

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
MARCH 26, 2013**

**CACHE COUNTY COUNCIL  
MARCH 26, 2013**

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**CACHE COUNTY COUNCIL MEETING**  
**March 26, 2013**

The Cache County Council convened in a regular session on March 26, 2013 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

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

**The following individuals were also in attendance:** Janeen Allen, Ilda Berge, Todd Beutler, Mayor Clair Christiansen, Rosemary Christiansen, Denise Ciebien, Aaron Dickey, Bryan Dixon, Jeff Gilbert, Kendon Godfrey, Tyler Godfrey, Issa Hamud, Chris Harrild, Heidi Hodgson, Julie Hollist, Sharon L. Hoth, Kellie Jessup, Dave Nielsen, John Powell, Alexandra Rasband, Tim Rawlings, Tasha Reilley, Director Josh Runhaar, Mekenzi Staples, Annette Summers, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member Yeates 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, 7-0.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Buttars to approve the minutes of the March 12, 2013 Council Meeting as written. White seconded the motion. The vote was unanimous, 7-0.

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

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** There were no warrants.

**OTHER ITEMS:**

- CCCOG (Cache County Council of Governments)** – Executive Lemon presented the Council with a schedule from CCCOG for the transportation funding projects. The application and decision processes will be completed in time to present recommendations to the Council some time in June. The

CCCOG placed the completion of the 1700 South Street as a first priority and there will be over \$1.2 million remaining for other applications.

- **CMAQ (Community Multiscale Air Quality)** – Lemon distributed a schedule for applying for CMAQ funding and indicated the Health Department will be making application. Others may be applying for diesel retrofits, air conversions to natural gas, etc.

### ITEMS OF SPECIAL INTEREST

- **Cache Valley Transit District – Aaron Dickey and Todd Beutler** gave an update on the operations and growth of the Transit District over the past year. In response to Chairman Potter's question about expansion plans; Dickey said that is not an option presently due to costs; however, plans are in the works if funding becomes available.

Vice Chairman Petersen complimented Beutler for his work with the District.

#### (Attachment 1)

- **Countywide Home Travel Survey Results – Jeff Gilbert** reviewed the results of the countywide survey completed April through June of 2012. The data was fed to a travel demand model used to predict future travel demand as well as modeling of air quality. Other data collected identified about 500 locations in the valley that pose bicycle or pedestrian barriers.

### UNIT OR COMMITTEE REPORTS

- ★ **Weed Department – Joel Merritt** asked the Council if there were any questions concerning the weed policy document. Merritt shared a video describing problems with how invasive species are introduced into the county, proposed protection of aquatic and range lands and habitat and recreation lands. Goat's rue and purple loosestrife are a couple of major weed campaigns for the coming summer. Merritt cited early detection and rapid response as the best weed management.

Council member White praised Merritt's accomplishments.

- ★ **Cache Valley Visitors Bureau – Julie Hollist** reported that the Transient Room Tax (TRT) was up in 2012; however, occupancy rate was down a little. Hollist attributed this to the absence of the Ruby Pipeline workers. There were 18,445 requests for information in 2012 and mailings when to every state and 77 countries. The Third Annual Winterfest was conducted with twenty-six events all over the valley. The legislature has approved \$12 million for tourism with more than \$2 million available in the pool this year for grants. Hollist gave thirteen presentations in five days on a Senior Citizen recruiting trip to Arizona and Texas. Summer citizens have a significant economic impact on the local economy. Hollist is working on unifying groups and organizations in the valley for a mutual benefit, such as hotels that have shuttle services and conference centers or encouraging restaurants (as a group) to provide special deals for event attendees. Hollist foresees bigger

capacity nights for lodging due to Utah State University switching to the Mountain West Conference and an influx of Chinese tourists.

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

**ACTION: Motion by Council member Buttars 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**

- o **Property Tax Exemption Requests** *(Details are on file in the office of the Cache County Auditor)* – New applicants are:

Bear River Land Conservancy  
Center for Excellence in Higher Education, Inc.

Dave Rayfield answered questions Council members had concerning the Bear River Land Conservancy request stating they are a non-profit organization and the land is being used for education of groups/individuals and conserving riparian habitat. A threatened orchid species, *Spiranthes diluvialis* (Ute ladies' tresses), had some of its habitat destroyed during the construction of the Ruby Pipeline. It was found previously on the land the Conservancy wants a tax exemption on. The Conservancy hopes to document where the plant is growing on the property and develop and protect its habitat.

Council members asked if the Conservancy has applied for greenbelt status on the land. Rayfield said it has not.

**ACTION: Motion by Council member Robison to hold the request for a property tax exemption for the Bear River Land Conservancy for two weeks while the Conservancy applies for greenbelt status. The issue will be readdressed at the April 09, 2013 Council meeting. Buttars seconded the motion. The vote was unanimous, 7-0.**

- o **Property Tax Exemption Requests** *(Details are on file in the office of the Cache County Auditor)* – Applicants for a continuation of exemption – see Attachment 2.

**(Attachment 2)**

**ACTION: Motion by Council member White to approve the Property Tax Exemption Requests with the exception of the Bear River Conservancy Land request. Zilles seconded the motion. The motion passed, 6 aye – Buttars, Petersen, Potter, Robison, White & Zilles and 1 nay – Yeates.**

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

**PUBLIC HEARING SET: APRIL 09, 2013 – 5:30 P.M. – ORDINANCE NO. 2013-08-AMENDMENTS TO TITLE 17 – 17.22-Off-Street Parking Standards**

**ACTION: Motion by Council member Zilles to set a Public Hearing – April 09, 2013-5:30 p.m.-Ordinance No. 2013-08-Amendments to Title 17 – 17.22-Off-Street Parking Standards. Buttars seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- **North Valley Landfill Site – Access Route** – Chairman Potter received a letter from Mayor Watts and emails have been received from other interested parties. Potter recommended the Council delay a decision until they have driven each of the routes. Buttars agreed and said he would like to get an idea on the number of homes on each route and the speed limits. Potter noted that safety is also a concern on the various routes.

Council member White posed the question, “How can we bar anyone from using a public road?”

Chairman Potter asked how much authority does the Council have? Is this going to be a recommendation or a mandated route?

Responding to a Council question, Director Runhaar stated the conditional use permit will not choose a route. All that is needed for the permit is an access and any of the routes meet that criterion. Executive Lemon and Council member Robison observed that the citizens in the area of the landfill were assured that the route would be decided during the conditional use permit process.

Vice Chairman Petersen commented that Cache County has another interest – the Solid Waste Advisory Board. Can the Board mandate a route?

Council member Robison asked Attorney Swink what legal authority the Council or the Solid Waste Advisory Board has regarding the route choice?

Swink said he will research the issue and send a memorandum to the Council on his findings.

Petersen asked Issa Hamud, from Logan City, the number of truck trips that will come to the landfill.

Hamud replied there will be two types of trucks – collection trucks from all the northern areas of the county going to the North Valley Landfill and those trucks coming from transfer station to the North Valley Landfill. From Hyde Park north one day a week there will be up to 70 trucks (35 each way) coming from all over the northern areas to the landfill. The other five days there will be fourteen trucks (seven out and seven in) going from the transfer station to the landfill.

Hamud prefers that drivers have the option of routes to use depending on weather, traffic, etc.

Council member Zilles stated that the one day a week trucks are already on the road for collection; the only increase is the fourteen trips a day from the transfer station to the landfill.

Petersen asked Hamud if it would be possible for the loaded trucks to use one route and return another way? Hamud replied that is possible, but not preferable.

In answer to Council member Buttars query, Hamud said collection trucks will be instructed to take the shortest route from wherever they are so State Road 142 might have all the trucks on it that day. Hamud also reminded the Council that no matter which route is selected, someone will be impacted.

The consensus of the Council was to follow Chairman Potter's recommendation to delay a decision until a visit to the sites and the County Attorney's legal opinion on the authority of the Council and/or the Solid Waste Advisory Board regarding a route choice.

**INITIAL PROPOSAL FOR CONSIDERATION**

- **Ordinance No. 2013-07 – Smithfield Canyon Estates Rezone** – Jake Young requesting approval for a rezone of 40 acres of property from the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone located approximately 2100 Canyon Road, east of Smithfield – Chris Harrild asked if the Council had any questions or concerns from the Public Hearing held on this rezone request at the March 12, 2013 Council meeting. Council member Buttars recognized Smithfield City Council member Monson's concern for pedestrian and bicycle traffic in the area of the rezone and anticipates solutions will be forthcoming as the area develops.

(Attachment 3)

**ACTION: Motion by Council member Buttars to approve Ordinance No. 2013-07 – Smithfield Canyon Estates Rezone. Yeates seconded the motion. The motion passed, 6 aye – Buttars, Petersen, Potter, Robison, Yeates & Zilles and 1 nay – White.**

**Ordinance No. 2013-07:** The motion passed 6-1.

	<u>BUTTARS</u>	<u>PETERSEN</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X		X	X	6
NAY					X			1
ABSTAINED								0
ABSENT								0

- **Approval of 2013 Cache County Weed Control Policy**

(Attachment 4)

**ACTION: Motion by Council member Yeates to approve the 2013 Cache County Weed Control Policy. White seconded the motion. The vote was unanimous, 7-0.**

- **Authorization for County Executive to sign Interlocal Agreement – Spillman Public Safety System** – Executive Lemon said this is an interlocal agreement which requires the Council to authorize his signature. This is a renewal of an agreement that has existed for many years.

(Attachment 5)

**ACTION: Motion by Council member Yeates to approve the authorization for County Executive to sign Interlocal Agreement – Spillman Public Safety System. Robison seconded the motion. The vote was unanimous, 7-0.**

- **Hardship Application** – Executive Lemon stated there is only one application and it looked acceptable to him. *(Details are on file in the office of the Cache County Auditor.)*

**ACTION: Motion by Council member Zilles to approve the Hardship Application. White seconded the motion. The vote was unanimous, 7-0.**

- **Property Tax Deferral Requests** – Executive Lemon explained the Council has the authority to defer taxes. The tax roll program only allows the county to keep the records for five years. Treasurer Jeppson asked Executive Lemon to consider asking applicants to pay the 2008 taxes with penalties and interest so the record is not lost and has to be tracked manually. Lemon presented ten additional requests for property tax deferral and asked the Council to approve that each pay the 2008 taxes including penalties and interest as requested by the Treasurer. If the tax is not paid within one year, the property goes up for sale. *(Details are on file in the office of the Cache County Auditor.)*

**ACTION: Motion by Council member White to approve the property tax deferral requests with the payment of the 2008 taxes with penalties and interest by the end of 2013. Zilles seconded the motion. The vote was unanimous, 7-0.**

- **Council Approval of 2012 Abatement Report** – Executive Lemon clarified that if qualified for the circuit breaker, the applicant receives 20% off the top, then the circuit breaker abatement is applied and then the indigent abatement based on income is applied. *(Details are on file in the office of the Cache County Auditor.)*

**ACTION: Motion by Council member Yeates to approve the 2012 Abatement Report. White seconded the motion. The vote was unanimous, 7-0.**

#### **OTHER BUSINESS**

- ✓ **UAC Management Conference – April 10-12 @ Utah Valley Convention Center, Provo** – Lemon will attend.
- ✓ **Council Member visits to Logan Regional Hospital, Sunshine Terrace and Cache Valley Community Health Center – April 09, 2013** – Council members Robison and White will visit Sunshine Terrace, but proposed the date of

April 11, 2013; Robison and Yeates will visit the Cache Valley Community Health Center, but proposed the date of April 11, 2013; Chairman Potter and Vice Chairman Petersen will visit Logan Regional Hospital on April 09, 2013 at 3:00 p.m.

### **COUNCIL MEMBER REPORTS**

**Kathy Robison** asked if an update on the proposed land exchange for a new high school will be on a future agenda? Chairman Potter said he, Executive Lemon, Mayors of affected cities and Cache County School District representatives will be meeting to discuss how to make the proposal work.

**Craig "W" Buttars** received an email from the Chairman of the RAC and there will be a decrease in the funding received from Secure Rural Schools due to sequestration. He will keep the Council apprised.

**Jon White** said that three doctors have turned down the opportunity to work at Logan Regional Hospital citing air pollution concerns.

**H. Craig Petersen** asked where Bear River Health Department is in terms of planning for the vehicle emissions testing program? Executive Lemon said they presented the costs to the CMPO and the Board of Health will be meeting to look at the numbers and there may be a proposal back soon. Chairman Potter asked for a status report by the April 09, 2013 Council meeting.

**Gordon Zilles** said he is impressed with how far along the pipeline is in the Logan Canyon. Zilles also reported the trails the county has been working on are almost completed and complimented Director Runhaar for his efforts.

Executive Lemon observed there has also been much accomplished on the restoration project on the Blacksmith Fork River.

**Val Potter** asked the status of the RAPZ applications. Lemon said there will be a recommendation from the committee by the April 23, 2013 Council meeting.

### **ADJOURNMENT**

The Council meeting adjourned at 7:27 p.m.

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

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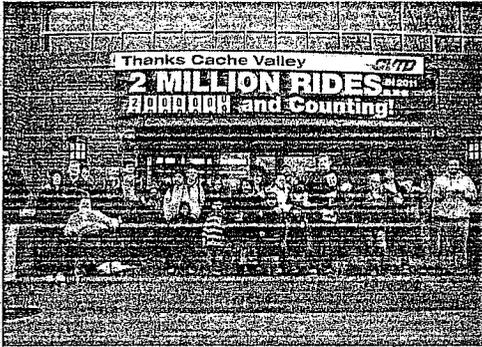
**APPROVAL:** Val Potter  
Chairman

# CACHE VALLEY TRANSIT

Bringing Communities Together

CITY COUNCIL REPORT

2012 review



The Cache Valley Transit District provided over 2 million trips in 2012 for the 2<sup>nd</sup> consecutive year. Ridership grew by 1.8% on fixed route to 2,101,718 and grew by 5.5% on paratransit to 28,700.

Ridership on fixed routes averaged 40.01 passengers on every bus for every hour of service provided. This is more than double the average of comparable systems nationally.

## CVTD BOARD OF TRUSTEES MISSION:

The mission of the Cache Valley Transit District is to become the premier public transportation agency, serving the Cache Valley region with excellence and the highest quality of service.

## VALUE STATEMENTS:

The Cache Valley Transit District is committed to maintaining and enhancing the region's quality of life by:

- Delivering reliable and safe public transit services
- Offering innovative services that reduce the dependency on the automobile
- Providing progressive leadership for the region's transportation needs
- Supporting efforts to improve air quality



## COUNTY BOARD MEMBER

Aaron Dickey, Board Vice President: [Aaron.dickey@zionsbank.com](mailto:Aaron.dickey@zionsbank.com)

Communities served by the District: Preston, ID, Lewiston, Richmond, Smithfield, North Logan, Logan, River Heights, Providence, Millville, Nibley, Hyrum

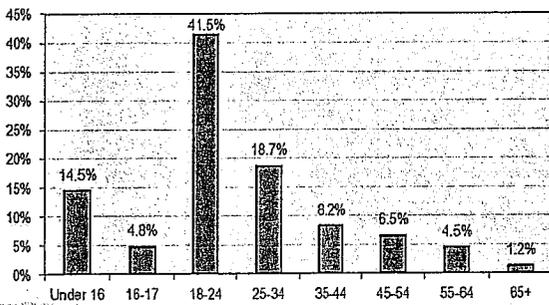
## CVTD BOARD MEETINGS

4<sup>TH</sup> WEDNESDAY AT 5:45 PM  
BATC MAIN CAMPUS RM 840  
1301 NORTH 600 WEST  
LOGAN, UTAH

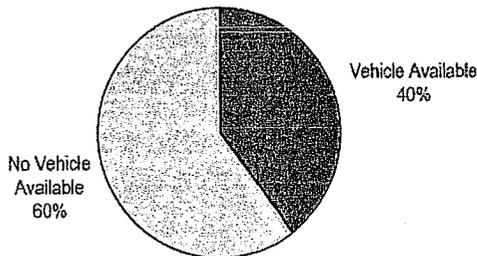
# CVTD AT A GLANCE

Source: 2,188 unique on-board surveys of bus passengers

## Age



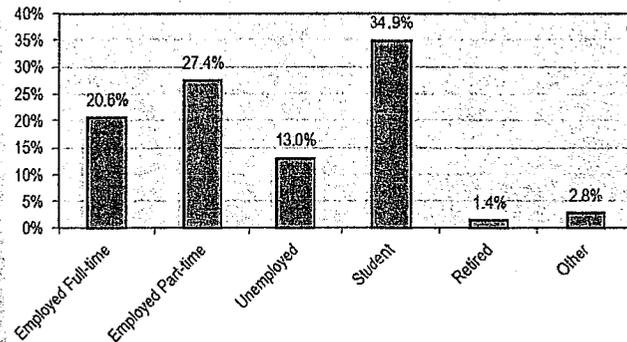
## Vehicle Availability



40% of riders indicate that they have a vehicle available yet choose to use CVTD.



## Employment Status



## CVTD SYSTEM PERFORMANCE

	Fixed Route Only		
	Annual Ridership	Annual Pass Per Hr	Annual Rev Hours
2007	1,720,117	30.36	56658
2008	1,929,992	34.47	55997
2009	1,792,273	33.62	53303
2010	1,898,848	35.87	52933
2011	2,063,909	38.79	53210
2012	2,101,718	40.01	52524

Ridership growth: 22.18%

Pass Per Hour growth: 31.79%

Passengers per hour is an industry standard measurement; defined as the average number of passengers on each bus in the entire system each hour.



**BRINGING COMMUNITIES TOGETHER**

## 2013 TAX EXEMPTION APPLICATIONS

STATUS	Non-Profit Corp Name
CLOSED	<b>American Red Cross Cache County Chapter</b>
CLOSED	<b>Mental Health System Inc</b>
PENDING	<b>BEAVER MOUNTAIN SKI PATROL</b>
PENDING	<b>BEAVER MOUNTAIN SKI PATROL</b>
PENDING	<b>CENTRO DE LA FAMILIA DE UTAH</b>
NEW	<b>Bear River Land Conservancy</b>
NEW	<b>Center for Excellence in Higher Education, Inc.</b>
CONTINUATION	<b>Alpine Church</b>
CONTINUATION	<b>American West Heritage Center</b>
CONTINUATION	<b>Assembly of God/Casa Del Alfarero</b>
CONTINUATION	<b>Bear River Head Start</b>
CONTINUATION	<b>Bear River Mental Health</b>
CONTINUATION	<b>Beaver Mountain Ski Patrol</b>
CONTINUATION	<b>Boy Scout of America - Logan Scout Shop</b>
CONTINUATION	<b>Boy Scouts of America Trapper Trails Council</b>
CONTINUATION	<b>Bridgerland Audubon Society</b>
CONTINUATION	<b>Bridgerland Community Ice Arena</b>
CONTINUATION	<b>Cache Community Food Pantry</b>
CONTINUATION	<b>Cache County Children's Justice Center (CJC)</b>
CONTINUATION	<b>Cache Employment and Training Center</b>
CONTINUATION	<b>Cache Humane Society Corp</b>
CONTINUATION	<b>Cache Valley Bible Evangelical Free Fellowship Church</b>
CONTINUATION	<b>Cache Valley Center for the Arts</b>
CONTINUATION	<b>Cache Valley Unitarian Universalists</b>
CONTINUATION	<b>CAPSA</b>
CONTINUATION	<b>Carl Inoway Senior Housing Corporation</b>
CONTINUATION	<b>Centro de la Familia de Utah</b>
CONTINUATION	<b>Child and Family Support Center</b>
CONTINUATION	<b>Church of Jesus Christ of Latter-day Saints c/o LDS Church Tax Division</b>
CONTINUATION	<b>Common Ground Outdoor Adventures</b>
CONTINUATION	<b>Community Nursing Services</b>
CONTINUATION	<b>Corporation of the Episcopal Church in Utah</b>
CONTINUATION	<b>Daughters of the Utah Pioneers Museum</b>
CONTINUATION	<b>DUP Log Cabin</b>
CONTINUATION	<b>Ebenezer Church of God</b>
CONTINUATION	<b>Emmanuel Baptist Church</b>
CONTINUATION	<b>English Language Center of Cache Valley, Inc</b>
CONTINUATION	<b>Faith and Fellowship Center</b>
CONTINUATION	<b>Family Institute of Northern Utah</b>
CONTINUATION	<b>Fast Forward Charter High School</b>
CONTINUATION	<b>First Presbyterian Church of Logan</b>
CONTINUATION	<b>Grace Baptist Church</b>
CONTINUATION	<b>Harmony Lodge #21 Free &amp; Accepted Masons of Utah</b>
CONTINUATION	<b>Holy Trinity Lutheran Church</b>

## 2013 TAX EXEMPTION APPLICATIONS

CONTINUATION	<b>Logan Church of Christ</b>
CONTINUATION	<b>Logan English Congregation of Jehovah's Witnesses</b>
CONTINUATION	<b>Logan Lighthouse Ministry</b>
CONTINUATION	<b>Mount Horeb Northwest Latin Conference IPHC</b>
CONTINUATION	<b>Neighborhood Nonprofit Housing Corporation</b>
CONTINUATION	<b>New Life Fellowship</b>
CONTINUATION	<b>Nordic United</b>
CONTINUATION	<b>North American Islamic Trust</b>
CONTINUATION	<b>Options for Independence</b>
CONTINUATION	<b>Planned Parenthood Assn of Utah</b>
CONTINUATION	<b>Prince of Peace Lutheran Church</b>
CONTINUATION	<b>Providence Place Housing Corporation c/o Danville Development Corp</b>
CONTINUATION	<b>Roman Catholic Diocese of SLC Real Estate Corp.</b>
CONTINUATION	<b>Second Baptist Church</b>
CONTINUATION	<b>Somebody's Attic</b>
CONTINUATION	<b>Spendlove Research Foundation</b>
CONTINUATION	<b>Stokes Nature Center</b>
CONTINUATION	<b>Thomas Edison Charter School</b>
CONTINUATION	<b>USU Research Foundation</b>
CONTINUATION	<b>Utah Festival Opera Company</b>
CONTINUATION	<b>Whittier Community Center</b>

# ORDINANCE NO. 2013-07

CACHE COUNTY, UTAH

## SMITHFIELD CANYON ESTATES REZONE

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### AN ORDINANCE AMENDING THE CACHE COUNTY ZONING MAP

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

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

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

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

WHEREAS, on February 7, 2013 at 5:40 P.M. the Planning Commission held a public hearing for the rezone of 40 acres of property from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on February 7, 2013 the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on March 12, 2013, 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments, and;

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

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

1. Statutory Authority.

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

2. Approval of Rezone.

The County Council hereby rezones the described portion of parcel number 08-019-0007 described within Exhibit A currently zoned as the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

3. Adoption of Amended Zoning Map.

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

4. Findings

- A. The location of the subject property is compatible with the purpose of the proposed Rural 5 zoning district and is appropriately served by suitable public roads, has access to necessary water and utilities, and has adequate public service provision.
- B. The subject property is suitable for development within the proposed Rural 5 zoning district without increasing the need for variances or special exceptions.
- C. The subject property is suitable as a location for all of the permitted uses within the proposed Rural 5 zoning district.
- D. The subject property, when used for the permitted uses in the Rural 5 zoning district, would be compatible with adjoining land uses.

5. Severability.

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

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

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

7. Exhibits.

- Exhibit A: Description/map of the affected parcel number 08-019-0007
- Exhibit B: Zoning Map of Cache County

8. Effective Date.

This ordinance takes effect on April 10<sup>th</sup>, 2013. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

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

APPROVED AND ADOPTED this 26<sup>th</sup> day of March, 2013.

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars	X			
White		X		
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6	1		

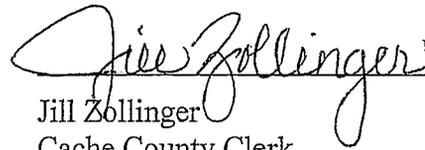
CACHE COUNTY COUNCIL



Val Potter, Chair  
Cache County Council



ATTEST:

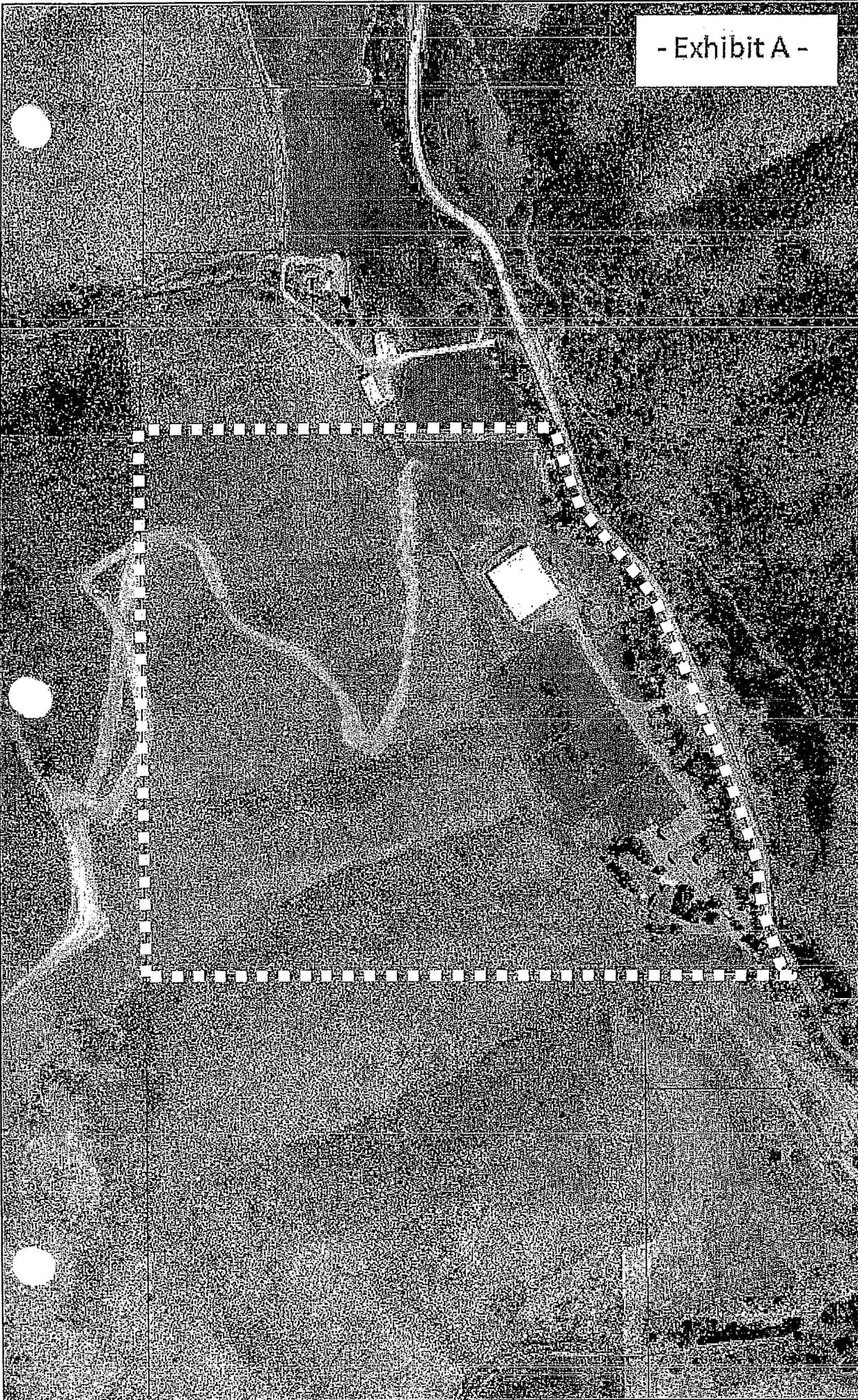


Jill Zollinger  
Cache County Clerk

Publication Date:

April 10th, 2013

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



- Exhibit A -

08-019-0007: THAT PART OF W/2 OF SE/4 & W 1 RD OF E/2 OF SE/4 SEC 13 T 13N R 1E LYING N & W OF CACHE CO ROAD CONT 40 AC

Note: Property lines on this map are for display purposes only, and are not legal representations.



1 inch = 344 feet



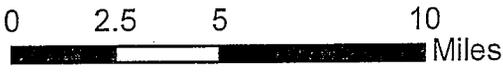
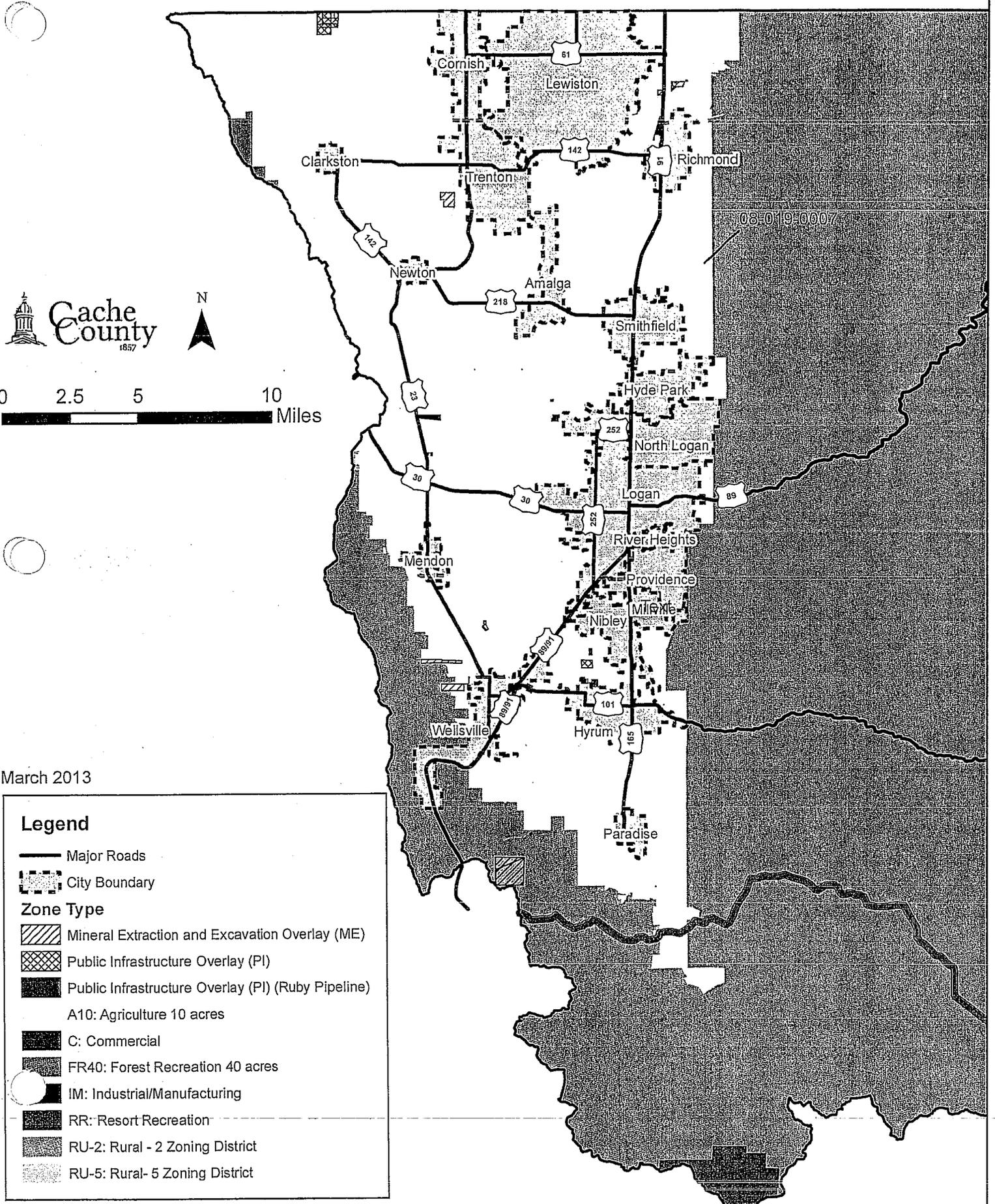
Cache County  
1857

DEVELOPMENT SERVICES

Parcels 2013 (Live)



# Exhibit B: Ordinance 2013-07 Zoning Map of Cache County



March 2013

**Legend**

- Major Roads
- City Boundary
- Zone Type**
- Mineral Extraction and Excavation Overlay (ME)
- Public Infrastructure Overlay (PI)
- Public Infrastructure Overlay (PI) (Ruby Pipeline)
- A10: Agriculture 10 acres
- C: Commercial
- FR40: Forest Recreation 40 acres
- IM: Industrial/Manufacturing
- RR: Resort Recreation
- RU-2: Rural - 2 Zoning District
- RU-5: Rural - 5 Zoning District

# 2013 CACHE COUNTY WEED CONTROL POLICY

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## STATEMENT OF INTENT

The Cache County weed control program will function in accordance with the 1971 Utah State Noxious Weed Act and Cache County Ordinance (79-11) to organize, supervise, and coordinate a noxious weed control plan for Cache County.

Cache County encourages all landowners to have a Weed Control Strategy and encourages commercial and private weed control efforts where possible. The county weed control personnel will help provide informational and organizational help when possible.

Current weed control practices will be used including chemical, biological, cultural and mechanical methods.

## ANNUAL COORDINATION MEETINGS

The County Weed Board shall initiate an annual coordination meeting each year. All organizations concerned with weed control should be invited to have a representative in attendance. The following agencies should be invited:

Utah Department of Transportation, U.S. Forest Service, Utah Division of Wildlife Resources, State Trust Lands, Utah Department of Agriculture and Food, Cache County Extension, Union Pacific Railroad, Pacific Corporation, Questar, irrigation companies and municipalities.

Cache County personnel from the Weed Department as well as the Road Superintendent and the County Executive should be in attendance. Any other interested parties or citizens should be notified of these meetings through a notice in the newspaper.

The purpose of the spring meeting will be to inventory and record current problem areas, discuss and record any new infestations, discuss effective weed control efforts, discuss and coordinate county priorities with the Cooperative Weed Management Area (CWMA) priorities, and plan and organize the year's weed control program.

The two midyear meetings will be held to discuss pressing weed control issues such as new weed discoveries, weed law violations, and enforcement.

Another meeting shall be held in the fall to inform the weed Board of the activities of the Weed Department for the past weed season and to discuss possible county priorities for the CWMA the following year. The *Annual Weed Progress Report* should be presented and a summary of the results of the summer's activities should be discussed.

## WEED CONTROL SERVICE AREA

Any individual, corporation, municipality, governmental agency, or organization owning, leasing, or controlling property within Cache County may request the services of the County Weed Department in accordance with weed control priorities established and approved by the Weed Board and the Cache County Council. All requests for agricultural crop spraying and residential yard and/or garden spraying will be referred to commercial applicators.

Property owners are encouraged to participate in the weed control process by locating, identifying and controlling specific infestations on their individual properties. The Weed Control Department reserves the right to schedule commercial application equipment when the County equipment is not available.

## WEED CONTROL PRIORITIES

1. Control of noxious weeds or any plant deemed a nuisance or hazard on county property.
2. Control of noxious weeds on steams, drainage, and irrigation systems. Also, control of non-noxious plants which impede the water flow in irrigation systems when that control can be accomplished as part of the noxious weed application.
3. Control of noxious weeds on non-crop land areas such as rangeland, wet pastures, fence lines, vacant land etc.

## CATEGORIES OF WEEDS

For the purpose of organizing and funding control programs, noxious and invading weeds are classified into four categories.

### A-PRIORITY WEEDS

Qualifications for this class include: Classified as noxious or invading; Less than 25 total acres in Cache County; Reasonable possibility for eradication; Accessible to spray equipment.

These weeds include: **Yellow Starthistle, Squarrose Knapweed, Dalmation Toadflax, Yellow Toadflax, Buffalobur, Black Henbane, Bermudagrass, Johnsongrass, St. Johns Wort and Sulfur Cinquefoil, Diffuse Knapweed.**

### B-PRIORITY WEEDS

Qualifications for this class include: Classified as noxious or invading; Poses significant threat to surrounding counties/states; Beyond expectation of eradication due to large acreage and/or poor access; still considered controllable with herbicide and/or biocontrol.

These weeds include, in order of priority: **Spotted Knapweed, Russian Knapweed, Goatsrue, Musk Thistle, Scotch Thistle, Perennial Pepperweed, Purple Loosestrife, Leafy Spurge, Medusahead, Velvetleaf, Puncturevine, Oxeye Daisy and Saltcedar (*Tamerix ssp.*)**

### C-PRIORITY WEEDS

Qualifications for this class include: Weeds that are well beyond expectation of eradication or control because infestation is widespread throughout Cache County, Utah and neighboring states.

These weeds include: **Canada Thistle, Field Bindweed, Quackgrass and Hound's Tongue. Poison Hemlock, Dyer's Woad, Hoary Cress (*Whitetop*)**

### SPECIAL PROJECT WEEDS

Under special circumstances Cache County Weed Department receives funding to do certain projects. In such circumstances, the Weed Department may subsidize a percentage of the project.

## NOXIOUS WEED SEED RESTRICTIONS

It shall be unlawful for any person, firm, or corporation to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which: Contain, either in part or in whole, any prohibited noxious weed seeds.

"Prohibited" noxious weed seeds are the seeds of any plant determined by Utah Commissioner of Agriculture and food to be injurious to public health, crops, livestock, land, or other property. (Utah Seed Law, R68-8)

**WEED CONTROL FEE SCHEDULE**

The following charges will be effective for the 2012 spraying season.

**1. GENERAL**

<b>LABOR/EQUIPMENT FEE</b>	\$45.00 per man hour
<b>HERBICIDE FEES</b>	Varies depending on herbicide

- 2. **A-PRIORITY WEEDS** – Projects where the Weed Department treats a majority of the weeds in this category a 50% discount will be given. \$40.00 minimum charge.
- 3. **B & C-PRIORITY WEEDS**-Property owners/managers and municipalities will be charged the fees for labor/equipment used to apply herbicides and the price of herbicide applied.
- 4. **SPECIAL PROJECT WEEDS**-Based upon funding available.
- 5. **A MINIMUM FEE** of \$40.00 will apply to all site visits made by Weed Department personnel and vehicles in response to requests for weed control, except as provided in category 2.
- 6. **LONG DISTANCE FEE**-Work performed in areas beyond the Logan City Boundaries will be charged a Long Distance Fee of \$5.00.

Requests for services or contracts with Cache County Weed Department which, due to distance, terrain, or special personnel requirements, create expenses not anticipated in the above guidelines (categories 1 through 5), will be negotiated on an individual basis with the County Weed Supervisor and, if necessary, the County Executive.

**PUBLICATION OF NOXIOUS SEED NOTICE**

Before May 1 of each year a general notice of the noxious weeds in the County must be posted in at least three public places in the County. The same notice must be published in a newspaper or other publication of general circulation within the County.

The following is a list of weeds declared noxious by the state Utah:

Bermudagrass	Yellow Starthistle
Field Bindweed (Morning Glory)	Quackgrass
Perennial Pepperweed (Tall Whitetop)	Russian Knapweed
Canada Thistle	Squarrose Knapweed
Dyer’s Woad	Diffuse Knapweed
Johnsongrass	Spotted Knapweed
Leafy Spurge	Hoary Cress (Whitetop)
Musk Thistle	Medusahead
Scotch Thistle	Purple Loosestrife
Oxeye Daisy	Hound’s Tongue
Sulfur Cinquefoil	

**The following weeds are declared noxious by Cache County:**

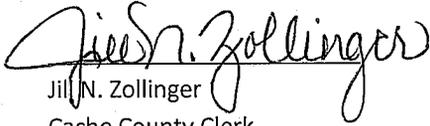
Goatsrue	Puncturevine
Poison Hemlock	

**NOTIFICATION OF PROPERTY OWNERS FAILING TO CONTROL WEEDS**

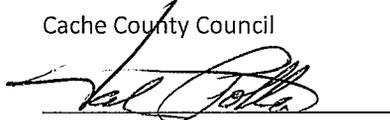
Property owners, or the person in possession of a piece of ground, may be given notice personally or by certified mail that the noxious weeds on their property must be controlled. The notice shall include the specific actions required to control weeds on the property and a specific time frame for completion. If no action is taken to remedy the situation, the property may be declared a public nuisance.

If the owner or person in possession of the property fails to take action to control the noxious weeds within five working days after the property is declared a public nuisance, the County Weed Department may, after reasonable notification, enter the property, without the consent of the person in control of the property and perform any work necessary to control the weeds. Any expense incurred by the County in controlling the noxious weeds is paid by the property owner or the person in possession of the property. These charges must be paid within 90 days after receipt of the charges, if not paid within 90 days after notice of the charges; the charges become a lien against the property and are collectible with the general property taxes.

ATTEST:

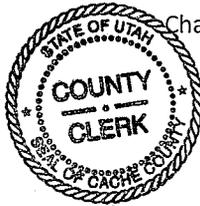
  
Jill N. Zollinger  
Cache County Clerk

Cache County Council



Val Potter  
Chairman

3-26-13  
Date



**LOGAN CITY POLICE DEPARTMENT/  
CACHE COUNTY SHERIFF'S OFFICE /  
INTERLOCAL AGREEMENT  
Spillman Public Safety System**

This agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, is executed pursuant to applicable governing laws.

This agreement replaces the interlocal agreement executed on 29 June, 2011.

The parties acknowledge they have read and understand the terms and conditions contained therein. This Agreement sets forth provisions identifying the distribution of responsibilities, system management, and software services to be performed by the LOGAN CITY POLICE DEPARTMENT and, the CACHE COUNTY SHERIFF'S OFFICE, and all affiliated agencies pertaining to the Spillman public safety software project.

**DEFINITIONS**

For the purposes of this Agreement, the following definitions will be understood between both parties.

Parties. The entities directly associated with this project include the CITY OF LOGAN through LOGAN CITY POLICE DEPARTMENT and, CACHE COUNTY through the CACHE COUNTY SHERIFF'S OFFICE. Other agencies connected to the Host Agency will be referred to as Shared Agencies. All responsibilities and negotiations will be between the LOGAN CITY POLICE DEPARTMENT and the CACHE COUNTY SHERIFF'S OFFICE; these parties will herein be referred to as the Host Agency and the Partner Agency:

Host Agency. The LOGAN CITY POLICE DEPARTMENT will herein be referred to as the Host Agency. As such, the dedicated server for the software application will be maintained and stored at the Host Agency and associated facilities.

Partner Agency. The CACHE COUNTY SHERIFF'S OFFICE will herein be referred to as the Partner Agency. As a shared entity utilizing the server at the LOGAN CITY POLICE DEPARTMENT, the software owned and operated by the Partner Agency will use the server at the Host Agency.

Shared Agency. Other agencies connected to the Host Agency server.

Spillman System. All references to the system, software, or Spillman system refer to any version of the public safety software application provided by Spillman Technologies, Inc.

Authorized Individual. An Authorized Individual is one who has been given a unique username and password login to the Spillman System. Any Authorized Individual must be a current employee of the LOGAN CITY POLICE DEPARTMENT, OR CACHE COUNTY SHERIFF'S OFFICE, including all affiliated IT, GIS, Legal, Court, and other related departments, or an EMPLOYEE of an authorized Shared Agency.

**1.0 DATA ENTRY AND USE**

**1.1 TECHNOLOGY REVIEW AND STANDARDS COMMITTEE**

Policy, procedure, and management of the software project will be governed by two committees:

## 1.2 TECHNOLOGY REVIEW COMMITTEE

This committee will consist of members of the Host, and Partner agencies only. This committee will meet regularly, at least quarterly, unless otherwise agreed to by all parties. The purpose of this committee is to manage the technical aspects of the software project. Issues related to infrastructure, hardware, networking storage, and connectivity will be addressed by this committee. It is agreed that no more than three persons from the host agency and three persons from the partner agency shall be given root access.

## 1.3 DATA ENTRY STANDARDS COMMITTEE

This committee will consist of members from the Host, Partner, and Shared Agencies. They will meet to define mutually-agreeable standards for system consistency. Terms of consistency are to include vocabulary and references throughout the Spillman System as well as definitions for all code tables.

Members of the Data Entry Standards Committee shall include:

### CACHE COUNTY SHERIFF'S OFFICE

- Spillman System Applications Administrator (SAA)
- Plus two additional members appointed by the Sheriff

### LOGAN CITY POLICE DEPARTMENT

- Spillman System Applications Administrator (SAA)
- Plus two additional members appointed by the Chief

### SHARED AGENCIES

- One participant from each shared agency.

Should members of the Standards Committee disagree on any standard for the Spillman System, the committee will vote upon the matter. A minimum of four members of the committee must be present for a vote to commence and a simple majority will determine the position of the committee.

## 1.4 GEOBASE SETUP AND ONGOING MAINTENANCE

It will be the responsibility of the Host Agency to maintain the Geobase files for the parties, including street center lines, spatial layers, police zones, and common place names. The Partner Agency will be responsible to submit geobase data to the Host Agency for the street center lines, partial layers, police zones, and common place names related to their jurisdiction.

## 1.5 DATA AVAILABLE

The Host Agency shall allow the Partner Agency to maintain separate records and data specific to each party's Spillman System. Because data for each party is stored on the same server, each party will have access to computer programs and stored data within the Spillman System. Access to the agency data will be established and directed by the agency which to whom the data belongs. Data entered into the system by any party becomes a part of the server database and will be subject to maintenance or archival procedures as determined by the Technology Review Committee.

Extent of access shall conform to the regulations set forth in applicable federal, state, and local law.

Neither party will sell, give, loan, lease or otherwise transfer title, possession, or use of any of the data of the other parties or screens by any person, firm, corporation, or association without prior written approval of the respective party. Each party acknowledges and agrees that the party may deny any of the aforementioned acts to be undertaken by the other party.

Dissemination of data or information is the responsibility of the agency recording the data or information in accordance with this Agreement and the applicable Government Records Access Management Act or other legal requirement. Other entities will not disclose data except through specific contracts and agreements with application and data owners.

#### 1.6 AUTHORIZED USE

The Agreement is intended for use by the Host Agency and Partner Agency's Public Safety employees only. The Standards Committee must approve all accounts that are not for the stated intent.

#### 1.7 INDIRECT ACCESS

Each party will take measures to prevent unauthorized third party indirect access to the shared Spillman System. Examples of this would be gateways, dial-up, or cascaded Telnet sessions where the originator is not an Authorized Individual of the Host Agency's network, but whose resultant IP address would appear to the network as being an Authorized Individual's address. Should unauthorized use or access occur, any damages or costs of litigation including attorney's fees incurred by either party shall become the financial responsibility of the party through which the unauthorized use or access was obtained.

#### 1.8 USER ACCOUNT ACCESS TO SPILLMAN SYSTEM

Each user of the Spillman System shall have a unique user account with a unique password, thereby identifying the user as an Authorized Individual. This account is used within the Spillman System to determine system rights, and to provide a method of accounting for access to information. For security, sharing of accounts within an agency for any purpose is expressly prohibited. Every user should have an account as determined through the technical committee member for that agency issuing the user account. Exceptions to this paragraph (generic logins) may be made by the Standards Committee.

### 2.0 SECURITY

#### 2.1 SECURITY PRIVILEGES

All parties reserve the right to make all decisions and establish all security privileges pertaining to the individual party's data stored in the Spillman system. Each agency is entitled to full system access to administer the Spillman System and the specifications for each Authorized Individual and user. Each agency is prohibited from modifying any part of another party's data without written consent.

#### 2.2 AUTHORIZED INDIVIDUAL USERS

Each party has full authorization to add, modify, and delete any information or system access for the party's own users. Each agency is prohibited from modifying any aspect of an Authorized User's access rights and privileges for another agency without written consent.

#### 2.3 USER PERMISSIONS

Each party reserves the right to establish the permissions granted to each individual user employed by the party. Authorized Individual permissions include accessibility to specific modules and applications, ability to view, modify, delete, and print any aspect of the Spillman System as defined by the administrator-approved permissions for the Authorized Individual. Each agency also maintains the right to partition specific records and information within any record that is deemed private and inaccessible by another party.

#### 2.4 AUTHORIZED USER POLICY

Each agency will create and maintain an authorized user policy (AUP) that meets or exceeds the standards set forth by the Technical Committee.

### 3.0 INFRASTRUCTURE

#### 3.1 HARDWARE EQUIPMENT & MAINTENANCE

Hardware equipment includes the Spillman server, SAN, fiber channel switches, and other hardware related to operate the Spillman Records Management system.

Costs related to the acquisition, installation, maintenance, operation, and migration of the hardware described above shall be allocated as follows:

Host Agency:	50%
Partner Agency:	50%

The Host Agency will manage the purchasing and installation of new hardware as needed and then invoice the partner agency as provided above.

The Host Agency agrees to either obtain or maintain a maintenance contract with all hardware vendors at all times, including backup generator(s) or reserve power supplies. The Host Agency is responsible to renew these hardware contracts as necessary with all involved entities.

Costs incurred for maintenance contracts on the equipment described above will be split using the above percentages. The Host Agency will manage and pay for the maintenance contracts and then invoice the partner agency as provided above.

#### 3.2 MINIMUM HARDWARE SPECIFICATIONS

Connected computers (laptops or PCs) with access to the Spillman System will comply with the most current "Minimum Specifications" document provided by Spillman Technologies, Inc. Each party will be responsible to maintain hardware to meet these specifications.

#### 3.3 ACCESS TO SPILLMAN SYSTEM

The Host Agency will do everything within reason to ensure that the Partner Agency has access to the Spillman System 24 hours a day, 7 days a week. Should availability to the Spillman System be terminated, for any reason whatsoever, the Host Agency will immediately notify the Partner Agency of the lapse in system access. Each party is responsible for their agency's access to the server. Should access to the server lapse for a party, the individual party is responsible to work with appropriate parties to restore system availability, and to further provide notification to the other party when system availability is restored.

#### 3.4 SPILLMAN SYSTEM / NETWORK MAINTENANCE

3.4.1 The Spillman System and the Host Agency network will be available as set forth in this section with the following exceptions:

##### 3.4.2 SCHEDULED MAINTENANCE

The Host Agency reserves the right to schedule preventative maintenance on all systems. Preventative maintenance will be scheduled a minimum two weeks in advance in an attempt to minimize impacts to all parties. The Host Agency should try and provide written notice of any scheduled maintenance to the Partner Agency a minimum of two weeks in advance. The Partner Agency must notify the Host Agency one week prior to the scheduled maintenance window if the Partner Agency requires the Spillman System to be available or "live" during scheduled maintenance. The parties agree and acknowledge that scheduled maintenance may result in loss of service to the Spillman System for a period of time.

#### 3.4.3 SOFTWARE AND HARDWARE UPGRADES OR MODIFICATIONS

The Technology Review Committee will meet regularly (at least once quarterly) to jointly determine which upgrades or hardware acquisitions the parties will implement. In addition, if upgrades, additional modules, or new hardware are determined necessary and acceptable by all parties, the committee will determine the most appropriate time for scheduled modifications to minimize the impact to the parties.

Software and Hardware upgrades or modifications differ from normally scheduled maintenance, in that the Spillman System will be unavailable for the duration of the upgrade. It is conceivable that an upgrade may take a couple of days. In the event that the Technology Review Committee agrees to an upgrade for both parties, the Host Agency will notify the Partner Agencies of the scheduled upgrade at least one month prior to the scheduled upgrade time. The Host Agency will make every reasonable attempt to schedule the upgrade to minimize impacts to the Partner and Shared Agencies.

#### 3.4.4 EMERGENCY MAINTENANCE

The Host Agency will coordinate emergency maintenance with the Partner Agency whenever necessary and possible

#### 3.4.5 HOST AGENCY'S TECHNICAL ASSISTANCE

The Host and Partner Agencies will each maintain at least one certified Spillman Application Administrator (SAA). SAA's for each agency are expected to provide technical support to users from their agency, and any Shared agencies they contract with.

#### 3.4.6 CONFIGURATION MANAGEMENT

All server configuration changes will be made by the Host Agency's Department in coordination with the Partner Agency. The Partner Agency will provide the Host Agency with a primary and alternate contact name of authorized personnel who can coordinate/request changes to the current network.

#### 3.4.7 REDUNDANCY, BACKUP, & ARCHIVING

The Host Agency will use "best practices" in maintaining redundancy, backups and archives of all data.

#### 3.4.8 SECURITY AND INTEGRITY

The Host Agency's network is protected from the Internet with firewall security to prevent unauthorized access from the Internet. The Partner Agency is responsible for securing the organization's computer resources against all unauthorized access.

### 4.0 TERMS OF CONTRACT

#### 4.1 TERMINATION OF SPILLMAN LICENSE OR SUPPORT AGREEMENT

If any party should terminate their License or Support contract with Spillman Technologies, Inc., the agency will provide written notice to the other parties of this agreement at least 30 days prior to the contract's termination. The Agency maintaining the License or Support contract with Spillman reserves the right to keep its own License and/or Support contract with the vendor as well as all system data belonging to the agency.

#### 4.2 TERMINATION OF INTERLOCAL AGREEMENT BETWEEN HOST AGENCY AND PARTNER AGENCY

This Agreement may be terminated by providing written notice of such termination. Termination will be effective on the date stated in the notice so long as the notice is properly

given at least 60 days prior to such date. This Agreement may be immediately terminated without notice upon an event of default. Events of default include the following:

- a. One party wrongfully uses data provided by the other parties.
- b. Unauthorized copying of data.
- c. In the event the Agreement is determined to be in conflict with federal or state law, City resolutions, or ordinances which are in effect at the time of this Agreement or may be imposed in the future.
- d. One party uses or attempts to use information provided in such a manner as to violate a taxpayer's right to privacy or to create an unfair competitive disadvantage for a taxpayer.
- e. One party sells, gives, leases, or loans access to the screens of the data contained therein to any person without the express written approval of the other interested party.
- f. One party allows access to the screens of the data contained therein or any part thereof, to be used as a list of individuals for commercial purposes.
- g. One party allows the connection of a computer network operated by any entity that is outside of the Host Agency's influence.
- h. One party violates any of the conditions set forth in the Cache County Sheriff's Office Computer Use Policies and Procedures.

#### 4.3 LIMITATION OF LIABILITY

The information supplied by the Host Agency described herein is provided on an "as is" basis "with all faults."

The obligations of the Host Agency and the rights and remedies of the Partner Agency set forth in this clause are exclusive and in substitution for all the warranties, obligations and liabilities of the Host Agency and rights, claims and remedies of the Customer against the Host Agency express or implied, arising by law or otherwise, with respect to any data provided hereunder, including but not limited to any implied warranty arising from course of performance, courses of dealing or uses of trade, and any obligation, liability, right, claim or remedy for tort, or for any actual or alleged infringement of patents, copyrights or similar rights of third parties, or for any other direct, incidental or consequential damages

#### 5.0 HOST RATES

##### 5.1 HOSTING FEE

Based on calculations derived from the merger of the Logan PD Spillman System and the Cache County SO Spillman System, the Cache County Sheriff's Office agrees to pay Spillman an annual hosting fee of \$12,504. The Logan City Police Department will receive an annual hosting fee credit from Spillman in the amount of \$12,504. This fee does not change year to year, and will continue until the termination of this agreement.

##### 5.2 SHARED AGENCY EQUIPMENT COSTS

The Shared Agencies will be totally responsible and liable for all costs incurred in the acquisition of its own equipment, including telephone lines and other supplemental equipment and the costs of connecting that equipment with the Host Agency equipment. Where required by the Host Agency, the Shared Agencies will buy equipment specified by the Host Agencies for their computer network access. The Shared Agencies will be responsible for trouble shooting and maintaining their equipment and data link.

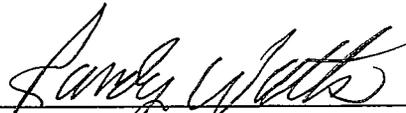
**6.0 ACCEPTANCE**

The Host Agency and Partner Agency hereby mutually acknowledge and accept the terms and conditions of this Agreement.

**PARTNER AGENCY (Cache County):**

\_\_\_\_\_  
Lynn Lemon  
Cache County Executive

**HOST AGENCY (Logan City):**

  
\_\_\_\_\_  
Randy Watts,  
Mayor City of Logan