

COUNCIL MEETING
MINUTES 12/03/96

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CACHE COUNTY COUNCIL MEETING MINUTES

December 3, 1996

The Cache County Council met in regular session on the 3rd day of December, 1996 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

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

Others present were: Cache County Executive, M. Lynn Lemon, Cache County Clerk, Stephen M. Erickson, Cache County Attorney, Scott Wyatt, Cache County County-Wide Planner, Mark Tuescher, Cache County Zoning Administrator, Lorene Greenhalgh, Cache County Road Superintendent, Joe Kirby, BRAG Director, Roger Jones, Cache County Administrative Assistant, Michael Nilson, Representatives from the local news media and other interested citizens.

CALL TO ORDER

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 Cache County Clerk, Stephen M. Erickson.

AGENDA & MINUTES

The agenda for the meeting was reviewed, adjusted and approved.

The minutes of the last Council meeting held on November 26th, 1996 and sent to all members of the Council were discussed, corrected and approved.

REPORT OF THE COUNTY EXECUTIVE

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

1. Appointments:

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Appointment: Beck, Layne M to the Co. Convention Task Force
Appointment: Petersen, H. Craig to Co. Convention Task Force
Appointment: Nilson, Michael to the Co. Convention Task Force
Appointment: Ferguson, Jim to the County Convention Task Force
Appointment: Wright, Don to the County Convention Task Force
Appointment: Jones, Art to the County Convention Task Force
Appointment: Boyce, Rich to the County Convention Task Force
Appointment: Alexander, Maridene to Co. Convention Task Force

It was moved by Councilman Pulsipher to approve the above appointments. It was seconded and carried unanimously.

2. UTAH ASSOCIATION OF COUNTIES NEW BUILDING & FINANCE PLAN: The Council was informed by Executive Lemon that during a recent meeting of the UAC Board of Directors, that he had attended, that the construction of a new UAC building for that organization was approved. The new building will be located in Murray, Utah. The financing will done through bonds that may be issued by Murray City or an UAC Inter-Local Cooperative. All Counties in the State will have their annual dues increased to pay off the bonds, over a twenty year period.

3. Road Closure Executive Order: An Executive Order to close the Ant Flat and Avon/Liberty roads has been sent to the Road Superintendent asking him to close those roads for the winter as of December 3, 1996.

(See attachment #1)

4. Warrants: The warrants for the week of November 22 to the 26th were presented to the County Clerk for filing.

BUDGETARY MATTERS

The budgetary matters will be addressed during the Public Hearing at the next Council meeting on Dec. 10, 1996.

RESOLUTION NO. 96-38:DEFICIT FINANCING THROUGH UAC BORROWING FUND

The adoption of Resolution No. 96-38 will declare the County's intent to join the UAC combined cash-flow borrowing program.

(See attachment #2)

Councilman Pulsipher moved to waive the rules of first and second reading and adopt Resolution No. 96-38. It was seconded and carried unanimously.

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**ORDINANCE NO. 96-10: TOWNSHIP BOARDS JURISDICTION & AUTHORITY-FIRST
READING**

The County Attorney, Scott Wyatt, presented to the Council Ordinance No. 96-10 for first reading. Chairman Skanchy questioned the amount of authority that the Ordinance gives to the Township Board. Skanchy suggested that the Township Board make their recommendations to the County Planning Commission for approval. Skanchy said that there is a possibility that the State Legislature will be making some changes in the township legislation during the up coming 1997 legislative session. Skanchy recommends that we take a slow down approach in extending power and authority to the Township Board. There were other suggested changes discussed by the Council.

Attorney Wyatt will re-draft the Ordinance and present it at the next Council meeting for approval.

COMMUNICATIONS CENTER INTER-LOCAL AGREEMENT: DISCUSSION

The County Attorney told the Council that he is in the process of drafting two separate Resolutions that will, if adopted, approve an inter-local agreement allowing the transfer of the Communication Center to Logan City. The Resolutions will be ready for adoption at the next Council meeting.

BRAG BUILDING: DISCUSSION

Roger Jones, the Director of The Bear River Association of Governments, discussed the building needs that they have, concerning the County owned building they occupy at 170 North Main, in Logan. Jones presented two possible solutions to their problems: 1. That BRAG spend \$100,000.00 to remodel the building and have that deducted from their rent. 2. That the County sell the building to them at the appraised price of \$200,000.00. Jones said they would like to know what the County wants them to do as soon as possible.

PUBLIC HEARING: COMPREHENSIVE LAND USE PLAN

Chairman Skanchy convened the Public Hearing at 6:00 p.m. and welcomed those in the audience who had come to the hearing. The County-Wide Planner, Mark Teuscher, reviewed the steps that have been taken to get to this point. Teuscher said that during the past eighteen months they have held three sets of public meetings in different locations throughout the county. They have discussed and received much input on the proposed plan. Teuscher then reviewed the proposed Comprehensive Land Use Plan and the proposed changes. He further stated that they have a \$10,000 grant from the State to

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study the urban growth boundary areas of the County. The Plan is a Guideline for City and County use and will be reviewed each year.

The public was asked to make comments on the plan:

Nilson, Michael: A county employee and resident of Hyde Park, Mr. Nilson asked about the proposed equalizing of impact fees through out the County. Teuscher said that it would depend on the different needs of the area to be developed.

Stringham, Glen: The Mayor of Millville City, said he believes the Plan will benefit smaller cities in the County who don't have the funding to hire a planner. Stringham said that his city has a lot of area within its current boundaries that can be used for future development.

Gardner, Allen: Gardner who is a resident of Mendon asked about the urban area boundaries. Teuscher said that the boundaries for urban development are from Nibley to Smithfield on the East side of the County. Gardner also mention that he thought that the proposed number of lots in a subdivision was to be three. Teuscher said that the recommendation is five.

Chairman Skanchy asked Teuscher to review how the plan will help deal with the problems we are now having with roads. Teuscher said that the plan defines a system of roads and what they are used for, making sure that roads are developed properly so that the County can deal with them.

Erickson, Thad: Erickson who is the County Water Policy Coordinator, said that there is presently a study being done in the County on under ground water. The study will show what the effect of developing has on surface water in the County.

Alan Gardner expressed concern for proper management of storm water and what is being done in this area. Teuscher said that storm management will be in the plan and addressed later.

Cardon, Wayne: Cardon a resident of Benson said that canal companies are concerned about where all the run off water is going when development occurs. Cardon said that canal companies should be involved in the process.

Coover, Mae: Coover a resident of Providence, expressed concern for the Cities in the county that are proposing impact fees. Teuscher said that the Mayors Association will have to agree as they work together to make those decisions. Teuscher reported that when the Plan is adopted, by the Council, he will work with the Mayor's Association to try and solve some of their problems.

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Councilman Petersen asked what the fiscal impact of rewriting the ordinances will have on the County. Petersen was told that the financing hasn't been finalized yet. However, there has been some suggestions such as hiring some one to rewrite the ordinances or have the County Attorney hire a law clerk to do the rewriting. Executive Lemon said that the 1997 budget contains \$30,000.00 to help with the project.

The Public Hearing will continue throughout future Council meetings.

RESOLUTION NO. 96-39: TRANSFER OF CENTENNIAL FUNDS

The adoption of Resolution No. 96-39 will approve an agreement to transfer Centennial funds between the County and the County Community Foundation.

(See attachment #3)

It was moved by Councilman Gibbons to adopt Resolution No. 96-39. It was seconded and carried unanimously.

MINIMUM ROAD SPECIFICATIONS: DISCUSSION

The County Executive M. Lynn Lemon reported to the Council that he along with the County Road Superintendent, Joe Kirby are concerned about the roads that developers are building to meet zoning requirements. The developers are not putting the proper fill to build the road or the proper amount of crushed gravel on the surface of the roads. Lemon and Kirby are asking for approval from the Council to adopt a Resolution that will give the County more authority to enforce proper road construction. A Resolution will be drafted and presented to the Council for adoption.

WATER MEETING REPORT: DISCUSSION

Vice Chairman Anhder, who represents the Council on the County Water Policy Board, was asked to report on a recent water meeting held in the County. Anhder reported that proposed dam sites, construction and sale of water were discussed. Anhder said that the meeting seemed to bring up more questions than answers. He also said that we should be looking for water needs for future development 20, 30 or 40 years down the road for our children and grand children.

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CALENDAR OF 1997 COUNCIL MEETINGS AND HOLIDAYS: DISCUSSION

A draft copy of the 1997 Council meetings and holidays was discussed and corrected. The Corrected calendar will be presented at the next Council meeting for Council approval.

ELECTED OFFICIALS SWEARING IN CEREMONY: DISCUSSION

Chairman Skanchy reported the ceremony to swear in the newly elected officials will be held on January 6, 1997 at 12:00 noon in the Council Chambers. The three elected members of the College/Young Township will be invited take the oath at that time.

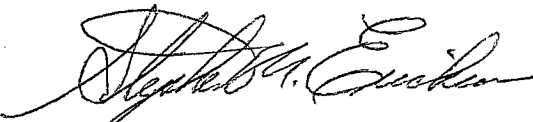
COUNCIL MEMBER REPORTS

Councilman Pulsipher: The County Planning Commission has suggested a raise in salary and Pulsipher is asking the Council to discuss the issue during a future Council meeting.

Chairman Skanchy: Skanchy reported that notice of a claim against the County has been sent to her. The claim comes from a Don W. Dunbar.

ADJOURNMENT

Chairman Skanchy adjourned the meeting at 7:30 p.m.



**ATTEST: Stephen M. Erickson
Cache County Clerk**




**APPROVAL: Sarah Ann Skanchy
Council Chairman**

CACHE COUNTY, UTAH

EXECUTIVE ORDER NO. 96-034

It is hereby ordered that the County Road known as "Avon/Liberty Road" be closed effective December 3, 1996 and remain closed until such time as this Executive Order is rescinded.

Dated this 3rd day of December, 1996.



M. Lynn Lemon
Cache County Executive/Surveyor

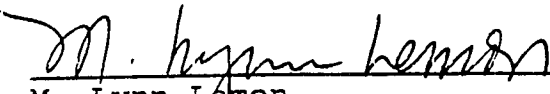
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CACHE COUNTY, UTAH

EXECUTIVE ORDER NO. 96-03

It is hereby ordered that the County Road known as "Ant Flat Road" be closed effective December 3, 1996 and remain closed until such time as this Executive Order is rescinded.

Dated this 3rd day of December, 1996.



M. Lynn Lemon
Cache County Executive/Surveyor

MLL:ppw

CACHE COUNTY

RESOLUTION NO. 96 - 38

A RESOLUTION ENDORSING THE INTENT OF CACHE COUNTY ("THE COUNTY") TO ARRANGE FOR SHORT-TERM FINANCING TO ACCOMMODATE ANTICIPATED OPERATING CAPITAL DEFICITS BY THE ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES ("TRANS") AS A PARTICIPANT IN THE UTAH ASSOCIATION OF COUNTIES ("UAC") COMBINED CASH-FLOW BORROWING PROGRAM ("THE UAC PROGRAM"), AND RELATED MATTERS.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that:

- A. Property tax and other revenue will not be received in the 1997 Fiscal Year until after significant operating expenses have been incurred, thereby causing operating fund deficits; and;
- B. It will be in the best interest of Cache County to issue Tax and Revenue Anticipation Notes (TRANS) to provide a temporary cash flow capacity sufficient to meet operating demands prior to the receipt of adequate revenues; and
- C. The Utah Association of Counties (UAC) has established a Program Implementation Board to solicit and evaluate competitive bids and to select the best bid or bids for the TRANS of participating Counties; and
- D. The Utah Association of Counties (UAC) has invited Cache County to participate in the UAC Combined Cash-Flow Borrowing Program for the purposes of facilitating the issuance and sale by Cache County of its TRANS; and
- E. It is appropriate at this time to seek advice from a professional financial consultant concerning the amount and timing of such cash flow borrowing;
- F. UAC Combined Cash-Flow Borrowing Program appears to be an appropriate source of TRANS financing available to Cache County; and
- G. It is timely to make an appropriate commitment concerning TRANS financing by Cache County so as to allow UAC and its authorized underwriter, Zions Bank Public Finance ("the Underwriter"), to determine whether there is sufficient interest by counties in the State of Utah to jointly create an adequately sized combined offering of TRANS on the part of the participating counties.

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

CACHE COUNTY
RESOLUTION NO. 96 - 39

A RESOLUTION APPROVING THE AGREEMENT BETWEEN CACHE COUNTY CORPORATION AND THE CACHE COMMUNITY FOUNDATION TO TRANSFER FUNDS TO THE COUNTY TRUST ACCOUNT AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interest of the citizens of the County to enter into this agreement between Cache County Corporation and the Cache Community Foundation to transfer funds.

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

BE IT RESOLVED that:

SECTION 1: APPROVAL

The agreement between Cache County Corporation and the Cache Community Foundation is hereby approved.

SECTION 2: PRIOR RESOLUTIONS, POLICIES OR ACTIONS

This resolution supersedes all prior resolution, actions and policies of Cache County to the extent they are in conflict with the specific provisions hereof. In all other respects such prior resolutions, actions, and policies shall remain in full force and effect.

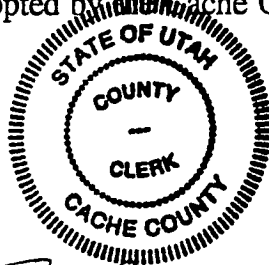
SECTION 3: AUTHORIZATION

The Chairman of the Cache Community Foundation and the Cache County Executive are hereby authorized to execute the agreement.

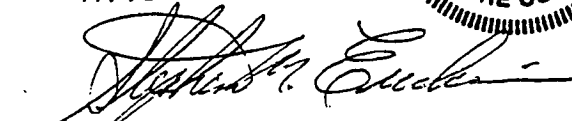
SECTION 4: EFFECTIVE DATE

This resolution shall become effective immediately upon adoption.


This resolution was adopted by the Cache County Council on the 3rd day of December, 1996.



ATTEST TO:


Stephen M. Erickson
Cache County Clerk

CACHE COUNTY COUNCIL


Sarah Ann Skanchy, Chairman

**AGREEMENT BETWEEN CACHE COUNTY CORPORATION AND THE
CACHE COMMUNITY FOUNDATION**

Agreement entered into this _____ day of December, 1996 between Cache County hereafter called "County" and the Cache Community Foundation hereafter called "Foundation".

This agreement is based upon the following recitals:

1. The Cache Community Foundation was organized by the "County" as a non-profit entity of Cache County which could receive contributions from organizations or members of the public.
2. The proceeds from Centennial grants from the state of Utah and other organizations as well as proceeds from the sale of Centennial license plates and other Centennial products were deposited in the "Foundation".
3. Throughout the Centennial year 1996, expenditures for Centennial projects have been paid for from these revenues.
4. The Cache County Centennial History Book project will not be completed by December 31, 1996 and all expenditures will not be made by that date.
5. Some license plate revenues may not be received prior to the end of 1996.

NOW THEREFORE, it is agreed between the "County" and the "Foundation" that;

1. The Centennial funds deposited in the "Foundation" will be transferred from that account to the County Trust Account on or before December 31, 1996.
2. Any Centennial revenues received after that date will be deposited in the County Trust Account to be used to complete Centennial projects.

IN WITNESS THEREOF, the parties have executed this agreement on the ____ day of December, 1996.

Cache Community Foundation

Cache County Corporation

Chairman

Executive

BE IT RESOLVED that

SECTION 1: DECLARATION:

It is found and declared to be in the best interest of Cache County to anticipate cash flow deficiencies and provide operating capital by the issuance of TRANs.

SECTION 2: INTENTION TO ISSUE TRANs:

The Cache County Council endorses the intention of Cache County through the Cache County Executive to issue TRANs for the partial financing of operations during periods when cash flow deficiencies would otherwise occur during the 1997 Fiscal Year.

SECTION 3: ACCEPTABILITY OF UAC PROGRAM:

The UAC Combined Cash-Flow and Borrowing Program is an appropriate alternative for Cache County to use in connection with the issuance of its TRANs.

SECTION 4: EFFECTIVE RESOLUTION:

If Cache County determines that it will not need to issue TRANs for the 1997 Fiscal Year, this resolution shall be of no effect for the 1997 Fiscal Year. If, however, and as it now appears likely, Cache County determines that it is necessary or prudent to issue TRANs to cover projected cash flow deficiencies for the 1997 Fiscal Year, the Cache County Council endorses the utilization by Cache County of the UAC Combined Cash-Flow Borrowing Program for the issuance of such TRANs, as it is then available.

SECTION 5: SUPPORT FOR INITIAL COMMITMENT:

One of the purposes of this resolution is to support an initial commitment of the County by the Cache County Executive upon which UAC may rely as it determines the size and feasibility of a combined county TRANs offering for the counties of the State of Utah. If it is determined by UAC that there is insufficient county participation to constitute a feasible offering of TRANs, through the UAC Combined Cash-Flow Borrowing Program, then it is understood that neither UAC nor its authorized underwriter will proceed with the pooling and offering of combined cash flow notes or TRANs on behalf of Cache County.

SECTION 6: ACKNOWLEDGMENT OF COUNTY OFFICER' AUTHORITY:

The Cache County Council acknowledges the authority of the Cache County Executive and other appropriate Cache County officers to consult with ZIONS BANK PUBLIC FINANCE, the authorized underwriter of the UAC Combined Cash-Flow Program, concerning the appropriate size and timing of an issuance of TRANs by Cache County through the UAC Combined Cash-Flow Borrowing Program. The Program Implementation Board is authorized to work with the Underwriters to solicit, receive and evaluate bids for the TRANs and the investment of proceeds of the TRANs. Subject to final approval of the County, the Program Implementation Board is

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Cache County Corporation

Chairman

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