

SPECIAL COUNCIL MEETING

MINUTES

NOVEMBER 21, 1995

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November 21, 1995

THE CACHE COUNTY COUNCIL SPECIAL MEETING MINUTES

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The Cache County Council met in a special meeting on the 21st day of November, 1995 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

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

Other present: Cache County Executive M. Lynn Lemon; Cache County Clerk Stephen M. Erickson; Cache Auditor Tamra Stones; Cache County Sheriff Sidney P. Groll; Cache County Fire Chief Kelly Pitcher; County Executive Administrative Assistant Michael Nilson; Representatives from the local news media and other interested citizens.

CALL TO ORDER

Council Chairman Sarah Ann Skanchy called the meeting to order at 5:00 p.m. and welcomed all who were in attendance.

INVOCATION

The invocation was given by Councilman H. Craig Petersen.

The purpose for the Special Council was explained by the County Auditor Tamra Stones. Stones said that because of a deadline of the 26th of November the County has to accept one of three bids to purchase three Fire Trucks and approve a lease agreement to purchase the trucks. The lease would be for five years costing \$109,000.00 per year at 5.07% interest. Zions Bank was the low bidder to finance the trucks. Stones is recommending that the County accept the bids and a Resolution be adopted approving the purchase. Executive Lemon is also recommending that the Council approve the Resolution.

RESOLUTION NO. 95-36: EQUIPMENT LEASE AGREEMENT-FIRE TRUCKS

Chairman Skanchy read portions of the Resolution including the County Attorneys opinion and recommend its adoption.

(See attachment #1)


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A motion to waive the rules of first and second reading and adopt Resolution No. 95-36 was made by Councilman Gibbons. It was seconded by Councilman Allen. The vote on the motion was unanimous. (Councilman Pulsipher was absent)

Councilman Gibbons recommended that an equipment replacement schedule be made by the county so that future equipment needs could be addressed.

ADJOURNMENT

No further business was presented and Chairman Skanchy adjourned the Special Council meeting back into a budget workshop.



ATTEST: Stephen M. Erickson
Cache County Clerk



APPROVAL: Sarah Ann Skanchy
Council Chairman

CACHE COUNTY
RESOLUTION NO. 95- 36

A RESOLUTION APPROVING THE FORM OF THE EQUIPMENT LEASE AGREEMENT WITH ZIONS FIRST NATIONAL BANK, SALT LAKE CITY, UTAH, FINDING THAT IS IN THE BEST INTERESTS OF CACHE COUNTY, UTAH TO ENTER INTO SAID AGREEMENT, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF.

Whereas, the Cache County Council has determined that a true and very real need exists for the leasing of the equipment described in the Equipment Lease Agreement presented to this meeting; and

Whereas, the Cache County Council has reviewed the form of the Equipment Lease Agreement and has found the terms and conditions thereof acceptable to Cache County, Utah; and

Whereas, the Cache County Council has taken the necessary steps including any legal bidding requirements, under applicable law to arrange for the leasing of such equipment under the Equipment Lease Agreement.

BE IT RESOLVED by the Cache County Council of Cache County, Utah as follows:

SECTION 1:

The terms of said Equipment Lease Agreement are in the best interests of Cache County, Utah for the leasing of the equipment described therein.

SECTION 2:

The County Executive and County Clerk are hereby authorized to execute and deliver the Equipment Lease Agreement and any related documents necessary to the consummation of the transactions contemplated by the Equipment Lease Agreement for and on behalf of Cache County, Utah.

SECTION 3:

The officers of the Cache County Council and the Cache County, Utah are hereby authorized and directed to fulfill all obligations under the terms of the Equipment Lease Agreement.

SECTION 4:

This resolution shall become effective immediately upon adoption.

CACHE COUNTY ATTORNEY



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PATRICK B. NOLAN
DONALD G. LINTON
Deputy County Attorneys

EXHIBIT D

OPINION OF LESSEE'S COUNSEL


Zions First National Bank
One South Main Street
Salt Lake City, UT 84111

Gentlemen:

As Counsel for Cache County, Utah ("Lessee"), I have examined duly executed originals of the Equipment Lease Agreement (the "Lease") dated November 24, 1995, between the Lessee and Zions First National Bank, Salt Lake City, Utah ("Lessor"), and the proceedings taken by Lessee to authorize and execute the Lease. Based upon such examination as I have deemed necessary or appropriate, I am of the opinion that:

1. Lessee is a body corporate and politic, legally existing under the laws of the State of Utah.
2. The Lease has been duly authorized, executed, and delivered by Lessee.
3. The governing body of Lessee has complied with all applicable open public meeting and notice laws and requirements with respect to the meeting at which Lessee's execution of the Lease was authorized.
4. The Lease is a legal, valid, and binding obligation of Lessee, enforceable in accordance with its terms except as limited by the State and Federal laws affecting remedies and by bankruptcy, reorganization, or other laws of general application affecting the enforcement of creditors' rights generally.
5. The Lease is in accordance with and does not violate the usury statutes of the State of Utah, if any.
6. There are no legal or governmental proceedings or litigation pending or, to the best of my knowledge, threatened or contemplated (or any basis therefor) wherein an unfavorable decision, ruling or finding might adversely affect the transactions contemplated in or the validity of the Lease.

7. The Equipment (as defined in the Lease) constitutes personal property and when subjected to use by Lessee will not become fixtures under applicable law.



Attorney for Lessee