

COUNCIL MEETING
MINUTES 04/23/96

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CACHE COUNTY COUNCIL MEETING MINUTES

April 23, 1996

The Cache County Council met in regular session on the 23rd day of April, 1996 in the County Council Chambers at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

Council Chairman Sarah Ann Skanchy and Vice Chairman C. Larry Anhder were present. Other Council members present were: Guy Ray Pulsipher, Layne M. Beck, H. Craig Petersen and Darrel L. Gibbons. Councilman Allen was absent and excused.

Others present were: Cache County Executive M. Lynn Lemon, Cache County Clerk Stephen M. Erickson, Cache County Attorney Scott L. Wyatt, Cache County Auditor Tamra Stones, Cache County Zoning Administrator Lorene Greenhalgh, Administrative Executive Michael Nilson, Logan City Solid Waste Director Roger Sunada, Logan City Transit Director Geoffery Straw, Capitol Arts Alliance Director Peggy L. Tueller, Bear River Health Department, Recycling Education Director Jeannette Wadsworth, Representatives of the local news media and other interested citizens.

CALL TO ORDER

Council Chairman Sarah Ann Skanchy called the meeting to order at 5:05 p.m. and welcomed all who were in attendance.

INVOCATION

The invocation was given by County Clerk Stephen M. Erickson.

AGENDA & MINUTES

The agenda was discussed, adjusted and approved.

The minutes of the regular Council meeting held on the 9th of April, 1996 and sent to all members of the Council were corrected and approved.

COUNTY EXECUTIVE REPORT

County Executive M. Lynn Lemon reported on the following items:

1. CDBG SECOND PUBLIC HEARING SET: Executive Lemon set a second Public Hearing for CDBG on May 14, 1996 at 6:00 p.m..

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2. County-Wide Plan drafted: Copies of the newly drafted County-Wide Plan being produced by the County-Wide Planner Mark Teusher is available and will be given to members of the Council. District Planning meetings are continuing and a schedule of those meetings was presented to Council members. After the district meetings a final County-Wide Plan will be produced.

(See attachment #1)

3. Surplus Property Sale: The County along with other municipalities in the County had a surplus property sale conducted by the State. The County was able to get ride of all old and unusable surplus property. Lemon reported that this was the first time that the County has used the State auction process. The auction took in 3 or 4 times more than what we have taken in the past when we have conducted a sale of our own. Another sale will take place in the fall of 1996.

4. Warrants: The warrants were presented to the County Clerk for filing.

CAPITAL ARTS ALLIANCE REPORT: PEGGY TUELLER

The Executive Director of the Capital Arts Alliance Peggy Tueller appeared before the Council to present a Status Report of the Ellen Eccles Theatre and the Bullen Center.

(See attachment #2)

Tueller thanked the Council for their support and invited them to take part in the activities held at the Center.

BEAR RIVER HEALTH DEPARTMENT-RECYCLING EDUCATION: JEANNETTE WADSWORTH

Jeannette Wadsworth, from the Bear River Health Department, presented to the Council a presentation concerning education for recycling. Using an overhead projector Wadsworth explained the need to educate the citizens of the county in regards to the importance of recycling.

(See attachment #3)

LOGAN CITY PUBLIC TRANSPORTATION CAPITAL PROJECTS: GEOFFREY STRAW

Logan City Transit Manager Geoffery Straw appeared before the Council asking them to support their efforts to obtain appropriations from the US House of Representatives to help fund Logan City's Transit System. Chairman Skanchy made reference to a

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letter that she had received from Darla D. Clark, Logan City's Mayor concerning the issue.

(See attachment #4)

Vice Chairman C. Larry Anhder said that when Logan City asks us for cooperation we give it to them. However, when the County asks Logan City to cooperate with us we get a deaf ear. Anhder further stated that he believes that if the City had cooperated we would probably have a County-Wide Library System.

Straw answered questions concerning the ridership of the Transit System and what is in store for the future. Some Municipalities have requested that the system be extended to their areas. Straw said that expansion is being looked at and this is another reason that they are requesting funding from the Federal Government. A grant from the Federal Government requires matching funds and Logan is ready with those funds. Straw also pointed out that Logan City's Transit System is one of 5 Systems in the Nation that does not charge to ride the system.

It was moved by Vice Chairman Anhder to support Logan City as they request Federal Funding to operate their Transit System. It was properly seconded and carried unanimously.

A letter will be drafted that will be sent to the US House of Representatives supporting the City's efforts to obtain a grant to help operate their Transit System.

RESOLUTION NO 96-10: COUNTY WEED BOARD POLICY-1996-2ND READING

The adoption of Resolution No. 96-10 will create the 1996 County weed policy, plan and fee schedule.

(See attachment #5)

A motion to adopt Resolution No. 96-10 was made by Councilman Gibbons. It was seconded and carried unanimously.

SUBDIVISION FINAL PLAT APPROVAL: MILLER, RICHARD L.

The Council discussed three subdivision final plats presented to the Council for approval at the last Council meeting. The first plat discussed was that of Richard L. Miller on property in the unincorporated area of the County near Hyrum City.

Chairman Skanchy had written a memorandum to Council members explaining her view on what should be done concerning the subdivisions.

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(See Attachment #6)

The Zoning Administrator Lorene Greenhalgh told the Council that all the requests have met the necessary requirements according to the County's present ordinance and the Zoning Commission has approved each request. Hyrum City Mayor Ralph Haycock told the Council that the Miller and Poppleton subdivisions are in an area that Hyrum City would like to annex. They are presently delivering electricity to that area. All they are waiting for is for the citizens of the area to request annexation. Vice Chairman Anhder said that that area is not prime agriculture ground and that is where development should be encouraged.

A motion to approve the Richard L. Miller subdivision was made by Councilman Pulsipher. It was seconded and carried unanimously.

SUBDIVISION FINAL PLAT APPROVAL: POPPLETON, CRAIG

A motion to approve the Craig Poppleton subdivision was made by Councilman Gibbons. It was seconded and carried unanimously.

SUBDIVISION FINAL PLAT APPROVAL: STIELER, GARY AND ELIZABETH

This subdivision is located in the unincorporated area of the County near Mendon. The Council had a discussion concerning fire protection in the subdivisions. This subdivision is in an area close to the Mendon City Fire Station.

A motion to approve the Stieler subdivision was made by Vice Chairman Anhder. It was seconded and carried unanimously.

ORDINANCE 96-02: PROPERTY TAX SALE PROCEDURES-SECOND READING

The adoption of Ordinance 96-02 will clarify the procedure to conduct the May Tax Sale conducted by the County Auditor. The County Auditor Tamra Stones reviewed the proposed changes in the new Ordinance.

(See attachment #7)

A motion to adopt Ordinance #96-02 was made by Councilman Gibbons. It was seconded and carried unanimously.

PUBLIC HEARING: BUDGET OPENING-1996

Chairman Skanchy convened at 6:05 p.m. a Public Hearing to receive input on adjusting the 1996 budget.

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The County Auditor Tamra Stones reviewed the proposed changes in the 1996 budget that includes revenue and expenditure items. The Council discussed the proposed changes and the relocation of the County Attorneys Office. Executive Lemon told the Council that the Cache Valley Banks top floor looks like the probable location for the County Attorney's Office. The new location has 3500 square feet which is a little larger than the present location.

Chairman Skanchy asked for public comments. No public comment was given.

Councilman Pulsipher moved to close the Public Hearing. It was seconded and carried unanimously.

RESOLUTION NO. 96-11:BUDGET 1996

The adoption of Resolution No. 96-11 will adjust the 1996 budget and increase appropriations to some Departments.

(See attachment #8)

It was moved by Vice Chairman Anhder to adopt Resolution No. 96-11. It was seconded and carried unanimously.

MAY TAX SALE REPORT: STONES, TAMRA

The County Auditor Tamra Stones reported to the Council that as of January 1, 1996 there were 86 parcels of property delinquent in payment of property taxes. A number of those parcels are currently in litigation and Stones expects to have that number greatly reduced to around 5 when the May tax sale is held on the 23rd day of May. An information sheet containing the rules and procedure on conducting the May Tax Sale was presented to Council members.

(See attachment #9)

HYRUM CITY-E. A. MILLER AGREEMENT: DISCUSSION

An agreement between Hyrum City and E. A. Millers is nearing completion regarding their desire to work together on annexation. The County Attorney and Administration have been working with them and have worked a number of hours to help solve the issues. Attorney Wyatt stated that the agreement will still require County approval on any building permits requested by Millers. In the agreement a Permit Review Board will be created with representation from Miller's, Hyrum City and the County. Vice Chairman Anhder complimented Hyrum City and Millers for being able to work out their differences and come together on the annexation matter.

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It was moved by Vice Chairman Anhder to approve the agreement on principle and approval of the County Attorney. It was seconded and carried unanimously.

RESTAURANT TAX RECOMMENDATIONS & PROCEDURE: DISCUSSION

Executive Lemon reported that he is meeting with some of the communities that have requested Restaurant Tax allocations to help him determine their needs. Lemon will give his recommended allocation of Restaurant Tax at the next Council meeting. The procedure and requirements of allocation will be the same as last year.

TOURISM CONFERENCE IN LOGAN: DISCUSSION

The Governors Conference on Tourism is being held in Logan this year on May 15-16 & 17. Council members were encouraged to attend the meetings.

JOINT MEETING-SOLID WASTE- LOGAN CITY & COUNTY: DISCUSSION

A joint meeting between the County Council and the Logan City Council will be on April 30th at 6:00 p.m. in the Logan City Service Center. The Council discussed agenda items that they would like addressed during the meeting.

SMITHFIELD HEALTH DAY: PARADE

The Smithfield Health Days Parade will be on May 11th at 9:00 a. m.. Council members have been asked to ride in the parade.

RICHMOND CITY BLACK & WHITE DAYS: PARADE

The Richmond City Black & White Days Parade will be on May 18th at 5:00 p.m.. Council members have been asked to ride in the parade. Chairman Skanchy asked Council members to wear their Centennial T-Shirts at all parades this summer to help celebrate the States Centennial.

WORK FORCE SERVICES DEPARTMENT: DISCUSSION

The UAC Task Force is recommending that the work force regional areas or consortium of Counties be 8 in number and one of those areas would be Cache, Box Elder and Rich Counties. The Council was in agreement and Chairman Skanchy will advise UAC.

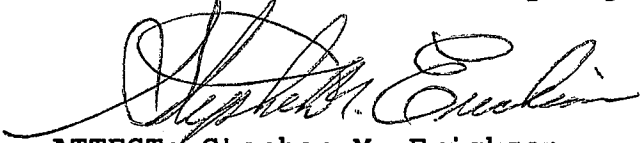
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COUNCIL MEMBER REPORTS

Councilman Beck: Beck reported that he has received a letter from a constituent in his district desiring a County-Wide Library.

ADJOURNMENT

No further business was presented for action or discussion. Chairman Sarah Ann Skanchy adjourned the meeting at 6:55 p.m..


ATTEST: Stephen M. Erickson
Cache County Clerk


APPROVAL: Sarah Ann Skanchy
Council Chairman

**PLANNING DISTRICT
MEETING SCHEDULE**
ALL MEETINGS START AT 6:30 p.m.

- | | | |
|--|--------------|-----------|
| District #4 South | May 1, 1996 | Wednesday |
| River Heights, Providence, Millville, Nibley, Unincorporated.
Millville School, 67 South Main, Millville, UT | | |
| District #8 | May 2, 1996 | Thursday |
| Unincorporated, East County, Forest Land
Logan City Meeting Room, 255 North Main, Logan, UT | | |
| District # 6 | May 7, 1996 | Tuesday |
| Mendon/Wellsville
Wellsville Elem. School Gym, 90 East 100 South, Wellsville, UT | | |
| District # 7 | May 8, 1996 | Wednesday |
| Hyrum, Paradise, Unincorporated
Paradise City Hall, 9035 South 100 West, Paradise | | |
| District #4 | May 14, 199 | Tuesday |
| Logan
Logan City Meeting Room, 255 North Main, Logan, UT | | |
| District #3 | May 15, 1996 | Wednesday |
| Unincorporated/Benson
Benson Cultural Hall 3432 North 3000 West, Benson, UT | | |
| District #2 | May 16, 1996 | Thursday |
| Amalga, Clarkston, Cornish, Newton, Trenton, Unincorporated.
Newton City Hall Gym 51 South Center, Newton, UT | | |
| District # 1 | May 21, 1996 | Tuesday |
| Lewiston, Richmond, Unincorporated.
Richmond City Hall, 6 West Main, Richmond, UT | | |
| District #5 | May 23, 1996 | Thursday |
| Unincorporated/College Ward
College Ward Cultural Hall 2394 West 2200 South, College Ward, UT | | |
| District #4 North | June 6, 1996 | Thursday |
| Hyde Park, North Logan, Smithfield, Unincorporated
Hyde Park City Meeting, 113 East Center, Hyde Park, UT | | |



CAPITOL ARTS ALLIANCE

Ellen Eccles Theatre

Bullen Center

STATUS REPORT

Ellen Eccles Theatre and Bullen Center
For the period January 1, 1996 - March 31, 1996

April 17, 1996

Prepared by Peggy L. Tueller, Executive Director
Capitol Arts Alliance

As the newly appointed Executive Director of the Capitol Arts Alliance, I wish to take this opportunity to say how proud I am to have a part in the management of the Ellen Eccles Theatre. I have had the opportunity of seeing theaters around the world, and I can assure you that any city would consider this facility a treasure. I have had the pleasure of meeting some of you personally, and I am looking forward to getting to know all of you. I am deeply appreciative for your support.

General Operations

Ellen Eccles Theatre

During this quarter 12,319 people attended 20 public performances of 9 different productions, as follows:

CAA Presentations

Ririe-Woodbury Dance Co. - 1 show, 1 student matinee -
sponsored by the Utah Arts Council Performing Arts Tour
The Bobs - 1 show
Gala '96, The Smothers Brothers - 1 show (sponsors listed in
January 16, 1996 report--show was sold out far in advance)
Celtic Night, The Cassidy Brothers - 1 show
Gigi - 1 show - sponsored by Mountain West Vinyl

Renters

Peter Breinholt & Big Parade in Concert - 1 show
USU Sunburst Club, America Sings - 4 shows
Cache Community Theatre, Shenandoah - 4 shows, 1 student
matinee
Cache Civic Ballet, Beauty and the Beast - 4 shows

The Bullen Center

CAA earned rental income from 7 weddings, 4 business banquet dinners, 9 business meetings, 15 rehearsals and 1 concert sponsored by Bridger Folk Music. There were approximately 275 Gala patrons

at the reception dinner in the Carousel Ballroom preceding the Smothers Brothers Gala.

CAA Programming

Programming for the 1996-97 season is in progress. To date three Broadway musicals have been contracted: Mame, Crazy for You, and Sound of Music. Mame has been selected for the 1996-97 CAA Gala attraction--it will star Lee Meriwether as Mame. In addition, Michael Martin Murphey is returning by popular demand with his country western Christmas show, as is Mick Maloney, Tommy Sands, Eileen Ivers and a champion Irish step dancer for Celtic Night. In the jazz area we have booked the highly recommended Jim Cullum Jazz Band whose music is frequently broadcast over KUSU. We are planning to present a wonderful young Mexican soprano, Olivia Gorra. In the Family Series Division we have booked the Fred Garbo Inflatable Theater Company and Lazer Vaudeville. Because we have so many dance groups in Cache Valley, it seems appropriate that CAA sponsor a top-notch professional dance attraction next season as well.

Capital Improvements

Painting the facade of the Ellen Eccles Theatre and the Bullen Center is scheduled to begin next month. Work will begin immediately to repair and extend the kiln roof. The HVAC emergency alarm system is half-way completed. We have received two bids for additions and modifications to the emergency and fire alarm systems. The bids are high, but very close, so now a decision must be made as to how to proceed. The sidewalk replacement on Main Street and curb alterations in the loading dock area need to be addressed. The aluminum ventilation cap over the stage area must be replaced to prevent leakage onto the stage. CAA has a sole source bid. CAA is seeking a maintenance contract for the Bullen Center elevator because the one-year service warranty is expiring. CAA has been presented with additional ADA requirements for seating for the handicapped. This is being reviewed by members of the CAA Board and by Rod Blossom, Logan City's Director of Public Works.

Development

CAA is very pleased to report that it has received a \$50,000 gift from the George S. and Dolores Doré Eccles Foundation for support of the 1996-97 theater season.

Concerted efforts will be made in the next three months to obtain sponsors for next season's CAA attractions, with particular emphasis on the Gala, since it is an important source of CAA's revenue.

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Status Report, April 17, 1996
Ellen Eccles Theatre and Bullen Center

The Ellen Eccles Theatre is a natural tourist attraction, and we are making efforts to promote it as such. The Theatre is being featured in the new Utah Preservation Magazine, commissioned by the Utah Historical Society. Boyd Israelsen has written an article on the history and restoration which will be accompanied by a full page ad that will extol the virtues of the Theatre and define its place in the community. Bridgerland Travel is working with us, and it is our hope that this will lead to regularly scheduled tours of the facility.

An advertising schedule will be put into operation next season which will be very structured and customized for each CAA show. Much more can be done in enticing audiences outside of Cache Valley, and if this is done judiciously, it should increase our attendance.

Fiscal Report

We are awaiting our annual audit report. Due to the audit services being donated and the busy time of year, our audit has not yet been completed. All information was prepared by the firm of Cook Dorigatti & Associates and given to the accounting firm of Hillyard Anderson. Our new accounting system is in place and is currently being used. Our Board Treasurer, Bruce Cook, feels this system will enable us to be much more flexible in reporting and monitoring our financial status. An associate of Cook Dorigatti is currently assisting the CAA staff in revising the structure of our budget by consolidating account numbers and funds to make it easier to understand.

Bear River Health Department
Mission Statement

Prevent and control disease and disability.

Protect the individual, community, and
environment.

Promote, maintain, and improve healthy
lifestyles.

Education has become essential
in developing good recycling
projects.

Americans produce 160 tons of
solid waste annually-
an average of 3 1/2 pounds per
day for every man, woman, and
child.

Based on information obtained
from recyclers and the landfill,
Cache Valley residents produce
about 6.0 pounds per day based
on a population of 80,000.
That is over 1 ton of garbage
per year for man, woman, and
child.

This includes all waste
including residential and
industrial.

Waste Stream:

40% Fiber (Paper, Newsprint, Cardboard)
8% Glass
9% Metals
8% Plastics
18% Yard Waste
17% other

Types of Recyclable Waste

Yard trimmings
Wood Pallets
Newsprint
Cardboard
Paper
Ferrous Iron
Aluminum
Copper/Brass
Carpet Pad
Waste Tires
Used Oil
Glass
Plastics

Recyclers in Cache Valley:

Ashton, Roger
Barlow, Todd
Hibbler, Stephen Jay
IMW - Kendrick, Stephanie
Logan City Landfill
M.S. Recycling
Mountain Fibers(Allsops)
Ross, Julie
Smith, Nate
TC Recycling
USU
Valley Metals

7 Recycling Done in Cache Valley:

Based on facts gathered from Logan City, TC Recycling, and Valley Metals.

USU: 500 tons/yr
TC Recycling: 650 tons/yr
Valley Metals: 12000 tons/yr
Logan City: 6800 tons/yr
19950 tons/yr

19950 tons recycled
+ 68000 tons/landfill
87950 total tonnage

$(19950 \text{ tons} / 87950 \text{ tons}) * 100\%$
=22.7% recycled
or about 1.3 pounds per day for every person

50-70% of material can be recycled
or 3.0-4.2 lbs per day for every person

While we are willing to spend \$20 to \$30 per month for cable tv service, we are unwilling to spend more than the bare minimum for waste water, sewer, and solid waste disposal services.

8 Reasons People Will Not Recycle:

- 1) Knowledge
- 2) Time
- 3) Convenience (Plastics and glass must be rinsed first)
- 4) Desire
- 5) Cost

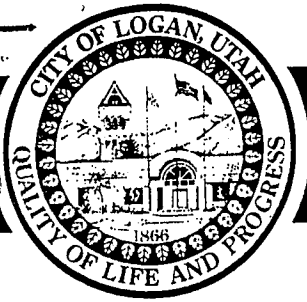
9 Educational Opportunities

<u>About what:</u>	<u>Where:</u>
Composting/Yard waste	Schools
Plastics	Industry
Newspaper	USU/SARC
Cardboard	County Fair
Paper	Churches
Metals	
Used Oil	<u>How:</u>
Waste Tires	School Presentations
Carpet Pad	Media Coverage
Pallets	Business Presentations
	Brochures/Pamphlets
	Seminars

10 Diverting about 260 tons per year adds 1 day to the landfill.

Diverting 34000 tons (50% of what was dumped in 1995) will extend the life of the landfill 130 days.

12 WE HAVE MET THE ENEMY IN THE NEXT ENVIRONMENTAL BATTLE, IT IS US AND OUR GARBAGE.



Logan Transit District



Geoffrey Straw
Transit Manager

April 15, 1996

Ann Skanchy, Chairperson
Cache County Council
120 North 100 West
Logan, UT 84321

CACHE COUNTY
APR 17 1996
EXECUTIVE

Re: LTD Capital Program of Projects

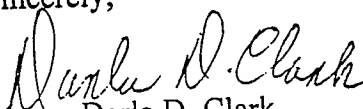
Dear Ann:

On February 27, Congressman James V. Hansen and the City of Logan's transit manager spoke before the Transportation Appropriations Subcommittee of the United States House of Representatives seeking an appropriation for public transportation capital needs in the Logan Urbanized Area. I am writing this letter to seek the Cache County Council's support for this capital program of projects.

As respected leaders of this community, the Cache County Council's support will certainly help us in securing these funds. Thus, please find attached a copy of Mr. Straw's written testimony as well as a draft support letter. The Appropriations Committee will begin marking up a bill in the latter part of April, so time is of the essence. I ask that the Council devise a support letter and forward the original copy to me. I will ensure that copies are sent to pertinent persons in Washington, D.C.

There can be no doubt that an enhanced transit system will provide better mobility to citizens of and visitors to Cache Valley, as well as assuring compliance with congestion mitigation and air quality requirements. I hope that you agree, and that you are willing to work with the City of Logan transit department in achieving this end. Please call me if you have any questions or comments.

Sincerely,


Mayor Darla D. Clark

4

CACHE COUNTY
RESOLUTION NO. 96 - 10

A RESOLUTION ADOPTING THE 1996 CACHE COUNTY WEED CONTROL POLICY,
PLAN AND FEE SCHEDULE

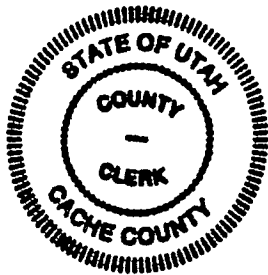
The County Council of Cache County, Utah, in a regular meeting, lawful notice of which had been given, finds that it is appropriate and necessary in accordance with the Utah Noxious Weed Act and Cache County Ordinance 79-11 for Cache County to adopt a weed control policy for the calendar year 1996.

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

BE IT RESOLVED that the 1996 Cache County Weed Control Policy, Plan and Fee Schedule, a copy of which is attached hereto, is hereby adopted.

This resolution shall take effect immediately upon adoption and supercedes any prior resolution, motion, or policy adopted by Cache County.

This resolution was adopted by the Cache County Council on the 23rd day of April, 1996.



Cache County Council

Sarah Ann Skanchy
Sarah Ann Skanchy
Chairman

ATTESTED:

Stephen M. Erickson

Stephen M. Erickson
Cache County Clerk

equipment with permission of the property owner when the County equipment is not available.

WEED CONTROL PRIORITIES

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

CATEGORIES OF WEEDS

For the purpose of organizing and funding control programs, the weeds are classified into four categories. The categories are **INVADING WEEDS**, **SPECIAL EMPHASIS DYER'S WOAD**, **SPECIAL EMPHASIS OTHER**, and **ALL OTHER WEEDS**.

1. **INVADING WEEDS** are those found in small localized infestations. These weeds may or may not appear on State or County noxious weed lists, but are emphasized because of their potential threat. Weeds considered invaders in Cache County are: **YELLOW STAR THISTLE**, **SPOTTED KNAPWEED**, **DALMATION TOADFLAX**, **DIFFUSE KNAPWEED**, **BUFFALO BUR**, **BLACK HENBANE**, **HALOGETON**, and **WILD PROSO MILLET**. There will be no charge to the landowner for the eradication of these weeds. Funding to treat invading weeds will be provided by the County with the property owner aiding in the monitoring and spot treatment of the infestation.
2. **SPECIAL EMPHASIS DYER'S WOAD** is given special consideration by aerial spraying only, with the County paying application costs, subject to available funding, and the landowner paying the chemical cost. All ground rigs will include full charge for both chemical and application costs.
3. **SPECIAL EMPHASIS OTHER** includes **SCOTCH THISTLE**, **RUSSIAN KNAPWEED**, **MUSK THISTLE**, **TALL WHITETOP**, **LEAFY SPURGE**, **PUNCTURE VINE**, and **MEDUSAHEAD RYE**. Landowners will pay fifty percent of the full cost of treating these weeds, including chemical, labor, and equipment.
4. **ALL OTHER WEEDS** is the designation given those noxious weeds and other weeds whose infestation is of a general nature throughout the County.

Grasses that pose a fire hazard will be included in this category. The full cost of treating these weeds will be assumed by the property owner.

WEED CONTROL FEE SCHEDULE

The following charges will be effective for the 1994 spraying season.

1. **INVADING WEEDS** -- No charge to the property owner.
2. **SPECIAL EMPHASIS DYER'S WOAD** -- Where terrain precludes the use of other equipment, the County Weed Department may choose to contract for aerial spraying. Cooperating landowners will pay the chemical cost only for such spraying.
3. **SPECIAL EMPHASIS OTHER** -- Property owners will pay fifty percent of all chemical, equipment, and labor costs.
4. **ALL OTHER WEEDS** -- Property owners will pay all chemical, equipment, and labor costs. Any property owner who will not or cannot provide access to their property for the County trucks and power spray equipment, will pay chemical and labor costs for backpack or Herbie spraying. Municipalities requesting County Weed Department services through Interlocal Agreements will be charged chemical, labor, and equipment costs.

LABOR COST	\$12.00 per man/per hour
EQUIPMENT	\$20.00 per truck/per hour
ATV COST	\$ 7.00 per hour
CHEMICAL	Actual cost of amount used

5. A **MINIMUM FEE** of \$30.00 will apply to all site visits made by Weed Department personnel and vehicles in response to requests to control services, except as provided otherwise in categories 1 thru 3 above. Requests for services or contracts with Cache County Weed Department which, due to distance, terrain, or special personnel requirements, create expenses not anticipated in the above guidelines, will be negotiated on an individual basis with the County Weed Supervisor and, if necessary, the County Executive.

PUBLICATION OF NOXIOUS WEED NOTICE

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

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

Bermuda Grass	Bindweed (Morning Glory)
Broad-leaved Peppergrass (Tall Whitetop)	Canada Thistle
Dyer's Woad	Johnson Grass

Leafy Spurge
Scotch Thistle
Quack grass
Squarrose Knapweed
Spotted Knapweed
Medusahead Rye

Musk Thistle
Yellow Star Thistle
Russian Knapweed
Diffuse Knapweed
Whitetop

The following weeds are declared noxious by Cache County.

Goatsrue Poison Hemlock Puncture vine

NOTIFICATION OF PROPERTY OWNERS FAILING TO CONTROL WEEDS

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

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

Cache County Council

Sarah Ann Skanchy
Chairman

ATTEST:

Stephen M. Erickson
Cache County Clerk

CACHE COUNTY
CORPORATION

M. LYNN LEMON

COUNTY EXECUTIVE/SURVEYOR

20 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 801-752-5935
Fax 752-9169

COUNTY COUNCIL

SARAH ANN SKANCHY

CHAIRMAN

C. LARRY ANHDER

V. CHAIRMAN

DARREL L. GIBBONS

JERRY L. ALLEN

GUY RAY PULSIPHER

H. CRAIG PETERSEN

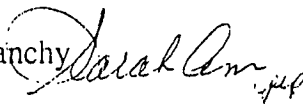
LAYNE M. BECK

STEPHEN M. ERICKSON

CLERK

April 17, 1996
MEMORANDUM

TO: County Council Members

FROM: Sarah Ann Skanchy 
Chairman

SUBJECT: APPROVAL OF FINAL SUBDIVISION PLATS

I spoke with Mark Teuscher after our last Council Meeting concerning the discussion on limiting lots in subdivisions in our new Master Plan. He indicated it is very unlikely that we would have an ordinance in place within the six month time frame for moratoriums.

Moratoriums can be imposed for a limited time for a compelling, countervailing public interest and some action must be accomplished within the time frame. However, where we have a current ordinance on the books, and no compelling reason to temporarily supersede it, we must apply the terms of that ordinance to the issues which come before us or face litigation.

Those seeking approval of final plats appear to have complied with our current ordinance. They have completed the process and spent funds in doing so. We need to review the terms and conditions imposed by the Planning Commission and see if all is in order.

SAS:pwp

CACHE COUNTY
ORDINANCE NO. 96- 02

AN ORDINANCE ENACTING REAL PROPERTY TAX SALE PROCEDURES.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which had been given, finds that it is in the best interest of the County and its citizens to adopt an ordinance enacting Real Property Tax Sale Procedures.

Now therefore the Cache County Council ORDAINS as follows:

SECTION 1: PURPOSE

In order to facilitate the sale of real properties certified for Final Tax Sale and to provide consistency of procedure, when, pursuant to *Utah Code Ann. §59-2-1351.1*, the County Auditor conducts the Final Tax Sale, the sale shall be conducted in accordance with this Ordinance.

SECTION 2: BIDDER REGISTRATION PROCEDURES

At the time specified in the Notice of Final Tax Sale as prescribed under §59-2-1351 of the *Utah Code Annotated (1953)*, as amended, the County Auditor shall offer for sale and sell all such real estate for which an acceptable bid is made.

Any party wishing to bid on property offered for sale must register in advance and may be required to submit a written, sealed first bid accompanied by certified funds for an amount of not less than the tax, penalty, interest and costs as determined by the County Treasurer. In the event that more than one bid is received prior to the time of sale of the property, the property will be offered and, upon completion of the bidding, will be awarded to the successful bidder, upon approval by the County Council. Certified funds must be on deposit with the County Treasurer in the amount equal to the bid price at the time the bid is offered and accepted.

1. If the bidder is the record owner of the property, or an agent of the record owner, or a contract buyer, no competitive bidding will be permitted. An agent shall include a mortgage holder or trustee under a trust deed. In the event that a bid is made by such person, the property will be redeemed in the name of the record owner.
2. When the record owner is deceased, the property may be sold to and all documents issued in the name of the Estate, Executor, or Administrator. If the estate of the deceased owner has not yet been probated, the delinquent taxes may be paid in the name of the deceased record owner by an heir or assignee provided that such heir or assignee signs an affidavit that the property will be probated and acknowledging that a redemption certificate will not be issued until an Executor or Administrator has been appointed.

SECTION 3: REDEMPTION RIGHTS AND PROCEDURES

- A. Property may be redeemed on behalf of the record owner by any person at any time prior to the Tax Sale following the lapse of four years from the date the property tax became delinquent.
- B. A person may redeem property by paying to the County Treasurer all delinquent taxes, interest, penalties, and administrative costs that have accrued on the property.
- C. If two or more persons own a piece of property on which a delinquency exists, any owner may redeem the owner's interest in the property upon payment of that portion of the taxes, interest, penalties, and administrative costs which the owner's interest bears to the whole, as determined by the County Council.
- D. If any property is redeemed, the County Treasurer shall make the proper entry in the record of tax sales filed in the Treasurer's Office and issue a certificate of redemption, which is prima facie evidence of the redemption, and may be recorded in the office of the County Recorder without acknowledgment.

SECTION 4: PROHIBITION OF COLLUSIVE BIDDING

Collusive bidding is prohibited. Collusive bidding is defined as any agreement or understanding reached by two or more parties that changes the bids the parties would otherwise offer absent the agreement or understanding.

SECTION 5: CONFLICT OF INTEREST PROHIBITIONS AND DISCLOSURE REQUIREMENTS

- A. No employee of any County office connected with the Tax Sale may bid on or benefit from property offered for sale, directly or indirectly, except where the employee is the record owner or an abutting property owner.
- B. Where a business associate or relative of an employee of any County office connected with the Tax Sale desires to participate in the Tax Sale, complete written disclosure of any relationships that might create the appearance of a conflict of interest must be made prior to the sale.

SECTION 6: CRITERIA FOR ACCEPTING OR REJECTING BIDS

The following bids may be accepted:

- A. The highest bid amount for the entire parcel of property. A bid may not be accepted for an amount which is insufficient to pay the taxes, penalties, interest, and administrative costs; and, in the case of improved property, in addition, the market value thereof; or
- B. A bid in an amount sufficient to pay the taxes, penalties, interest, and administrative costs, for less than the entire parcel.

1. The accepted bid shall be the bid of the bidder who will pay in cash the full amount of the taxes, penalties, interest, and administrative costs for the smallest portion of the entire parcel.
 2. The County Auditor at the tax sale or the County Council following the tax sale shall reject a bid to purchase a strip of property around the entire perimeter of the parcel, a bid to purchase a strip of the parcel which would prevent access to the remainder of the parcel by the redemptive owner, or a bid which would otherwise unreasonably diminish the value of that remainder.
 3. If the bid accepted is for less than the entire parcel, the County Auditor shall note the fact, with a description of the property covered by the bid, and the balance of the parcel not affected by the bid shall be considered to have been redeemed by the owner.
- C. The County Council may find that none of the bids are acceptable.

SECTION 7: CRITERIA FOR GRANTING BIDDER PREFERENCE

Parcels meeting the following criteria shall be sold without competitive bidding as an entire parcel only if:

- A. The parcel has been determined not to be an economically viable unit of property to other than a preferential interest based upon consideration of such characteristics as size, shape, access, zoning, or other factors that may affect the economic value and use of the parcel; or
- B. A non-preference sale of the parcel would create a nuisance and/or cloud upon an existing interest in the property and could unreasonably diminish the value of such an interest.
- C. Priority of Preference:
 1. First priority is given to any possessory interest;
 2. If no possessory interest exists, priority is given to abutting property owners;
 3. If there is conflict between two or more possessory interests or two or more abutting property owners, the County Auditor may direct that the property be bid as between the two conflicting possessory interests.

SECTION 8: SALE RATIFICATION PROCEDURES

All accepted bids will be submitted to the County Council for ratification.

SECTION 9: PROCEDURES FOR RECORDING TAX DEEDS

A. Upon payment, the County Treasurer will issue a temporary receipt. Within sixty (60) days of the date of the sale and after approval of all sales by the County Council and after recordation, the County Auditor will mail the Tax Deed to the name and address listed on the bid sheet and bidder registration form. Deeds issued by the County Auditor shall recite the following:

1. The total amount of all the delinquent taxes, penalties, interest, and administrative costs which were paid for the execution and delivery of the deed;
2. The year for which the property was assessed, the year the property became delinquent, and the year the property was subject to tax sale;
3. A full description of the property; and
4. The name of the grantee.

B. When the deed is executed and delivered by the County Auditor, it shall be prima facie evidence of the regularity of all proceedings subsequent to the date the taxes initially became delinquent and of the conveyance of the property to the grantee in fee simple.

C. The deed issued by the County Auditor under this section shall be recorded by the County Recorder.

D. The fee for the recording shall be included in the administrative costs of the sale.

SECTION 10: PAYMENT METHODS AND PROCEDURES

A. For redemptions after the date of certification for sale, all amounts must be paid in cash or with certified funds, except that where a government entity wishes to redeem, a check will be accepted. For post-certification redemptions, an administrative fee is added to delinquencies.

B. Property will be auctioned by class. When all property in that class has been bid and sold, purchasers must remit the full amount bid for the purchase in cash or certified funds. In the event that a bidder is unable to produce the total amount at that time, his/her bid shall be considered null and void and the property shall be returned to the County Auditor for resale.

SECTION 11: PROCEDURES FOR CONTESTING BIDS AND SALES

Any person wishing to contest any action taken in conjunction with the Tax Sale must file a written protest with the County Council of Cache County within ten (10) days after the date of the Tax Sale. The County Council will not grant hearings for purposes of contesting a bid or sale, but will instead render a decision based upon all information following a review of submissions. The Council may award the property to one of the bidders, reject all bids and order it re-offered for sale, or, upon a finding that it is in the best public interest, withdraw the property from the sale.

SECTION 12: CRITERIA FOR STRIKING PROPERTIES TO THE COUNTY

- A. Any property offered for sale for which there is no purchaser and which it is not in the public interest to withdraw and recertify to a subsequent sale, shall be struck off to the County by the County Auditor, who shall then:
1. Publicly declare substantially as follows: "All property here offered for sale which has not been struck off to a private purchaser is hereby struck off and sold to the County of Cache, and I hereby declare the fee simple title of the property to be vested in the County."
 2. Make an endorsement opposite each of the entries in the delinquency tax sale record described in §59-2-1338, *Utah Code Ann.*, substantially as follows: "The fee simple title in the property described in this entry in the year of 19___ sold and conveyed to the County of Cache in payment of general taxes charged to the property"; and
 3. Sign the County Auditor's name to the record.
- B. The fee simple title shall then vest in the County.

SECTION 13: PROCEDURES FOR DISCLOSING PROPERTIES WITHDRAWN FROM THE SALE FOR REASONS OTHER THAN REDEMPTION

Property having title, description, or other deficiencies, or property for which it is found to be in the best interest of the public to withdraw it from sale, may be withdrawn from a Tax Sale. Property so withdrawn from such sale may be recertified to a subsequent sale if the cause of the original withdrawal has been remedied. Recertification must be approved or ratified in writing by the County Council.

SECTION 14: DISCLAIMERS BY THE COUNTY WITH RESPECT TO SALE PROCEDURES AND ACTIONS

Properties sold during the Tax Sale shall be conveyed by Tax Deed. This form of deed is not a warranty deed. The County makes no representations as to the title conveyed, nor as to the purchaser's right of possession of the property. Similarly, the County makes no warranties or representations as to whether the property is buildable or developable, nor does the County make any representations regarding whether the property complies with applicable zoning regulations.

The County does not warrant or represent that any property purchased during the Tax Sale is habitable or in any particular condition. The County also makes no warranties or representations regarding the accuracy of the assessment of the property or the accuracy of the description of the real estate or improvements therein.

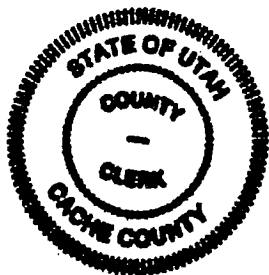
SECTION 15: EFFECTIVE DATE

This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Cache County.

This ordinance was approved and adopted by the Cache County Council on the 23rd day of April, 1996, upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ALLEN				X
ANDHER	X			
BECK	X			
GIBBONS	X			
PETERSEN	X			
PULSIPHER	X			
SKANCHY	X			
TOTAL	6			1

CACHE COUNTY COUNCIL



BY: Sarah Ann Skanchy
 Sarah Ann Skanchy
 Chairman

ATTESTED BY:

Stephen M. Erickson
 Stephen M. Erickson
 Cache County Clerk

PUBLICATION DATE: May 12, 1996

RESOLUTION NO. 96- 11

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County Budget for 1996 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 1996 budget for Cache County:

Revenue

Expenditure

Section 2.

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

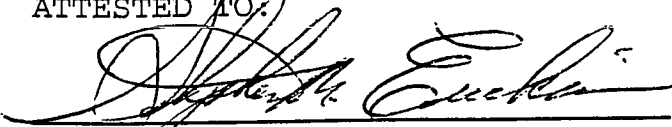
Section 3.

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

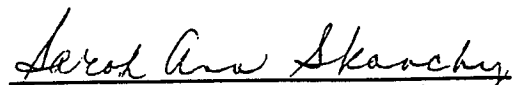
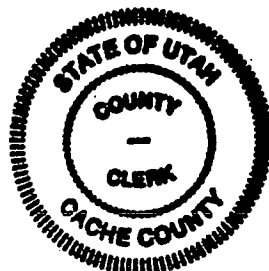
This resolution was duly adopted by the Cache County Council on the 23th day of April 1996.

ATTESTED TO:

CACHE COUNTY COUNCIL



Stephen M. Erickson
Cache County Clerk


Sarah Ann Skanchy, Chairma

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DR	Increase CR		
10-33-70106	Grants -other water study	0		(5,120)	(\$5,120)	water study contributions
10-33-70104	GRANTS - OTHER	\$0		(\$500)	(\$500)	EA MILLER INC DARE GRANT
	Totals		\$0	(\$5,620)	(\$5,620)	
	Net adjustment				(\$5,620)	

FUND 10 General Fund Expenditures

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DR	Decrease CR		
10-4115-620	Water Quality - misc serv	\$200	\$5,120		\$5,320	Water Study Costs -Co share \$344.80
10-4146-110	ASSESSOR-SALARIES	\$404,511		(\$2,000)	\$402,511	transfer to cover maternity leave in MV
10-4146-120	ASSESSOR - TEMP EMPLOYE	\$1,000	\$2,000		\$3,000	transfer to cover maternity leave in MV
10-4210-481	SHERIFF-SUBSTANCE ABUSE	\$0	\$500		\$500	DARE GRANT FROM EA MILLER INC
	Totals		\$7,620	(\$2,000)	\$5,620	
	Net adjustment				\$0	

04/22/96 Fund 10 General Fund Revenues

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DR	Increase CR		
10-33-70106	Grants -other water study	0		(5,120)	(\$5,120)	water study contributions
10-33-70104	GRANTS - OTHER	\$0		(\$500)	(\$500)	EA MILLER INC DARE GRANT
10-36-20000	RENTS	\$0		(\$33,600)	(\$33,600)	DISTRICT COURT SPACE INCREASE
	Totals		\$0	(\$39,220)	(\$39,220)	

Net adjustment

(\$39,220)

FUND 10 General Fund Expenditures

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DR	Decrease CR		
10-4115-620	Water Quality - misc serv	\$200	\$5,120		\$5,320	Water Study Costs - Co share \$344.80
10-4146-110	ASSESSOR-SALARIES	\$404,511		(\$2,000)	\$402,511	transfer to cover maternity leave in MV
10-4146-120	ASSESSOR - TEMP EMPLOYE	\$1,000	\$2,000		\$3,000	transfer to cover maternity leave in MV
10-4145-290	ATTY-RENTAL EXPENSE	\$0	\$33,600		\$33,600	SPACE RENTAL AT CVB 3500 SQ FT APPROX
10-4210-481	SHERIFF-SUBSTANCE ABUSE	\$0	\$500		\$500	DARE GRANT FROM EA MILLER INC
	Totals		\$41,220	(\$2,000)	\$39,220	
	Net adjustment				<u>\$0</u>	

**CACHE COUNTY
TAX SALES PROCEDURE INFORMATION SHEET**

Registration:

1. All bidders shall register prior to the sale with the County Auditor by completing and filing the required registration form.
2. Each bidder shall register the name under which he or she shall bid. If the bidder intends to submit bids under more than one name, a separate registration will be required for each name under which he or she shall bid.

Tax Numbers and Legal Descriptions:

The properties to be sold shall be referred to by the tax parcel identification number. Full legal descriptions shall be posted at the place of sale.

Minimum Bid:

The minimum required bid acceptable shall be an amount sufficient to pay the total of all delinquent taxes, penalties, interest, and administrative costs. ("Administrative costs" include advertising the sale, tax deed issuance, title search recording fee for tax deed.)

Bidding Procedure:

1. All bids shall be for the entire parcel together with all improvements thereon.
2. The initial bid shall be for the minimum required bid amount.
3. The property shall be sold to the highest bidder and without regard to the fair market value of the property.
4. Any amount received in excess of the minimum required bid shall be paid to the State Treasurer and not to any owner or other person.
5. Once entered no bids may be withdrawn.

Preferential Bids:

There shall be no preferential sales or bids. Until the moment of sale, the owner of record or a lienholder of record may redeem the property so as to prevent the sale. Unredeemed property will be sold without preference.

Payment:

1. All payments shall be made in the form of cash or a certified or cashier's check made payable to the "Cache County Treasurer" in the exact amount of the bid.
2. All payments must be made on the day of the sale and no later than at a time specified by the Auditor.
3. Upon payment, a temporary receipt shall be validated then issued by the Cache County Treasurer.

Conditional Sales:

1. The acceptance of any bid shall be considered conditional until reviewed and accepted by the Cache County Council acting at a regularly scheduled meeting, regardless of whether or not the bid is contested.
2. Upon review, the Council may determine that a bid is unacceptable and reject it.
3. If the Council accepts the bid, the sale shall be deemed approved.

Objections of Sale:

Any person who desires to contest any action taken in conjunction with the tax sale must file a written protest stating their name, address, the subject parcel tax number, and the basis of the objection with the Cache County Council through the office of the County Executive within ten (10) days immediately following the date of the tax sale.

Collusive Bidding:

1. Collusive bidding, i.e. bidding in collusion with other bidders, is prohibited.
2. Bids submitted will be executed only in the name of the individual bidder or in the name of the individual bidder jointly with his or her spouse, or in the name of the principal for whom the bidder is acting as an agent as disclosed in the bidder registration.
3. The tax deed shall be issued in the name of the individual bidder or in the name of the individual bidder jointly with his or her spouse, or in the name of the principal for whom the bidder is acting as an agent as disclosed in the bidder registration.

Bid Form:

The apparent successful bidder shall be required to execute a bid form specifying the parcel number, the amount of the bid, the name and number of the bidder, the name(s) of the principal the bidder represents, the name(s) in which a tax deed is to be issued and an agreement to pay the bid amount in the manner and within the time required, and acknowledging the terms and conditions of the bid as set forth in these rules. Bid forms shall be provided by the Auditor.

Tax Deed:

1. All sales must be approved by the Cache County Council before any tax deed will be issued.
2. Tax deeds will be issued by County Auditor to the successful bidder within sixty (60) days together with a permanent receipt.

Striking off to the County:

1. Property offered for sale shall be struck off to the County by the County Auditor if any of the following occurs:
 - a. No bids are received for the property.
 - b. The apparent high bidder fails or refuses to execute the confirmation of bid form or fails or refuses to make full payment of the bid amount in the manner and within the time required.
 - c. The County Council rejects the bid and thereby disapproves the sale.
2. Property which has been struck off to the County will not be placed back for sale in the tax sale nor will the next highest bidder have acquired any rights to claim the property or submit payment for it.
3. In accordance with Section 59-2-1351(3), Utah Code, the County Auditor shall publicly declare that the property has been struck off to the County, make an appropriate record of the action, and submit the necessary documents to the County Recorder for recording.

Conflict of Interest:

1. No employee of any county office connected with the tax sale may bid on or benefit from the property offered for sale, directly or indirectly, except where the employee is the record owner of the property or the record owner of abutting property.
2. If a business associate or relative of any employee of any county office connected with the tax sale desires to participate in the tax sale, a complete written disclosure of any relationships that might create any appearance of a conflict of interest must be signed and submitted to the Auditor prior to the date of the sale.

CACHE COUNTY
TAX SALE

Amounts to recover at Tax Sale:

Statute	Item	Amount
59-2-1331-(1)	Tax	Total Tax
59-2-1331-(2)	Penalty	2% of tax - Minimum \$10.00 after December 1.
59-2-1331-(2)	Interest	6% above Federal Discount rate - on total of taxes and penalty - from January 1 - for each year
59-2-1346-(2a-e)	Costs	Advertising, Certified Postage, Title Search, etc.
59-2-1351.1-(9d)	Recording Fee	Per Recorder's Schedule - \$10.00
59-2-1364	Deed Fee	\$2.00