

**DAVID N. ZOOK**

COUNTY EXECUTIVE

199 NORTH MAIN STREET  
LOGAN, UT 84321  
435-755-1850  
[WWW.CACHECOUNTY.ORG](http://WWW.CACHECOUNTY.ORG)

**COUNTY COUNCIL**

GINA H. WORTHEN, *CHAIR*  
BARBARA Y. TIDWELL, *VICE CHAIR*  
PAUL R. BORUP  
DAVID L. ERICKSON  
NOLAN P. GUNNELL  
KARL B. WARD  
GORDON A. ZILLES

**PUBLIC NOTICE** is hereby given that the County Council of Cache County, Utah will hold a **WORKSHOP** at **3:30 p.m.** and a regular **COUNCIL MEETING** at **5:00 p.m.** in the **Cache County Historic Courthouse Council Chambers**, 199 North Main Street, Logan, Utah 84321, **TUESDAY, SEPTEMBER 28, 2021.**

Council meetings are live streamed on the Cache County YouTube channel at:

<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

## AGENDA

### WORKSHOP

- 3:30 p.m. 1. **CALL TO ORDER**  
2. **2022 CACHE COUNTY BUDGET**  
3. **ADJOURN**

### COUNCIL MEETING

- 5:00 p.m. 1. **CALL TO ORDER**  
2. **OPENING** – Councilman Karl Ward  
3. **REVIEW AND APPROVAL OF AGENDA**  
4. **REVIEW AND APPROVAL OF MINUTES** (September 14, 2021)  
5. **REPORT OF COUNTY EXECUTIVE**  
a. **Appointments:**  
b. **Financial Reports:** August 2021 Financial Statements  
c. **Other Items:**  
6. **ITEMS OF SPECIAL INTEREST**  
a. SR30 Update – Dave Adamson, UDOT Region One Project Manager  
b. Drought Status Report – Nathan Daus, Cache Water District Manager  
c. Request for Modification of a RAPZ Project – Wendi Hassan, Cache Valley Center for the Arts Executive Director  
7. **DEPARTMENT OR COMMITTEE REPORTS**  
a. 2021 Cache County Fair & Rodeo Report – Lane Parker, LaMont Poulsen, Managers  
b. USU Extension – JayDee Gunnell, USU Extension Agent  
8. **BOARD OF EQUALIZATION MATTERS**  
5:30 p.m. 9. **PUBLIC HEARINGS**  
a. **Public Hearing – Ordinance 2021-21 – Amendments to Title 17 to Allow a Winery**  
An ordinance amending the County Land Use Code as required by the adoption of Ordinance 2021-05 creating a new use type for agriculture-related alcohol production and sales  
10. **PENDING ACTION**  
a. **Resolution 2021-18** Amending the 2021 Cache County Budget  
b. Review of County Economic Development Advisory Board Recommendation and Approval of Grant Submission  
c. Consideration of the Bear River Health Department Test-to-Stay Order of Constraint

## 11. INITIAL PROPOSALS FOR CONSIDERATION OF ACTION

- a. ***Ordinance 2021-21***      **Amendments to Title 17 to Allow a Winery**  
An ordinance amending the County Land Use Code as required by the adoption of Ordinance 2021-05 creating a new use type for agriculture-related alcohol production and sales
- b. ***Resolution 2021-19***      Resolution approving the Interlocal and Intergovernmental Housing Agreement for housing Inmates at the Cache County Jail
- c. Discussion regarding Agriculture Protection Area Advisory Board
- d. Property Tax Relief Requests

## 12. OTHER BUSINESS

- |                          |  |
|--------------------------|--|
| a. USU Homecoming Parade | Saturday, October 23, 2021 at 10:00 a.m.<br><i>David Z., Karl, Gina, Barbara, Paul</i>                                   |
| b. UAC Annual Convention | Tuesday-Friday, November 9-12, 2021 in St. George<br><i>David Z., Karl, Gina, Barbara, Paul, David E., Nolan, Gordon</i> |

### 13. COUNCIL MEMBER REPORTS

14. **EXECUTIVE SESSION** – Utah Code 52-4-205(1)(c) – Discussion of pending or reasonably imminent litigation  
Utah Code 52-4-205(1)(d) – Discussion of the purchase of real property

## 15. ADJOURN

  
Gina H. Worthen, Chair

Gina H. Worthen, Chair

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 435-755-1850 at least three working days prior to the meeting.



### Memorandum – Winery

September 20, 2021

To: Planning Commission

From: Chris Harrild, Director

#### Next Steps

In addition to draft ordinance 2021-21, the following have been included to assist in your review of the proposed amendment to the County Land Use Code in support of a land use type for a Winery:

- County Council Questions with Staff Response
- County Winery Amendment language
- Winery Manufacturing License requirements – Utah Code 32B-11-303
- Tasting requirements – Utah Code 32B-11-210
- Type 5 Package Agency Reference Guide – Utah Department of Alcoholic Beverage Control; March 2021
- Definitions – Utah Code 32B-1-102



### Council's Directing Questions with Response

28 September 2021

The following are the questions the Council asked the Commission and Staff to consider as they reviewed possible drafts of the code amendments.

#### 1. How can the scale of an operation be limited?

- The Planning Commission and Staff recommend that the ordinance restrict the number of cases that may be produced annually at a site.
- A phased approach may also be considered with multiple new use types and scale specific requirements such as 6150 Winery – Limited Production, 6160 Winery – Very Small, etc. At present, the drafted code only addresses one possible Winery use type.

#### 2. What are the possible impacts to the Agricultural Zone?

- A Winery producing 15,000 cases of wine per year appears to have a small impact on typical activities in the A10 Zone, however, it may result in a minor increase in the level of activity and traffic in the general area of the Winery, with a resulting increase in potential traffic conflicts. This traffic may be in the form of both residential and commercial vehicles. If product is collected by semi-trailer, the following is helpful in understanding possible impacts:
  - A standard wine bottle contains 750 mL of wine, a standard case of wine consists of 12 bottles, and a pallet of wine typically holds 56 cases. Approximately 20 pallets can fit within a 40-foot long refrigerated semi-trailer, and reflects 1,120 cases per semi-trailer. This type of traffic does not appear to create a unique impact to the A10 Zone where large vehicles and heavy equipment are not uncommon.
- The field trip to Slide Ridge, a local winery, appeared to support the noted assumptions, but only in part as that operation has separated the agriculture and manufacturing activities, and currently produces 20-30 case of wine per year.

#### 3. How is the preservation of agricultural land encouraged?

- A Winery must be accessory to a primary Agricultural Production use.
- A Winery must be on land that qualifies as land under agricultural use as defined by the Farmland Assessment Act.
  - In part, this means that a Winery must be located on a parcel or parcels in agricultural production that are a minimum of 5 acres in size.
- Wine produced by the processing facility must be produced from a minimum of 51% of the agricultural products that have been grown in the County with the intent to make it clear that agriculture is the primary function of the property, not manufacturing. The

draft code considers 2 exceptions to this requirement related to 1) natural disasters, and 2) initial start-up.

**4. How can the impact on neighboring properties be limited?**

- The draft code under 17.07.030 and 17.09.030 consider the following requirement that will reduce the possible impacts of a Winery on neighboring properties:
  - A Winery must be accessory to a primary Agricultural Production use.
  - A Winery must be on land that qualifies as land under agricultural use as defined by the Farmland Assessment Act.
  - A Winery must be located on a parcel or parcels a minimum of 5 acres in size.
  - The number of cases is limited - A Winery must produce no more than 15,000 cases of wine per year.
  - Available zones are limited - A Winery is only permitted in the A10, FR40, and RR Zones, and must obtain a Conditional Use Permit to address the mitigation of possible impacts.

**5. How is access to these types of facilities addressed?**

- Access is addressed through the Conditional Use Permit process requiring the review and approval of the County Engineer, compliance with the County Road Manual, and the review and approval of the County Planning Commission. Substandard roads must meet the requirements of the current County Road Manual.

**6. What amendments to the Agritourism definition are needed?**

- An initial amendment to clearly state the meaning and intent of the phrase “small scale” within that definition.
- Following that more immediate action, staff recommends that the Commission and Council consider a full revision of the Agritourism definition to better address the scope of possible uses. This may require a new code section.



### **DRAFT** Language for 6160 Winery

28 September 2021

#### **17.07.040 Use Related Definitions**

**6160 Winery:** An agricultural processing facility used for the commercial purpose of processing fruits, plants, honey, or milk, or other like substance to produce wine. Processing includes wholesale and retail sales, crushing, fermenting, blending, aging, storage, bottling, and administrative office functions. Additional information and requirements are found in Title 5.08 Alcoholic Beverages of the County Code and apply to this use type. The following requirements also apply:

1. A Winery must be accessory to a primary Agricultural Production use.
2. A Winery must:
  - a. Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, UCA 59-2-5, and;
  - b. Be located on a legal parcel, or contiguous legal parcels, that are 5 acres or larger in size.
3. Wine produced by the processing facility must be produced from 51% or more of the agricultural products that have been grown within the legally defined boundaries of Cache County.
  - a. The winery may use agricultural products grown outside the County to produce wine, and a local wine producer may purchase bulk beverage fermented, brewed, or distilled by a licensed alcohol manufacturer and blend the beverage with the local producer's alcoholic beverage if:
    - i. There is an insufficient supply of agricultural products within Cache County due to an event caused by natural phenomena whose effects were not preventable with the exercise of reasonable care and foresight; or
    - ii. The on-site and local agricultural product is not yet of a sufficient quantity to support the production of wine, but sufficient resources that will be used as part of the wine production in the form of planted vines, plants, trees, hives, and similar are present and of an equivalent amount to support the quantity of product to be produced.
4. Retail sales, tours, and tasting facilities of wine and related, accessory, promotional items are also permitted as part of the winery operation.
  - a. Retail sales, tours, and tastings means tours of the winery or tasting of beverages produced by the winery, or both during operating hours. The wine producer may serve food in conjunction with tours and tastings, provided:
    - i. The amount and type of food is intended to be secondary and complementary to, and part of, the tours and tastings; and

- ii. The food arrives at the establishment ready for service, or in a state generally ready for consumption.
- 5. Production of wine is limited to no more than 15,000 cases per calendar year.
- 6. Overnight accommodation is permitted as follows:
  - a. Guest rooms must be located within an owner occupied dwelling that meets the minimum Building and Fire Code standards;
  - b. No more than a total of four (4) guest rooms with a maximum occupancy of two per room, not counting children 15 years of age and under.

#### **17.09.040 Schedule of Zoning Uses**

Index	Description	Base Zone							Overlay Zone	
6000	Resource Production and Extraction	RU2	RU5	A10	FR40	RR	C	I	ME	PI
6160	Winery	N	N	C	C	C	N	N	-	-

C=Conditional Use Permit

N=Prohibited

#### **17.07.040 Use Related Definitions**

6140 Agritourism

...pumpkin pies), not including a Winery or Small-Scale Slaughter Facility; and...

**Effective 5/10/2016**

**32B-11-303 Specific authority and operational requirements for winery manufacturing license.**

- (1) A winery manufacturing license allows a winery manufacturing licensee to:
  - (a) store, manufacture, transport, import, or export wine;
  - (b) sell wine at wholesale to the department and to out-of-state customers;
  - (c) purchase liquor for fortifying wine, if the department is notified of the purchase and date of delivery; and
  - (d) warehouse on the licensed premises liquor that is manufactured or purchased for manufacturing purposes.
- (2)
  - (a) A wine, brandy, wine spirit, or other liquor imported under authority of a winery manufacturing license shall conform to the standards of identity and quality established in the regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.
  - (b) The federal definitions, standards of identity, and quality and labeling requirements for wine, in regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq., are adopted to the extent the regulations are not contrary to or inconsistent with the laws of this state.
- (3) If considered necessary, the commission or department may require:
  - (a) the alteration of the plant, equipment, or licensed premises;
  - (b) the alteration or removal of unsuitable wine-making equipment or material;
  - (c) a winery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve the sanitary and working conditions of the plant, licensed premises, and wine-making equipment;
  - (d) that a marc, pomace, or fruit be destroyed, denatured, or removed from the licensed premises because it is considered:
    - (i) unfit for wine making; or
    - (ii) as producing or likely to produce an unsanitary condition;
  - (e) a winery manufacturing licensee to distill or cause to be distilled or disposed of under the department's supervision:
    - (i) any unsound, poor quality finished wine; or
    - (ii) unfinished wine that will not be satisfactory when finished; or
  - (f) that a record pertaining to the grapes and other materials and ingredients used in the manufacture of wine be available to the commission or department upon request.
- (4) A winery manufacturing licensee may not permit wine to be consumed on its premises, except under the following circumstances:
  - (a) A winery manufacturing licensee may allow its on-duty staff to taste on the licensed premises the alcoholic product that the winery manufacturing licensee manufactures on its premises without charge, but only in connection with the on-duty staff's duties of manufacturing the alcoholic product during the manufacturing process and not otherwise.
  - (b) A winery manufacturing licensee may allow a person who can lawfully purchase wine for wholesale or retail distribution to consume a bona fide sample of the winery manufacturing licensee's product on the licensed premises.
  - (c) A winery manufacturing licensee may conduct tastings as provided in Section 32B-11-210.

Amended by Chapter 266, 2016 General Session



**Effective 5/10/2016**

**32B-11-210 Tasting provided by manufacturing licensee.**

- (1) As used in this section:
  - (a) "Parcel" means the same identifiable contiguous unit of property that is treated as separate for valuation or zoning purposes and includes an improvement on that unit of property.
  - (b) "Taste" means an amount of an alcoholic product provided by a manufacturing licensee for consumption under this section.
- (2) A manufacturing licensee may provide for a tasting in accordance with this section.
- (3) Before conducting a tasting, the manufacturing licensee shall provide the department:
  - (a) evidence of proximity to any community location, with proximity requirements being governed by Section 32B-1-202 as if the manufacturing licensee were a retail licensee;
  - (b) a floor plan, and boundary map where applicable, of the premises of the manufacturing licensee, including any:
    - (i) consumption area; and
    - (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic product to be tasted;
  - (c) evidence that the manufacturing licensee is carrying public liability insurance in an amount and form satisfactory to the department;
  - (d) evidence that the manufacturing licensee is carrying dramshop insurance coverage in an amount and form satisfactory to the department; and
  - (e) any other information the commission or department may require.
- (4) A manufacturing licensee may not sell, offer for sale, or furnish a taste on any day during the period that:
  - (a) begins at midnight; and
  - (b) ends at 10:59 a.m.
- (5) A person who serves a taste on behalf of the manufacturing licensee shall complete an alcohol training and education seminar as if the person were employed by a retail licensee.
- (6)
  - (a) A manufacturing licensee shall establish a distinct area for consumption of a taste outside the view of minors on the licensed premises and in which minors are not allowed during the time period when tasting occurs.
  - (b) The distinct area for consumption for a taste established under this Subsection (6) shall be in the same building as where the manufacturing licensee produces alcoholic product, in a building on the same parcel as the building where the manufacturing licensee produces alcoholic product, or in a patio or similar area immediately adjacent to a building described in this Subsection (6)(b).
- (7)
  - (a) A manufacturing licensee shall have substantial food available that is served on the licensed premises to an individual consuming a taste.
  - (b) The commission may define what constitutes "substantial food" by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except that the rule may not require culinary facilities for food preparation that are equivalent to a restaurant or dining club.
- (8) A manufacturing licensee shall charge an individual for a taste and may not sell, offer for sale, or furnish a taste at less than the cost of the taste to a retail licensee.
- (9)
  - (a) A manufacturing licensee may provide a taste in more than one container except that the aggregate total of the taste in all of the containers may not exceed:
    - (i) 5 ounces of wine for a winery manufacturing licensee;

- (ii) 2.5 ounces of spirituous liquor for a distillery manufacturing licensee; or
  - (iii) 16 ounces of beer, heavy beer, or flavored malt beverages for a brewery manufacturing licensee.
- (b) A manufacturing licensee may not allow an individual to participate in more than one tasting within a calendar day.
- (10) A manufacturing licensee may provide a taste of alcoholic product that is:
  - (a) manufactured by the manufacturing licensee; and
  - (b) purchased by the manufacturing licensee from:
    - (i) a state store or package agency; or
    - (ii) for beer, the off-premise retail licensee described in Subsection 32B-11-503(4)(c).
- (11)
  - (a) A manufacturing licensee shall display in a prominent place in the location where tastes are consumed a sign in large letters that consists of text in the following order:
    - (i) a header that reads: "WARNING";
    - (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
    - (iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
    - (iv) a header that reads: "WARNING"; and
    - (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
  - (b)
    - (i) The text described in Subsections (11)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (11)(a)(iv) and (v).
    - (ii) The warning statements in the sign described in Subsection (11)(a) shall be in the same font size.
  - (c) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this Subsection (11).
- (12) A manufacturing licensee shall provide educational information as defined by rule by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as part of the tasting.
- (13) A manufacturing licensee that conducts tastings under a scientific or educational use permit issued by the commission as of May 10, 2016, shall comply with this section by no later than December 31, 2016, in conducting a tasting. In accordance with Subsection 32B-10-206(1)(c), effective no later than January 1, 2017, the commission shall take action on a scientific or educational use permit used by a manufacturing licensee to conduct tastings.

Enacted by Chapter 266, 2016 General Session

# **LICENSEE REFERENCE GUIDE**

## **TYPE 5 PACKAGE AGENCY**



### **UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

P.O. Box 30408  
Salt Lake City, UT 84130-0408  
Telephone: 801-977-6800 Fax: 801-977-6889  
Website: [www.abc.utah.gov](http://www.abc.utah.gov)

# TO ALL PACKAGE AGENTS

As a package agent of the Utah Department of Alcoholic Beverage Control, you are required to be aware of the responsibilities, procedures, and potential liabilities regarding the sale and service of alcoholic beverages.

This reference guide has been prepared to help you with the lawful handling of alcoholic beverages. Please review this information and keep the handbook available for reference. This version of the handbook is current as of March 2021. Previously issued handbooks should be discarded as they may contain outdated information.

Our website ([www.abc.utah.gov](http://www.abc.utah.gov)) has information about the liquor laws and rules with direct links to the complete code and administrative rules, as well as information about stores and agencies, products and prices, server training, and other interesting links. The website is regularly updated. Please review the website for information and services as they are developed.

It is our responsibility and desire to be of service and assistance. If you have questions after consulting the handbook, please call 977-6800, write, or e-mail ([dabccompliance@utah.gov](mailto:dabccompliance@utah.gov)) the compliance division of the DABC.

# TYPE 5 PACKAGE AGENCY

## RULES AND PROCEDURES



A type 5 package agency contract allows a distillery, winery, or brewery the ability, at its manufacturing location, to sell to the general public for off-premise consumption, the packaged liquor products that it produces.

## WHAT IS A TYPE 5 PACKAGE AGENCY?

Type 5 package agencies are liquor outlets operated by private individuals under a contract with the Utah Department of Alcoholic Beverage Control for the purpose of selling packaged liquor, wine, or heavy beer to licensees or the general public “to go” for consumption off the premises.



The package agency must be located within an approved manufacturing premises of a distillery, winery, or brewery. The manufacturer may sell only its own alcoholic beverage products. The bottles for sale may be moved directly from the storage area to the package agency location, provided that proper record keeping is maintained on forms approved by the department.



The agency operator is responsible for providing a building or sales space, paying all utilities and rent, supplying all fixtures, and paying any and all expenses incidental to the operation of the agency. A minor may not be employed in or permitted to operate a package agency.

The number of package agencies that may exist at any time is tied to the total population figure for the state. The number of agencies may not exceed the population of the state divided by 18,000.

## PROXIMITY REQUIREMENTS

A package agency may not be located too close to any of the following community locations: a public or private school, church, public library, or public park or playground. You must meet two types of measurements:

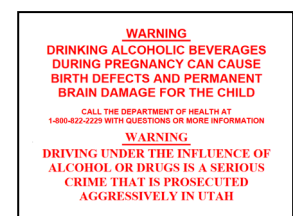
- 600 feet ordinary pedestrian travel – measurements are taken from the nearest patron entrance of the package agency using the shortest route of ordinary legal pedestrian travel to the nearest property boundary of the community location
- 200 feet straight line (as the crow flies) - measurements are taken from the nearest patron entrance of the package agency to the nearest property boundary of the community location

## DISPLAY SIGNS

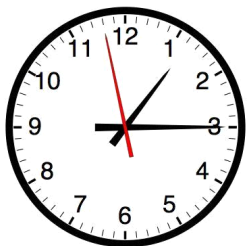
Every package agency must display in a prominent place the following signs:



- The WARNING sign – the template may be downloaded from
- our website at [dabc.utah.gov](http://dabc.utah.gov)
- A sign listing the days and hours of operation - posted near the entrance of the store
- The DABC package agency certificate



## DAYS AND HOURS OF OPERATION



The standard hours of operation of a package agency are from 10:00 a.m. to 12:00 Midnight, Monday through Saturday. However, a type 5 package agency, at the discretion of the package agent, may be open as early as 8:00 a.m. for sales to alcohol licensees, with the approval of the DABC. A type 5 package agency may also choose operational hours that are less than the standard hours noted above, at the discretion of the package agent and with the approval of the DABC.

Also, the type 5 package agency may be open on Sundays and state and federal holidays if the licensed manufacturing facility holds a bar, full-service, limited-service, or a beer-only restaurant license.

For Sunday and state and federal holidays, the package agency shall only be open during the hours the bar and/or restaurants are open. Any change in the hours of operation must have prior approval and must be submitted in writing.

If a legal holiday falls on a Sunday, the following Monday will be observed as the holiday. The legal holidays are:

- New Year's Day - January 1<sup>st</sup>
- Martin Luther King's Day - third Monday in January
- President's Day - third Monday in February
- Memorial Day - last Monday in May
- Independence Day - July 4<sup>th</sup>
- Pioneer Day - July 24<sup>th</sup>
- Labor Day - first Monday in September
- Veteran's Day - November 11<sup>th</sup>
- Thanksgiving Day - fourth Thursday in November
- Christmas Day - December 25<sup>th</sup>



## TEMPORARY CLOSURE MORE THAN 3 DAYS

You **MUST** notify DABC in writing, in advance of any closure, if you are going to be closed for more than 72 hours. The request must include:

- Dates of closure or cessation of operation
- Reason for the closure or cessation of operation
- Date on which the package agency will reopen or resume operation



In the case of an emergency closure, a package agency shall immediately notify the DABC by telephone or email. The DABC may authorize a closure for a period not to exceed 60 days. However, the DABC may extend the initial period an additional 30 days upon written request and upon a showing of good cause. A closure of operation may not exceed a total of 90 days without commission approval. Failure to provide notice and obtain DABC authorization before closure, or failure to resume operation by the approved date results in an automatic termination of the package agency agreement, effective immediately.



## SALES OF PRODUCT TO LICENSEES

The image shows a form titled 'LQ5 FORM FOR SALES TO LICENSEES'. It contains several sections for recording sales information, including a table for 'SALES TO LICENSEES' with columns for 'DATE', 'QUANTITY', 'PRICE', and 'TOTAL'. There are also fields for 'SALES TO RETAIL' and 'TOTAL SALES'.

When sales are made from the package agency to a DABC licensed bar or restaurant, an LQ5 form must be completed and retained by the package agent. LQ5 forms must be ordered from the DABC. Direct deliveries from the package agency to retail licensees are not permitted. All alcoholic products must be purchased and picked up by the licensees or their authorized agents at the manufacturer's package agency site.



## ADVERTISING, PROMOTIONS, AND PRICE LISTS

A type 5 package agency may advertise the location of their distillery, winery, or brewery, and may advertise the alcoholic beverage products they produce and sell at their package agency.



However, advertisements MAY NOT:

- Violate federal law
- Be false or misleading
- Be obscene or indecent
- Portray or imply illegal conduct or anti-social behavior
- Encourage over-consumption
- Overtly promote increased consumption or the high content of their alcohol
- Encourage or condone drunk driving
- Depict the act of drinking
- Promote or encourage the sale to minors, or use of alcohol by minors
- Be placed in media that is primarily targeting minors or appeal primarily to minors
- Portray drinking while engaged in activities requiring a high degree of alertness or physical coordination
- Represent that individuals can achieve success or solve problems by drinking
- Require the purchase, sale, or consumption of an alcoholic beverage to participate in any promotion, program, or other activity

More detailed information may be found on prohibited advertising on our website at [abc.utah.gov](http://abc.utah.gov) in the topics library.



A package agency may provide or post a price list inside the store for each item it has for sale. A printed list for the public may also be provided and price lists may be on the premises of the distillery, winery, brewery, or in the authorized tasting room.

A package agency may place signs in a window or on the front of the building that indicate the package agency site, and may provide a listing of the address and phone numbers in printed or electronic directories available to the public.



## PRICING

A type 5 package agency owns their entire inventory made at their manufacturing facility and offered for sale at their package agency. The DABC does not provide any alcoholic products to the package agency. However, the manufacturer may sell their alcoholic products to the DABC to be sold at state stores, retail licensees, or to the general public.

The process for setting the price of alcoholic beverages is based on the cost the manufacturer needs to make plus a certain percentage markup that goes to the school lunch program, administrative fees, and alcohol-related public safety programs.

All items must be sold at a price approved by the DABC. Pricing can also be changed, but still must



go through the approval process. The DABC purchasing division will assist manufacturers with this process.

Additionally, the DABC website contains a price calculator to assist in calculating costs and prices. [GO HERE](#) to find the price calculator

### PRICE CALCULATOR

All price quotes are subject to change without notice

<b>Product Information</b>		
Case Quote: <input type="text" value="0"/>	Units/Case: <input type="text" value="0"/>	Price Effective Date: <input type="text" value="01/20/2021"/> ?
<b>Shipping</b>		
<input checked="" type="radio"/> Prepaid <input type="radio"/> Add Freight		
<b>Retail Type</b>		<b>Normal Unit Retail Type</b>
<input checked="" type="radio"/> Normal Retail <input type="radio"/> Beer <input type="radio"/> Beer PrepaidUtahTax <input type="radio"/> Small Winery/Distiller <input type="radio"/> Military <input type="radio"/> Small Brewery <input type="radio"/> Small Brewery PrepaidUtahTax		Retail Price: <input type="text" value="0"/>
		<input type="button" value="Calculate Unit Retail Price"/>
		<input type="button" value="Calculate Case Quote"/>

**NOTE: There is no discounting of alcohol nor advertising the discount of alcohol.**

## PACKAGE AGENCY FEES

The package agency billing cycle is based upon the State of Utah FINET (the Utah centralized accounting system) fiscal calendar.



The payment for a fiscal month's sales will be due 30 calendar days after the fiscal month ends. [GO HERE](#) to find the calendar on our website.

Any account for which payment is not received within the period noted above will be considered past due, and interest and penalties shall be applied to their outstanding balance.



## ACCOUNTING AND REPORTING REQUIREMENTS

Records must be kept current and available to the department for auditing purposes at all times. Additionally, records must be maintained for a minimum of three years.

The reporting cycle shall reflect the State of Utah FINET fiscal calendar, which runs from July 1st to June 30th. The DABC will provide a fiscal calendar for the current year to the type 5 package agencies.

## Monthly Sales Report

Once a month, the manufacturer's package agency shall submit to the Department a completed monthly sales report which specifies the variety and number of cans or bottles sold to the general public and retail licensees. The form must be signed, dated, and sent to the office within five business days following the end of the fiscal month (see the fiscal calendar on the DABC website), and must include the following:

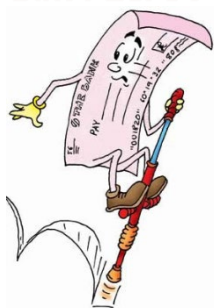
- Product description, code number, and unit pricing
- Total sales from the retail facility
- Date
- Verified signature

This form will be used by the department to calculate the taxes and fees due from the package agency. The accounting office will then send an invoice for the amount due. The invoice must be paid within 30 days of the invoice date in order to avoid interest and /or penalties. The distillery, winery, or brewery must use a standardized form provided by the Department.

[illegible]

**NOTE:** Even if there are no sales, the report must be submitted each month.

## BAD CHECKS



The DABC may immediately suspend the package agency license if the DABC receives a bad check from the package agency. Also, the DABC will assess a fee, and the package agent will be required to pay the full amount owed, including the fee. If payment is not received within 30 days after the suspension of the package agency, the package agency contract may be terminated and the bond may be forfeited.

# SALES RESTRICTIONS

Package agency employees are responsible for screening customers for anyone who may be restricted from purchasing alcohol because they are:

- **Underage**
- **Actually, Apparently, or Obviously Intoxicated**

A violation of these sections is a class B misdemeanor if the salesperson *negligently* sells alcohol to a restricted person, or a class A misdemeanor if the salesperson *knowingly* sells instead of just negligently. When in doubt refuse the sale.



## Refusing Sales to Persons Under the Influence of Alcohol or Drugs



The law states that "A person may not sell, offer to sell, or otherwise furnish or supply any alcoholic beverage or product to any person who is apparently under the influence of intoxicating alcoholic beverages, products, or drugs." Selling to an intoxicated person could have severe consequences.

An intoxicated person may display one or more of the following signs:



- Slow or poor judgment
- Confusion
- Lack of coordination or balance
- Bloodshot or droopy eyes or facial expressions
- Strong odor of alcohol from their person or on their breath
- Slurred speech
- Loud, obnoxious, or abusive behavior

Other signs may also be apparent, but usually, a law enforcement officer would need to be called to verify other evidence of impairment.

## Refusing Sales to Minors

Under Utah law, a "minor" means any person under the age of twenty-one. The department requires that package agency employees check the ID of every customer of questionable age. All Utah minor driver licenses and ID cards are in the portrait (vertical) format and no math is necessary to determine their age. RED FLAGS if you receive a minor ID. Check carefully.



# ACCEPTABLE FORMS OF ID

Only four forms of ID are acceptable and all must include a date of birth and a photo.

- A valid driver's license authorized from any state or U.S. territory
- A valid identification card authorized from any state or U.S. territory
- A valid military ID
- A valid passport from any country



## ID NOT VALID for Proof of Age:

- Driver Privilege Card issued in accordance with Section 53-3-207 is NOT valid for proof of age, as specifically stated under 32b-1-102 (81)(b).
- Concealed Carry Permit
- Euro Card or Driver License from outside of the United States
- Green Card, Consular Card, Non-US Passport Card, or any identification card that does not fit the statute specifically.

**NOTE:** Only U.S. Citizens may use an official passport card. No passport cards are allowed from other countries

Remember: The key word in the proof of age laws is the word "valid."  
No identification is acceptable that is expired, unlawfully gained or in any other way questionable.

# DEPARTMENT AUDITS

DABC Compliance Specialists are required to audit all package agencies to ensure they are being operated in compliance with state statutes, rules, and package agency contracts. The DABC will provide advanced notice to the package agent of an upcoming audit and the notification will include an audit letter with a checklist detailing the items to be reviewed.

- A detailed list of products
- Current package agency inventory
- Floorplan
- Proper signage - warning sign, hours of operation, etc.
- Transfer information from manufacturing to the package agency (minimum of three months). For breweries that have multiple locations, this will include any transfers between the package agencies.
- Reported sales to walk-in customers and licensees. This will include sales to on-premises tasting rooms.
- Current public liability insurance ACORD certificate
- Package agency liquor bond

**Effective 5/5/2021**

**32B-1-102 Definitions.**

As used in this title:

- (1) "Airport lounge" means a business location:
  - (a) at which an alcoholic product is sold at retail for consumption on the premises; and
  - (b) that is located at an international airport.
- (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
- (3) "Alcoholic beverage" means the following:
  - (a) beer; or
  - (b) liquor.
- (4)
  - (a) "Alcoholic product" means a product that:
    - (i) contains at least .5% of alcohol by volume; and
    - (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than .5% of alcohol by volume.
  - (b) "Alcoholic product" includes an alcoholic beverage.
  - (c) "Alcoholic product" does not include any of the following common items that otherwise come within the definition of an alcoholic product:
    - (i) except as provided in Subsection (4)(d), an extract;
    - (ii) vinegar;
    - (iii) preserved nonintoxicating cider;
    - (iv) essence;
    - (v) tincture;
    - (vi) food preparation; or
    - (vii) an over-the-counter medicine.
  - (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation when it is used as a flavoring in the manufacturing of an alcoholic product.
- (5) "Alcohol training and education seminar" means a seminar that is:
  - (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
  - (b) described in Section 62A-15-401.
- (6) "Arena" means an enclosed building:
  - (a) that is managed by:
    - (i) the same person who owns the enclosed building;
    - (ii) a person who has a majority interest in each person who owns or manages a space in the enclosed building; or
    - (iii) a person who has authority to direct or exercise control over the management or policy of each person who owns or manages a space in the enclosed building;
  - (b) that operates as a venue; and
  - (c) that has an occupancy capacity of at least 12,500.
- (7) "Arena license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8c, Arena License Act.
- (8) "Banquet" means an event:
  - (a) that is a private event or a privately sponsored event;
  - (b) that is held at one or more designated locations approved by the commission in or on the premises of:
    - (i) a hotel;

- (ii) a resort facility;
- (iii) a sports center;
- (iv) a convention center;
- (v) a performing arts facility; or
- (vi) an arena;
- (c) for which there is a contract:
  - (i) between a person operating a facility listed in Subsection (8)(b) and another person that has common ownership of less than 20% with the person operating the facility; and
  - (ii) under which the person operating a facility listed in Subsection (8)(b) is required to provide an alcoholic product at the event; and
- (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- (9) "Bar structure" means a surface or structure on a licensed premises if on or at any place of the surface or structure an alcoholic product is:
  - (a) stored; or
  - (b) dispensed.
- (10)
  - (a) "Bar establishment license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
  - (b) "Bar establishment license" includes:
    - (i) a dining club license;
    - (ii) an equity license;
    - (iii) a fraternal license; or
    - (iv) a bar license.
- (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- (12)
  - (a) Subject to Subsection (12)(d), "beer" means a product that:
    - (i) contains at least .5% of alcohol by volume, but not more than 5% of alcohol by volume or 4% by weight; and
    - (ii) is obtained by fermentation, infusion, or decoction of malted grain.
  - (b) "Beer" may or may not contain hops or other vegetable products.
  - (c) "Beer" includes a product that:
    - (i) contains alcohol in the percentages described in Subsection (12)(a); and
    - (ii) is referred to as:
      - (A) beer;
      - (B) ale;
      - (C) porter;
      - (D) stout;
      - (E) lager; or
      - (F) a malt or malted beverage.
  - (d) "Beer" does not include a flavored malt beverage.
- (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- (14) "Beer retailer" means a business that:
  - (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption on or off the business premises; and
  - (b) is licensed as:

- (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer Retailer Local Authority; or
  - (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License.
- (15) "Beer wholesaling license" means a license:
- (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
  - (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail licensees or off-premise beer retailers.
- (16) "Billboard" means a public display used to advertise, including:
- (a) a light device;
  - (b) a painting;
  - (c) a drawing;
  - (d) a poster;
  - (e) a sign;
  - (f) a signboard; or
  - (g) a scoreboard.
- (17) "Brewer" means a person engaged in manufacturing:
- (a) beer;
  - (b) heavy beer; or
  - (c) a flavored malt beverage.
- (18) "Brewery manufacturing license" means a license issued in accordance with Chapter 11, Part 5, Brewery Manufacturing License.
- (19) "Certificate of approval" means a certificate of approval obtained from the department under Section 32B-11-201.
- (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a bus company to a group of persons pursuant to a common purpose:
- (a) under a single contract;
  - (b) at a fixed charge in accordance with the bus company's tariff; and
  - (c) to give the group of persons the exclusive use of the passenger bus, coach, or other motor vehicle, and a driver to travel together to one or more specified destinations.
- (21) "Church" means a building:
- (a) set apart for worship;
  - (b) in which religious services are held;
  - (c) with which clergy is associated; and
  - (d) that is tax exempt under the laws of this state.
- (22) "Commission" means the Alcoholic Beverage Control Commission created in Section 32B-2-201.
- (23) "Commissioner" means a member of the commission.
- (24) "Community location" means:
- (a) a public or private school;
  - (b) a church;
  - (c) a public library;
  - (d) a public playground; or
  - (e) a public park.
- (25) "Community location governing authority" means:
- (a) the governing body of the community location; or

- (b) if the commission does not know who is the governing body of a community location, a person who appears to the commission to have been given on behalf of the community location the authority to prohibit an activity at the community location.
- (26) "Container" means a receptacle that contains an alcoholic product, including:
  - (a) a bottle;
  - (b) a vessel; or
  - (c) a similar item.
- (27) "Controlled group of breweries" means as the commission defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (28) "Convention center" means a facility that is:
  - (a) in total at least 30,000 square feet; and
  - (b) otherwise defined as a "convention center" by the commission by rule.
- (29)
  - (a) "Counter" means a surface or structure in a dining area of a licensed premises where seating is provided to a patron for service of food.
  - (b) "Counter" does not include a dispensing structure.
- (30) "Crime involving moral turpitude" is as defined by the commission by rule.
- (31) "Department" means the Department of Alcoholic Beverage Control created in Section 32B-2-203.
- (32) "Department compliance officer" means an individual who is:
  - (a) an auditor or inspector; and
  - (b) employed by the department.
- (33) "Department sample" means liquor that is placed in the possession of the department for testing, analysis, and sampling.
- (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a dining club license.
- (35) "Director," unless the context requires otherwise, means the director of the department.
- (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
  - (a) against a person subject to administrative action; and
  - (b) that is brought on the basis of a violation of this title.
- (37)
  - (a) Subject to Subsection (37)(b), "dispense" means:
    - (i) drawing an alcoholic product; and
    - (ii) using the alcoholic product at the location from which it was drawn to mix or prepare an alcoholic product to be furnished to a patron of the retail licensee.
  - (b) The definition of "dispense" in this Subsection (37) applies only to:
    - (i) a full-service restaurant license;
    - (ii) a limited-service restaurant license;
    - (iii) a reception center license;
    - (iv) a beer-only restaurant license;
    - (v) a bar license;
    - (vi) an on-premise beer retailer;
    - (vii) an airport lounge license;
    - (viii) an on-premise banquet license; and
    - (ix) a hospitality amenity license.
- (38) "Dispensing structure" means a surface or structure on a licensed premises:
  - (a) where an alcoholic product is dispensed; or



- (b) from which an alcoholic product is served.
- (39) "Distillery manufacturing license" means a license issued in accordance with Chapter 11, Part 4, Distillery Manufacturing License.
- (40) "Distressed merchandise" means an alcoholic product in the possession of the department that is saleable, but for some reason is unappealing to the public.
- (41) "Equity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as an equity license.
- (42) "Event permit" means:
  - (a) a single event permit; or
  - (b) a temporary beer event permit.
- (43) "Exempt license" means a license exempt under Section 32B-1-201 from being considered in determining the total number of retail licenses that the commission may issue at any time.
- (44)
  - (a) "Flavored malt beverage" means a beverage:
    - (i) that contains at least .5% alcohol by volume;
    - (ii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 C.F.R. Sec. 25.55;
    - (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop extract; and
    - (iv)
      - (A) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or
      - (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.
  - (b) "Flavored malt beverage" is considered liquor for purposes of this title.
- (45) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a fraternal license.
- (46) "Full-service restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- (47)
  - (a) "Furnish" means by any means to provide with, supply, or give an individual an alcoholic product, by sale or otherwise.
  - (b) "Furnish" includes to:
    - (i) serve;
    - (ii) deliver; or
    - (iii) otherwise make available.
- (48) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- (50) "Health care practitioner" means:
  - (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
  - (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
  - (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
  - (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;
  - (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

- (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy Practice Act;
  - (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act;
  - (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
  - (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;
  - (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
  - (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
  - (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; and
  - (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (51)
- (a) "Heavy beer" means a product that:
    - (i) contains more than 5% alcohol by volume; and
    - (ii) is obtained by fermentation, infusion, or decoction of malted grain.
  - (b) "Heavy beer" is considered liquor for the purposes of this title.
- (52) "Hospitality amenity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- (53)
- (a) "Hotel" means a commercial lodging establishment that:
    - (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
    - (ii) is capable of hosting conventions, conferences, and food and beverage functions under a banquet contract; and
    - (iii)
      - (A) has adequate kitchen or culinary facilities on the premises to provide complete meals;
      - (B) has at least 1,000 square feet of function space consisting of meeting or dining rooms that can be reserved for private use under a banquet contract and can accommodate at least 75 individuals; or
      - (C) if the establishment is located in a small or unincorporated locality, has an appropriate amount of function space consisting of meeting or dining rooms that can be reserved for private use under a banquet contract, as determined by the commission.
  - (b) "Hotel" includes a commercial lodging establishment that:
    - (i) meets the requirements under Subsection (53)(a); and
    - (ii) has one or more privately owned dwelling units.
- (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8b, Hotel License Act.
- (55) "Identification card" means an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act.
- (56) "Industry representative" means an individual who is compensated by salary, commission, or other means for representing and selling an alcoholic product of a manufacturer, supplier, or importer of liquor.
- (57) "Industry representative sample" means liquor that is placed in the possession of the department for testing, analysis, and sampling by a local industry representative on the premises of the department to educate the local industry representative of the quality and characteristics of the product.
- (58) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing of an alcoholic product is prohibited by:

- (a) law; or
  - (b) court order.
- (59) "International airport" means an airport:
- (a) with a United States Customs and Border Protection office on the premises of the airport; and
  - (b) at which international flights may enter and depart.
- (60) "Intoxicated" means that a person:
- (a) is significantly impaired as to the person's mental or physical functions as a result of the use of:
    - (i) an alcoholic product;
    - (ii) a controlled substance;
    - (iii) a substance having the property of releasing toxic vapors; or
    - (iv) a combination of Subsections (60)(a)(i) through (iii); and
  - (b) exhibits plain and easily observed outward manifestations of behavior or physical signs produced by the overconsumption of an alcoholic product.
- (61) "Investigator" means an individual who is:
- (a) a department compliance officer; or
  - (b) a nondepartment enforcement officer.
- (62) "License" means:
- (a) a retail license;
  - (b) a sublicense;
  - (c) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses Act;
  - (d) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
  - (e) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
  - (f) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- (63) "Licensee" means a person who holds a license.
- (64) "Limited-service restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other than a bus or taxicab:
- (a) in which the driver and a passenger are separated by a partition, glass, or other barrier;
  - (b) that is provided by a business entity to one or more individuals at a fixed charge in accordance with the business entity's tariff; and
  - (c) to give the one or more individuals the exclusive use of the limousine and a driver to travel to one or more specified destinations.
- (66)
- (a)
    - (i) "Liquor" means a liquid that:
      - (A) is:
        - (I) alcohol;
        - (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
        - (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
        - (IV) other drink or drinkable liquid; and
      - (B)
        - (I) contains at least .5% alcohol by volume; and
        - (II) is suitable to use for beverage purposes.
    - (ii) "Liquor" includes:
      - (A) heavy beer;
      - (B) wine; and

- (C) a flavored malt beverage.
- (b) "Liquor" does not include beer.
- (67) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- (68) "Liquor transport license" means a license issued in accordance with Chapter 17, Liquor Transport License Act.
- (69) "Liquor warehousing license" means a license that is issued:
  - (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
  - (b) to a person, other than a licensed manufacturer, who engages in the importation for storage, sale, or distribution of liquor regardless of amount.
- (70) "Local authority" means:
  - (a) for premises that are located in an unincorporated area of a county, the governing body of a county;
  - (b) for premises that are located in an incorporated city, town, or metro township, the governing body of the city, town, or metro township; or
  - (c) for premises that are located in a project area as defined in Section 63H-1-102 and in a project area plan adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation Development Authority.
- (71) "Lounge or bar area" is as defined by rule made by the commission.
- (72) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.
- (73) "Member" means an individual who, after paying regular dues, has full privileges in an equity licensee or fraternal licensee.
- (74)
  - (a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility for a ship:
    - (i)
      - (A) under the control of the United States Department of Defense; or
      - (B) of the National Guard;
    - (ii) that is located within the state; and
    - (iii) including a leased facility.
  - (b) "Military installation" does not include a facility used primarily for:
    - (i) civil works;
    - (ii) a rivers and harbors project; or
    - (iii) a flood control project.
- (75) "Minibar" means an area of a hotel guest room where one or more alcoholic products are kept and offered for self-service sale or consumption.
- (76) "Minor" means an individual under the age of 21 years.
- (77) "Nondepartment enforcement agency" means an agency that:
  - (a)
    - (i) is a state agency other than the department; or
    - (ii) is an agency of a county, city, town, or metro township; and
  - (b) has a responsibility to enforce one or more provisions of this title.
- (78) "Nondepartment enforcement officer" means an individual who is:
  - (a) a peace officer, examiner, or investigator; and
  - (b) employed by a nondepartment enforcement agency.
- (79)
  - (a) "Off-premise beer retailer" means a beer retailer who is:

- (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's premises.
- (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- (80) "Off-premise beer retailer state license" means a state license issued in accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.
- (81) "On-premise banquet license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- (82) "On-premise beer retailer" means a beer retailer who is:
  - (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and
  - (b) engaged in the sale of beer to a patron for consumption on the beer retailer's premises:
    - (i) regardless of whether the beer retailer sells beer for consumption off the licensed premises; and
    - (ii) on and after March 1, 2012, operating:
      - (A) as a tavern; or
      - (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- (83) "Opaque" means impenetrable to sight.
- (84) "Package agency" means a retail liquor location operated:
  - (a) under an agreement with the department; and
  - (b) by a person:
    - (i) other than the state; and
    - (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package Agency, to sell packaged liquor for consumption off the premises of the package agency.
- (85) "Package agent" means a person who holds a package agency.
- (86) "Patron" means an individual to whom food, beverages, or services are sold, offered for sale, or furnished, or who consumes an alcoholic product including:
  - (a) a customer;
  - (b) a member;
  - (c) a guest;
  - (d) an attendee of a banquet or event;
  - (e) an individual who receives room service;
  - (f) a resident of a resort; or
  - (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity license.
- (87)
  - (a) "Performing arts facility" means a multi-use performance space that:
    - (i) is primarily used to present various types of performing arts, including dance, music, and theater;
    - (ii) contains over 2,500 seats;
    - (iii) is owned and operated by a governmental entity; and
    - (iv) is located in a city of the first class.
  - (b) "Performing arts facility" does not include a space that is used to present sporting events or sporting competitions.
- (88) "Permittee" means a person issued a permit under:
  - (a) Chapter 9, Event Permit Act; or
  - (b) Chapter 10, Special Use Permit Act.
- (89) "Person subject to administrative action" means:
  - (a) a licensee;

- (b) a permittee;
- (c) a manufacturer;
- (d) a supplier;
- (e) an importer;
- (f) one of the following holding a certificate of approval:
  - (i) an out-of-state brewer;
  - (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
  - (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- (g) staff of:
  - (i) a person listed in Subsections (89)(a) through (f); or
  - (ii) a package agent.
- (90) "Premises" means a building, enclosure, or room used in connection with the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product, unless otherwise defined in this title or rules made by the commission.
- (91) "Prescription" means an order issued by a health care practitioner when:
  - (a) the health care practitioner is licensed under Title 58, Occupations and Professions, to prescribe a controlled substance, other drug, or device for medicinal purposes;
  - (b) the order is made in the course of that health care practitioner's professional practice; and
  - (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- (92)
  - (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
  - (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- (93) "Principal license" means:
  - (a) a resort license;
  - (b) a hotel license; or
  - (c) an arena license.
- (94)
  - (a) "Private event" means a specific social, business, or recreational event:
    - (i) for which an entire room, area, or hall is leased or rented in advance by an identified group; and
    - (ii) that is limited in attendance to people who are specifically designated and their guests.
  - (b) "Private event" does not include an event to which the general public is invited, whether for an admission fee or not.
- (95) "Privately sponsored event" means a specific social, business, or recreational event:
  - (a) that is held in or on the premises of an on-premise banquet licensee; and
  - (b) to which entry is restricted by an admission fee.
- (96)
  - (a) "Proof of age" means:
    - (i) an identification card;
    - (ii) an identification that:
      - (A) is substantially similar to an identification card;
      - (B) is issued in accordance with the laws of a state other than Utah in which the identification is issued;
      - (C) includes date of birth; and
      - (D) has a picture affixed;
    - (iii) a valid driver license certificate that:
      - (A) includes date of birth;
      - (B) has a picture affixed; and

- (C) is issued:
    - (I) under Title 53, Chapter 3, Uniform Driver License Act; or
    - (II) in accordance with the laws of the state in which it is issued;
  - (iv) a military identification card that:
    - (A) includes date of birth; and
    - (B) has a picture affixed; or
  - (v) a valid passport.
  - (b) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.
- (97) "Provisions applicable to a sublicense" means:
- (a) for a full-service restaurant sublicense, the provisions applicable to a full-service restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
  - (b) for a limited-service restaurant sublicense, the provisions applicable to a limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
  - (c) for a bar establishment sublicense, the provisions applicable to a bar establishment license under Chapter 6, Part 4, Bar Establishment License;
  - (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise banquet license under Chapter 6, Part 6, On-Premise Banquet License;
  - (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
  - (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
  - (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity license under Chapter 6, Part 10, Hospitality Amenity License; and
  - (h) for a resort spa sublicense, the provisions applicable to the sublicense under Chapter 8d, Part 2, Resort Spa Sublicense.
- (98)
- (a) "Public building" means a building or permanent structure that is:
    - (i) owned or leased by:
      - (A) the state; or
      - (B) a local government entity; and
    - (ii) used for:
      - (A) public education;
      - (B) transacting public business; or
      - (C) regularly conducting government activities.
  - (b) "Public building" does not include a building owned by the state or a local government entity when the building is used by a person, in whole or in part, for a proprietary function.
- (99) "Public conveyance" means a conveyance that the public or a portion of the public has access to and a right to use for transportation, including an airline, railroad, bus, boat, or other public conveyance.
- (100) "Reception center" means a business that:
- (a) operates facilities that are at least 5,000 square feet; and
  - (b) has as its primary purpose the leasing of the facilities described in Subsection (100)(a) to a third party for the third party's event.
- (101) "Reception center license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.
- (102)
- (a) "Record" means information that is:

- (i) inscribed on a tangible medium; or
  - (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- (b) "Record" includes:
  - (i) a book;
  - (ii) a book of account;
  - (iii) a paper;
  - (iv) a contract;
  - (v) an agreement;
  - (vi) a document; or
  - (vii) a recording in any medium.
- (103) "Residence" means a person's principal place of abode within Utah.
- (104) "Resident," in relation to a resort, means the same as that term is defined in Section 32B-8-102.
- (105) "Resort" means the same as that term is defined in Section 32B-8-102.
- (106) "Resort facility" is as defined by the commission by rule.
- (107) "Resort spa sublicense" means a resort license sublicense issued in accordance with Chapter 8d, Part 2, Resort Spa Sublicense.
- (108) "Resort license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8, Resort License Act.
- (109) "Responsible alcohol service plan" means a written set of policies and procedures that outlines measures to prevent employees from:
  - (a) over-serving alcoholic beverages to customers;
  - (b) serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated; and
  - (c) serving alcoholic beverages to minors.
- (110) "Restaurant" means a business location:
  - (a) at which a variety of foods are prepared;
  - (b) at which complete meals are served; and
  - (c) that is engaged primarily in serving meals.
- (111) "Restaurant license" means one of the following licenses issued under this title:
  - (a) a full-service restaurant license;
  - (b) a limited-service restaurant license; or
  - (c) a beer-only restaurant license.
- (112) "Retail license" means one of the following licenses issued under this title:
  - (a) a full-service restaurant license;
  - (b) a master full-service restaurant license;
  - (c) a limited-service restaurant license;
  - (d) a master limited-service restaurant license;
  - (e) a bar establishment license;
  - (f) an airport lounge license;
  - (g) an on-premise banquet license;
  - (h) an on-premise beer license;
  - (i) a reception center license;
  - (j) a beer-only restaurant license;
  - (k) a hospitality amenity license;
  - (l) a resort license;
  - (m) a hotel license; or
  - (n) an arena license.



- (113) "Room service" means furnishing an alcoholic product to a person in a guest room or privately owned dwelling unit of a:
- (a) hotel; or
  - (b) resort facility.
- (114)
- (a) "School" means a building in which any part is used for more than three hours each weekday during a school year as a public or private:
    - (i) elementary school;
    - (ii) secondary school; or
    - (iii) kindergarten.
  - (b) "School" does not include:
    - (i) a nursery school;
    - (ii) a day care center;
    - (iii) a trade and technical school;
    - (iv) a preschool; or
    - (v) a home school.
- (115) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for additional flavoring that is different in type, flavor, or brand from the primary spirituous liquor in the beverage.
- (116) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules made by the commission.
- (117) "Serve" means to place an alcoholic product before an individual.
- (118) "Sexually oriented entertainer" means a person who while in a state of seminudity appears at or performs:
- (a) for the entertainment of one or more patrons;
  - (b) on the premises of:
    - (i) a bar licensee; or
    - (ii) a tavern;
  - (c) on behalf of or at the request of the licensee described in Subsection (118)(b);
  - (d) on a contractual or voluntary basis; and
  - (e) whether or not the person is designated as:
    - (i) an employee;
    - (ii) an independent contractor;
    - (iii) an agent of the licensee; or
    - (iv) a different type of classification.
- (119) "Shared seating area" means the licensed premises of two or more restaurant licensees that the restaurant licensees share as an area for alcoholic beverage consumption in accordance with Subsection 32B-5-207(3).
- (120) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3, Single Event Permit.
- (121) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer, heavy beer, and flavored malt beverage per year, as the department calculates by:
- (a) if the brewer is part of a controlled group of breweries, including the combined volume totals of production for all breweries that constitute the controlled group of breweries; and
  - (b) excluding beer, heavy beer, or flavored malt beverage the brewer:

- (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (ii) does not sell for consumption as, or in, a beverage.
- (122) "Small or unincorporated locality" means:
  - (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
  - (b) a town, as classified under Section 10-2-301; or
  - (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified under Section 17-50-501.
- (123) "Special use permit" means a permit issued in accordance with Chapter 10, Special Use Permit Act.
- (124)
  - (a) "Spirituous liquor" means liquor that is distilled.
  - (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.
- (125) "Sports center" is as defined by the commission by rule.
- (126)
  - (a) "Staff" means an individual who engages in activity governed by this title:
    - (i) on behalf of a business, including a package agent, licensee, permittee, or certificate holder;
    - (ii) at the request of the business, including a package agent, licensee, permittee, or certificate holder; or
    - (iii) under the authority of the business, including a package agent, licensee, permittee, or certificate holder.
  - (b) "Staff" includes:
    - (i) an officer;
    - (ii) a director;
    - (iii) an employee;
    - (iv) personnel management;
    - (v) an agent of the licensee, including a managing agent;
    - (vi) an operator; or
    - (vii) a representative.
- (127) "State of nudity" means:
  - (a) the appearance of:
    - (i) the nipple or areola of a female human breast;
    - (ii) a human genital;
    - (iii) a human pubic area; or
    - (iv) a human anus; or
  - (b) a state of dress that fails to opaquely cover:
    - (i) the nipple or areola of a female human breast;
    - (ii) a human genital;
    - (iii) a human pubic area; or
    - (iv) a human anus.
- (128) "State of seminudity" means a state of dress in which opaque clothing covers no more than:
  - (a) the nipple and areola of the female human breast in a shape and color other than the natural shape and color of the nipple and areola; and
  - (b) the human genitals, pubic area, and anus:
    - (i) with no less than the following at its widest point:
      - (A) four inches coverage width in the front of the human body; and

- (B) five inches coverage width in the back of the human body; and
  - (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- (129)
- (a) "State store" means a facility for the sale of packaged liquor:
    - (i) located on premises owned or leased by the state; and
    - (ii) operated by a state employee.
  - (b) "State store" does not include:
    - (i) a package agency;
    - (ii) a licensee; or
    - (iii) a permittee.
- (130)
- (a) "Storage area" means an area on licensed premises where the licensee stores an alcoholic product.
  - (b) "Store" means to place or maintain in a location an alcoholic product.
- (131) "Sublicense" means:
- (a) any of the following licenses issued as a subordinate license to, and contingent on the issuance of, a principal license:
    - (i) a full-service restaurant license;
    - (ii) a limited-service restaurant license;
    - (iii) a bar establishment license;
    - (iv) an on-premise banquet license;
    - (v) an on-premise beer retailer license;
    - (vi) a beer-only restaurant license; or
    - (vii) a hospitality amenity license; or
  - (b) a resort spa sublicense.
- (132) "Supplier" means a person who sells an alcoholic product to the department.
- (133) "Tavern" means an on-premise beer retailer who is:
- (a) issued a license by the commission in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and
  - (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7, On-Premise Beer Retailer License.
- (134) "Temporary beer event permit" means a permit issued in accordance with Chapter 9, Part 4, Temporary Beer Event Permit.
- (135) "Temporary domicile" means the principal place of abode within Utah of a person who does not have a present intention to continue residency within Utah permanently or indefinitely.
- (136) "Translucent" means a substance that allows light to pass through, but does not allow an object or person to be seen through the substance.
- (137) "Unsaleable liquor merchandise" means a container that:
- (a) is unsaleable because the container is:
    - (i) unlabeled;
    - (ii) leaky;
    - (iii) damaged;
    - (iv) difficult to open; or
    - (v) partly filled;
  - (b)
    - (i) has faded labels or defective caps or corks;
    - (ii) has contents that are:
      - (A) cloudy;

- (B) spoiled; or
  - (C) chemically determined to be impure; or
  - (iii) contains:
    - (A) sediment; or
    - (B) a foreign substance; or
  - (c) is otherwise considered by the department as unfit for sale.
- (138)
- (a) "Wine" means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.
  - (b) "Wine" includes:
    - (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 4.10; and
    - (ii) hard cider.
  - (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in this title.
- (139) "Winery manufacturing license" means a license issued in accordance with Chapter 11, Part 3, Winery Manufacturing License.

Amended by Chapter 291, 2021 General Session

**RESOLUTION NO. 2021-18**

**A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.**

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-12 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2021 are reasonable and necessary; that said budget has been reviewed by the County Executive 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 made to the 2021 budget for Cache County:

**See attached**

Section 2.

Other than as specifically set forth above, all other matters set forth in the 2021 budget shall remain in full force and effect.

Section 3.

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

This resolution was duly adopted by the Cache County Council on September 28, 2021.

ATTESTED TO:

CACHE COUNTY COUNCIL

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Jess Bradfield, Cache County Clerk-Auditor

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Gina Worthen, Council Chair



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>1.</b> Provide funding for Drainage District Surveys. One district is ready to move forward immediately. Other districts have not yet made any plans or commitments. Surveys are estimated at \$5,000 for each district, for a total of \$20,000.				
100-38-90000	APPROPRIATED FUND BALANCE	-20,000	Use of Fund Balance	General
100-4810-200	TRANSFER OUT - MUNICIPAL SERV	20,000	Transfers to Other Funds	General
200-38-10100	TRANSFER IN - GENERAL FUND	-20,000	Transfers from Other Funds	Municipal Services
200-4475-324	PROF & TECH - FIELD SURVEYS	20,000	Public Works	Municipal Services
<b>2.</b> Reallocate \$5,500 in funds from Advertising to provide additional funds for entertainment and parking services for the Fair and Rodeo.				
100-4620-221	ADVERTISING	-5,500	Fair and Rodeo	General
100-4620-480	ENTERTAINMENT	2,500	Fair and Rodeo	General
100-4620-620	SECURITY AND OTHER SERVICES	3,000	Fair and Rodeo	General
<b>3.</b> Reallocate \$15,000 in funds in the Fire-EMS department from Professional and Technical and Miscellaneous Services for medical supplies and equipment maintenance.				
100-4260-250	EQUIPMENT SUPPLIES & MAINT	15,000	Fire-Ems	General
100-4260-310	PROFESSIONAL & TECHNICAL	-6,000	Fire-Ems	General
100-4260-620	MISCELLANEOUS SERVICES	-9,000	Fire-Ems	General
<b>4.</b> Federal grant providing funds for Ambulance equipment, supplies, and training in the amount of \$147,100. The grant passes through UAC to the County.				
100-33-13000	FEDERAL GRANTS - MISCELLANEOUS	-147,100	Intergovernmental	General
100-4260-230	TRAVEL & TRAINING	5,000	Fire-Ems	General
100-4260-250	EQUIPMENT SUPPLIES & MAINT	9,500	Fire-Ems	General
100-4260-251	NON-CAPITALIZED EQUIPMENT	12,000	Fire-Ems	General
100-4260-330	EDUCATION & TRAINING	1,000	Fire-Ems	General
100-4260-481	UNIFORMS AND SUPPLIES	6,500	Fire-Ems	General
100-4260-720	BUILDINGS	10,000	Fire-Ems	General
100-4260-740	CAPITALIZED EQUIPMENT	6,100	Fire-Ems	General
100-4260-740	CAPITALIZED EQUIPMENT	35,000	Fire-Ems	General
100-4260-740	CAPITALIZED EQUIPMENT	62,000	Fire-Ems	General



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>5.</b> Update to revenue for the Ambulance operations. At the beginning of the year a simplistic model was adopted into the budget, anticipating an update when a forecast could be made after several months of experience. The new forecast calls for an additional \$510,000 of billable charges, but also estimates that \$450,000 of that amount will be a forced write-off by insurance companies, with an additional \$25,000 written-off for bad debt. The forecast also calls for an estimated uncollectable amount of \$40,000, with \$5,000 of bad debt collection.				
100-34-27210	AMBULANCE FEES	-510,000	Charges for Services	General
100-34-27230	BAD DEBT COLLECTIONS	-5,000	Charges for Services	General
100-34-27240	PAYMENT ADJUSTMENTS	450,000	Charges for Services	General
100-34-27250	BAD DEBT WRITE-OFF	25,000	Charges for Services	General
100-34-27260	BAD DEBT - ESTIMATE	40,000	Charges for Services	General
<b>6.</b> Private donation in the amount of \$5,500 for furniture for the remodel of the fire station.				
795-38-72120	CONTRIBUTIONS - FIRE	-5,500	Public Contributions	CCCF
795-4810-100	TRANSFER OUT - GENERAL FUND	5,500	Transfers to Other Funds	CCCF
100-38-10795	TRANSFER IN - CCCF	-5,500	Transfers from Other Funds	General
100-4260-251	NON-CAPITALIZED EQUIPMENT	5,500	Fire-Ems	General
<b>7.</b> Private donation in the amount of \$7,500 for body armor for Fire-EMS personnel.				
795-38-72120	CONTRIBUTIONS - FIRE	-7,500	Public Contributions	CCCF
795-4810-100	TRANSFER OUT - GENERAL FUND	7,500	Transfers to Other Funds	CCCF
100-38-10795	TRANSFER IN - CCCF	-7,500	Transfers from Other Funds	General
100-4260-251	NON-CAPITALIZED EQUIPMENT	7,500	Fire-Ems	General
<b>8.</b> Annual accounting fee of \$1,000 received from the Road Special Service District. Related expenses are already budgeted, so this revenue offsets the need to use fund balance.				
100-38-10220	TRANSFER IN - CDRA FUND	-1,000	Transfers from Other Funds	General
100-38-90000	APPROPRIATED FUND BALANCE	1,000	Use of Fund Balance	General
<b>9.</b> Adjustment of \$2,500 to match the transfer budget amount in the Road Special Service District. Related expenses are already budgeted, so this revenue adjustment offsets the need to use fund balance.				
200-38-10720	TRANSFER IN - RSSD	-2,500	Transfers from Other Funds	Municipal Services
200-38-92000	APPROP FUND BALANCE - MSF	2,500	Use of Fund Balance	Municipal Services



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>10.</b> Administration fee from Community Development Renewal Agency (CDRA). The fee is \$10,400 for the Pepperidge Farm project. The amount is not calculated until after the beginning of the year and it will continue through 2024.				
220-38-90000	APPROPRIATED FUND BALANCE	-10,400	Use of Fund Balance	CDRA
220-4810-100	TRANSFER OUT - GENERAL FUND	10,400	Transfers to Other Funds	CDRA
100-38-10220	TRANSFER IN - CDRA FUND	-10,400	Transfers from Other Funds	General
100-38-90000	APPROPRIATED FUND BALANCE	10,400	Use of Fund Balance	General
<b>11.</b> CDBG Funding contracted in the amount of \$103,000 through BRAG for the Senior Center for Meals On Wheels trucks.				
240-33-18000	FEDERAL GRANT - CDBG	-103,000	Intergovernmental	Council on Aging
240-4971-740	CAPITALIZED EQUIPMENT	103,000	Senior Center	Council on Aging
<b>12.</b> Grant funding in the amount of \$600 from the Aging and Disability Resource Center (ADRC) for Senior Center operations.				
240-33-13200	MISC FED GRANTS VIA BRAG	-600	Intergovernmental	Council on Aging
240-4971-240	SUPPLIES	600	Senior Center	Council on Aging
<b>13.</b> Transfer and allocate the Restaurant Tax award of \$19,700 for the Fair and Rodeo for advertising, prize money, and stock contract costs.				
260-4782-930	TOURISM PROMOTION	-19,700	Tourism Promotion	Restaurant Tax
260-4810-100	TRANSFER OUT - GENERAL FUND	19,700	Transfers to Other Funds	Restaurant Tax
100-38-10260	TRANSFER IN - RESTAURANT TAX	-19,700	Transfers from Other Funds	General
100-4620-221	ADVERTISING	4,400	Fair and Rodeo	General
100-4621-221	ADVERTISING	4,300	Fair and Rodeo	General
100-4621-290	PRIZE MONEY & TROPHIES	8,000	Fair and Rodeo	General
100-4621-621	CONTRACTS	3,000	Fair and Rodeo	General
<b>14.</b> Transfer and allocate Restaurant Tax award in the amount of \$106,700 for trail development.				
260-4784-925	RECREATION FACILITIES	-106,700	Facility Awards	Restaurant Tax
260-4810-200	TRANSFER OUT - MUNI SERV FUND	106,700	Transfers to Other Funds	Restaurant Tax
200-38-10260	TRANSFER IN - RESTAURANT TAX	-106,700	Transfers from Other Funds	Municipal Services
200-4780-480	TRAIL DEVELOPMENT	40,000	Trails Management	Municipal Services
200-4780-480	TRAIL DEVELOPMENT	7,100	Trails Management	Municipal Services
200-4780-480	TRAIL DEVELOPMENT	53,500	Trails Management	Municipal Services
200-4780-480	TRAIL DEVELOPMENT	6,100	Trails Management	Municipal Services





# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>15.</b> Transfer and allocate Restaurant Tax award in the amount of \$94,600 for marketing expenses for the County.				
260-4782-930	TOURISM PROMOTION	-94,600	Tourism Promotion	Restaurant Tax
260-4810-230	TRANSFER OUT - VISITORS BUREAU	94,600	Transfers to Other Funds	Restaurant Tax
230-38-10260	TRANSFER IN - RESTAURANT TAX	-94,600	Transfers from Other Funds	Visitor's Bureau
230-4780-230	TRAVEL/MILEAGE	9,600	Cache Valley Visitor's Bureau	Visitor's Bureau
230-4780-330	EDUCATION, CONFERENCE & WORKSH	5,000	Cache Valley Visitor's Bureau	Visitor's Bureau
230-4780-490	ADVERTISING & PROMOTIONS	80,000	Cache Valley Visitor's Bureau	Visitor's Bureau
<b>16.</b> Transfer and allocate RAPZ Tax award in the amount of \$17,000 for replacing the east and west doors of the Cache Arena at the Fairgrounds.				
265-4786-925	RECREATION FACILITIES	-17,000	Facility Awards	RAPZ Tax
265-4810-100	TRANSFER OUT - GENERAL FUND	17,000	Transfers to Other Funds	RAPZ Tax
100-38-10265	TRANSFER IN - RAPZ TAX	-17,000	Transfers from Other Funds	General
100-4511-720	BUILDINGS	17,000	Fairgrounds	General
<b>17.</b> Reallocate RAPZ Tax award budget for capital expense to operating expense for Zootah in the amount of \$196,000 to reflect actual use of funds.				
265-4786-940	ZOO FACILITIES	-196,000	Facility Awards	RAPZ Tax
265-4788-940	ZOO ORGANIZATIONS	196,000	Program Awards	RAPZ Tax
<b>18.</b> Increase transfer funding for the Population Award for the unincorporated area of the County. The budgeted amount is \$14,000 and the actual award based on population and available funding needs to increase to \$17,000.				
265-4786-926	RECREATION - POPULATION AWARDS	-3,000	Facility Awards	RAPZ Tax
265-4810-200	TRANSFER OUT - MUNI SERV FUND	3,000	Transfers to Other Funds	RAPZ Tax
200-38-10265	TRANSFER IN - RAPZ TAX FUND	-3,000	Transfers from Other Funds	Municipal Services
200-4800-995	CONTRIBUTION TO FUND BALANCE	3,000	Addition to Fund Balance	Municipal Services
<b>19.</b> The Grant Writer/Manager position has been filled as of August 30. Additional funding totaling \$34,000 represents payroll costs from that date to the end of the year. No other associated costs are being requested at this time.				
100-4132-110	FULL TIME EMPLOYEES	21,900	Finance	General
100-4132-130	PAYROLL TAXES AND BENEFITS	12,100	Finance	General
100-4800-990	CONTRIBUTION - FUND BALANCE	-34,000	Addition to Fund Balance	General



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
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- 20.** Increase in benefit cost for new employee in the HR department. Former employee opted for less medical insurance. The additional funding of \$9,800 is to cover costs required by the County policy for medical insurance offered to employees.

100-4134-130	EMPLOYEE BENEFITS	9,800	Human Resources	General
100-4800-990	CONTRIBUTION - FUND BALANCE	-9,800	Addition to Fund Balance	General

- 21.** COLA increase proposed by the Compensation Committee at the rate of 3.0%. Some departments have sufficient funding to cover the proposed increase due to vacancies, or unused overtime, part time, or seasonal funding, but other departments do not. There is no proposed adjustment for departments that do not need additional funding. The effective date is July 4, which is the beginning of the first pay period in July, so employees will receive back pay to that date. The proposed increase totals \$191,100 in the General fund and \$2,600 in the Tax Administration fund.

100-4112-110	FULL TIME EMPLOYEES	1,300	Council	General
100-4112-130	EMPLOYEE BENEFITS	200	Council	General
100-4134-110	FULL TIME EMPLOYEES	3,900	Human Resources	General
100-4134-130	EMPLOYEE BENEFITS	1,200	Human Resources	General
100-4141-110	FULL TIME EMPLOYEES	2,000	Auditor	General
100-4141-130	EMPLOYEE BENEFITS	200	Auditor	General
100-4193-110	SALARY	1,100	Economic Development	General
100-4193-130	EMPLOYEE BENEFITS	200	Economic Development	General
100-4210-110	FULL TIME EMPLOYEES	112,400	Sheriff: Criminal	General
100-4210-130	EMPLOYEE BENEFITS	44,800	Sheriff: Criminal	General
100-4260-110	FULL TIME EMPLOYEES	10,200	Fire-Ems	General
100-4260-120	PART TIME EMPLOYEES	2,800	Fire-Ems	General
100-4260-125	SEASONAL EMPLOYEES	300	Fire-Ems	General
100-4260-130	PAYROLL TAXES AND BENEFITS	3,800	Fire-Ems	General
100-4511-110	FULL TIME EMPLOYEES	3,100	Fairgrounds	General
100-4511-130	EMPLOYEE BENEFITS	2,400	Fairgrounds	General
100-4581-120	PART TIME EMPLOYEES	1,100	Library Services	General
100-4581-130	EMPLOYEE BENEFITS	100	Library Services	General
100-4800-990	CONTRIBUTION - FUND BALANCE	-191,100	Addition to Fund Balance	General
150-4136-110	FULL TIME EMPLOYEES	2,600	IT	Tax Administration
150-38-90000	APPROPRIATED FUND BALANCE	-2,600	Use of Fund Balance	Tax Administration

- 22.** Grant project for repainting on Crossway runway. The total project cost is \$164,100. The state is providing 90% of the cost at \$147,700, and the 10% County match is \$16,400.

277-33-44402	STATE GRANT	-147,700	Intergovernmental	Airport
277-38-90000	APPROPRIATED FUND BALANCE	-16,400	Use of Fund Balance	Airport
277-4460-739	GRANT PROJECTS	164,100	Airport	Airport



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>23.</b> The Airport received \$23,000 in a CARES Act stimulus relief grant that can be used for projects at the Airport.				
277-33-15300	FED GRANT - FAA CARES ACT	-23,000	Intergovernmental	Airport
277-4460-739	GRANT PROJECTS	23,000	Airport	Airport
<b>24.</b> Reallocate funding in the Buildings and Grounds department from Part Time Employees to Miscellaneous Services in the amount of \$18,000 to cover the cost of the new cleaning contract for the remainder of the year.				
100-4160-120	PART TIME EMPLOYEES	-18,000	Buildings and Grounds	General
100-4160-620	MISC SERVICES	18,000	Buildings and Grounds	General
<b>25.</b> Reallocate funding in the amount of \$4,000 to provide additional overtime hours in the Fire-EMS department.				
100-4260-115	OVERTIME	4,000	Fire-Ems	General
100-4260-510	INSURANCE	-4,000	Fire-Ems	General
<b>26.</b> Reallocate funding in the amount of \$10,000 for the purchase of a Side-by-Side for the Public Works department.				
200-4475-320	PROF & TECH - ENGINEER REVIEWS	-10,000	Public Works	Municipal Services
200-4475-740	EQUIPMENT	10,000	Public Works	Municipal Services
<b>27.</b> Reallocate funding in the amount of \$3,200 to cover insurance and fuel costs that are forecasted to be higher than originally estimated for the Public Works department.				
200-4475-230	TRAVEL & TRAINING	-3,200	Public Works	Municipal Services
200-4475-250	EQUIPMENT SUPPLIES & MAINT	2,000	Public Works	Municipal Services
200-4475-510	INSURANCE	1,200	Public Works	Municipal Services
<b>28.</b> Replace the manlift at a cost of \$105,000. This funding will allow the Fairgrounds to acquire a good, used model.				
100-4511-740	CAPITALIZED EQUIPMENT	105,000	Fairgrounds	General
100-4800-990	CONTRIBUTION - FUND BALANCE	-105,000	Addition to Fund Balance	General
<b>29.</b> Increase the County's contribution to the Chamber of Commerce from \$10,000 to \$20,000.				
100-4193-620	MISC SERVICES	10,000	Economic Development	General
100-4800-990	CONTRIBUTION - FUND BALANCE	-10,000	Addition to Fund Balance	General



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>30.</b> Appropriation in the amount of \$4,600 to cover insurance estimates for the Road, Vegetation Management, and Trails departments.				
200-38-92000	APPROP FUND BALANCE - MSF	-4,600	Use of Fund Balance	Municipal Services
200-4415-510	INSURANCE	3,000	Roads	Municipal Services
200-4450-510	INSURANCE	1,000	Vegetation Management	Municipal Services
200-4780-510	INSURANCE	600	Trails Management	Municipal Services
<b>31.</b> Contribution from CVTD in the amount of \$10,000, representing 10% of the cost for the First and Last Mile Study grant.				
200-33-70110	GRANTS OTHER - LOCAL UNITS	-10,000	Intergovernmental	Municipal Services
200-4780-310	PROFESSIONAL AND TECHNICAL	10,000	Trails Management	Municipal Services
<b>32.</b> Forest Service agreements totalling \$168,200 for work at Tony Grove and the Murray Trailhead.				
200-33-11100	FEDERAL AWARDS - FOREST SERV	-168,200	Intergovernmental	Municipal Services
200-4415-481	SPECIAL GRANT PROJECTS	78,200	Roads	Municipal Services
200-4415-481	SPECIAL GRANT PROJECTS	90,000	Roads	Municipal Services
<b>33.</b> Increased revenue estimate in the amount of \$34,800 allows spending amounts to be restored to Non-Capitalized Equipment, Software Packages, and Miscellaneous Services, that were previously reduced from those accounts to allow for the remodel of the Recorder's Office. The new funding, along with the associated expense, is also allocated to the Tax Administration fund at a rate of 50%.				
100-34-12000	RECORDER FEES	-34,800	Charges for Services	General
100-34-12001	TAX ADMIN - RECORDER FEES	17,400	Charges for Services	General
100-4144-251	NON-CAPITALIZED EQUIPMENT	23,000	Recorder	General
100-4144-311	SOFTWARE PACKAGES	4,000	Recorder	General
100-4144-620	MISC SERVICES	7,800	Recorder	General
100-4144-999	TAX ADMIN - RECORDER 50%	-17,400	Recorder	General
150-34-12000	RECORDER FEES	-17,400	Charges for Services	Tax Administration
150-4099-944	TAX ADMIN - RECORDER 50%	17,400	Tax Administration Allocation	Tax Administration
<b>34.</b> Funding for the purchase of a Plotter/Scanner in the amount of \$13,000 that was approved in the 2020 budget, but not purchased until early 2021. The original intent was to purchase before the end of the year, so no budget amount was requested for 2021.				
100-4135-740	CAPITALIZED EQUIPMENT	13,000	GIS	General
100-4800-990	CONTRIBUTION - FUND BALANCE	-13,000	Addition to Fund Balance	General



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>35.</b> Reallocate funding from Equipment Supplies and Maintenance in the amount of \$7,500 to provide funding for additional office expenses for all of Development Services and to cover the additional cost of a vehicle that was higher than originally anticipated.				
200-4175-240	OFFICE EXPENSE	5,000	Development Services Admir	Municipal Services
200-4175-250	EQUIPMENT SUPPLIES & MAINT	-7,500	Development Services Admir	Municipal Services
200-4175-740	CAPITALIZED EQUIPMENT	2,500	Development Services Admir	Municipal Services
<b>36.</b> Reallocate funding from Travel-Seminars in the amount of \$5,000 to Noncapitalized Equipment to cover setup costs for the new Planning Manager. Costs include a new computer, desk, etc.				
200-4180-230	TRAVEL-SEMINARS	-5,000	Zoning Administration	Municipal Services
200-4180-251	NON CAPITALIZED EQUIPMENT	5,000	Zoning Administration	Municipal Services
<b>37.</b> Reallocate funding from Equipment Supplies and Maintenance in the amount of \$3,000 and from Professional and Technical in the amount of \$2,500 to cover the costs of certification testing and desk and cell phone costs for new building inspectors.				
200-4241-240	OFFICE EXPENSE	3,000	Building Inspection	Municipal Services
200-4241-250	EQUIPMENT SUPPLIES & MAINT	-3,000	Building Inspection	Municipal Services
200-4241-280	COMMUNICATIONS	2,500	Building Inspection	Municipal Services
200-4241-310	PROFESSIONAL & TECHNICAL	-2,500	Building Inspection	Municipal Services
<b>38.</b> Employee increase through the remainder of the year in the amount of \$1,500, with corresponding taxes and benefits in the amount of \$500, reflecting an increase in supervisory responsibilities.				
200-38-92000	APPROP FUND BALANCE - MSF	-2,000	Use of Fund Balance	Municipal Services
200-4780-110	FULL TIME EMPLOYEES	1,500	Trails Management	Municipal Services
200-4780-130	EMPLOYEE BENEFITS	500	Trails Management	Municipal Services
<b>39.</b> Reducing the amount budgeted for the Kunzler property purchase from \$150,000 to \$82,700, reflecting the reduced amount of acreage purchased. This purchase was funded through a transfer from RAPZ Tax, so the difference is also being refunded to the RAPZ Tax fund.				
200-4780-480	TRAIL DEVELOPMENT	-67,300	Trails Management	Municipal Services
200-4810-265	TRANSFER OUT - RAPZ TAX FUND	67,300	Transfers to Other Funds	Municipal Services
265-38-10200	TRANSFER IN - MUNICIPAL SERVICES	-67,300	Transfers from Other Funds	RAPZ Tax
265-4800-990	CONTRIB TO FUND BALANCE	67,300	Addition to Fund Balance	RAPZ Tax



# Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>40.</b> Insurance deductible in the amount of \$13,000 for the second quarter.				
100-4150-510	INSURANCE - A&C 10%	13,000	Miscellaneous and General	General
100-4800-990	CONTRIBUTION - FUND BALANCE	-13,000	Addition to Fund Balance	General
<b>41.</b> Recognize estimated donations for the Cheese and Dairy Festival.				
795-38-72100	CONTRIBUTIONS - GENERAL	-7,000	Public Contributions	CCCF
795-4810-100	TRANSFER OUT - GENERAL FUND	7,000	Transfers to Other Funds	CCCF
100-38-10795	TRANSFER IN - CCCF	-7,000	Transfers from Other Funds	General
100-4511-482	SPECIAL EVENTS	7,000	Fairgrounds	General
<b>42.</b> Restaurant Tax funding provided in the amount of \$3,000 for the Cache Valley Cheese and Dairy Festival.				
260-4800-990	CONTRIB TO FUND BALANCE	-3,000	Addition to Fund Balance	Restaurant Tax
260-4810-100	TRANSFER OUT - GENERAL FUND	3,000	Transfers to Other Funds	Restaurant Tax
100-38-10260	TRANSFER IN - RESTAURANT TAX	-3,000	Transfers from Other Funds	General
100-4511-620	MISC SERVICES	3,000	Fairgrounds	General
<b>43.</b> Provide funding for the payment to the state for the Surviving Spouse program for firefighters.				
100-4800-990	CONTRIBUTION - FUND BALANCE	-21,500	Addition to Fund Balance	General
100-4960-600	MISCELLANEOUS EXPENSE	21,500	Miscellaneous and General	General
<b>44.</b> Reallocate \$25,000 in funding from the Building account to provide \$2,000 for additional supplies, \$22,000 for furnishings that are functional for CJC services, and \$1,000 for emergency food purchases.				
290-4149-240	OFFICE SUPPLIES	2,000	Children's Services	Children's Justice Center
290-4149-251	NON CAPITALIZED EQUIPMENT	22,000	Children's Services	Children's Justice Center
290-4149-450	EMERGENCY ASSISTANCE	1,000	Children's Services	Children's Justice Center
290-4149-720	BUILDINGS	-25,000	Children's Services	Children's Justice Center



## Budget Amendment Account Detail

Hearing Date: 09.14.2021; Vote Date: 09.28.2021

Account	Title	Amount	Source or Department	Fund
<b>45.</b> Cost allocated from the General fund to the Tax Administration fund in the amount of \$23,100 for various departments, related to the proposed amendments.				
100-4112-999	TAX ADMIN - COUNCIL 10%	-200	Council	General
100-4132-999	TAX ADMIN - FINANCE 10%	-3,400	Finance	General
100-4134-999	TAX ADMIN - HUMAN RESOURCE 15%	-2,200	Human Resources	General
100-4135-999	TAX ADMIN - GIS 60%	-7,800	GIS	General
100-4141-999	TAX ADMIN - AUDITOR 86%	-1,900	Auditor	General
100-4145-999	TAX ADMIN - ATTORNEY 9%	-6,300	Attorney	General
100-4150-999	TAX ADMIN - NONDEPARTMENTAL 10%	-1,300	Miscellaneous and General	General
100-4800-990	CONTRIBUTION - FUND BALANCE	23,100	Addition to Fund Balance	General
150-38-90000	APPROPRIATED FUND BALANCE	-23,100	Use of Fund Balance	Tax Administration
150-4099-912	TAX ADMIN - COUNCIL 10%	200	Tax Administration Allocation	Tax Administration
150-4099-932	TAX ADMIN - FINANCE 10%	3,400	Tax Administration Allocation	Tax Administration
150-4099-934	TAX ADMIN - HUMAN RESOURCE 15%	2,200	Tax Administration Allocation	Tax Administration
150-4099-935	TAX ADMIN - GIS 60%	7,800	Tax Administration Allocation	Tax Administration
150-4099-941	TAX ADMIN - AUDITOR 86%	1,900	Tax Administration Allocation	Tax Administration
150-4099-945	TAX ADMIN - ATTORNEY 9%	6,300	Tax Administration Allocation	Tax Administration
150-4099-950	TAX ADMIN - NONDEPARTMENTAL 10%	1,300	Tax Administration Allocation	Tax Administration
<b>46.</b> Sponsorship of a Suicide Awareness concert, featuring Alex Boye, held at the Events Center in the amount of \$25,000. Donated funds may be used in place of this appropriation if they are realized.				
260-4800-990	CONTRIB TO FUND BALANCE	-25,000	Addition to Fund Balance	Restaurant Tax
260-4810-100	TRANSFER OUT - GENERAL FUND	25,000	Transfers to Other Funds	Restaurant Tax
100-38-10260	TRANSFER IN - RESTAURANT TAX	-25,000	Transfers from Other Funds	General
100-4511-482	SPECIAL EVENTS	25,000	Fairgrounds	General



# Budget Amendment by Fund

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Current Budget	Ammendments					New Budget
		Revenues	Expenditures	Transfers In	Transfers Out	Fund Balance	
General	39,825,900	164,500	623,500	96,100	20,000	-382,900	40,095,100
Municipal Services	14,099,200	178,200	244,200	132,200	67,300	-1,100	14,413,700
Council on Aging	1,048,300	103,600	103,600	-	-	-	1,151,900
Health	1,409,300	-	-	-	-	-	1,409,300
Mental Health	3,135,000	-	-	-	-	-	3,135,000
Children's Justice Center	1,901,500	-	-	-	-	-	1,901,500
Visitor's Bureau	1,283,800	-	94,600	94,600	-	-	1,378,400
Tax Administration	4,641,100	17,400	43,100	-	-	-25,700	4,684,200
Capital Projects	3,406,500	-	-	-	-	-	3,406,500
Debt Service	3,030,200	-	-	-	-	-	3,030,200
CDRA	336,000	-	-	-	10,400	-10,400	346,400
Restaurant Tax	2,906,700	-	-221,000	-	249,000	-28,000	2,906,700
RAPZ Tax	2,768,200	-	-20,000	67,300	20,000	67,300	2,835,500
CCCOG	9,904,100	-	-	-	-	-	9,904,100
Airport	6,987,300	170,700	187,100	-	-	-16,400	7,174,400
Roads Special Service District	123,500	-	-	-	-	-	123,500
CC Community Foundation	36,100	20,000	-	-	20,000	-	56,100
<b>Total County Budget</b>	<b>96,842,700</b>	<b>654,400</b>	<b>1,055,100</b>	<b>390,200</b>	<b>386,700</b>	<b>-397,200</b>	<b>97,952,500</b>





# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>General</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Property Taxes	16,540,000	-	16,540,000
Sales Taxes	6,982,000	-	6,982,000
	23,522,000	-	23,522,000
<b>Other Revenues</b>			
Intergovernmental	1,857,000	147,100	2,004,100
Charges for Services	8,196,300	17,400	8,213,700
Licenses and Permits	40,000	-	40,000
Fines and Forfeitures	111,000	-	111,000
Interest and Investment Income	440,000	-	440,000
Rental Income	152,000	-	152,000
Public Contributions	52,500	-	52,500
Miscellaneous Revenue	31,700	-	31,700
	10,880,500	164,500	11,045,000
<b>Other Financing Sources</b>			
Lease Proceeds	835,200	-	835,200
Sale of Assets	150,000	-	150,000
Transfers from Other Funds	196,900	96,100	293,000
Use of Fund Balance	4,241,300	8,600	4,249,900
	5,423,400	104,700	5,528,100
<b>Total Revenues</b>	<b>39,825,900</b>	<b>269,200</b>	<b>40,095,100</b>
<b>EXPENDITURES</b>			
<b>General Government</b>			
Council	130,500	1,300	131,800
Executive	428,900	-	428,900
Finance	646,200	30,600	676,800
Human Resources	389,600	12,700	402,300
GIS	115,000	5,200	120,200
IT	1,011,300	-	1,011,300
Clerk	245,100	-	245,100
Auditor	32,300	300	32,600
Elections	746,400	-	746,400



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
Recorder	293,900	17,400	311,300
Attorney	2,029,700	-6,300	2,023,400
Public Legal Assistance	817,300	-	817,300
Victim Advocate	916,100	-	916,100
Buildings and Grounds	368,500	-	368,500
Economic Development	154,500	11,300	165,800
USU Extension Services	244,600	-	244,600
Agriculture Promotion	6,000	-	6,000
County Pandemic Relief	137,600	-	137,600
Miscellaneous and General	960,500	33,200	993,700
Contributions to Other Units	530,000	-	530,000
	10,204,000	105,700	10,309,700
<b>Public Safety</b>			
Sheriff: Administration	5,070,700	-	5,070,700
Sheriff: Criminal	4,978,900	157,200	5,136,100
Sheriff: Support Services	3,104,900	-	3,104,900
Sheriff: Corrections	8,299,700	-	8,299,700
Emergency Management	284,200	-	284,200
Animal Control	203,400	-	203,400
Fire-EMS	2,536,400	177,200	2,713,600
	24,478,200	334,400	24,812,600
<b>Health and Welfare</b>			
Mental Health Services	322,600	-	322,600
Welfare Services	82,800	-	82,800
	405,400	-	405,400
<b>Culture and Recreation</b>			
Fairgrounds	1,389,400	162,500	1,551,900
TV Translator Station	18,800	-	18,800
Library Services	114,200	1,200	115,400
Fair and Rodeo	458,900	19,700	478,600
	1,981,300	183,400	2,164,700
<b>Other Financing Uses</b>			
Transfers to Other Funds	2,225,000	20,000	2,245,000
Addition to Fund Balance	532,000	-374,300	157,700
	2,757,000	-354,300	2,402,700



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>Total Expenditures</b>	<b>39,825,900</b>	<b>269,200</b>	<b>40,095,100</b>
<b>Municipal Services</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Sales Taxes	6,430,500	-	6,430,500
	6,430,500	-	6,430,500
<b>Other Revenues</b>			
Intergovernmental	2,982,200	178,200	3,160,400
Charges for Services	1,232,000	-	1,232,000
Licenses and Permits	1,022,300	-	1,022,300
Interest and Investment Income	10,000	-	10,000
Public Contributions	6,000	-	6,000
Miscellaneous Revenue	5,000	-	5,000
	5,257,500	178,200	5,435,700
<b>Other Financing Sources</b>			
Sale of Assets	238,000	-	238,000
Transfers from Other Funds	248,900	132,200	381,100
Use of Fund Balance	1,924,300	4,100	1,928,400
	2,411,200	136,300	2,547,500
<b>Total Revenues</b>	<b>14,099,200</b>	<b>314,500</b>	<b>14,413,700</b>
<b>EXPENDITURES</b>			
<b>General Government</b>			
Development Services Administration	358,100	-	358,100
Zoning Administration	620,600	-	620,600
Building Inspection	907,200	-	907,200
Sanitation and Waste Collection	-	-	-
Miscellaneous Expense	1,500	-	1,500
	1,887,400	-	1,887,400
<b>Public Safety</b>			
Sheriff: Animal Control	12,000	-	12,000
Fire-EMS	288,100	-	288,100



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
	300,100	-	300,100
<b>Streets and Public Improvements</b>			
Roads	5,385,500	171,200	5,556,700
Vegetation Management	720,200	1,000	721,200
Public Works	891,900	20,000	911,900
Contributions to Other Governments	3,300,000	-	3,300,000
	10,297,600	192,200	10,489,800
<b>Culture and Recreation</b>			
Trails Management	529,200	52,000	581,200
Eccles Ice Center Support	16,000	-	16,000
	545,200	52,000	597,200
<b>Other Financing Uses</b>			
Transfers to Other Funds	1,068,900	67,300	1,136,200
Addition to Fund Balance	-	3,000	3,000
	1,068,900	70,300	1,139,200
<b>Total Expenditures</b>	<b>14,099,200</b>	<b>314,500</b>	<b>14,413,700</b>

## Council on Aging

### REVENUES

#### Other Revenues

Intergovernmental	464,800	103,600	568,400
Charges for Services	88,600	-	88,600
Public Contributions	16,000	-	16,000
Miscellaneous Revenue	4,000	-	4,000
	573,400	103,600	677,000

#### Other Financing Sources

Sale of Assets	-	-	-
Transfers from Other Funds	292,000	-	292,000
Use of Fund Balance	182,900	-	182,900
	474,900	-	474,900

<b>Total Revenues</b>	<b>1,048,300</b>	<b>103,600</b>	<b>1,151,900</b>
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### EXPENDITURES



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>Health and Welfare</b>			
Nutrition	609,200	-	609,200
Senior Center	283,000	103,600	386,600
Access	156,100	-	156,100
	1,048,300	103,600	1,151,900
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	-	-	-
	-	-	-
<b>Total Expenditures</b>	<b>1,048,300</b>	<b>103,600</b>	<b>1,151,900</b>

Health			
REVENUES			
Taxes			
Property Taxes	1,007,000	-	1,007,000
	1,007,000	-	1,007,000
Other Revenues			
Charges for Services	305,000	-	305,000
	305,000	-	305,000
Other Financing Sources			
Transfers from Other Funds	-	-	-
Use of Fund Balance	97,300	-	97,300
	97,300	-	97,300
Total Revenues	1,409,300	-	1,409,300

EXPENDITURES			
General Government			
Contributions to Other Units	50,000	-	50,000
	50,000	-	50,000
Health and Welfare			
Bear River Health Department	1,104,300	-	1,104,300
Air Pollution Control	255,000	-	255,000



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
	1,359,300	-	1,359,300
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	-	-	-
	-	-	-
<b>Total Expenditures</b>	<b>1,409,300</b>	<b>-</b>	<b>1,409,300</b>
<b>Mental Health</b>			
<b>REVENUES</b>			
<b>Other Revenues</b>			
Intergovernmental	3,135,000	-	3,135,000
	3,135,000	-	3,135,000
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	-	-
Use of Fund Balance	-	-	-
	-	-	-
<b>Total Revenues</b>	<b>3,135,000</b>	<b>-</b>	<b>3,135,000</b>
<b>EXPENDITURES</b>			
<b>Health and Welfare</b>			
Mental Health Services	3,135,000	-	3,135,000
	3,135,000	-	3,135,000
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	-	-	-
	-	-	-
<b>Total Expenditures</b>	<b>3,135,000</b>	<b>-</b>	<b>3,135,000</b>

## Children's Justice Center

### REVENUES



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>Other Revenues</b>			
Intergovernmental	926,800	-	926,800
Public Contributions	-	-	-
Miscellaneous Revenue	-	-	-
	926,800	-	926,800
<b>Other Financing Sources</b>			
Transfers from Other Funds	233,700	-	233,700
Use of Fund Balance	741,000	-	741,000
	974,700	-	974,700
<b>Total Revenues</b>	<b>1,901,500</b>	<b>-</b>	<b>1,901,500</b>
<b>EXPENDITURES</b>			
<b>Public Safety</b>			
Children's Services	1,901,500	-	1,901,500
	1,901,500	-	1,901,500
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	-	-	-
	-	-	-
<b>Total Expenditures</b>	<b>1,901,500</b>	<b>-</b>	<b>1,901,500</b>
<b>Visitor's Bureau</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Sales Taxes	797,500	-	797,500
	797,500	-	797,500
<b>Other Revenues</b>			
Intergovernmental	110,900	-	110,900
Charges for Services	34,000	-	34,000
Public Contributions	4,200	-	4,200
Miscellaneous Revenue	500	-	500
	149,600	-	149,600



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	94,600	94,600
Use of Fund Balance	336,700	-	336,700
	336,700	94,600	431,300
<b>Total Revenues</b>	<b>1,283,800</b>	<b>94,600</b>	<b>1,378,400</b>
<b>EXPENDITURES</b>			
<b>Culture and Recreation</b>			
Cache Valley Visitor's Bureau	1,021,800	94,600	1,116,400
	1,021,800	94,600	1,116,400
<b>Other Financing Uses</b>			
Transfers to Other Funds	262,000	-	262,000
Addition to Fund Balance	-	-	-
	262,000	-	262,000
<b>Total Expenditures</b>	<b>1,283,800</b>	<b>94,600</b>	<b>1,378,400</b>
<b>Tax Administration</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Property Taxes	3,502,000	-	3,502,000
	3,502,000	-	3,502,000
<b>Other Revenues</b>			
Charges for Services	875,000	17,400	892,400
Miscellaneous Revenue	-	-	-
	875,000	17,400	892,400
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	-	-
Use of Fund Balance	264,100	25,700	289,800
	264,100	25,700	289,800
<b>Total Revenues</b>	<b>4,641,100</b>	<b>43,100</b>	<b>4,684,200</b>

## EXPENDITURES

### General Government





# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
Tax Administration Allocations	1,728,700	40,500	1,769,200
IT	441,400	2,600	444,000
Assessor	1,940,100	-	1,940,100
Treasurer	319,800	-	319,800
Miscellaneous Expense	85,600	-	85,600
Contributions to Other Units	125,500	-	125,500
	4,641,100	43,100	4,684,200
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	-	-	-
	-	-	-
<b>Total Expenditures</b>	<b>4,641,100</b>	<b>43,100</b>	<b>4,684,200</b>

## Capital Projects

### REVENUES

#### Other Revenues

Miscellaneous Revenue	-	-	-
	-	-	-
<b>Other Financing Sources</b>			
Bond Proceeds	-	-	-
Transfers from Other Funds	-	-	-
Use of Fund Balance	3,406,500	-	3,406,500
	3,406,500	-	3,406,500

<b>Total Revenues</b>	<b>3,406,500</b>	<b>-</b>	<b>3,406,500</b>
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### EXPENDITURES

#### Streets and Public Improvements

Road Facilities	3,406,500	-	3,406,500
	3,406,500	-	3,406,500

#### Streets and Public Improvements

Fairgrounds Facilities	-	-	-
	-	-	-



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	-	-	-
	-	-	-
<b>Total Expenditures</b>	<b>3,406,500</b>	<b>-</b>	<b>3,406,500</b>
<b>Debt Service</b>			
<b>REVENUES</b>			
<b>Other Revenues</b>			
Miscellaneous Revenue	-	-	-
	-	-	-
<b>Other Financing Sources</b>			
Transfers from Other Funds	3,030,200	-	3,030,200
Use of Fund Balance	-	-	-
	3,030,200	-	3,030,200
<b>Total Revenues</b>	<b>3,030,200</b>	<b>-</b>	<b>3,030,200</b>
<b>EXPENDITURES</b>			
<b>Debt Payments</b>			
Bonds	2,071,000	-	2,071,000
Sheriff Vehicle Lease	673,500	-	673,500
Fire Vehicle Lease	18,800	-	18,800
Road Equipment Lease	31,400	-	31,400
IT Equipment Lease	-	-	-
	2,794,700	-	2,794,700
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	235,500	-	235,500
	235,500	-	235,500
<b>Total Expenditures</b>	<b>3,030,200</b>	<b>-</b>	<b>3,030,200</b>



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>CDRA</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Property Taxes	70,000	-	70,000
	70,000	-	70,000
<b>Other Revenues</b>			
Intergovernmental	266,000	-	266,000
	266,000	-	266,000
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	-	-
Use of Fund Balance	-	10,400	10,400
	-	10,400	10,400
<b>Total Revenues</b>	<b>336,000</b>	<b>10,400</b>	<b>346,400</b>
<b>EXPENDITURES</b>			
<b>General Government</b>			
Cache County Redevelopment Agency	325,000	-	325,000
	325,000	-	325,000
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	10,400	10,400
Addition to Fund Balance	11,000	-	11,000
	11,000	10,400	21,400
<b>Total Expenditures</b>	<b>336,000</b>	<b>10,400</b>	<b>346,400</b>
<b>Restaurant Tax</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Sales Taxes	1,669,000	-	1,669,000
	1,669,000	-	1,669,000
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	-	-
Use of Fund Balance	1,237,700	-	1,237,700



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
	1,237,700	-	1,237,700
<b>Total Revenues</b>	<b>2,906,700</b>	<b>-</b>	<b>2,906,700</b>
<b>EXPENDITURES</b>			
<b>Culture and Recreation</b>			
Tourism Promotion	285,000	-114,300	170,700
Facility Awards	1,965,700	-106,700	1,859,000
	2,250,700	-221,000	2,029,700
<b>Other Financing Uses</b>			
Transfers to Other Funds	167,000	249,000	416,000
Addition to Fund Balance	489,000	-28,000	461,000
	656,000	221,000	877,000
<b>Total Expenditures</b>	<b>2,906,700</b>	<b>-</b>	<b>2,906,700</b>
<b>RAPZ Tax</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Sales Taxes	1,989,900	-	1,989,900
	1,989,900	-	1,989,900
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	67,300	67,300
Use of Fund Balance	778,300	-	778,300
	778,300	67,300	845,600
<b>Total Revenues</b>	<b>2,768,200</b>	<b>67,300</b>	<b>2,835,500</b>
<b>EXPENDITURES</b>			
<b>Culture and Recreation</b>			
Program Awards	915,000	196,000	1,111,000
Facility Awards	1,774,300	-216,000	1,558,300
	2,689,300	-20,000	2,669,300
<b>Other Financing Uses</b>			
Transfers to Other Funds	78,900	20,000	98,900
Addition to Fund Balance	-	67,300	67,300



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
	78,900	87,300	166,200
<b>Total Expenditures</b>	<b>2,768,200</b>	<b>67,300</b>	<b>2,835,500</b>
<b>CCCOG</b>			
<b>REVENUES</b>			
<b>Taxes</b>			
Sales Taxes	5,322,000	-	5,322,000
	5,322,000	-	5,322,000
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	-	-
Use of Fund Balance	4,582,100	-	4,582,100
	4,582,100	-	4,582,100
<b>Total Revenues</b>	<b>9,904,100</b>	<b>-</b>	<b>9,904,100</b>
<b>EXPENDITURES</b>			
<b>Streets and Public Improvements</b>			
Road Projects	9,824,200	-	9,824,200
	9,824,200	-	9,824,200
<b>Other Financing Uses</b>			
Transfers to Other Funds	79,900	-	79,900
Addition to Fund Balance	-	-	-
	79,900	-	79,900
<b>Total Expenditures</b>	<b>9,904,100</b>	<b>-</b>	<b>9,904,100</b>
<b>Airport</b>			
<b>REVENUES</b>			
<b>Other Revenues</b>			
Intergovernmental	6,488,400	170,700	6,659,100
Interest and Investment Income	1,500	-	1,500
Miscellaneous Revenue	150,900	-	150,900
	6,640,800	170,700	6,811,500



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
<b>Other Financing Sources</b>			
Transfers from Other Funds	310,200	-	310,200
Use of Fund Balance	36,300	16,400	52,700
	346,500	16,400	362,900
<b>Total Revenues</b>	<b>6,987,300</b>	<b>187,100</b>	<b>7,174,400</b>
<b>EXPENDITURES</b>			
<b>General Government</b>			
Airport	6,987,300	187,100	7,174,400
	6,987,300	187,100	7,174,400
<b>Other Financing Uses</b>			
Transfers to Other Funds	-	-	-
Addition to Fund Balance	-	-	-
	-	-	-
<b>Total Expenditures</b>	<b>6,987,300</b>	<b>187,100</b>	<b>7,174,400</b>
<b>Roads Special Service District</b>			
<b>REVENUES</b>			
<b>Other Revenues</b>			
Intergovernmental	121,500	-	121,500
Interest and Investment Income	2,000	-	2,000
	123,500	-	123,500
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	-	-
Use of Fund Balance	-	-	-
	-	-	-
<b>Total Revenues</b>	<b>123,500</b>	<b>-</b>	<b>123,500</b>
<b>EXPENDITURES</b>			
<b>Other Financing Uses</b>			
Transfers to Other Funds	123,500	-	123,500
Addition to Fund Balance	-	-	-
	-	-	-



# Budget Amendment by Department

Hearing Date: 09.14.2021; Vote Date 09.28.2021

Fund	Budget	Amendment	New Budget
	123,500	-	123,500
<b>Total Expenditures</b>	<b>123,500</b>	<b>-</b>	<b>123,500</b>
<b>CC Community Foundation</b>			
<b>REVENUES</b>			
<b>Other Revenues</b>			
Interest and Investment Income	100	-	100
Public Contributions	36,000	20,000	56,000
	36,100	20,000	56,100
<b>Other Financing Sources</b>			
Transfers from Other Funds	-	-	-
Use of Fund Balance	-	-	-
	-	-	-
<b>Total Revenues</b>	<b>36,100</b>	<b>20,000</b>	<b>56,100</b>
<b>EXPENDITURES</b>			
<b>General Government</b>			
Miscellaneous Expense	100	-	100
	100	-	100
<b>Other Financing Uses</b>			
Transfers to Other Funds	36,000	20,000	56,000
Addition to Fund Balance	-	-	-
	36,000	20,000	56,000
<b>Total Expenditures</b>	<b>36,100</b>	<b>20,000</b>	<b>56,100</b>

# Ordinance No. 2021-21

## Cache County, Utah

### Amendments to Title 17 to allow a Winery

---

An ordinance amending the County Land Use Code as required by the adoption of Ord. 2021-05 creating a new use type for agriculture related alcohol production and sales.

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

**Whereas**, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance, or amendments thereto, that represent the Planning Commission’s recommendations; and

**Whereas**, the Planning Commission caused notice of a public hearing for the rezone 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 September 2, 2021, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

**Whereas**, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance; and

**Whereas**, following proper notice, the County Council held a public hearing on September 28, 2021, to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

**1. Statutory Authority**

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

**2. Amendment to Title 17.07.030 Use Related Definitions**

A new use related definition is to be created under section 17.07.030 Use Related Definitions, to read as follows:

6160 Winery: An agricultural processing facility used for the commercial purpose of processing fruits, plants, honey, or milk, or other like substance to produce wine.

Processing includes wholesale and retail sales, crushing, fermenting, blending, aging, storage, bottling, and administrative office functions. Additional information and



requirements are found in Title 5.08 Alcoholic Beverages of the County Code and apply to this use type. The following requirements also apply:

1. A Winery must be accessory to a primary Agricultural Production use.
2. A Winery must:
  - a. Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, UCA 59-2-5, and;
  - b. Be located on a legal parcel, or contiguous legal parcels, that are 5 acres or larger in size.
3. Wine produced by the processing facility must be produced from 51% or more of the agricultural products that have been grown within the legally defined boundaries of Cache County.
  - a. The winery may use agricultural products grown outside the County to produce wine, and a local wine producer may purchase bulk beverage fermented, brewed, or distilled by a licensed alcohol manufacturer and blend the beverage with the local producer's alcoholic beverage if:
    - i. There is an insufficient supply of agricultural products within Cache County due to an event caused by natural phenomena whose effects were not preventable with the exercise of reasonable care and foresight; or
    - ii. The on-site and local agricultural product is not yet of a sufficient quantity to support the production of wine, but sufficient resources that will be used as part of the wine production in the form of planted vines, plants, trees, hives, and similar are present and of an equivalent amount to support the quantity of product to be produced.
4. Retail sales, tours, and tasting facilities of wine and related, accessory, promotional items are also permitted as part of the winery operation.
  - a. Retail sales, tours, and tastings means tours of the winery or tasting of beverages produced by the winery, or both during operating hours. The wine producer may serve food in conjunction with tours and tastings, provided:
    - i. The amount and type of food is intended to be secondary and complementary to, and part of, the tours and tastings; and
    - ii. The food arrives at the establishment ready for service, or in a state generally ready for consumption.
5. Production of wine is limited to no more than 15,000 cases per calendar year.
6. Overnight accommodation is permitted as follows:
  - a. Guest rooms must be located within an owner occupied dwelling that meets the minimum Building and Fire Code standards;
  - b. No more than a total of four (4) guest rooms with a maximum occupancy of two per room, not counting children 15 years of age and under.

### **3. Amendment to Title 17.07.040 Use Related Definitions**

An amendment to a portion of the existing use related definition of "6140 Agritourism" to include the following underlined text within the definition heading:

...into pumpkin pies), not including a Winery or Small-Scale Slaughter Facility; and other similar...

#### 4. Amendment to Title 17.09.030 Schedule of Zoning Uses

The new use related definition “6160 Winery” is to be added under section 17.07.030 Use Related Definitions, to read as follows:

Index	Description	Base Zone							Overlay Zone	
6000	Resource Production and Extraction	RU2	RU5	A10	FR40	RR	C	I	ME	PI
6160	Winery	N	N	C	C	C	N	N	-	-

#### 5. Amends and Supersedes

This ordinance amends and supersedes Chapters 7 and 9 of Title 17 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County 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. Effect

The ordinance amendments will take effect no sooner than 15 days from the date of approval. 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.

**Approved and Adopted** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

	In Favor	Against	Abstained	Absent
Borup				
Erickson				
Gunnell				
Tidwell				
Ward				
Worthen				
Zilles				
Total				

Cache County Council:

Attest:

\_\_\_\_\_  
Gina Worthen, Chair  
Cache County Council

\_\_\_\_\_  
Jess Bradfield  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2021

# RESOLUTION NO. 2021-19

## CACHE COUNTY, UTAH

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### RESOLUTION APPROVING AN INTERLOCAL AND INTERGOVERNMENTAL HOUSING AGREEMENT BETWEEN CACHE COUNTY (UT) AND FRANKLIN COUNTY (ID) REGARDING THE HOUSING OF INMATES AT THE CACHE COUNTY JAIL

WHEREAS, the Sheriff of Cache County, Utah, is authorized to “take charge of and keep the county jail and the jail prisoners,” Utah Code § 17-22-2(1)(g), and the Sheriff of Franklin County, Idaho, is likewise authorized to “[t]ake charge of and keep [a] county jail and the prisoners therein,” Idaho Statutes § 31-2202(6); and

WHEREAS, the purpose of the Interlocal Cooperation Act, Utah Code §§ 11-13-101, et seq., is to “permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner . . . that will best accord with geographic, economic, population and other factors . . . to provide the benefit of economy of scale . . . for the overall promotion of the general welfare of the state,” Utah Code § 11-13-102; and

WHEREAS, the Interlocal Cooperation Act authorizes “two or more public agencies [to] enter into an agreement with one another . . . to provide services that they are each authorized by statute to provide,” Utah Code § 11-13-202(1)(b); and

WHEREAS, an agreement under the Interlocal Cooperation Act that includes an out-of-state public agency as a party must be approved by the legislative body of the in-state public agency that is a party to the agreement, *see* Utah Code § 11-13-202.5(1)(b)(ii); and

WHEREAS, the Cache County Council deems the interlocal agreement between Cache County, Utah, and Franklin County, Idaho, attached hereto as Exhibit A to be in the best interest of Cache County;

NOW, THEREFORE, the Cache County Council adopts the following resolution:

BE IT RESOLVED, that the Interlocal and Intergovernmental Housing Agreement between Cache County (UT) and Franklin County (ID) Regarding the Housing of Inmates at the Cache County Jail attached hereto as Exhibit A is hereby approved and David N. Zook, County Executive, is authorized to execute it on behalf of Cache County with an effective date of October 1, 2021.

RESOLVED this 28<sup>th</sup> day of September 2021.

CACHE COUNTY COUNCIL

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Gina Worthen, Chair  
Cache County Council

ATTEST:

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Jess W. Bradfield  
Cache County Clerk

**INTERLOCAL AND INGERGOVERNMENTAL HOUSING AGREEMENT  
BETWEEN  
CACHE COUNTY (UT)  
AND FRANKLIN COUNTY (ID)  
REGARDING THE HOUSING OF INMATES AT THE CACHE COUNTY JAIL**

---

This agreement, entered into this 1 day of OCTOBER, 2021, is between CACHE COUNTY a political subdivision of the State of Utah, and FRANKLIN COUNTY, a political subdivision of the State of Idaho. The purpose of this agreement is to allow for the suitable, temporary housing and care of inmates committed to the Franklin County Sheriff's Office by utilizing the facilities and services of the Cache County Jail, which is located in Logan, Utah and operated under the authority of the Cache County Sheriff's Office.

**RECITALS**

WHEREAS, Franklin County had determined that this agreement is in the best interest of Franklin County, is empowered by Idaho Revised Statute 11-952 to enter into this agreement, has resolved by a Resolution of its Board of Supervisors to enter this Intergovernmental Agreement;

AND;

WHEREAS, Cache County has determined that this agreement is in the best interest of Cache County, is empowered by Utah Code Ann 11-13-101, et seq. (1953, as amended) to enter into this agreement, has resolved by a Resolution of the Cache County Council to enter this Interlocal Agreement;

THE PARTIES AGREE AS FOLLOWS:

**A. THE CACHE COUNTY SHERIFF'S OFFICE SHALL:**

1. Provide housing in the Cache County Jail for any persons arrested by a certified law enforcement officer, who is currently employed by the Franklin County Sheriff's Office, and for any persons convicted in a Franklin County Court at a cost to Franklin County of Sixty-One dollars (\$61.00) per day for each inmate. This cost shall be fixed for the current contract year. Daily rates will be reviewed yearly and will be based on the State of Utah daily inmate rate. The Cache County Sheriff, and/or his designee, reserve the right to return custody or decline to house any particular inmate.
2. Permit any certified law enforcement officer currently employed by the Franklin County Sheriff's Office, upon reasonable request and without significant disruption of regular facility operations, to enter the Cache County Jail to interview a Franklin County inmate or otherwise carry out any legitimate law enforcement purposes.
3. Maintain orderly, accessible and accurate records concerning the incarceration of persons housed under this agreement, including charging, booking, housing and procedural records, and make such records available to Franklin County or the Franklin County Sheriff's Office upon request.
4. Maintain records to reflect the times, days, months, and years of each period of incarceration, as well as any subsequent release and/or transfer from the Cache County Jail to the Idaho Department of Corrections or any other Jail. Such records shall be made available to Franklin County of the Franklin County Sheriff's Office upon request, and in their original form is specifically requested.

5. Provide basic medical care, psychological treatment and psychiatric treatment necessary for the health, safety and well-being of persons incarcerated in the Cache County Jail under the terms of this agreement. The Cache County Sheriff's Office will submit, in a timely fashion, an itemized bill reflecting any additional cost incurred by the Cache County Jail for any medical services rendered to Franklin County inmates which are not being considered as basic or routine care. As such, the medical staff at the Cache County Jail should consult and obtain approval from the Franklin County Sheriff's Office before providing any care other than routine or emergency care.
6. Provide and pay for all food, clothing and bedding necessary for the health, safety and well-being of persons incarcerated in the Cache County Jail under the terms of this agreement.
7. Provide the Franklin County Sheriff's Office with an itemized statement showing individual inmate's names, dated of initial incarceration, number of inmate days charged to each prisoner and the date of release or transfer. The Cache County Sheriff's Office will provide such billing statements to the Franklin county Sheriff's Office on or before the 15<sup>th</sup> day of each month for any charges incurred during the previous month. However, failure to provide a billing statement by this date does not waive Franklin County's responsibility of paying the amounts shown as due on accurate billing statements.
8. Provide the Franklin county Sheriff's Office, upon request, reasonable access to any documents used in the calculation of inmate days.
9. Give precedence to Franklin County inmates over the Utah Department of Corrections inmates for housing space and will not require a minimum number of inmates to be housed with Cache County. Cache County will, however, cap the maximum number of Franklin County Inmates housed at any one time at eighty (80).
10. Conduct the initial booking procedure of Franklin County inmates in the Spillman Jail module.

**B. THE FRANKLIN COUNTY SHERIFF'S OFFICE SHALL:**

1. Provide all transportation for Franklin County inmates housed in the Cache County Jail.
2. Pay Sixty-One (\$61.00) per day for each person incarcerated under this agreement within thirty (30) calendar days of receiving a monthly itemized statement from the Cache County Sheriff's Office. The Franklin County Sheriff's Office shall pay all undisputed charges and submit an itemized objection for any disputed charges within ten (10) days of making an incomplete payment. This cost shall be fixed for the duration of this contract.
3. In addition to any other charges incurred under this agreement, the Franklin County Sheriff's Office will reimburse the Cache County Sheriff's Office for the additional costs of any medical, psychological and/or psychiatric care incurred by the Cache County Jail on behalf of Franklin County inmates during the administering of any routine or emergency care deemed necessary by the medical staff at the Cache County Jail. In addition, the Franklin County Sheriff's Office will reimburse the Cache County Sheriff's Office for the cost of any non-routine or non-emergency care administered, provided that it has been consulted and has approved such care for one of its inmates. The Franklin

County Sheriff's Office's approval of all non-routine/non-emergency care will be based upon reasonable medical necessity and will not be unreasonably withheld or delayed.

**C. INMATE DAY CALCULATIONS DEFINED:**

1. "Inmate Day" calculations shall be defined as follows:
  - a. Regardless of the time an inmate is booked into the Cache County Jail, the date of arrival shall count as a full inmate day when determining the total inmate days to be charged.
  - b. Regardless of the time an inmate is released from the Cache County Jail, the date of release shall count as a full inmate day when determining the total inmate days to be charged.

**D. ADDITIONAL TERMS:**

1. This agreement shall commence on October 1, 2021, and shall terminate at the end of the day on September 30, 2022. Upon termination, the agreement shall automatically renew for the same length periods and upon the same terms unless either party gives written notice to the other, at least 30 days prior to the end of the contract period that it does not wish to renew.
2. This agreement may be extended at any time with a written agreement between both parties.
3. This agreement shall be filed with the necessary government entities and in accordance with both Idaho and Utah law.
4. Either party may cancel this agreement, without cause, by providing thirty (30) days written notice to the other party, or with cause by providing ten (10) days written notice to the other party. This agreement may also be canceled as a result of specified conflicts of interest set forth in Idaho Revised Statutes 38-511.
5. All books, accounts, reports, files and other records relating to this agreement shall be subject at all times to inspection and audit by either party for a period of five years after the completion of the contract.
6. This agreement shall be interpreted pursuant to the laws of the State of Utah, except as otherwise specifically provided herein.
7. In satisfaction of the requirements of the Utah Interlocal Act, and in connection with this agreement, the parties agree as follows:
  - a. This agreement shall be authorized by the Legislative Body of each party by resolution.
  - b. This agreement shall be reviewed as to proper form and compliance with applicable laws by a duly authorized attorney of behalf of each party, pursuant to Section 11-13-202.5 of the Utah Interlocal Act;
  - c. This agreement will take effect upon being filed with the keeper of records of each party, pursuant to Section 11-13-209 of the Utah Interlocal Act;

d. Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action done pursuant to this agreement, and for any financing of such costs.

e. No separate legal entity is created by the terms of this agreement. To the extent that this agreement requires administration other than as expressly set forth herein, the administrator of this joint and cooperative undertaking shall be determined by the parties on a case-by-case basis. 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, or 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.

8. This agreement may be amended, changed, modified or altered only by an instrument in writing which shall be (a) approved by the legislative body of each party, (b) executed by a duly authorized official of each party, (c) submitted to an attorney for each party that is authorized to represent said party for reviews as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5 of the Interlocal Act, and (d) filed in the official records of each party.
9. This agreement contains the entire agreement between the parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either party or agents for either party that are not contained in this written agreement shall be binding or valid.
10. If any portion of this agreement shall be held invalid or inoperative, then insofar as is reasonable and possible, the remainder of this agreement shall be considered valid and operative.
11. This agreement has been negotiated and drafted by all parties hereto and the general rule of contract construction that 'ambiguities shall be construed against the draftsman' shall have no application to this agreement.
12. The waiver by any party to this agreement of a breach of any provision of this agreement shall not be deemed to be a continuing waiver or a waiver of any subsequent breach, whether of the same or any other provision of this agreement. Any waiver shall be in writing and signed by the waiving party.
13. This agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
14. Time is of the essence with regard to this agreement as to each covenant, term, condition, representation, warranty and provision hereof.
15. In the event that either or both of the legislative bodies required to authorize this agreement fail to do so for any reason, the agreement shall not take effect regardless of whether any officer of such legislative body, elected official, or any other person has signed this agreement.
16. All notices or demands upon any party to this agreement shall be made in writing and distributed as follows:

Cache County Corporation  
Attention: David Zook, County Executive  
Address: 199 North Main  
Logan, Utah 84321

Franklin County:  
Attention: Board of Commissioners  
Address: 39 West Oneida St  
Preston Idaho 83263

Cache County Sheriff's Office  
Attention: Sheriff D. Chad Jensen  
1225 W Valley View  
Logan, Utah 84321

Franklin County Sheriff's Office  
Attention: Sheriff Dave Fryer  
Address: 39 West Oneida St  
Preston Idaho 83263

**E. LIABILITY:**

Cache County (Utah) shall indemnify and hold Franklin County (Idaho) and the Franklin County Sheriff's Office harmless from any and all liability, loss, costs, damage or any other expenses which may accrue to be incurred by Franklin County and/or Franklin County Sheriff's Office as a result of injury or damage to any person or property occasioned by any negligent action or omission by the Cache County Sheriff's Office, its employees or its agents in the performance of the terms of this agreement. In the event that legal fees and related expenses are incurred, Cache County shall provide representation of its choosing and pay all related costs. However, if Franklin County selects its own representation, it shall bear those costs and related expenses.

Franklin County (Idaho) shall indemnify and hold Cache County (Utah) and the Cache County Sheriff's Office harmless from any and all liability, loss, costs, damage or any other expenses which may accrue to or be incurred by Cache County and/or the Cache County Sheriff's Office as a result of injury or damage to any person or property occasioned by any negligent action or omission by the Franklin County Sheriff's Office, its employees or its agents in the performance of the terms of this agreement. In the event that legal fees and related expenses are incurred, Franklin County shall provide representation of its choosing and pay all related costs. However, if Cache County selects its own representation, it shall bear those costs and related expenses.

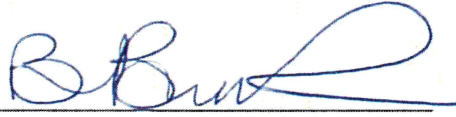


IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this agreement as outlined and in all good faith.

CACHE COUNTY (UTAH)

FRANKLIN COUNTY (IDAHO)

\_\_\_\_\_  
David Zook  
Cache County Executive

  
\_\_\_\_\_  
Chairman  
Franklin County Board of Commissioners

ATTEST:

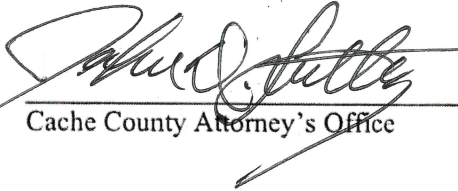
ATTEST:

\_\_\_\_\_  
Jess Bradfield  
Cache County Clerk

\_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cache County Attorney's Office

\_\_\_\_\_  
Franklin County Attorney's Office