

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
APRIL 12, 2016**

**COUNTY COUNCIL MEETING  
April 12, 2016**

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**CACHE COUNTY COUNCIL MEETING**  
**April 12, 2016**

The Cache County Council convened in a regular session on April 12, 2016 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** G. Gregory Merrill  
**Vice Chairman:** David Erickson  
**Council Members:** Kathy Robison, Cory Yeates Jon White, & Gordon Zilles.  
**Val Potter absent.**  
**County Executive:** Craig "W" Buttars  
**County Clerk/Auditor:** Jill N. Zollinger  
**County Attorney:** Tony Baird

**The following individuals were also in attendance:** Janeen Allen, Chris Harrild, Sharon L. Hoth, George Humbert, Director Cameron Jensen, Becky Job, Director Kristine Johnson, Director Bartt Nelson, Dave Nielsen, Savannah Perkins, Director Josh Runhaar, Dianna Schaeffer **Media:** Lis Stewart (Herald Journal), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member White 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 amended agenda as written. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the March 29, 2016 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.

**MINUTES FOLLOW-UP:** Chairman Merrill remarked he was impressed with the number of individuals recognized as volunteers at the recognition ceremony on April 5<sup>th</sup> and commended all who provide such a great service to the citizens of the county.

**REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the periods 03-19-2016 to 03-25-2016, 03-26-2016 to 04-01-2016 and 04-02-2016 to 04-08-2016 were given to the Clerk for filing.

**OTHER ITEMS:**

- UAC Management Conference** – Executive Buttars will be attending and asked the Council to let him know of any particular issues they want information on.
- Water Conservancy District Meetings** with municipalities in the county are being scheduled in order for them to approve the resolution to place the creation of a water conservancy district on the ballot.
- Road problems from canal project** – With the newly closed canal the additional water from spring runoff that used to run into the canal has created problems on some county roads.

**UNIT OR COMMITTEE REPORTS**

- \* **Senior Citizens Center** – Kristine Johnson reported on the following
  - o Volunteer hours – 6,600 hours
  - o Meals served – 43,000 Meals on Wheels; 13,000 congregate meals
  - o CDBG grant for two new vehicles
  - o Senior tax services
  - o Blood pressure clinics
  - o Foot clinics
  - o New activities
  - o Agency partnering
  - o Transportation services

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

**PUBLIC HEARING SET:** April 26, 2016-5:30 p.m.-Resolution 2016-10-Authorizing Conveyance of Real Property.

**PUBLIC HEARING SET:** May 10, 2016-5:30 p.m.-Resolution 2016-11-Vacating a Public Street, Right-of-Way, or Easement.

**ACTION: Motion by Council member Yeates to set a Public Hearing – April 26, 2016-5:30 p.m.-Resolution 2016-10-Authorizing Conveyance of Real Property AND set a Public Hearing – May 10, 2016-5:30 p.m.-Resolution 2016-11-Vacating a Public Street Right-of-Way, or Easement. Erickson seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**PUBLIC HEARING:** April 12, 2016-5:30 p.m.-Ordinance No. 2016-02-Esplin Andersen Rezone – Request for approval for a rezone of 5 acres from Agricultural (A10) Zone to Commercial (C) Zone at 4600 North 400 West, southwest of Smithfield. – Chris Harrild reported that the Planning Commission and staff recommend denial. This determination is based on the following findings of fact:

- \* The subject property is not appropriately served by public services.
- \* The subject property does not have adequate road access for commercial development as neither 4600 North nor 400 West meet the requirement of 22 feet of paved width with 1 foot wide gravel shoulders.

- \* If 400 West were improved to meet the minimum county road standard, the expansion of services for a paved road from a gravel road is not allowed as per Resolution 2015-20. An exception to this resolution is unlikely to be made as it would not improve the health and/or safety of existing legal subdivisions, homes, or businesses.
- \* The subject property is within Smithfield City's annexation area. Smithfield City has requested denial based on a lack of both utility services and water for fire protection and has stated they shall not extend services until the subject property is annexed into the city.
- \* The subject property is not currently in a compatible location for commercial activities.
- \* None of the adjacent properties are zoned Commercial. The only properties zoned Commercial in the vicinity are undeveloped parcels approximately ¾ of a mile away along the Highway 91 corridor that would likely require annexation to provide the needed public services.

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

**ACTION: Motion by Council member Yeates to close the Public Hearing-April 12, 2016-5:30 p.m.-Esplin Andersen Rezone. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.**

Harrild will prepare a Record of Decision to Deny for the next Council meeting.

**PENDING ACTION**

- Resolution No. 2016-07-Implementing the 2016 Weed Control Policy for Cache County** – Director Runhaar noted the Council has the updated weed prioritization list from the state on their iPads.

(Attachment 1)

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2016-07-Implementing the 2016 Weed Control Policy for Cache County. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2016-09 –Authorizing the County Executive to Sign an Interlocal Agreement with Franklin County, Idaho to House Inmates** – Sheriff Jensen indicated Franklin County has a contract with Soda Springs, Caribou County, Idaho, to house inmates, but it expires shortly. Franklin County is interested in an agreement with Cache County and Sheriff Jensen believes this will bring in significant revenue for the Sheriff's office.

(Attachment 2)

**ACTION: Motion by Vice Chair Erickson to waive the rules and approve Resolution No. 2016-09-Authorizing the County Executive to sign an Interlocal Agreement with Franklin County, Idaho to House Inmates. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.**

- **Resolution No. 2016-12-Initiation of the Creation of a Water Conservancy District** – Council member White observed this resolution allows the county to get the question on the ballot to see if the people want it. Executive Buttars added the county is trying to get the municipalities to pass the same resolution within a set amount of time and the county should do the same.

**(Attachment 3)**

**ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2016-12-Initiation of the Creation of a Water Conservancy District. Erickson seconded the motion. The vote was unanimous, 6-0. Potter absent.**

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

**PUBLIC HEARING: April 12, 2016-5:50 p.m.- Ordinance No. 2016-03-Code Amendments-Title 16-Amendments-Subdivision Requirements and Review** – Chris Harrild explained the amendments are mostly clean-up changes and updates to make things configure with state code.

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

**ACTION: Motion by Council member Yeates to close the Public Hearing-April 12, 2016-5:50 p.m.-Ordinance No. 2016-03-Code Amendments-Title 16-Amendments-Subdivision Requirements and Review. White seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**PUBLIC HEARING: April 12, 2016-6:00 p.m.-Open 2016 Budget** – Director Cameron Jensen reviewed the budget changes including the carryover of 2015 purchase orders, rental of ankle bracelets for work release inmates, cost of a fidelity bond for the County Treasurer and predator control.

Director Josh Runhaar added that large design or construction projects require up front money when they go out to contract for the work, but the work may not be initiated for some time because of planning, etc. time lines.

Chairman Merrill opened the Public Hearing and invited public comment.

Bill Bower spoke in opposition to holding over purchase orders from a previous year.

There was no other public comment.

**ACTION: Motion by Council member Yeates to close the Public Hearing-April 12, 2016-6:00 p.m.-Open 2016 Budget. White seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2016-08-Amendments to 2016 Budget**

(Attachment 4)

**ACTION: Motion by Council member White to waive the rules and approve Resolution No. 2016-08-Amendments to 2016 Budget Increasing Budget Appropriations for Certain County Departments. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.**

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

**PUBLIC HEARING:** April 12, 2016-6:10 p.m.- Ordinance No. 2016-04-Code Amendments, Title 17- *Miscellaneous Land Use Updates and Revisions* – Chris Harrild stated the amendments are mostly language and redundancy corrections with some added definitions and reviewed them for the Council and the public.

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

**ACTION: Motion by Council member Yeates to close the Public Hearing-April 12, 2016-6:10 p.m.-Ordinance No. 2016-04-Code Amendments, Title 17-*Miscellaneous Land Use Updates and Revisions*. White seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Ordinance No. 2016-05 – Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power** – Executive Buttars said he has been in discussions with Rocky Mountain Power for several months. This ordinance will allow Rocky Mountain Power to place poles and wires in county right-of-ways. Buttars turned the time to George Humbert, Rocky Mountain Power.

George Humbert agreed with Executive Buttars' description and added that in return for the privilege of placing their poles, etc. in county right-of-ways, Rocky Mountain agrees to move those facilities at their cost if the health, safety or welfare of the county is an issue. Humbert said the current agreement has been in place since September 1966 and expires in August. The new agreement will be for ten years.

Council member White asked who determines if moving poles, etc. is needed. Humbert replied if a road is changed due to private development, it is the responsibility of the developer. If the change is a county decision, Rocky Mountain is responsible.

Council member Yeates asked if Rocky Mountain will allow a cable company to use poles for a fee. Humbert responded, "Yes."

(Attachment 5)

**ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2016-05-Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**Ordinance No. 2016-05:** The motion passed 7-0.

	<u>ERICKSON</u>	<u>MERRILL</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								0
ABSTAINED								0
ABSENT			X					1

- **Property Tax Relief Request**

- 0017 *(Details are on file in the office of the Cache County Clerk/Auditor.)*

**ACTION: Motion by Council member White to approve the Property Tax Relief Request to waive penalties and interest. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**OTHER BUSINESS**

- ✓ **2016 UAC Management Conference – April 13-15 at Davis Conference Center**
- ✓ **Tax Exemption Hearing – Intermountain Health Care, Logan Regional Hospital- Wednesday, April 20, 2016 at 3:00 p.m. – Potter & Robison**
- ✓ **Tax Exemption Hearing – Midtown Community Health Center, Inc.-Thursday, April 21, 2016 at 11:00 a.m. (Council Conference Room) – Yeates & Zilles**
- ✓ **Tax Exemption Hearing Cache Valley Community Health Center-Thursday, April 21, 2016 at 2:00 p.m. – Erickson & Zilles**
- ✓ **Tax Exemption Hearing – Sunshine Terrace-Monday, April 25, 2016 at 2:00 p.m. – White & Erickson**
- ✓ **Budget Workshop – Tuesday, April 26, 2016 at 3:00 p.m. – Council Chambers – Chairman Merrill reminded Council members to be prepared to share reports on their assigned departments and to give Director Jensen any items they want addressed.**
- ✓ **County Employees Day(s) of Service – Thursday, April 28, 2016 1:00-5:00 p.m. – The Family Place (*painting*) and Tuesday, May 24, 1:00 to 5:00 p.m. – The Family Place (*landscaping*)**
- ✓ **Health Days Parade – Saturday, May 14, 2016 at 10:00 a.m.**
- ✓ **Richmond Black & White Days Parade – Saturday, May 21, 2016 at 5:00 p.m.**

Cache County Council  
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✓ Employees Appreciation Day – May 25, 2016 – 11:00 a.m. – 2:00 p.m.

COUNCIL MEMBER REPORTS – There were no reports.

ADJOURNMENT

The Council meeting adjourned at 6:55 p.m.

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

\_\_\_\_\_  
**APPROVAL:** G. Gregory Merrill  
Chairman

**CACHE COUNTY  
RESOLUTION 2016-07**

**A RESOLUTION IMPLEMENTING THE 2016 WEED CONTROL POLICY  
FOR CACHE COUNTY**

WHEREAS, the State of Utah Noxious Weed Act requires that counties establish methods to control noxious weeds, and;

WHEREAS, Title 8.28 establishes a Weed Control Ordinance for Cache County, and;

WHEREAS, County Code 8.28 requires that a policy be established annually to determine the noxious weeds targeted for control, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the county to adopt a Weed Control Policy.

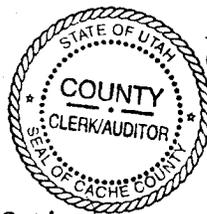
NOW, THEREFORE, BE IT RESOLVED that the Cache County Council hereby adopts the following resolution:

The 2016 Cache County Weed Control Policy, attached as Exhibit A, is hereby approved, superseding all prior Noxious Weed Control Policies.

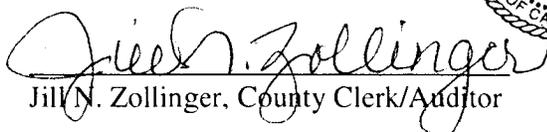
APPROVED AND ADOPTED this 12th day of April, 2016.

Cache County Council

  
\_\_\_\_\_  
Gregory Merrill, Chairman



Attest:

  
\_\_\_\_\_  
Jill N. Zollinger, County Clerk/Auditor

# 2016 CACHE COUNTY WEED CONTROL POLICY

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## **A. STATEMENT OF INTENT**

The Cache County weed control program will function and enforce in accordance with the Noxious Weed Act and Cache County code section 8:28 to organize, supervise, and coordinate a noxious weed control plan for Cache County including chemical and biological control practices.

## **B. ANNUAL COORDINATION MEETINGS**

The County Weed Board shall hold an annual coordination meeting each year prior to the start of the weed season. All organizations concerned with weed control will be invited to have a representative in attendance including the following agencies: 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, PacifiCorp, Questar, irrigation companies and municipalities. Cache County personnel including Weed Department staff, the Road/Weed Foreman, and the Director of Development Services should be in attendance. Notice of the meeting shall be posted in compliance with County code and State Law.

The purpose of this 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.

In addition to the annual coordination meeting, midyear meetings may be held to discuss pressing weed control issues such as new weed discoveries, weed law violations, and enforcement. A final 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* with a summary of the results of the summer's activities shall be provided to the Weed Board.

## **C. 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 weed control activities by locating, identifying, and controlling specific infestations on their individual properties. The County shall conduct weed control activities where required throughout the County. In the case of weed control adjacent to organic farms, the County shall actively spray up to the property boundaries including all County road rights-of-way and easements. The responsibility to provide a "no-spray" buffer remains on the property owner. If noxious weeds are present on organic farms, the property owner can opt to control said weeds in compliance with this policy, County code, and State law with non-chemical applications if the control is effective.

However, if the property owners are unable to control weeds in an appropriate manner, the property may be declared a public nuisance in compliance with County code and the weeds controlled accordingly.

#### **D. WEED CONTROL PRIORITIES**

1. Control of noxious weeds or any plant deemed a nuisance or hazard on property within the county.
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, right-of-ways, easements, county road sides, etc.

#### **E. CATEGORIES OF WEEDS**

For the purpose of organizing efforts and funding weed control programs, noxious and invading weeds are classified as follows:

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##### **CLASS 1A EDRR WATCH LIST**

Qualifications for this class include. Common Crupina, African Rue, Small Bugloss, Mediterranean Sage, Spring Millet, Syrian Beancaper, North African Grass, Plumeless Thistle, Malta Thistle.

##### **CLASS 1B EARLY DETECTION**

Qualifications for this class include: Camelthorn, Garlic Mustard, Purple Starthistle, Goatsrue, African Mustard, Giant Reed, Japanese Knotweed, Vipers Bugloss, Elongated Mustard, Common St. Johnswort, Oxeye Daisy, Cutleaf Vipergrass.

##### **CLASS 2 CONTROL**

Qualifications for this class include: Leafy Spurge, Medusahead, Rush Skeletonweed, Spotted Knapweed, Purple Loosestrife, Squarrose Knapweed, Dyers Woad, Yellow Starthistle, Yellow Toadflax, Diffuse Knapweed, Blackhenbane, Dalmation Toadflax.

##### **CLASS 3 CONTAIN**

Qualifications for this class include: Russian Knapweed, Houndstounge, Broad-leaved Peppergrass (Tall Whitetop), Phragmites, Tamarisk (Salt Cedar), Hoary Cress, Canada Thistle, Poison Hemlock, Musk Thistle, Quackgrass, Jointed Goatgrass, Bermudagrass, Perennial Sorghyum ssp. ( including but not limited to Johnson Grass, Scotch Thistle (Cotton Thistle), Field Bindweed, Puncturevine.

##### **CLASS 4 PROHIBITED**

Qualifications for this class include: Cogongrass (Japanese Blood Grass), Myrtle Spurge, Dame's Rocket, Scotch Broom, Russian Olive.

## **F. NOXIOUS WEED SEED RESTRICTIONS**

It shall be unlawful for any individual or company 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)

## **G. WEED CONTROL FEE SCHEDULE**

The following charges\* will be effective for the 2015 spraying season.

- 1) Early Detection Rapid Response (EDRR) Grant Projects** – Projects where the Weed Department treats a State/County declared noxious weed and has received specific grant funding for the treatment of such. Cost of \$50.00 per Acre with a \$50.00 minimum charge.
- 2) Goatsrue Grant Projects** – Treatment of any areas invested with Goatsrue while grant funding is available. Cost of \$25.00 per acre with a \$50.00 minimum charge.
- 3) Non-Grant Qualifying or Enforcement Work** - Labor and Equipment at fully loaded and audited rates and Herbicide at full purchase price with a \$50.00 minimum charge.

\*Requests for services or contracts with Cache County Weed Department which; due to distance, terrain, special equipment/control requirements, or particular personnel needs; create expenses not anticipated in the above guidelines may be negotiated on an individual basis with the County.

**CACHE COUNTY  
RESOLUTION NO. 2016-09**

**A RESOLUTION APPROVING THE INTERLOCAL AND  
INTERGOVERNMENTAL AGREEMENT BETWEEN CACHE COUNTY, UTAH,  
AND FRANKLIN COUNTY, IDAHO, REGARDING THE HOUSING OF  
INMATES AT THE CACHE COUNTY JAIL.**

WHEREAS, Utah Code Annotated § 11-13-101 *et seq.* allows for interlocal agreements to be made between governmental units of this State and another state, so as to permit the governmental units to make the most efficient use of their powers and resources; and

WHEREAS, Franklin County and Cache County have negotiated the attached "Interlocal and Intergovernmental Agreement between Cache County (Utah) and Franklin County (Idaho) Regarding the housing of Inmates at the Cache County Jail" ("Interlocal Agreement"), Exhibit A, whereby Cache County will house arrested or convicted persons for Franklin County, and Franklin County will pay Cache County agreed-upon fees for this service pursuant to the terms set forth therein; and

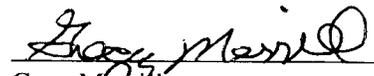
WHEREAS, The Interlocal Agreement provides the benefits of economy of scale and mutual advantage by providing Franklin County with space to house its inmates in exchange for cash flow for the Cache County Sheriff's Office; and

WHEREAS, it is in the best interest of Cache County that the County enter into the Interlocal Agreement;

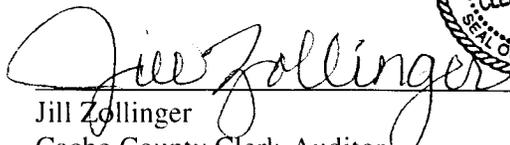
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, that the Interlocal Agreement be approved and adopted. This resolution takes effect immediately upon adoption.

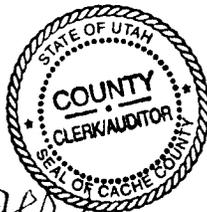
Dated this 12th day of April, 2016.

CACHE COUNTY COUNCIL

  
\_\_\_\_\_  
Greg Merrill  
Council Chairman

ATTEST:

  
\_\_\_\_\_  
Jill Zollinger  
Cache County Clerk-Auditor



**CACHE COUNTY  
RESOLUTION NO. 2016 - 12**

**A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT**

WHEREAS, Cache County is referred to herein as the "County"; and

WHEREAS, Amalga Town, Clarkston Town, Cornish Town, Hyde Park City, Hyrum City, Lewiston City, Logan City, Mendon City, Millville City, Newton Town, Nibley City, North Logan City, Paradise Town, Providence City, Richmond City, River Heights City, Smithfield City, Trenton Town, and Wellsville City are referred to herein collectively as the "Municipalities"; and

WHEREAS, pursuant to the Bear River Development Act, Utah Code Ann. § 73-26-101, *et seq.* (the "Act"), the Utah Division of Water Resources is directed to develop the surface waters of the Bear River and its tributaries through the planning and construction of reservoirs and associated facilities that are authorized and funded by the Legislature; and

WHEREAS, water resources developed by the Division of Water Resources pursuant to the Act may be made available by contract exclusively to the existing water conservancy districts that serve Box Elder, Salt Lake, and Weber Counties, as well as to Cache County and any water conservancy district that may be formed in Cache County—by law, this developed water cannot be made directly available to municipalities in Cache County, and there is currently no water conservancy district in Cache County whose mission is to serve all of the municipalities and unincorporated areas within the County; and

WHEREAS, the creation of a water conservancy district in Cache County will allow for the full implementation of the Cache County Water Master Plan prepared by J-U-B Engineers, Inc. dated August 2013 and will allow the district to plan and manage a system that protects and conserves the County's long-term agricultural, environmental, and municipal water interests with an emphasis on securing its Bear River allocation entitlements pursuant to the Act; and

WHEREAS, the County and some or all of the Municipalities desire to create a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*, as provided in this Resolution, to plan for and facilitate the long-term conservation, development protection, distribution, management and stabilization of water rights and water resources for domestic, irrigation, power, manufacturing, municipal, recreation and other beneficial uses at a reasonable cost to meet the needs of the residents and growing population of Cache County and to provide any services enumerated in the Water Conservancy District Act; and

WHEREAS, once created, the local district will be governed by an eleven member board of trustees, ten of whom will be elected by the voters of Cache County; and

WHEREAS, to have a functioning board of trustees pending elections, the Cache County Council will appoint trustees who will serve until their successors are elected by the voters; and

WHEREAS, Cache County currently imposes a property tax that is budgeted and utilized for the development of water resources; and

WHEREAS, the proposed local district will have taxing authority, but will not implement that authority until a majority of the members of the board of trustees of the district are officials elected by the voters; and

WHEREAS, the Cache County Council intends to reduce the portion of the County-wide property tax that is utilized for water development by an amount equal to any property tax imposed by the new local district, which will result in a combined county and local district property tax rate that is revenue neutral and will not increase the property tax burden on any property for at least four (4) years; and

WHEREAS, Utah Code Ann. § 17B-1-203 provides that the process to create a local district may be initiated by a resolution adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed local district; and

WHEREAS, the proposed local district will be created only after its creation has been approved by the voters residing within the district; and

WHEREAS, Cache County desires to join with the Municipalities in formally proposing the creation of the local district.

NOW THEREFORE, be it resolved and enacted by the Cache County Council as follows:

1. In order to allow the citizens of the unincorporated portions of Cache County to vote on the creation of a water conservancy district, Cache County, concurrently with some or all of the Municipalities, proposes the creation of a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*, which may include all of the incorporated and unincorporated areas within the boundary of Cache County, Utah, as depicted in the map which is attached as Exhibit "A" to and incorporated as part of this Resolution, conditioned upon each Municipality located within the proposed boundary of the district passing a similar Resolution. If the legislative body of any Municipality fails to adopt a similar Resolution, that Municipality may be excluded from the district.

2. The district that is proposed to be created will be known as the "Cache Water District," a water conservancy district located in a county of the third class.

3. The service proposed to be provided by the Cache Water District is the operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, irrigation, and culinary water, whether the system is operated on a wholesale or retail level or both, as provided in Utah Code Ann. § 17B-1-202(1)(a)(xii).

4. The type of specialized local district that is proposed to be created is a water conservancy district, as provided in the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*

5. The anticipated method of paying the costs of providing the proposed service is through the collection of ad valorem property taxes, service fees and charges, and/or levied assessments. It may be some time before the district will be able to provide water service and collect fees and charges for that service. Consequently, the district initially will be funded

through Cache County, until the district establishes its own property tax assessment, at which time Cache County is to reduce its property tax rate by an equivalent amount as stated in the foregoing recitals.

6. The maximum property tax levy a water conservancy district can impose is 0.0001 per dollar before certain activities are commenced, 0.0002 per dollar after certain activities are commenced, and 0.0003 per dollar if an additional levy is necessary to pay maturing bonds or debts. The average home value in Cache County is \$201,182, but the fair market value of residential property is allowed an exemption equal to a 45% reduction in the value of the property for property tax purposes. Taking these factors into consideration, the estimated average annual financial impact on a household within the proposed district will be as follows: the tax on a \$201,182 residence would be \$11.07 using a tax rate of 0.0001, \$22.13 using a tax rate of 0.0002, and \$33.20 using a tax rate of 0.0003. However, for at least the first four (4) years after the creation of the District, the net financial impact on a household may be zero if Cache County reduces its property tax rate by an amount equal to the new rate assessed by the district. Service fees and levied assessments cannot be estimated, and will be charged based upon actual water deliveries or contractually agreed upon amounts.

7. The number of members of the board of trustees of the proposed water conservancy district, consistent with Utah Code Ann. § 17B-1-302(2), will be eleven. The board of trustees will consist of ten elected trustees and one appointed trustee who will be elected or appointed, respectively, pursuant to the procedures set forth in Utah Code Ann. Title 17B, Chapter 1, Part 3 and § 17B-2a-1005. Seven of the elected Trustees will be elected from districts, with one trustee to be elected to represent each of the seven Cache County Council districts, as those districts may be established and modified from time-to-time pursuant to applicable law. The three remaining elected trustees will be elected County-wide. The one Trustee who is appointed by the Cache County Council will, pursuant to Utah Code Ann. § 17B-2a-1005(2)(d), be a person who owns irrigation rights and uses those rights as part of that person's livelihood. Regarding the ten elected trustee positions, the initial trustees will be appointed by the Cache County Council pursuant to Utah Code Ann. §§ 17B-1-303 and 20A-1-512, with staggered terms and subsequent trustees to otherwise be elected as provided herein.

Approved and passed as of the date set forth below.

CACHE COUNTY

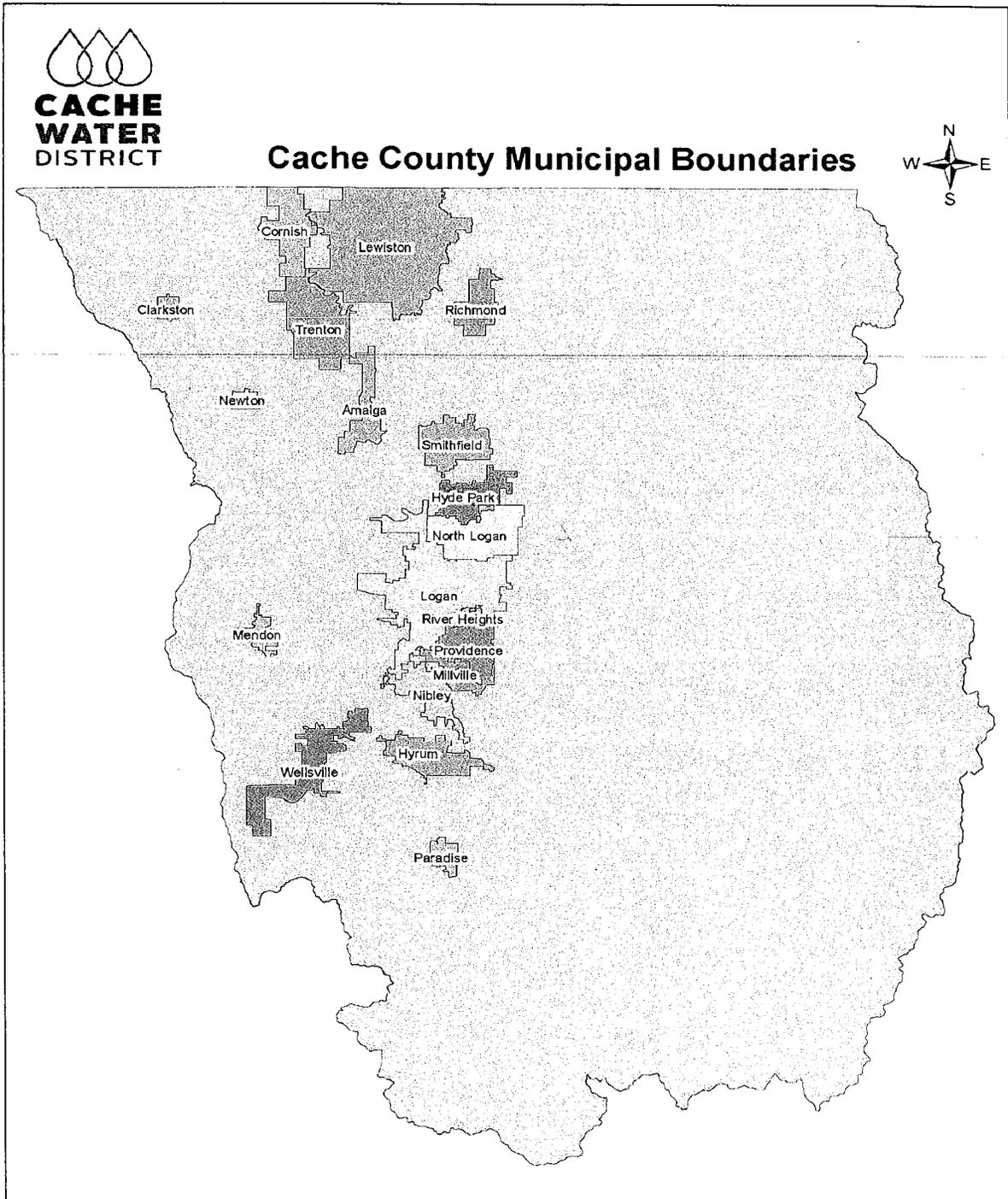
Dated: 4-12-2016

By: Gregory Merrill  
Gregory Merrill, County Council Chair



Attest: Jill N. Zollinger  
Jill N. Zollinger, County Clerk / Auditor

**EXHIBIT "A"**  
**Map Depicting the Boundaries of the**  
**Cache Water District**



RESOLUTION NO. 2016 – 08

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 2016 are reasonable and necessary; that the said budget has been reviewed by the County Finance Director 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 the 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 2016 budget for Cache County:

See attached

Section 2.

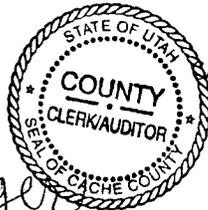
Other than as specifically set forth above, all other matters set forth in the 2016 budget shall remain in full force and effect.

Section 3.

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

This resolution was duly adopted by the Cache County Council on the 12th day of April, 2016.

ATTESTED TO:



CACHE COUNTY COUNCIL

Jill N. Zollinger, Cache County Clerk/Auditor

Greg Merrill, Council Chair



# BUDGET OPENING

Resolution: 2016-08

Hearing: April 12, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
<b>GENERAL FUND</b>		<b>Adopted Budget: \$24,254,634</b>		<b>Proposed Budget: \$24,558,593</b>
Revenues				
CHARGES FOR SERVICES	100-34-23115	JAIL - ANKLE MONITORS	Ankle Bracelet - Work Release Payments	30,000
MISCELLANEOUS	100-36-90000	SUNDRY REVENUE	Sheriff - Motorcycle Trade-In Value	12,000
CONTRIB./TRANSFERS	100-38-90500	APP FUND BAL - PO CARRY OVER	2015 PO Carry Over to 2016	346,258
<b>Total Revenue Adjustment:</b>				<b>388,258</b>
Expenditures				
WATER DEVELOP.	100-4115-310	PROFESSIONAL & TECHNICAL	2015 PO 26405 Attorneys	4,850
WATER DEVELOP.	100-4115-310	PROFESSIONAL & TECHNICAL	2015 PO 26839 Attorneys For Water Conserv Di	25,000
WATER DEVELOP.	100-4115-310	PROFESSIONAL & TECHNICAL	2015 PO 26840 Professional/Technical For Wat	19,399
WATER DEVELOP.	100-4115-481	WATER BROKERNG; AQUA STOR/RC	2015 PO 26416 Aquifer Storage & Recovery Gre	27,000
GIS	100-4135-720	BUILDING IMPROVEMENTS	2015 PO 26826 Cubicle Walls & Desks - Gis	11,000
ITS	100-4136-115	OVERTIME PAY	Transfer with IT Staff	6,500
ITS	100-4136-250	SUPPLIES & MAINTENANCE	2015 PO 26808 Software Supports & Updates Fi	2,700
RECORDER	100-4144-110	SALARY	Reorganize Staffing	(5,000)
RECORDER	100-4144-120	TEMPORARY EMPLOYEES	Reorganize Staffing	5,000
ATTORNEY	100-4145-251	NON-CAPITALIZED EQUIPMENT	2015 PO 26848 Office Furniture - Attorney	4,034
ATTORNEY	100-4145-311	SOFTWARE PACKAGES	2015 PO 26842 Court E-Filing Configuration Just	11,500
ATTORNEY	100-4145-311	SOFTWARE PACKAGES	2015 PO 26844 Justware Licenses (2) - Attorney	5,133
ATTORNEY	100-4145-740	CAPITALIZED EQUIPMENT	2015 PO 25964 Rough - In Shower - Attorney	2,530
ATTORNEY	100-4145-740	CAPITALIZED EQUIPMENT	2015 PO 25965 Finish Shower And Bathroom In	1,729
BLDGS & GROUNDS	100-4160-720	BUILDINGS	2015 PO 26589 Replace, Upgrade & Service Ac	4,374
PATROL	100-4210-251	NON-CAPITALIZED EQUIPMENT	2015 PO 26833 Furnishings For Hyrum Substati	3,338
PATROL	100-4210-740	CAPITALIZED EQUIPMENT	Sheriff - Motorcycle Trade-In Value	12,000
PS ADMIN / SUPPORT	100-4211-115	OVERTIME PAY	Transfer with IT Staff	(6,500)
PS ADMIN / SUPPORT	100-4211-311	SOFTWARE PACKAGES	2015 PO 26809 Appraisal Module Development	4,500
FIRE	100-4220-255	WILDLAND FIRE EQUIP & SUPPLIES	2015 PO 26807 Wildland Fire Equipment	3,086
FIRE	100-4220-720	BUILDINGS	2015 PO 26717 Metal Building For Training Cen	43,831
FIRE	100-4220-720	BUILDINGS	2015 PO 26810 Balance Of Training Building - Fi	33,468
FIRE	100-4220-740	CAPITALIZED EQUIPMENT	2015 PO 26818 Vehicle Bed, Steps Bumper Gua	3,213
FIRE	100-4220-740	CAPITALIZED EQUIPMENT	2015 PO 26819 2016 Ford F250 Pickup 4X4 3/4	29,861
FIRE	100-4220-740	CAPITALIZED EQUIPMENT	2015 PO 26821 Emergency Lighting Package 20	3,615
COUNTY JAIL	100-4230-200	INMATE SUPPLIES	2015 PO 26608 (5) C Computers To Fix Video Sy	13,457
COUNTY JAIL	100-4230-251	NON-CAPITALIZED EQUIPMENT	2015 PO 26797 (13) Glock Generation 4 Pistols	5,382
COUNTY JAIL	100-4230-255	PRISONERS SUPPLIES - W/RELEASE	Ankle Bracelet - Work Release Rent	30,000
COUNTY JAIL	100-4230-450	SPECIAL JAIL SUPPLIES	2015 PO 26834 Less-Lethal Supplies For Sert - Ja	5,142
COUNTY JAIL	100-4230-740	CAPITALIZED EQUIPMENT	2015 PO 26794 Refinish Showers & Redo Showe	37,085
COUNTY JAIL	100-4230-740	CAPITALIZED EQUIPMENT	2015 PO 26814 Cabinets - Jail	7,803
COUNTY JAIL	100-4230-740	CAPITALIZED EQUIPMENT	2015 PO 26831 Rewiring On 3Rd Floor And Wiri	1,665
ANIMAL CONTROL	100-4253-110	SALARY	2 Part Time to 1 Full Time Employee	20,000
ANIMAL CONTROL	100-4253-120	TEMPORARY EMPLOYEES	2 Part Time to 1 Full Time Employee	(20,000)
FAIRGROUNDS	100-4511-250	EQUIPMENT SUPPLIES & MAINT	2015 PO 26785 Bison 5 Shank Ripper - Fairgrou	2,850
FAIRGROUNDS	100-4511-730	IMPROVEMENTS	2015 PO 26030 Sand For Roping Arena - Fairgro	3,431
FAIRGROUNDS	100-4511-740	CAPITALIZED EQUIPMENT	2015 PO 26812 (120) Chairs For Pavillion - Fairg	10,440
FAIR	100-4620-290	PRIZE MONEY & TROPHY	2015 PO 26845 Ribbons & Rosettes For County	3,000
AG PROMOTION	100-4630-586	WEATHER MODIFICATION	2015 PO 26547 2014-205 Cloud Seeding Project	11,842



# BUDGET OPENING

Resolution: 2016-08

Hearing: April 12, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
<b>Total Expenditure Adjustment:</b>				<b>388,258</b>

<b>ASSESSING &amp; COLLECTING FUND</b>	<b>Adopted Budget: \$3,619,701</b>	<b>Proposed Budget: \$3,621,851</b>
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Revenues				
CONTRIB./TRANSFERS	150-38-90000	APPROPRIATED FUND BALANCE	Surety Bond - Treasurer	2,150
<b>Total Revenue Adjustment:</b>				<b>2,150</b>
Expenditures				
TREASURER	150-4143-510	INSURANCE	Surety Bond - Treasurer	2,150
<b>Total Expenditure Adjustment:</b>				<b>2,150</b>

<b>MUNICIPAL SERVICES FUND</b>	<b>Adopted Budget: \$6,130,424</b>	<b>Proposed Budget: \$6,606,923</b>
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Revenues				
CHARGES FOR SERVICES	200-34-56000	ANIMAL CTRL FEES - PRED MATCH	Contributions for Predator Control - State Matc	7,000
MISCELLANEOUS	200-36-90000	SUNDRY REVENUE	Gravel Sold in January and February	6,250
CONTRIB./TRANSFERS	200-38-20000	CONTRIBUTIONS - MISC PUBLIC	Contributions for Predator Control	7,000
CONTRIB./TRANSFERS	200-38-90500	APP FUND BAL - CLASS B - PO	2015 PO Carry Over to 2016	247,327
CONTRIB./TRANSFERS	200-38-92000	APPROP FUND BALANCE - MSF	Contributions for Predator Control	(14,000)
CONTRIB./TRANSFERS	200-38-92500	APP FUND BAL - MSF - PO CARRY	2015 PO Carry Over to 2016	222,922
<b>Total Revenue Adjustment:</b>				<b>476,499</b>
Expenditures				
ZONING	200-4180-310	PROF & TECHNICAL - ZONING	2015 PO 26828 Road Standards & Infrastructure	16,672
ZONING	200-4180-324	PROF & TECH - SECTION CORNERS	2015 PO 26829 Section Corner, Monument Per	33,750
CLASS - B ROADS	200-4415-120	TEMPORARY EMPLOYEES	Additional Temp Hours	3,195
CLASS - B ROADS	200-4415-130	EMPLOYEE BENEFITS	Additional Temp Hours	305
CLASS - B ROADS	200-4415-290	ROAD SIGNING	2015 PO 26575 Road Signs - Road Cl B	9,647
CLASS - B ROADS	200-4415-290	ROAD SIGNING	2015 PO 26575 Reduce Total Of Po Per Tamara	(1,956)
CLASS - B ROADS	200-4415-310	PROF & TECH -ENGINEER. & ADMIN	2015 PO 26823 Design & Eng County Roadshed	24,121
CLASS - B ROADS	200-4415-251	NON-CAPITALIZED EQUIPMENT	Small Equipment - Compactor	2,750
CLASS - B ROADS	200-4415-720	BUILDINGS	2015 PO 26823 Design & Eng County Roadshed	11,000
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	2015 PO 26780 163 Grader Rebuild - Road Cl B	110,000
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	2015 PO 26815 Additional Cost Grader Repair P	18,000
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	2015 PO 26820 2016 Chevrolet Silverado 3500 t	33,150
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26425 Engineering Serv 500 East Millvi	9,365
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26822 Design Support 3 Bridges Projec	15,000
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26822 R.O.W. Documentation 3 Bridge	9,000
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26830 500 E (Coyote Farm D) Permittir	10,000
STORM WATER MGMT	200-4475-310	PROFESSIONAL & TECHNICAL	2015 PO 26827 Stormwater Permitting & Ordin.	15,000
PARKS & TRAILS	200-4780-482	HIGHLINE CANAL TRAIL	2015 PO 26824 Trail Improvement Highline Can	86,500
PARKS & TRAILS	200-4780-482	HIGHLINE CANAL TRAIL	2015 PO 26825 Construction Engineering Highli	11,000
PARKS & TRAILS	200-4780-730	IMPROVEMENTS	2015 PO 26705 2015 Rapz - South Logan Trail Cr	60,000
<b>Total Expenditure Adjustment:</b>				<b>476,499</b>



# BUDGET OPENING

Resolution: 2016-08

Hearing: April 12, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
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<b>VISITORS BUREAU FUND</b>	<b>Adopted Budget: \$522,530</b>	<b>Proposed Budget: \$528,432</b>
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Revenues				
CONTRIB./TRANSFERS	230-38-90500	APP FUND BAL - PO CARRY OVER	2015 PO Carry Over to 2016	5,902
<b>Total Revenue Adjustment:</b>				<b>5,902</b>
Expenditures				
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	2015 PO 26498 2015-2016 Advertising W/Aggie	2,124
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	2015 PO 26570 Advertising Vsl Fall/Winter 2015	2,273
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	2015 PO 26587 Advertising On Cvt'd Bus - Travel	1,505
<b>Total Expenditure Adjustment:</b>				<b>5,902</b>

<b>CAPITAL PROJECTS - MISCELLANEOUS PROJ</b>	<b>Adopted Budget: \$0</b>	<b>Proposed Budget: \$2,372</b>
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Revenues				
CONTRIB./TRANSFERS	390-38-90500	APP FUND BAL - PO CARRY OVER	2015 PO Carry Over to 2016	2,372
<b>Total Revenue Adjustment:</b>				<b>2,372</b>
Expenditures				
STORAGE BUILDING	390-4710-720	BUILDINGS	2015 PO 26085 Asphalt For Fairgrounds Storage	2,372
<b>Total Expenditure Adjustment:</b>				<b>2,372</b>

<b>CAPITAL PROJECTS - ROADS</b>	<b>Adopted Budget: \$3,570,000</b>	<b>Proposed Budget: \$6,492,913</b>
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Revenues				
CONTRIB./TRANSFERS	460-38-90500	APP FUND BAL - PO CARRY OVER	Prior Years PO Carry Over to 2016	2,922,913
<b>Total Revenue Adjustment:</b>				<b>2,922,913</b>
Expenditures				
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25306 2012 CCCOG Funding Hwy 89/91 Corr	465,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25767 4200 N Highway 91 (Intersection Imp	46,500
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25768 3200 South Highway 89-91 (Intersecti	79,870
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25769 100 West, South Extension (Engineeri	63,985
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25770 3200 S Highway 165 (Intersection Eng	186,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25783 Services For 1700 South Improvemen	16,271
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25783 Services For 1700 South Improvemen	343
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25784 Services For 1700 South Improv - Dev	176,394
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26190 2014 CCCOG Maughan'S Corner - Cap	32,550
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26191 2014 CCCOG 2600 S Hwy 165 Intersec	200,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26192 2014 CCCOG Funding 1400 N 600 W I	200,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26195 2014 CCCOG 3200 S Highway 89/91 -	1,456,000
<b>Total Expenditure Adjustment:</b>				<b>2,922,913</b>

**CACHE COUNTY  
ORDINANCE NO. 2016-05**

**AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE  
AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER**

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WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Cache County (the "County") and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the County;

WHEREAS, the County, pursuant to the provisions of Utah Code Ann. § 17-50-306 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the County desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the County;

NOW, THEREFORE, be it ordained by the County:

**SECTION 1. Grant of Franchise and General Utility Easement.** The County hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as "Public Ways") within the County, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the County and persons and corporations beyond the limits thereof.

**SECTION 2. Term.** The term of this Franchise and General Utility Easement is for Ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

**SECTION 3. Acceptance by Company.** Within sixty (60) days after the passage of this ordinance by the County, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the County Clerk otherwise the ordinance and the rights granted herein shall be null and void.

**SECTION 4. Non-Exclusive Franchise.** The right to use and occupy the Public Ways of the County shall be nonexclusive and the County reserves the right to use the Public Ways for itself or any other entity that provides service to County residences; provided, however, that such use

shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

**SECTION 5. County Regulatory Authority.** In addition to the provision herein contained, the County reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or County Ordinance.

**SECTION 6. Indemnification.** The County shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the County harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the County, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The County shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the County seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the County harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the County or any of its officers or employees.

**SECTION 7. Annexation.**

**7.1 Extension of County Limits.** Upon the annexation of any territory to the County, the rights granted herein shall extend to the annexed territory to the extent the County has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

**7.2 Notice of Annexation.** When any territory is approved for annexation to the County, the County shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the County's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center  
Attn: Annexations  
P.O. Box 400  
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power  
Attn: Office of the General Counsel  
1407 West North Temple, Room 320  
Salt Lake County, UT 84116

**SECTION 8. Plan, Design, Construction and Installation of Company Facilities.**

**8.1** All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and county laws, codes and regulations.

**8.2** Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the County which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the County, and the County may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency services prior to the work being done.

**8.3** All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the County and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the County.

**8.4** If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the County) replace and restore it in as good a condition as existed before the work commenced.

**8.5** In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by County ordinance.

**8.6** The County shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for County wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the County for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the County shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or

alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. County attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, County attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the County's expense, such attachments to ensure compliance with this Section 8.6 and to require the County to remedy any defective attachments.

**8.7** Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the County. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the County of such work by written notice and shall allow the County, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the County will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

**8.8** Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the County shall give written notice to Rocky Mountain Power.

**SECTION 9. Relocations of Electric Facilities.**

**9.1** The County reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the County. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the County shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the County. The County shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

**9.2** Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

**SECTION 10. Subdivision Plat Notification.** Before the County approves any new subdivision and before recordation of the plat, the County shall send a copy of the proposed plat

to Rocky Mountain Power for the Company's review and comment as to the adequacy of plat provisions for Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. The County shall take into consideration comments provided by Rocky Mountain Power. A copy of the plat shall be mailed or emailed to:

Rocky Mountain Power  
Attn: Estimating Department  
780 N Main St  
Smithfield, Utah 84335

Or,

SubdivisionPlatNotification@pacificorp.com

**SECTION 11. Vegetation Management.** Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

**SECTION 12. Renewal.** At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the County either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the County as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

**SECTION 13. No Waiver.** Neither the County nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

**SECTION 14. Transfer of Franchise.** Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the County shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money

or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

**SECTION 15. Amendment.** At any time during the term of this Franchise, the County through its County Council, or Rocky Mountain Power may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the County and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

**SECTION 16. Notices.** Unless otherwise specified herein, all notices from Rocky Mountain Power to the County pursuant to or concerning this Franchise shall be delivered to the County Recorder's Office. Unless otherwise specified herein, all notices from the County to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Customer Services Vice President, Rocky Mountain Power, 201 South Main, Suite 2400, Salt Lake County, Utah 84111, and such other office as Rocky Mountain Power may advise the County of by written notice.

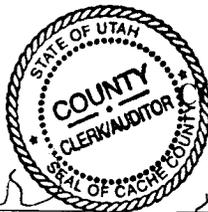
**SECTION 17. Severability.** If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

**SECTION 18. Waiver of Jury Trial.** To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

PASSED by the County Council of the County of Cache, Utah this 12<sup>th</sup> day of April, 2016.

ATTEST:

  
Jill N. Zollinger, County Clerk/Auditor



COUNTY COUNCIL  
  
Gregory Merrill, Council Chair

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS  
APRIL 12, 2016.

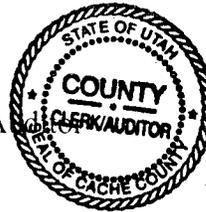
	In Favor	Against	Abstained	Absent
Merrill	X			
Erickson	X			
Robison	X			
Potter				X
White	X			
Yeates	X			
Zilles	X			
Total	6	0	0	1

CACHE COUNTY COUNCIL

By: Gregory Merrill  
Gregory Merrill, Chairman

ATTEST:

By: Jill N. Zollinger  
Jill N. Zollinger, Cache County Clerk/Auditor



Publication Date: April 27, 2016