for general public inspection in the office of the Cache County Clerk at the Cache County offices at 199 North Main, Logan, Utah, where they may be examined during regular business hours of the County Clerk from 8:00 a.m. to 5:00 p.m., Monday through Friday for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the Plan or the procedure used to adopt the Plan and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

DATED this 14th day of August, 2012.

/s/ Jill N. Zollinger

Cache County Clerk