

**APPROVED**

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COUNCIL MEETING  
MINUTES  
APRIL 23, 2013**

**CACHE COUNTY COUNCIL  
APRIL 23, 2013**

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**CACHE COUNTY COUNCIL MEETING**  
**April 23, 2013**

The Cache County Council convened in a regular session on April 23, 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, & Gordon Zilles. (**Cory Yeates absent**)  
**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, Wally Bloss, Recorder Michael Gleed, Chris Harrild, Sharon L. Hoth, Treasurer Karen Jeppesen, Zach Larsen, Harry Meadows, Dave Nielsen, Director Josh Runhaar, Auditor Tamra Stones, Clint Ward, Surveyor Preston Ward, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Executive Lemon gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

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

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Zilles to approve the minutes of the April 09, 2013 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

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

**APPOINTMENTS:**

Mike Wolford Cache County Children's Justice Center Advisory Board  
Julie Pelletier Cache County Children's Justice Center Advisory Board  
Shannon Demler Cache County Children's Justice Center Advisory Board

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

**WARRANTS:** Warrants for the period 01-25-2013 to 01-31-2013, 02-22-2013 to 02-28-2013, 03-28-2013 and 03-29-2013 to 04-11-2013 were given to the Clerk for filing.

**OTHER ITEMS:**

- ❑ **Joint Meeting on Sage Grouse** – Executive Lemon noted Cache County is being asked to adopt a resolution approving the incorporation of a management plan for Sage Grouse into the county land use plan. Lemon recommends waiting for the draft map of the Cache County affected area before adopting the resolution.

Chairman Potter asked for more information. Lemon and Council member White continued that Utah and other western states are trying to prevent the listing of Sage Grouse as an endangered species. Counties having a management plan for Sage Grouse in place will be able to continue using the management plan even if the Sage Grouse is listed as an endangered species. If there is no plan in place, then counties and states become obligated to adhere to endangered species regulations if the Sage Grouse is listed as such.

- ❑ **UDOT Annual Meeting** – Executive Lemon reminded Council members of the May 1, 2013 annual meeting with UDOT in the Council Chambers from 9:00 a.m. to 11:00 a.m.

**CONSENT AGENDA**

- ◇ **Erickson Subdivision** – Dave Erickson requesting approval for a 1-lot subdivision and agricultural remainder with an existing home on 132.49 acres in the Agricultural (A-10) Zone located approximately 7410 North Hwy 91, Smithfield.

(Attachment 1)

**ACTION: Motion by Vice Chairman Petersen to approve the Consent Agenda Item-Erickson Subdivision. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

**UNIT OR COMMITTEE REPORTS**

- ★ **Recorder's Office – Mike Glead** reported on the following items:

- CCI Software versus Tyler Software
- Landlight and subscription service revenues
- Rebinding books project
- INGENIO electronic data recording
- Canal project research
- Researching title and ownership records for Logan City residents as proof for Logan City Development Services
- Over 39,000 documents recorded during last year and a half
- Survey comparing revenue to budget – Recorder's office turns back \$2,000 to \$3,000 to the county each year

Glead praised the county's office of Development Services, the Council, the Attorney's office and the County Executive observing that all are very pleasant to

work with. Gleed said he works closely with Surveyor Ward and reminded the Council that the Surveyor's office is key to land records preservation.

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

**PUBLIC HEARING SET: MAY 14, 2013 – 5:30 P.M. – LEGACY MOUNTAIN ESTATES 3<sup>RD</sup> AMENDMENT-Holly Hardy requesting approval for an amendment to an existing subdivision on 19.10 acres in the Agricultural (A-10) Zone located approximately 8135 South 3600 West, Wellsville.**

**ACTION: Motion by Council member Zilles to set a Public Hearing May 14, 2013 at 5:30 p.m.-Legacy Mountain Estates 3<sup>rd</sup> Amendment. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

### **INITIAL PROPOSAL FOR CONSIDERATION**

- **Resolution No. 2013-07 – Resolution Authorizing the County Executive to execute an Interlocal Cooperation Agreement with the Cache County School District for the Purpose of Assisting the School District in Conducting the School District's 2013 Special Election** – Executive Lemon turned the time to Clerk Jill Zollinger who explained that the Cache County School District wishes to contract with the Cache County Clerk's office to run their June 25, 2013 Special Bond Election. The school district has opted to have a by-mail election. Every active registered voter in the Cache County School District boundaries will receive a ballot in the mail about thirty days prior to election day to be mailed back and postmarked no later than June 24, 2013, the day before the election. Zollinger has given the school district a cost estimate of about \$70,000.00. If a voter appears in the Clerk's office on election day and claims they did not receive a ballot, they will be allowed to vote a provisional ballot.

Zollinger said an additional ballot will be included for Hyde Park City residents only to vote on their alcohol question. Another interlocal cooperation agreement with Hyde Park City will be presented to the Council at a future Council meeting.

The ballots will be optical scan ballots which will be counted and returned to the school district and Hyde Park City to become their property after the election.

Council members asked Clerk Zollinger how voter turnout in by-mail elections compares to other election turnout numbers. Zollinger responded that voter turnout in a by-mail election is usually much higher. Council members remarked that, if this by-mail election has a high voter turnout, consideration should be given to future elections being conducted by mail.

**(Attachment 2)**

**ACTION: Motion by Vice Chairman Petersen to waive the rules and approve Resolution No. 2013-07 – Resolution Authorizing the County Executive to execute an Interlocal Cooperation Agreement with the Cache County School District for the Purpose of Assisting the School District in Conducting the School District's 2013 Special Election. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Ordinance No. 2013-08 – Amendments to Title 17; 17.22 Off-Street Parking Standards** – Chris Harrild indicated a public hearing was held on this item two weeks ago and asked if the Council had any questions. There were none.

(Attachment 3)

**ACTION:** Motion by Council member Robison to waive the rules and approve Ordinance No. 2013-08 – Amendments to Title 17; 17.22 Off-Street Parking Standards. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**Ordinance No. 2013-08:** The motion passed 6-0. Yeates absent.

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

- **Clint & Leslie Ward Homestead Subdivision – Clint Ward requesting approval for a 1-lot subdivision and agricultural remainder on 79.76 acres in the Agricultural (A-10) Zone located approximately 9400 North 1600 East, Richmond** – Chris Harrild explained the only concern is access; however, the impact on the road is not sufficient to justify the needed improvements to meet the standard. Because the code now allows for design exception, staff, the county engineer and the Planning Commission all recommend approval based on the four Conditions of Approval listed on the staff report.

(Attachment 4)

**ACTION:** Motion by Council member Buttars to approve the Clint & Leslie Ward Homestead Subdivision with the four Conditions of Approval to conform to the County Ordinance and the requirements of county service providers to be completed prior to recordation. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Recommendations of Restaurant/RAPZ Tax Committee** – Executive Lemon stated there was about the same amount of RAPZ tax this year as last year, but there was about \$100,000.00 more in restaurant tax than last year. The committee reviewed and discussed the applications and each ranked the applications prior to their meeting. Director of Finance Cameron Jensen takes the scores from the committee and puts them together to come up with an overall ranking which is returned to the committee members. The committee meets again to review the rankings and applications to arrive at their final decisions. Cities submitting more than one project are asked to assign a priority to their projects.

Council members concurred that the RAPZ/Restaurant Tax has done a lot of good in the county, particularly in smaller communities. Every resident of the county has benefited from projects funded by the tax.

Chairman Potter asked if there is some duplication of effort on marketing out of county by various organizations as well as the Cache Valley Visitors Bureau. Lemon replied that the Visitors Bureau is working with most, if not all, of the applicants in that effort already. Council member Zilles observed that many of the projects are under the tourism category and suggested making a list of those parties and how much they want to spend on advertising, etc. and see if the Cache Valley Visitors Bureau can give them more for their money.

The Council was directed to review the proposed allocations and be ready to make a decision at the May 14, 2013 Council meeting.

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

**PUBLIC HEARING: APRIL 23, 2013 – 6:00 P.M. – OPEN 2013 BUDGET** – Auditor Tamra Stones reviewed the budget adjustments and recommended approval. *(See Attachment 5 to Resolution No. 2013-06 – 2013 Budget Amendments – for details.)*

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

**ACTION: Motion by Vice Chairman Petersen to close the Public Hearing – April 23, 2013-6:00 p.m.-Open 2013 Budget. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

### **INITIAL PROPOSAL FOR CONSIDERATION**

- **Resolution No. 2013-06 – 2013 Budget Amendments**

(Attachment 5)

**ACTION: Motion by Vice Chairman Petersen to waive the rules and approve Resolution No. 2013-06-2013 Budget Amendments. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Discussion – Policy on Removal of Interest on Property Taxes** – Executive Lemon gave Council members copies of a draft proposal which allows the Council to give the Auditor or Treasurer, with the approval of the County Executive, authority to write off penalties and/or interest on property tax up to \$100.00. Interest continues to accrue on delinquent taxes from the time that a notice is mailed to the date that the payment is received. This proposal will avoid return of the payment or prevent a small balance owed. Lemon believes that prior to 2007, writing off penalties and interest was a decision for the Executive's office, but he believes the code has changed and it is now a decision of the county legislative body.

Lemon and Treasurer Jeppesen indicated a notice is often sent to a taxpayer the end of February and by the time a payment is sent by the end of March, another

month's interest has accrued and, if not posted till April, another two months' interest accrues. Treasurer Jeppesen urged the Council to consider the draft proposal as it will expedite the collection of property tax revenue. Vice Chairman Petersen said up to \$100.00 is a reasonable amount on which to turn authority over to those elected officials as mentioned.

Council member Robison asked if the proposal is legal. Auditor Stones noted that Salt Lake County Commissioners created an entire separate department to deal with this same issue; thus, they have delegated their authority to someone else, similar to this proposal. Other counties have implemented comparable measures.

Lemon pointed out that the Council also approves the annual report of all abatements and those write-off's of up to \$100.00 will be on that list for their review and approval/disapproval.

Robison also asked if this will amount to a significant amount. Jeppesen and Stones agreed it is not likely.

Executive Lemon will research the code and bring additional pertinent information back to the Council.

#### **OTHER BUSINESS**

- ✓ **Health Days Parade – May 11, 2013 at 10:00 a.m.** – Buttars will attend, possibly Chairman Potter. Janeen Allen will follow up with other Council members.
- ✓ **Air Quality Summit** – All Council members are registered to attend the Summit on Thursday, April 25, 2013 at the Riverwoods from 9:00 a.m. to 2:00 p.m.
- ✓ **Board of Equalization** – Executive Lemon said a Council member is needed to attend a meeting with the Center for Excellence in Higher Education (formerly Stevens-Henager). The meeting was scheduled for next Monday, April 29, 2013 at 2:00 p.m. in the Historic Courthouse. Council member Zilles will attend. The issue to be discussed is how to handle a property tax exemption on a property that has gone from ownership by a for-profit entity to ownership by a nonprofit entity.

#### **COUNCIL MEMBER REPORTS**

**Jon White** asked if Executive Lemon had obtained the cost of health insurance information he asked for several weeks ago. Lemon said Jim Smith is working on it.

White also asked about the Cache County School District's proposal on county-owned property in North Logan. Chairman Potter said meetings are ongoing with the school district, the county and cities involved.

Chairman Potter asked that Jim Smith present a report to the Council on health insurance costs at the May 14, 2013 Council meeting.

**Val Potter** reported the meeting with IHC (Logan Regional Hospital) was informative; there is a lot of expansion happening.

**Kathy Robison** asked what could be done to address Recorder Glead's concerns. Executive Lemon said Cache County is waiting for problems to be worked out in other counties on the CCI software issue before making a decision. Lemon remarked that Landlight is selling county information and data, but the problem is the county doesn't have any way to do it. The County IT Department is trying to hire another programmer, but has not been successful.

Attorney Ciebien reminded the Council that off-site storage of county data provided the county by Landlight is a benefit.

**ADJOURNMENT**

The Council meeting adjourned at 6:45 p.m.

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

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**APPROVAL:** Val Potter  
Chairman

**STAFF REPORT: ERICKSON SUBDIVISION**

04 April 2013

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** David Erickson  
**Staff Determination:** Approval  
**Type of Action:** Administrative  
**Land Use Authority:** Cache County Council

**Parcel ID#:** 08-021-0001

**LOCATION**

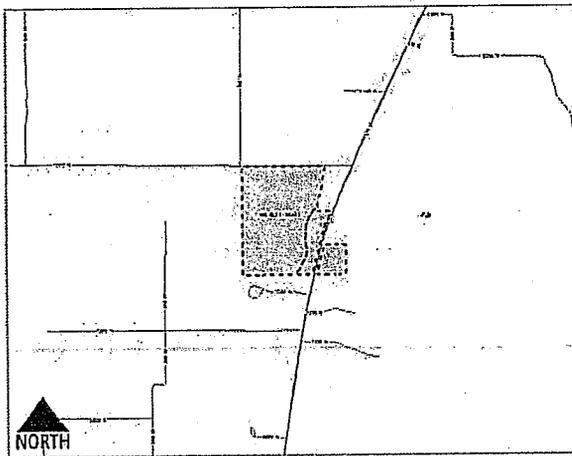
*Reviewed by: Chris Harrild, Planner II*

**Project Address:**  
7410 North Highway 91  
North of Smithfield

**Current Zoning:** Agricultural (A10)      **Acres:** 11.88

**Surrounding Uses:**

North – Agricultural/Residential  
South – Agricultural/Residential  
East – Agricultural/Residential  
West – SR 91/Agricultural/Residential



**PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Erickson subdivision.

**Ordinance:**

As per the Cache County Zoning Ordinance Table 17.10.040 Site Development Standards, this proposed subdivision qualifies for a development density of one (1) unit per ten (10) acres as it is located within the Agricultural (A10) Zone.

**Summary:**

A natural barrier determination to recognize SR 91 as a barrier that divides an existing agricultural parcel from an existing single family dwelling has also been considered as part of this request.

However, the natural barrier determination is under the authority of the zoning administrator and a preliminary approval of said request has been granted.

Therefore, the request before the Planning Commission is the separation of the existing home and an agricultural parcel on the east side of SR 91. This is considered a 1-lot subdivision with one agricultural remainder.

*Access:*

- Access to the property is from SR 91 and is adequate.

*Water & Septic:*

- Smithfield City provides culinary water to this existing home.
- There is an existing septic system for the existing home.

*Service Provision:*

- The existing solid waste collection schedule and pick up from SR 91 will continue.
- There is an existing school bus stop located at 7400 North SR 91 approximately one block from the existing home.
- Access road SR 91 provides adequate access for fire suppression. Water supply for fire suppression would be provided by the Smithfield City Fire Department

STAFF DETERMINATION AND FINDINGS OF FACT (4)

It is staff's determination that the Erickson subdivision, a 1-lot subdivision and agricultural remainder for property located at approximately 7410 North Highway 91 with parcel number 08-021-0001, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Erickson subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Erickson subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Erickson subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Erickson subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.





1 **Cache County Planning Commission**

2  
3 Minutes for 04 April, 2013

4  
5 **Present:** Chris Harrild, Josh Runhaar, Jason Watterson, Phillip Olsen, Chris Allen, Chris Sands, Clair  
6 Ellis, Jon White, Diane Ciebien, Marsha Giles

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

9  
10 Sands welcomed and Allen gave opening remarks/pledge.

11  
12 **5:34:00**

13  
14 **Minutes**

15  
16 **Passed**

17  
18 **Agenda**

19  
20 **Passed**

21  
22 **05:35:00**

23 **Consent Agenda**

24 **#1 Erickson Subdivision (Dave Erickson)**

25 Mr. David Erickson is requesting a recommendation of approval from the County Council for a  
26 1-lot subdivision and agricultural remainder with an existing home on 132.49 acres of property  
27 in the Agricultural (A10) Zone at approximately 7410 North Highway 81, Smithfield.

28  
29 **#2 AT&T Hyrum Conditional Use Permit (Justin Hadley)**

30 Mr. Justin Hadley is requesting approval of a conditional use permit (CUP) to allow up to 12  
31 antennas on an existing telecommunications tower located on a .083 acre leased portion of an  
32 approximately 128 acre parcel in the Agricultural (A10) Zone and Public Infrastructure (PI)  
33 Overlay Zone at approximately 5800 South 2400 West, Hyrum.

34  
35 *Allen motioned to recommend the Erickson Subdivision request for approval to the County*  
36 *Council and to approve the AT&T Hyrum CUP; Ellis seconded; Passed 5, 0.*

37  
38 **05:37:00**

39  
40 **Regular Action Items:**

41 **#3 Legacy Mountain Estates 3<sup>rd</sup> Amendment (Holly Hardy)**

42 Harrild reviewed Ms. Holly Hardy's request for a recommendation of approval from the County  
43 Council for an amendment to an existing subdivision on 19.10 acres of property in the  
44 Agricultural (A10) Zone at approximately 8135 South 3600 West, Wellsville. There is an  
45 existing home on the property. Most of the area is steep slopes and isn't developable. The  
46 applicant would like to separate the 19.10 acres into to pieces; one piece with the home on it and  
47 the other as an Ag remainder, that piece would be non-developable. Access is sufficient because

**CACHE COUNTY  
RESOLUTION NO. 2013-07**

**A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CACHE COUNTY SCHOOL DISTRICT FOR THE PURPOSE OF ASSISTING THE SCHOOL DISTRICT IN CONDUCTING THE SCHOOL DISTRICT'S 2013 SPECIAL ELECTION**

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into an Interlocal Cooperation Agreement with the Cache County School District for the purpose of assisting the school district in conducting the school district's 2013 special election.

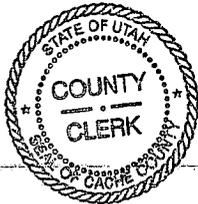
NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute an Interlocal Cooperation Agreement with the Cache County School District as shown in "Addendum A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

DATED this 23rd day of April, 2013

CACHE COUNTY COUNCIL

By:   
Val K. Potter, Chairman



ATTEST:

By:   
Jill N. Zollinger, County Clerk

# ADDENDUM A

INTERLOCAL COOPERATION AGREEMENT

BETWEEN

CACHE COUNTY

On behalf of the

CACHE COUNTY CLERK'S OFFICE, ELECTIONS DIVISION

AND

CACHE COUNTY SCHOOL DISTRICT

THIS AGREEMENT is made and entered into the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between CACHE COUNTY, a political subdivision of the State of Utah ("County"), on behalf of its Clerk's Office, Elections Division, and CACHE COUNTY SCHOOL DISTRICT ("School District"). The County and the School District are sometimes referred to collectively as the "Parties" and may be referred to individually as a "Party."

WHEREAS, the County has been requested to provide the services of its Clerk's office, Elections Division to the School District for the purpose of assisting the School District in conducting the School District's 2013 special election; and

WHEREAS, the School District desired to engage the County for such services;

NOW, THEREFORE, in consideration of the promises and covenants hereinafter contained, the Parties agree as follows:

1. **Term.** County shall provide election services to the School District commencing on the date this Agreement is executed, and terminating on January 1,

2014. The term of this Agreement may be extended by mutual agreement in writing signed by all Parties. Either Party may cancel this Agreement upon thirty (30) days written notice to the other party. Upon such cancellation, each Party shall retain ownership of any property it owned prior to the date of this Agreement, and the School District shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the Cache County Clerk's Office, Elections Division, shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit A and as needed to ensure implementation of the School District's 2013 special election.

3. **Legal Requirements.** The County and the School District understand and agree that the 2013 special election is the School District's election. The School District shall be responsible for compliance with all legal requirements for this election and shall direct the manner in which the election is conducted. County agrees to work with the School District in complying with all legal requirements for the conduct of this election and conduct this election pursuant to the direction of the School District. The School District, not the County, is responsible to resolve any and all election questions, problems, and legal issues that are within the School District's statutory authority.

4. **Cost.** In consideration of services performed under this Agreement, the School District shall pay the County an amount not to exceed the estimate given to the School District by the County. The County shall provide a written invoice to the School District at the conclusion of the election, and the School District shall pay the County from the invoice within thirty (30) days of receiving it. The invoice shall contain a summary of the costs of the election and shall provide

the formula for allocating the costs among the issues and jurisdictions participating in the election. In the case of a vote recount, election system audit, election contest, or similar event arising out of the School District's election, the School District shall pay the County's cost of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to the School District to exceed the estimate given to the School District by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** The School District and County are governmental entities and subject to the Governmental Immunity Act of Utah, Utah Code Ann. §§ 63G-7-101, et seq. ("Act"). Subject to the provisions of the Act, the School District and County agree to indemnify and hold harmless the other Party, its agents, officers and employees from and against any and all actions, claims lawsuits, proceedings, liability damages, losses and expenses (including attorneys' fees and costs) arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act or omission of that Party, its officers, agents and employees. Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to the School District or the County under the Act.

6. **Election Records.** The School District shall maintain and keep control over all records created pursuant to this Agreement and to the elections relevant to this Agreement. The School District shall respond to all public record requests related to this Agreement and the underlying elections and shall retain all election

records consistent with the Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-101 et seq. and all other relevant local, state and federal laws.

7. **Service Cancellation.** If the Agreement is canceled by the School District as provided herein, the School District shall pay the County on the basis of the actual services performed according to the terms of this Agreement. Upon cancellation of this Agreement, the County shall submit to the School District an itemized statement for services rendered under this Agreement up to the time of cancellation and based upon the dollar amount for materials, equipment and services set forth herein.

8. **Legal Compliance.** The County, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections.

9. **Indemnification.** To the extent permitted by law, the School District agrees to indemnify and hold the County harmless, including providing legal defense costs on behalf of the County, as a result of any legal or administrative claim, action or proceeding brought against the County by any person or entity claiming that the County violated any state or federal law by providing election services under this Agreement.

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10. **Interlocal Agreement.** In satisfaction of the requirements of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended ("Interlocal Act"), in connection with this Agreement, the School District and the County (for purposes of this section, each a "Party" and collectively the "Parties") agree as follows:

(A) This Agreement shall be approved by each Party, pursuant to

§ 11-13-202.5 of the Interlocal Act;

(B) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;

(C) A duly executed original counterpart of the Agreement shall be filed with the keeper of records of each Party, pursuant to § 11-13-209 of the Interlocal Act;

(D) Each Party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs; and

(E) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the Business Administrator of the School District and the County Clerk of the County, acting as a joint board. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, and disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

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11. **Counterparts.** This Agreement may be executed in counterparts by the School District and the County.

12. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

13. **Integration.** This Agreement embodies the entire agreement between the Parties and shall not be altered except in writing signed by both Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day

and year first above written.

CACHE COUNTY SCHOOL DISTRICT

By: \_\_\_\_\_  
SUPERINTENDENT

ATTEST:

\_\_\_\_\_  
Business Administrator

Approved as to form and compliance  
with applicable law:

\_\_\_\_\_  
School District Attorney

Date: \_\_\_\_\_

CACHE COUNTY EXECUTIVE

By: \_\_\_\_\_  
M. Lynn Lemon

ATTEST:

\_\_\_\_\_  
Jill N. Zollinger, Cache County Clerk

Approved as to form and compliance  
with applicable law:

\_\_\_\_\_  
County Attorney  
Date: \_\_\_\_\_

Exhibit A  
2013 Special Election  
Scope of Work

The School District shall be responsible for all Public Notice(s) required by law.

Services the County will perform for the School District include, but are not limited to

- Ballot Layout and Design
- OS Ballot Ordering and Printing
- Machine Programming and Testing
- By-Mail Ballot Administration
- Tabulating and Reporting Election Results
- Provisional Ballot Verification
- Update Voter History Database
- Conducting Audits as required
- Conducting Recounts as needed
- Election Day Administrative Support

The School District will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the election in a timely manner.

The County has provided a good faith estimate for budgeting purposes (Exhibit "B").

---

The School District will be invoiced for the actual cost of the election which will not exceed the estimate in Exhibit B.

Exhibit B  
2013 Special Election Estimate

CACHE COUNTY SCHOOL DISTRICT

Below is the good faith estimate for the upcoming **2013 Special Election** for the CACHE COUNTY SCHOOL DISTRICT. The School District will be billed for actual costs, which will not exceed this estimate. The estimate herein does not include any Public Notice expenditures as such expenses are administered by the School District.

Assumptions for providing this estimate consist of the following:

- A. Active Voters (as of 04/19/13): 34,817
- B. Anticipated Voter Turn-Out: 40%
- C. Number of Precincts: 52
- D. Number of Polling Locations: 1
- E. Election Conducted with By- Mail Ballots

Cache County School District 2013 Special Election Estimate: \$70,000.00

---

# ORDINANCE NO. 2013-08

CACHE COUNTY, UTAH

## AMENDMENTS TO TITLE 17

---

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 7 AND 22 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING OFF STREET PARKING STANDARDS

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances and Maps, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on March 7, 2013 at 6:00 P.M., the Planning Commission held a public hearing for the amendments to Title 17, 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 March 7, 2013, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action; and

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance 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 April 9, 2013, at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments, and;

---

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

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 7 and 22 of Title 17 of the Cache County Ordinance are hereby amended and superseded as follows:

**1. STATUTORY AUTHORITY**

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

*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.*

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 22 of Title 17 of the Cache County Ordinance regarding off-street parking standards, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish Zoning Districts and the correlated Development Standards and Use Charts that provide more options for flexibility of land owners throughout the County.
- C. The amendments to Title 17 of the Cache County Ordinance will insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare of the citizens of Cache County.
- D. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 17, Chapter 7 of the Cache County Ordinance is amended as follows:  
See Exhibit A
- B. Title 17, Chapter 22 of the Cache County Ordinance is amended as follows:  
See Exhibit B

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

~~This ordinance amends and supersedes Chapters 7 and 22 of Title 17 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.~~

6. EFFECTIVE DATE.

This ordinance takes effect on May 8<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.

*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 23<sup>rd</sup> day of April, 2013.

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

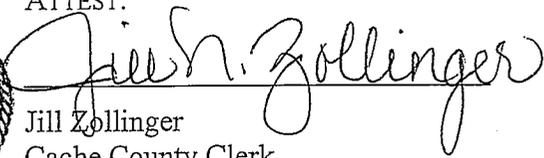
CACHE COUNTY COUNCIL:



Val Potter, Chair  
Cache County Council



ATTEST:



Jill Zollinger  
Cache County Clerk

Publication Date:

May 8, 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.*

PARKING ANALYSIS: An analysis that demonstrates a safe and efficient flow of vehicles and pedestrians and that minimizes the impact to public streets and environmental resources. This analysis must include:

1. A to scale site plan, and;
2. All calculations used to demonstrate that the performance standards for access, design, parking supply, and landscape and lighting have been met and/or exceeded.

17.22 | OFF STREET PARKING STANDARDS

17.22.010 Purpose.....1  
 17.22.020 Development Standards.....1

**17.22.010: Purpose**

The purpose of these standards is to provide for the safe and efficient flow of vehicles and pedestrians while minimizing the impacts on public streets and environmental resources.

**17.22.020: Development Standards**

**A. Table for Computation of Off-Street Parking Spaces:**

The following are minimum standards to be used when computing the number of required parking spaces for a specific use:

Use Index	Use Description	Parking Space Requirement
1000	Residential	2 spaces/dwelling unit or PA*
2000	Manufacturing Industries	1 space/1000 sf or PA*
3000	Trade, Wholesale and Retail	1 space/250 sf or PA*
4000	Services, Professional and Personal	1 space/400 sf or PA*
5000	Cultural, Entertainment, Recreation	PA*
6000	Institutional, Public, and Utility	PA*
7000	Resource Production and Extraction	PA*

\*PA - Parking Analysis (see §17.07.040 General Definitions)

1. If a fractional number is obtained when calculating the number of required parking stalls, one parking stall or loading space shall be required for that fraction.
2. If more than one use is located on a site, the number of off-street parking and loading spaces to be provided shall be equal to the sum of the requirements of each use.
3. The number of off-street parking stalls required by the above table may be reduced or increased as a condition of development review by the land use authority if a parking analysis demonstrates that the proposed use(s) would have an impact less than or in excess of the requirements of this Chapter.
4. All off-street parking stalls must be located outside of any public or private road rights-of-way and outside of any identified setbacks as defined in §17.07.
5. Where necessary, an off-street area adequate for the loading and unloading of service trucks shall be provided and maintained. This area must be identified on a parking analysis and all loading areas and/or docks shall be located entirely on the site so that no vehicle shall be parked or require maneuvering room within a public or private road right-of-way, or within any identified setback as defined in §17.07.

**B. Parking Analysis:**

1. Applicants shall submit a Parking Analysis, as defined by §17.07 Definitions of this code, or provide parking sufficient to meet the base requirement in Table 17.20.020 where applicable, for any and all development in order to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. For uses that require more than 5 parking stalls, a Parking Analysis shall be completed by a licensed professional. Calculations used to

determine minimum levels of access, design, parking supply, and landscape and lighting must follow all requirements of:

- a. The Cache County Ordinance, and;
  - b. The Cache County Manual of Roadway Design and Construction Standards, and;
  - c. The current ADA Accessibility Guidelines.
2. The standards of the most current edition of the Institute of Transportation Engineers (ITE) Parking Generation report shall serve as a reference point for any standards or calculations not addressed by the ordinance, standards, and guidelines noted in this Chapter.
  3. Any change of occupancy requires the land use authority approval of a revised parking analysis.

**C. Exemptions:**

The following shall be exempt from the parking analysis requirement:

1. Residential uses as follows:
  - 1100 – Single Family Dwelling,
  - 1110 – Foster Home,
  - 1120 – Accessory Apartment,
  - 1200 – Home Based Business, and
  - 1400 – Seasonal Cabin
2. 6200 – Utilities

**D. Performance Standards:**

The land use authority may authorize alternative designs or construction techniques based upon a parking analysis that demonstrates that the parking plan will equal or exceed the performance standards. These performance standards are:

1. Street and Site Access:

The development must accommodate the number and size of vehicles expected to be generated without an undue impact on mobility or safety on public streets.
2. Parking Site Design:

The site shall be designed to facilitate the safe and free flow of pedestrians and vehicles while minimizing physical impacts on the land. Provision must be made for employee and customer access to the development through the design and installation of adequate parking facilities.

---

3. Parking Provision:

The development must provide vehicle parking for employees and customers sufficient to avoid congestion of public streets or parking facilities.
4. Landscaping and Lighting:

The development must be designed and constructed in such a way as to minimize the negative impacts of vehicle activity on neighboring property and public streets.



### STAFF REPORT: CLINT & LESLIE WARD HOMESTEAD SUBDIVISION

04 April 2013

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Clint Ward

**Parcel ID#:** 08-001-0001

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by: Chris Harrild, Planner II*

**Project Address:**

1600 East 9400 North

East of Richmond

**Current Zoning:**

Agricultural (A10)

**Acres:** 79.76

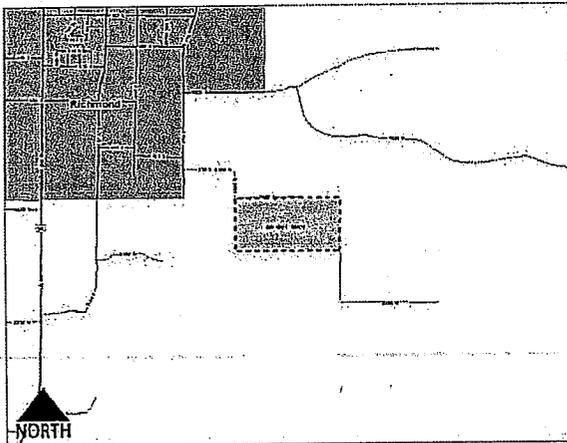
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Richmond City/Agricultural/Residential



#### PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Clint & Leslie Ward Homestead subdivision.

**Ordinance:**

This is a pre-1970 parcel. As per the Cache County Zoning Ordinance Table 17.10.040 Site Development Standards, this property qualifies for a development density of one (1) unit per two (2) acres for the first three lots and a density of one (1) unit per ten (10) acres for any additional lots as it is located within the Agricultural (A10) Zone. Once this subdivision has been recorded, the one (1) unit per two (2) acre density will no longer be available.

**Summary:**

This proposal is for the creation of a 1-lot subdivision and agricultural remainder.

**Access:**

- Access to this property is from SR 91 and through Richmond City to county roads 9500 North, 1600 East, and 9400 North.
- 9500 North is a 22 foot wide paved surface with 2 foot wide shoulders and is adequate.
- 1600 East is an 18 foot wide paved road with 1 foot wide shoulders, and a 14 foot wide paved section with no shoulder at the point of a culvert with deteriorating slopes and is inadequate.
- 9400 North is an 18 foot wide gravel road with no shoulders and is inadequate.
- 9500 North, 1600 East, and 9400 North are Cache County roadways and exist on the 1914 roadway map and therefore a 66 foot wide Cache County right-of-way exists for these roadways.
- The proponent has submitted a letter stating that they intend to improve the inadequate roadways to meet the minimum county standards as identified by the County Engineer including the ~700 feet of 1600 East and the frontage of the developable lot on 9400 North.
- Improvements on the roadway beyond Lot #1 have not been required as the developed area is restricted to the frontage of Lot #1, due to the length of the roadway, and due to the extensive regional drainage issues that involve the remaining extent of roadway. A design exception is required.
- There is an existing farm access from 9400 North to 08-001-0002, the property just south of 08-001-0001. An easement to 08-001-0002 from 9400 North must be identified on the survey plat as agreed between the applicant and property owner of 08-001-0002.
- A design exception is required for the removal of the requirement to improve the frontage of the remainder parcel that fronts 9400 North and is split by 2200 East.

**Water & Septic:**

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The proposed lots are feasible for on-site septic tank systems.

**Service Provision:**

- The residents shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
- A school bus stop would be located 800 South 250 East in Richmond, approximately 5 blocks from the proposed subdivision.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- Fire department access to the property is adequate. Water supply for fire would be provided by the Smithfield Fire Department.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

---

It is staff's determination that the Clint & Leslie Ward Homestead subdivision, a 1-lot subdivision with an agricultural remainder for property located at approximately 9400 North 1600 East with parcel number 08-001-0001, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Clint & Leslie Ward Homestead subdivision has been revised and amended by the conditions of project approval and the approval of the roadway design exception to address the issues and concerns raised within the public and administrative records.
2. The Clint & Leslie Ward Homestead subdivision has been revised and amended by the conditions of project approval and the approval of the roadway design exception 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 Clint & Leslie Ward Homestead subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Clint & Leslie Ward Homestead subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

#### CONDITIONS OF APPROVAL (4)

The following conditions must be met for the developments to conform to the County Ordinance and the requirements of county service providers and must be completed prior to recordation:

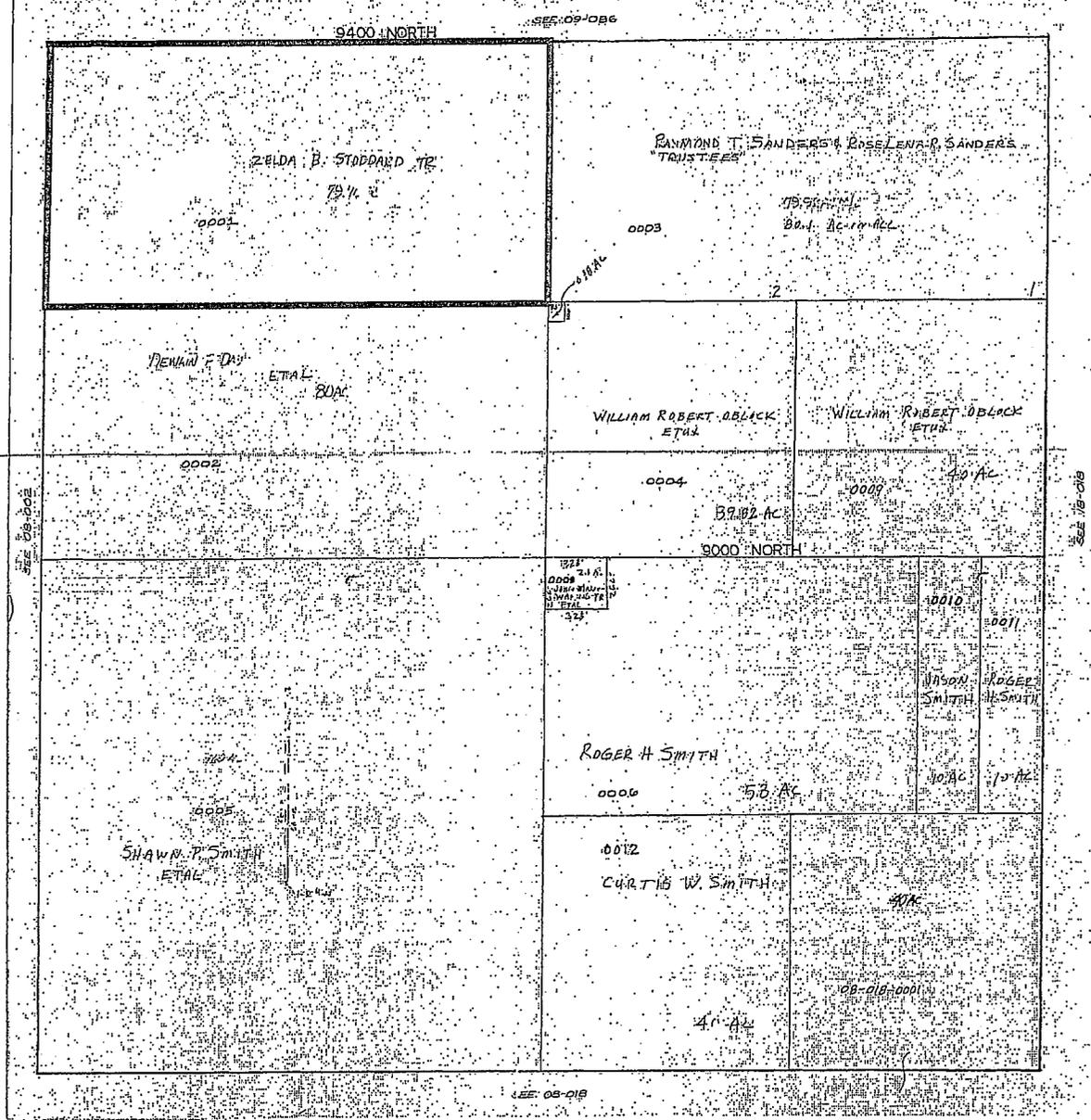
1. Meet all applicable standards of the Cache County Ordinance.
2. Provide evidence of adequate, approved, domestic water rights for all building lots within the subdivision.
3. The applicant shall reaffirm their portion of Cache County's 66' wide right-of-way for all county roads along or within the proposed subdivision boundary, and an easement for farm access from 9400 North and through parcel number 08-001-0001 to parcel number 08-001-0002 must be included on the survey plat.
4. As indicated by the proponent, the proponent shall improve 1600 East and the frontage of Lot #1 to meet the minimum county standard as per the Cache County Manual of Roadway Design and Construction Standards. A plan set must be submitted to the Development Services Department and must be reviewed and approved by the Cache County Engineer prior to construction of the roadway.

Section 1 Township 13 North Range 1 East

08  
001

Scale 1 Inch = 6 Chains

TAX UNIT 17





1 **#4 Clint and Leslie Ward Homestead Subdivision (Clint Ward)**

2 **Harrild** reviewed Mr. Clint Ward's request for a recommendation of approval from the County  
3 Council for a 1-lot subdivision with one agricultural remainder on 79.76 acres of property in the  
4 Agricultural (A10) Zone at approximately 9400 North 1600 East, Richmond. The applicant  
5 could build a home there as it stands, but they would like to divide the property. Water, septic,  
6 and fire access aren't issues. But there is some problems with road access. There is a culvert  
7 that cuts through the road that is sloughing off and starting to erode. That makes the road 14  
8 feet, once you get beyond that and before it the road averages 18 feet with a foot of shoulder. So  
9 the road is inadequate for the standard. The applicant is willing to make the needed  
10 improvements for the road and that becomes a condition for approval. The other improvement  
11 they will have to address is to improve the frontage of 9400 north rather than entire road. There  
12 are other issues regarding drainage for this road and those are being discussed and addressed by  
13 our staff engineer.

14  
15 Staff and Commission discussed the road improvements. The road leading to the subdivision  
16 and the piece in front of the applicant's property will need to be widened and improved to a  
17 gravel standard. The culvert will also need to be replaced and will be replaced with an extended  
18 culvert.

19  
20 **Clint Ward** I grew up in this area and farmed for several years. I would like to take off the  
21 bottom five acres for financial reasons and build a home on it. The rest of the land will remain in  
22 agriculture. That's my plan and the only thing I want to do with it. When it comes to the access  
23 they've talked through it and I'm willing to make those improvements.

24  
25 **Ellis** as I understand this and so that you understand, this does qualify for more lots than one and  
26 after you do this it won't meet that pre-1970 standard anymore and will fall under the new  
27 density standard.

28  
29 **Mr. Ward** I understand that and have no future plans for development.

30  
31 **Rosaline Saunders** My husband and I own 90 acres east of this property. About 15 years ago  
32 we wanted to make about 5 lots of about 10 acres each on the hill and we had an engineering  
33 firm look at and help us decide how to do this. When it became known what we were doing,  
34 Boyd Tripp and Winn Ward both strenuously objected to this and got all the water people in the  
35 state and county involved with the result that we dropped the plans and it ended up with the state  
36 saying we could only have one well up there. I would like to know what has changed. Where is  
37 all this water coming from all of a sudden and what is all this about zoning?

38  
39 **Runhaar** this discussion in the staff report is the maximum developable lots, but they are only  
40 asking for one. As far as water rights, the state makes those decisions. I know that, I don't know  
41 your case, but it could have been that there are number of parcels out there that are allowed by  
42 right a single well prior to 1996 and post 1996 you would have to transfer them and buy more  
43 well rights but you would still have to go to the state for well permits. If Mr. Ward did want to  
44 do seven more lots he could buy more rights and transfer them but he would still have to go  
45 through the state for the other well permits not us. We don't have any authority on well permits  
46 and water rights. He will have to prove that he has the well permit and water rights before he  
47 can build on it. Does that make sense?

1  
2 **Mrs. Saunders** no.

3  
4 **Runhaar** sorry, that's the best way I know how to explain it.

5  
6 Staff and commission discussed the amount of lots allowed and water rights. This application  
7 allows for the applicant to build one more house on the property. If the applicant wants to  
8 develop more he would have to come back through the process for more lots. The applicant does  
9 have water rights for this lot and is in the process of those water rights being transferred.

10  
11 **Scott Tripp** I can answer some of the questions regarding water rights as I'm head of the  
12 Skyline Irrigation Company so I know where he is getting his water rights. My concern is here  
13 today, I'm the property on 1600 east all the way along. It is an unimpeded county road. Five  
14 years ago they widened the road, and all of it was done in my direction, all to the south none to  
15 the north. I've been a considerate citizen and have set my fences back thirty feet. My concern is  
16 am I going to have to build a new fence and the trees that are there. As the water has been  
17 diverted I'm concerned about those trees. Is there any mitigation for those trees? As you can see  
18 in the pictures my fence is way off the road, the property owner to the east is very unhappy and  
19 is not planning on moving his fence. But that road depending how you go impacts me. I'm also  
20 the homeowner of the home on the corner. That corner is blind and I'm well familiar with it  
21 because I drive farm machinery on it constantly but I don't see that that has been addressed. So  
22 my concerns are that is an un-deeded county road, how does it affect my property whether you  
23 go two feet to east or six feet to the west, does that impact the center of the road? Does my  
24 fence come in compliance anymore? What happens to the trees and the fence? And what is not  
25 in that sight plan is a personal discussion, there is an access road to Day's property that  
26 continues on. It tags over to mine and around the fences and goes to the eastside of fence all the  
27 way down and there is no discussion about that that grants him continued access. The water right  
28 actually comes from an unnamed spring that the Stoddard's own. I know it very well because of  
29 family history with it. Stoddard's own it entirely. So that's where the water is coming from. My  
30 questions are how do I protect my rights as far as widening the road that is not on his property  
31 whatsoever? It's mine and when do I find out which way it's going to go and does he move my  
32 fence if he impacts me? And who pays for an un-deeded county road? Is it eminent domain?

33  
34 Staff and commission discussed the questions that have arisen. As far as the widening, the initial  
35 discussion was to go all in one direction. Staff hasn't sat down with engineers though. The  
36 problem is the road is part gravel and part pavement which isn't possible. So staff is looking at  
37 an equal widening on each side, so that would mean two feet on each side of the road. If fences  
38 do have to be moved that would be the responsibility of whoever is doing the roadway  
39 improvement, in this case it would be the developer and they would pay for that to be put back  
40 in. If trees are impacted, and there are a number of trees in this situation, some trees might have  
41 to be removed and if there needs to be replanting that would be done as well. The road did exist  
42 on the 1914 county road map. It was a legal county road and at that time it would have had a 66  
43 foot right of way and that map is what has been used in the past to establish right of ways. So  
44 while the road maybe un-deeded there is an established county right of way. A legal  
45 memorandum and an assessment from the county engineer will move forward to the County  
46 Council. Staff will have to review the blind corner that was brought up.

1 **Mr. Tripp** it's an issue of height.

2  
3 **Harrild** we will revisit that corner.

4  
5 **Mr. Ward** Scott's right about the current access to that property. I have had a survey done and  
6 my plans are that that fence would be moved at my cost and I would access my property that  
7 way. Scott's right that there is an implied right of way to Day's property that they've always  
8 used and if they still want to continue to use it I'm not going to cut that off. The access will be  
9 from my property.

10  
11 **Sands** so the access will be on the west of the property there, and what you're saying is that the  
12 fence is on the west side and you're going to switch to the east side?

13  
14 **Mr. Ward** the gate goes straight in from the road. It's a lane and then it goes down 150 feet and  
15 then the fence jogs back to the property line. The plan is not to impact the Tripp's.

16  
17 **Harrild** staff would recommend an easement would be drawn up that would recognize that  
18 access to Day's property.

19  
20 **Sands** does that make sense Mr. Ward?

21  
22 **Mr. Ward** explain that again please?

23  
24 **Harrild** if there was an easement written up to identify that access.

25  
26 **Mr. Ward** it's not recorded at all.

27  
28 **Harrild** it's not right now.

29  
30 **Mr. Ward** it's a prescriptive easement.

31  
32 **Harrild** but if we added it to the plat is that in line with your thinking?

33  
34 **Mr. Ward** for the Days'?

35  
36 **Harrild** yes.

37  
38 **Mr. Ward** if they want it, sure. I don't want to be a bad neighbor.

39  
40 **Mr. Tripp** the reason it's a big deal is because of the way the county pushes snow. My fence  
41 gates have been bent every single year because they push it straight down into that fence. So to  
42 get the proper setback and get the corner fixed would be great so I can stop buying gates.

43  
44 **Allan Day** according to this survey, it looks like that part we call Knowles's waste basket, I've  
45 been paying taxes on.

46  
47 **Harrild** the part you're asking about is east of the road?

1  
2 **Mr. Day** no.

3  
4 **Harrild** to the south.

5  
6 **Mr. Day** I've been paying taxes on it if it's his.

7  
8 **Harrild** its not, according to this it's yours.

9  
10 **Mr. Ward** that fence that comes down near the water drains, that fence is on your property and  
11 needs to be straightened, and it will be.

12  
13 *Allen motioned to recommend the Clint and Leslie Ward Homestead Subdivision to the County*  
14 *Council with approval based upon the four conditions and findings of fact; Watterson seconded;*  
15 *Passed 5, 0.*

16  
17 Staff and commission discussed a change to the ordinance to allow one lot subdivisions on  
18 existing lots to be approved administratively. There isn't very much difference between a  
19 boundary line adjustment and this type of situation. Noticing, comments, and discussion would  
20 not be eliminated but hearings would be held in the office and it would also decrease the  
21 financial burden for applicants in this type of situation. There would be a threshold at which the  
22 application would have to come before the commission but many applications would be handled  
23 administratively.

24  
25 **06:47:00**

26  
27 **#5 White Pine Subdivision (Kelly Newman)**

28 **Harrild** reviewed Kelly Newman's request for a recommendation of approval from the County  
29 Council for a 3-lot subdivision and one remainder on 140.55 acres of property in the Forest  
30 Recreation (FR40) Zone, Logan Canyon. Access is from SR 89 across the bridge. However, the  
31 bridge is inadequate. The width of the bridge is currently 9 feet and the requirement for fire  
32 access is 12 feet. Staff has identified a need for the bridge to be widened and because at this  
33 moment the applicant does not have anything about widening the bridge staff has to recommend  
34 denial. If the bridge were not an issue staff would recommend approval but because the bridge  
35 staff cannot recommend that.

36  
37 Staff and commission discussed noticing, all the neighbors were noticed about the proposal.

38  
39 **Shawn Smith** I'm here on behalf of my in-laws. I guess I will need to let them know the bridge  
40 doesn't meet the standards for what they are trying to do.

41  
42 **Sands** if you give them the staff report that should have enough detail for them.

43  
44 **Mr. Smith** where can I get that report?

45  
46 **Runhaar** instead of doing a recommendation of denial we could postpone.

RESOLUTION NO. 2013- 06

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2013 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2013 budget for Cache County:

see attached

Section 2.

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

Section 3.

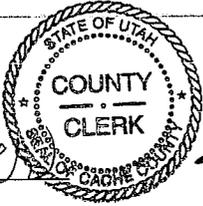
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Council on the 23rd day of April, 2013.

ATTESTED TO:

CACHE COUNTY COUNCIL

*Jill N. Zollinger*  
Jill N. Zollinger, Cache County Clerk



*Val K. Potter*  
Val K. Potter, Chairman

FUND 100 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
100-33-11110	FED-SRS TITLE I	\$ -		\$ (31,360)	\$ (31,360)	USDA FS ACREAGE DISTRIBUTION
100-33-14100	CRIME VICTIM GRANT- VOCA	\$ (160,072)		\$ (4,000)	\$ (164,072)	AMENDMENT FOR TRANSLATOR SERVICES
100-36-90000	SUNDRY REVENUE	\$ (52,500)		\$ (87,000)	\$ (139,500)	GIS MAPS FOR ST OF UT/CCSD Election reimb
100-36-95000	LEASE PROCEEDS	\$ -		\$ (437,600)	\$ (437,600)	LEASE PURCHASE 5 TENDERS (FIRE DEPT)
100-38-90000	APPROP SURPLUS	\$ (2,045,000)		\$ (7,000)	\$ (2,052,000)	NEW OVEN IN JAIL
100-38-91900	APPROP SURPLUS - WATER	\$ -		\$ (106,050)	\$ (106,050)	FOR WATER MASTER PLAN CARRYOVER
	Totals		\$ -	\$ (673,010)		
	Net Adjustment				\$ (673,010)	

FUND 100 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
100-4115-480	WATER - SPEC GRANT EXPENSE	\$ 20,000	\$ 106,050		\$ 126,050	MASTERPLAN GRANT
100-4148-620	VOCA-misc svc	\$ -	\$ 4,000		\$ 4,000	Contract services for ABRIAL MARROQUIN
100-4160-720	BLDG & GRDS - BUILDING	\$ -	\$ 20,000		\$ 20,000	RAIN GUTTERS & HEAT CABLES
100-4170-200	ELECTIONS - MISC SUPPLY & SERV	\$ 6,000	\$ 70,000		\$ 76,000	Cache Co School dist bond election
100-4230-740	Jail - Capitalized Equipment	\$ -	\$ 7,000		\$ 7,000	replace oven in Jail Kitchen
100-4220-740	FIRE - CAPITAL EQUIPMENT	\$ -	\$ 462,600		\$ 462,600	LEASE PURCHASE 5 TENDERS (FIRE DEPT)
100-4511-110	FAIRGROUNDS - SALARY	\$ 67,401	\$ 4,000		\$ 71,401	PROMOTION INCREASE
100-4511-115	FAIRGROUNDS - OVERTIME	\$ 6,000		\$ (4,000)	\$ 2,000	TRANSFER FOR PROMOTION INCREASE
100-4511-130	FAIRGROUNDS - EMPLOYEE BENEFITS	\$ 36,682	\$ 12,000		\$ 48,682	MISSED INS & RETIREMENT IN ORIG BUDGET
100-4810-100	TRANSFER OUT TO CAPITAL PROJ FUND	\$ -	\$ 17,000		\$ 17,000	transfer for EWS River Proj. Co. Match
100-4800-940	TRANSFER TO DEBT SERV -FIRE VEHICLES	\$ 156,000		\$ (25,000)	\$ 131,000	No debt pmt in 2013 transfer to tenders
100-4960-600	SUNDRY EXPENSE	\$ 100,000		\$ (640)	\$ 99,360	TRANSFER TO COVER EMPLOYEE BEN
	Totals		\$ 702,650	\$ (29,640)		
	Net Adjustment				\$ 673,010	

FUND 150 ASSESSING & COLLECTING EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
150-4146-510	Assessor-Insurance	\$ -	\$ 6,094		\$ 6,094	Ut Local Govt Trust -INS PMT
150-4146-620	Assessor-Misc Svc	\$ 130,000		\$ (6,094)	\$ 123,906	Ut Local Govt Trust - INS PMT
	Totals		\$ 6,094	\$ (6,094)		
	Net Adjustment				\$ -	

FUND 200 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
200-34-13100	SUBDIVISION ENG REVIEW	\$ -		\$ (1,000)	\$ (1,000)	REVENUE PROJECTION ESTIMATE
200-38-92000	APPROP SURPLUS -MSF	\$ (34,235)		\$ (4,000)	\$ (38,235)	COSTS OF VALLEY VIEW PARK & RIDE
200-33-70110	GRANTS OTHER LOCAL	\$ -		\$ (6,000)	\$ (6,000)	NORTH CACHE SOIL CONSERV DIST
	Totals		\$ -	\$ (11,000)		
	Net Adjustment				\$ (11,000)	

FUND 200 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase	Decrease	Amended Budget	Reason for Change
200-4180-915	ZONING - PROF & TECH ENGINEERING REVI	\$ 2,500	\$ 1,000		\$ 3,500	ADI TO REVENUE INCREASE
200-4960-600	SUNDRY EXPENSE	\$ 12,500	\$ 4,000		\$ 16,500	VALLEY VIEW PARK & RIDE COSTS
200-4450-485	WEED DEPT - SPECIAL GRANT PROJ	\$ -	\$ 6,000		\$ 6,000	TRENTON/CLARKSTON WEED CONTROL
	Totals		\$ 11,000	\$ -		
	Net Adjustment				\$ 11,000	

FUND 240 COUNCIL ON AGING REVENUE

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
240-38-71900	CONTRIB SPECIAL PROJECTS	\$ -		\$ (5,000)	\$ (5,000)	EST FOR SPEC PROJ
240-38-90000	APPROP SURPLUS	\$ (28,573)		\$ (9,143)	\$ (37,716)	APPROP UNUSED FUNDS PRIOR YEAR
	Totals		\$ -	\$ (14,143)		
	Net Adjustment				\$ (14,143)	

FUND 240 COUNCIL ON AGING FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
240-4810-201	TRANSFERS OUT-CLASS B ROADS	\$ 437	\$ 500		\$ 937	TO PAY FOR SNOW REMOVAL COSTS
240-4971-730	CENTER NON-MANDATED - IMPROVEMENT	\$ -	\$ 8,764		\$ 8,764	APPROP UNUSED FUNDS PRIOR YEAR
240-4971-720	CENTER NON-MANDATED - BUILDING	\$ -	\$ 4,879		\$ 4,879	APPROP UNUSED FUNDS PRIOR YEAR
	Totals		\$ 14,143	\$ -		
	Net Adjustment				\$ 14,143	

FUND 260 RESTAURANT TAX FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
260-38-90000	APPROP SURPLUS	\$ (147,000)		\$ (5,244)	\$ (152,244)	TO COVER LITIGATION EXPENSE
	Totals		\$ -	\$ (5,244)		
	Net Adjustment				\$ (5,244)	

FUND 260 RESTAURANT TAX FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
260-4780-310	PROF & TECHNICAL	\$ -	\$ 5,244		\$ 5,244	LITIGATION EXPENSE SEP 2010-SEP 2012
	Totals		\$ 5,244	\$ -	\$ 5,244	
	Net Adjustment				\$ -	

FUND 277 AIRPORT FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
277-33-10520	FEDERAL GRANT TAXIWAY JULIET	\$ -		\$ (450,000)	\$ (450,000)	New Grant Project -Taxiway Juliet
277-33-44402	STATE GRANT	\$ -		\$ (1,812)	\$ (1,812)	PROJECT INCREASE -reimb AIP 23 ARF truck/AIP 24
277-33-44403	STATE GRANT - FOG & CRACK SEAL	\$ -		\$ (67,500)	\$ (67,500)	Fog & Crack Seal Project
277-33-44510	STATE GRANT MATCH- TAXIWAY JULIET	\$ -		\$ (25,000)	\$ (25,000)	St Match for Taxiway Juliet proj TAXIWAY JULIET MATCH \$25000; FOG & CRACK SEAL MATCH \$7500; Gas Line Improvements
277-38-70000	APPROP SURPLUS	\$ (19,237)		\$ (67,082)	\$ (86,319)	\$14582; Used Truck & Plow \$20,000
	Totals		\$ -	\$ (611,394)		
	Net Adjustment				\$ (611,394)	

FUND 277 AIRPORT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
277-4460-260	AIRPORT-BUILDING&GROUNDS	\$ 15,000		\$ (490)	\$ 14,510	Increased cost of chemical
277-4460-262	AIRPORT-WEED CONTROL-CHEMICAL	\$ 9,000	\$ 490		\$ 9,490	Increased cost of chemical
277-4460-730	Improvements	\$ -	\$ 14,582		\$ 14,582	Improvements - Gas Line (Questar) PROJECT INCREASE -reimb AIP 23 ARF truck/AIP 24
277-4460-739	Grant Projects	\$ 750,000	\$ 1,812		\$ 751,812	WHMP/ARF truck pmt#2
277-4460-739	Grant Projects	\$ 751,812	\$ 575,000		\$ 1,326,812	Taxiway Juliet Project
277-4460-740	Capitalized Equipment	\$ -	\$ 20,000		\$ 20,000	Used Truck & Plow
	Totals		\$ 611,884	\$ (490)	\$ 611,394	
	Net Adjustment				\$ -	

FUND 390 CAPITAL PROJECTS REVENUE

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
390-38-20000	TRANSFER IN FROM GEN FUND	\$ -		\$ (17,000)	\$ (17,000)	transfer in for project increase
	Totals		\$ -	\$ (17,000)		
	Net Adjustment				\$ (17,000)	

FUND 390 CAPITAL PROJECTS EXPENDITURE

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
390-4470-620	CAP PROJ-EWS RIVER RESTRTN-MISC SVC	\$ -	\$ 17,000		\$ 17,000	transfer from general fund -use for match on EWS River Proj
	Totals		\$ 17,000	\$ -	\$ 17,000	
	Net Adjustment				\$ -	