

COUNCIL MEETING
MINUTES 8/12/97

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CACHE COUNTY COUNCIL MEETING MINUTES

August 12, 1997

The Cache County Council met in regular session on August 12, 1997 in the Hyrum City Council Chambers located at 83 West Main, Hyrum, Utah 84319.

ATTENDANCE

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

Others present were: County Executive M. Lynn Lemon, County Clerk, Stephen M. Erickson, County Attorney, Scott Wyatt, Executive Administrative Assistant, Michael Nilson, County Council Secretary, Pat Parker, County-Wide Planner, Mark S. Teuscher, County Zoning Administrator, Lorene Greenhalgh, Capitol Arts Alliance Director, Peggy Tueller. Representatives from the local news media and other interested citizens.

CALL TO ORDER

Chairman, Darrel L. Gibbons called the meeting to order at 5:00 p.m. and welcomed all who were in attendance. Vice Chairman Anhder, who grew up in Hyrum, welcomed the Council to Hyrum.

The Council met in Hyrum because of a requirement by the State to hold a Public Hearing on the Sales and Property Tax exchange proposal in another city other than the one they usually meet in.

INVOCATION

The invocation was given by Councilman Cory Yeates.

AGENDA & MINUTES

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

The minutes of the regular Council meeting held on July 22, 1997 were discussed corrected and approved.

COUNTY EXECUTIVE REPORT

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

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1. Appointments:

Appointment: Bishop, Sally to the County Bookmobile Board
Appointment: Lemon, M. Lynn to UAC Mutual Insur. Adv. Comm.

A motion to approve the two appointments was made by Council member Skanchy. It was seconded and carried unanimously

2. Board of Equalization Hearings: A letter has been sent to the Logan and Cache County School District Superintendents and Board Members, inviting them to be hearing officers on the Board of Equalization. Both Districts have accepted the invitation and will have representation present during the hearings.

3. Blacksmith Fork River Clean-up: A inventory of the damage on the Blacksmith Fork River because of the spring flooding is being conducted. Some areas need to be fixed to prevent further damage. Lemon is recommending that funding, that is already set aside for emergency problems in the County, be used to clean up the river. It was the consensus of the council that funding for the project come from the emergency fund.

4. Division of State History: The Division of State History is asking the County to provide the \$19.96 County History Book to book stores for 40% off (\$11.98) and they in turn will sell them for \$19.96. The Council approved the proposal.

5. Class B Road Funds: Beginning July 1, 1997, there will be a new distribution of Class B road funds. UDOT is requesting a report of the number miles of paved, gravel and dirt roads in the County. The request has been completed and returned to them.

(See attachment #1)

6. Land Use Proposal: The County-Wide Planner Mark Teuscher presented a memo for Council review and also some Land Use Plans from other areas of the State for their review. Teuscher has some proposals that will be discussed at the next Council meeting.

7. Warrants: The warrants for the periods of July 18 to July 25 and July 26 to July 30, and July 31 to August 6, 1997 were presented to the County Clerk for filing.

CAPITOL ARTS ALLIANCE QUARTERLY REPORT: TUELLER, PEGGY

The Executive Director of the Capitol Arts Alliance, Peggy Tueller, appeared before the Council to give a quarterly report on activities of the Alliance including their budget.

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(See attachment #2)

Tueller reported that she has been visiting communities in Wyoming to promote the Theatre and they have responded well to her visits. The Alliance would like to print an information brochure on the facility to give to those who are interested. They are trying to raise funds to publish the brochure. Executive Lemon suggested contacting the Bridgerland Travel Region for some funding.

Capitol Arts Alliance Executive Assistant Wendy Korth-Monson reviewed the Alliances budget ending June 30, 1998.

PUBLIC HEARING: BUDGET OPENING-1997 CDBG AMENDMENTS

Chairman Gibbons, convened a Public Hearing to receive public input on proposed adjustments to the 1997 budget. Executive Lemon, reviewed the proposed changes that have been requested. The Public was asked for input. There was no Public input.

Councilman Petersen moved to close the Public Hearing. The motion was seconded and passed unanimously.

RESOLUTION NO. 97-19: BUDGET-1997 ADJUSTMENTS

The adoption of Resolution No. 97-19 will authorize proposed adjustments in the 1997 County budget.

(See attachment #3)

It was moved by Councilman Yeates to adopt Resolution No. 97-19. It was properly seconded and carried unanimously.

PUBLIC HEARING SET: BUDGET OPENING-1997

Chairman Gibbons explained the need to open the 1997 budget and the need to have a Public Hearing.

Councilman Petersen moved to schedule a Public Hearing on August 26, 1997 at 6:00 p.m.. It was seconded and carried unanimously.

BOARD OF EQUALIZATION HEARING DATES: DISCUSSION

The Council discussed the up coming Board of Equalization Hearings. The first day will be August 25th with Council member Skanchy attending, August 27, 1997 with Chairman Gibbons attending in the afternoon and Vice Chairman Anhder attending in the morning. On August 29, 1997 Councilman Beck will attend in the morning and

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Councilman Pulsipher in the afternoon. Additional days will be scheduled at the next Council meeting held on August 26, 1997.

RESOLUTION NO. 97-20: CHILDREN JUSTICE CENTER-INTER-LOCAL AGREEMENT

The adoption of Resolution No. 97-20 will approve an interlocal agreement between the Children's Justice Center and the County and authorize the County Executive to execute the agreement.

(See attachment #4)

Councilman Pulsipher moved to adopt Resolution No. 97-20. It was seconded and passed on a vote of 6 "Yes" to 1 "No" vote. Council member Skanchy voted NO.

HULME SUBDIVISION: PLAT-FINAL APPROVAL

The County Zoning Administrator, Lorene Greenhalgh, reviewed some of the concerns that the Council had during the last Council meeting, held on July 22, 1997. The concerns are: 1. Water for fire protection and 2. Bonding for sidewalk construction. The Subdivider, Lynn Hulme, said that a holding tank will be constructed and filled with irrigation water to provide fire protection. After some discussion on the bonding for sidewalk construction, Hulmes, said that he would agree to deed one lot of the subdivision to the County until the side walks have been constructed. A memo from the Zoning Administrator, Lorene Greenhalgh was reviewed by Greenhalgh.

(See attachment # 5)

Councilman Pulsipher moved to approve the Final Plat for the Hulme Subdivision and accept Hulmes deed of one lot to the County as bond for side walk construction. The lot, on completion of the sidewalks, will be deeded back to Hulmes. It was properly seconded and passed on a vote of 5 yes and 2 abstaining. Councilmen Yeates and Anhder abstained.

PUBLIC HEARING: COUNTY SALES TAX AND USE TAX

Chairman Gibbons convened at 6:05 p.m. a Public Hearing to receive Public comment on the proposed exchange of property tax for sales tax as provided by the State Legislature and if adopted would begin in 1998. The amount of money that a home owner would save was calculated. If the home was worth \$150,000 the home owner would save \$98.00.

Chairman Gibbons asked for Public comment? There was no Public comment given.

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

The proposal was presented as first reading and will be on the Council meeting agenda for second reading and adoption.

ANIMAL BY-PRODUCT FEE PROPOSAL: DISCUSSION

The Council discussed the dead animal issue in the County. The only source of dead animal collection in the County is currently the Cache Valley By-Products in Amalga. After meeting with that company Executive Lemon reported that they want a subsidy of \$26,000. Lemon is recommending that \$8,000 is all the County could afford.

Vice Chairman Anhder moved to have the Solid Waste Service No. 1 subsidize the company \$1,000 per month for 12 months in addition to waiving the tipping fee at the land fill. The motion was seconded.

Chairman Gibbons, said that the \$12,000 was enough but that the Company should provide documentation on their fee collections before the money is given each month. Councilman Petersen said it is not fair to the Solid Waste Service District to expect them to pay the money without being budgeted. He suggested that the money be taken out of the County General Fund.

Councilman Petersen moved to amend Anhder's motion to have the funding come from the County General fund. It was seconded and passed on a vote of 6 "Yes" to 1 "No". Anhder voted no.

The vote on the original motion was called for and passed with the above mentioned amendment. The vote was unanimous.

Executive Lemon will draft a form to provide accountability for the company. He will also advise the Company of the Councils decision.

ORDINANCE NO. 97-03: RESTAURANT TAX RENEWAL-FIRST READING

Ordinance No. 97-03 was placed on the agenda for first reading and will be on the next agenda for second reading and approval.

ORDINANCE NO. 97-04: OPTIONAL COUNTY SALES AND USE TAX

Action on Ordinance No. 97-04 was tabled until the next Council meeting on August 26, 1997.

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BIRD SUBDIVISION: PLAT-FINAL APPROVAL

The County Zoning Administrator, Lorene Greenhalgh, presented to the Council for their review and discussion a County Planning Commissions approved subdivision plat. The subdivision is located between Mendon and Wellsville on the West side of the highway and is known as the Bird subdivision. The developer and land owner is Eva Bird. Some concerns were expressed by two adjacent land owners. Clark Ellis, one of the property owners said that there is a problem with location of the road. Ellis is concerned that the road is going to be located on some of his property when in fact it should be on the Birds. He is presently trying to work with the Birds to have an agreement signed regarding the issue. Ellis does not want the subdivision approved until road location is worked out. Mark Merritt, another property owner expressed concern about enough water for the area and where the run off water will go. He is suggesting the developer build curb and gutter to help with the run off water.

(See attachment #6)

Chairman Gibbons said that the parties involved in the issues should solve their problems before the Council approves the subdivision plat. Vice-Chairman Anhder, suggested that the run off be addressed by a water engineer for proper design.

The request for final plat approval for the Bird subdivision was tabled until all the issues are resolved.

SHERWOOD HILLS OLYMPIC BID & BUILDING PERMITS:DISCUSSION

The Olympic Cross Country and Biathlon Site Selection Committee is requesting approval of permits to construct necessary buildings at Sherwood Hills, if that area is selected as the 2002 Winter Cross Country and Biathlon Venue. A written response to their request by Executive Lemon was discussed by the Council.

(See attachment #7)

Vice Chairman Anhder moved to support the Executive and his response to the Olympic Committee. It was seconded and passed on a 6 yes vote with one abstaining. Council member Skanchy abstained.

Vice Chairman Anhder also made a motion to continue Council support for the Sherwood Hills attempt to get the Cross Country Ski and Biathlon Venue. It was seconded and passed 6 yes and one abstained. Skanchy abstained.

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Ron Call, who has been working with the Cache Chamber of Commerce to gain public support for the Venue, reported that at the County Fair they had about 600 citizens sign a petition in support of bringing the Olympics to our area.

CACHE COUNTY-LOGAN CITY ADMINISTRATION BUILDING:DISCUSSION

The Council discussed a proposal to construct a joint administration building between the City of Logan and Cache County. Executive Lemon, reported that he had met with Logan City Mayor, Darla Clark concerning the proposal. Lemon said that he worries about what other municipalities may think about the proposal. He also expressed a willingness to work with Logan City as they assess the possibility of a combined facility. The County's Needs Assessments is in the process of being done. Logan City has completed a needs assessment. Lemon pointed out that such a facility, if built should be located somewhere in downtown Logan. The County Attorney, Scott Wyatt, said that it would save tax payers money because it would require only one Law Library. Elwin Allred, said that we need to save as much tax payers money as possible and he favors the proposed facility.

The proposal will be further discussed during future Council meetings.

COUNCIL MEMBER REPORTS

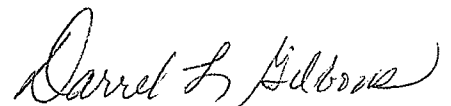
Councilman Pulsipher: Expressed concern over the Rodeo Clown acts and how the Clowns are chosen to come to our Rodeo.

ADJOURNMENT

The meeting was adjourned by Chairman Gibbons at 7:33 p.m..



ATTEST: Stephen M. Erickson
Cache County Clerk



APPROVAL: Darrel L. Gibbons
Council Chairman

CACHE COUNTY

Mileage By Surface Type

(Column 1) Surface Type	(Column 2) Mileage by Surface Type UDOT	(Column 3) REVISED MILEAGE by Surface Type
Paved	107.67	150.41
Gravel	225.36	261.59
Other (Dirt)	106.72	47.13
TOTAL	439.75	459.15

Definitions of surface type mileage are based on language contained in section 27-12-129, Utah Code, revised 1997. The definitions are as follows:

A paved road is a road with a concrete or bituminous surface, the minimum requirement is a chip seal over a gravel surface.

A gravel road is a road with an improved surface, graded and drained by a transverse drainage system to prevent serious impairment of the road by surface water. A gravel road has a wearing surface made of gravel, broken stone, slag, iron ore, shale, or other similar material which is coarser than sand.

Other roads include the remainder of eligible roads which do not meet the definition of paved or gravel.

I certify that the mileage listed in Column 3 is accurate and meets the definitions of surface type as provided above.

Signed: M. Lynn Lemon

(Please Print Name): M. Lynn Lemon

Official Capacity: Cache County Executive/Surveyor

Mailing Address: 120 North 100 West

Logan, UT 84321

Telephone # (801) 752-5935

Date July 31, 1997





CAPITOL ARTS ALLIANCE

Ellen Eccles Theatre

Bullen Center

STATUS REPORT

Ellen Eccles Theatre and Bullen Center
For the Period April 1, 1997 - June 30, 1997

August 12, 1997

Prepared by Peggy L. Tueller, Executive Director
and Wendy Korth-Monson, Assistant Director/Controller
Capitol Arts Alliance

We are pleased to present the Quarterly Report of the Capitol Arts Alliance.

General Operations

Ellen Eccles Theatre

During this quarter 6,811 people attended performances of 12 shows, as follows:

CAA Presentations

Lazer Vaudeville - 1 free student matinee sponsored by CAA;
1 show
Ballet Folklorico "Quetzalli" - 1 show

Renters

Immanuel (Ricks College) - 1 show
Sleeping Beauty (Cache Valley Civic Ballet) - 4 shows
Mark Seamons, The Piano Man (Miranda Enterprises) - 1 show
Cache Ballet Spring Repertory (Cache Ballet Company) -
2 shows
Utah Symphony Chamber Orchestra (Cache Valley Bank) - 1 show

The Bullen Center

During this quarter CAA earned rental income from the following: 11 business meetings and dinner parties, 11 weddings/receptions, the Logan High School Senior Prom and the Alliance for the Varied Arts, which included two weeks of Art Camp classes.

CAA Programming

The final accounting has been made for the CAA's 1996-97 sponsored shows. Ticket sales totalled \$135,911.70. Production costs totalled \$143,706.87 and publicity costs were \$18,852.00, which brought the total expenses to \$162,558.87. Our program sponsorships and grants totalled \$129,598.15, which left the CAA attractions with a net income of \$102,951.00.

From the artistic standpoint, our season was the success we had expected. However, the attendance at the classical, jazz and ethnic dance performances did not meet our expectations. It is now clear that the idealistic concept of providing events for all tastes is not financially viable in an 1100 seat theatre in an area where the population is not large enough to sufficiently support some of the more diverse shows. We now have a much clearer concept of what interests the majority of our patrons, and the attractions we have booked next season reflect this, as you can see in the 1997-98 brochure. Therefore, we have good reason to believe that our ticket sales will improve considerably next season.

We still must solve problems in presenting the Family Series shows. The administration and Board firmly believe that the free student matinees are an essential part of the CAA's mission, but because over 1,000 children attend each CAA sponsored matinee, we sell very few tickets to the evening performances. We have not been successful in obtaining corporate sponsorships for these shows, and as a result the CAA incurs a sizeable deficit on these shows each season. This past year, even with some financial assistance from the Logan City Cultural Arts Fund, CAA ran a deficit of \$6,583 on the Family Series.

Capital Improvements

The south wall fire escape has been completed. Sprinklers have been installed for the tree planters in front of the Theatre, and two trees have been planted. We need three trees, but the City ran out until the fall. Therefore, we have planted flowers in the third space for the summer. There are eight items on the capital improvements list for the coming year, as follows: 1. cooling water inlet valve (emergency shutoff valve), 2. annex curb relocation, 3. AVA gallery lights in the bullen center, 4. repair of the AVA Arts Room floor, 5. annunciator installation (this will make it possible for the two fire alarm/burglary systems to be controlled from one area), 6. AVA Fiber Arts Room modification (sound barriers), 7. computer to control the HVAC System and 8. new carpet for the second floor north corridor of the Bullen Center.

Development

CAA's fundraising efforts are going very well. We were able to secure twenty-four pledges (including the Gala) for program sponsorships by our season brochure deadline on June 23. At this time last year, we had nine pledges. Our total sponsorships for CAA shows last year (excluding the Gala) totalled \$39,300. As of June 30 our pledges for this season total \$52,000. We have just

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Ellen Eccles Theatre and Bullen Center
Quarterly Status Report
April 1 - June 30, 1997

begun to concentrate on soliciting Gala '98 sponsorships. We have \$15,000 pledged for the Gala. Last year's total Gala sponsorships totalled \$28,900. Additionally, the CAA has received generous donations from the media for advertising in the 1997-98 season.

As Executive Director, I wish to publicly thank the foundations and businesses who support the Theatre in its show presentations. I certainly wish to express deepest appreciation to the CAA Board members who are devoting their time and energies to obtaining financial support from the community.

The CAA is just embarking upon our program ad solicitations. We have already sold the back cover and inside front cover for double the amount we received for the same space last year. This is most encouraging because it is indicative that the business community wishes to be represented in the CAA activities in the Ellen Eccles Theatre.

Marketing

The 1997-98 season brochure has been printed and will be sent to approximately 16,000 patrons in mid-July.

One of the Marketing Committee's top priorities is to undertake a comprehensive marketing survey. The results of this survey will be of great value in our future planning. Other items to be addressed by the Committee are the CAA's 1997-98 programs and the Gala '98 brochure and program. The Theatre and Bullen Center are in great need of an informative and promotional brochure. We need to lay the groundwork for this as soon as possible.

Fiscal Report

Attached you will find our 1996-97 year-to-date budget ending 6/30/97. The fundraising efforts of the Capitol Arts Alliance Board of Trustees were successful in raising over \$12,000 during the fourth quarter. We plan to begin our audit process within a couple of weeks and hope to have a final audit for you by our next report.

We are currently operating within our 1997-98 fiscal budget. (Please see attached). We are also staying in close contact with Rod Blossom regarding our City budgeted items, including capital improvements. The Board of Trustees and staff of the Capitol Arts Alliance are looking forward to a successful, but financially frugal year.

CAPITOL ARTS ALLIANCE 1997-98 BUDGET ENDING 6/30/98

INCOME	YTD Actual ending 6/30/97	Budget 97-98	Notes for 97-98 Budget
Apartment Rent Income	18618	25000	Apartment Rent Income
Contributions Temp Restricted			
Logan City	128089	116880	Building Maintenance Income
Sponsors/Grants	131974	242420	Sponsors, Eccles, Caine, UAC, Rst Tax
Sub-total	260063	359300	
Contributions Unrestricted			
Logan City Janitorial	24187	39250	Actual Money For Custodial Wage
Unrestricted Donations Cash	22474	15500	Year end solicitation
Unrestricted Donations Inkind		53000	Newspaper, Radio, TV Ads
Take-A-Seat	2035	4500	New campaign
Interest	9071	6500	All Interest income
Sub-total	57767	118750	
Fees, Rents, Tickets, Other			
Ticket Sales	135912	169063	CAA Productions
Fees/Rents Theatre	59596	59450	Rent, Fees Program Ads
Rents Bullen Center	25517	25000	AVA, other Bullen Center Users
Concessions/Merchandise	6827	7200	Food, Drink, T/Sweat Shirts
Box Office Fee Income	51323	57180	Box Office 6%, Ticket Service Fee
Sub-total	279175	317893	
TOTAL INCOME	615623	820943	
EXPENSES			
Apartment Expenses			
General Apartment Expenses	5703	9975	Management Fee, Util, Gen Repairs
Sub-total	5703	9975	
Credit Card Service Fees	9414	9600	Credit Card % Charge
Concession Expenses	3413	2700	Food, Drink & Merchandise
Training/Travel/Dues	3573	6917	WAAA, Subscriptions, Travel
Fundraising	1170	5000	Yr End Broch, Marketing Survey
General Administrative	14782	19800	Off Sup, Postage, Printing, Phone, Promot
Insurance	3174	1200	Directors Insurance
Logan City Building Expense	163802	156130	Maint/Repairs/Capital Improvement
Production/Publicity & Marketing	182749	288532	Art Fee, Tech, Advtis, Marketing
Restaurant Tax Payment	0	77170	PCIP Loan Payment
Theatre/BC Equip/Supplies	10651	18455	Box Office Equip, Prog related item
Salaries/Employee Benefits	188581	178005	Wage, Insurance, Taxes
TOTAL EXPENSES	587012	773484	
LDS Restricted Funds for Renovation		85000	
Depreciation/Contingency/Delayed Expenses	28611	47459	
IET	0	0	

RESOLUTION NO. 97- 19

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 1997 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 of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 1997 budget for Cache County:

see attached

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.

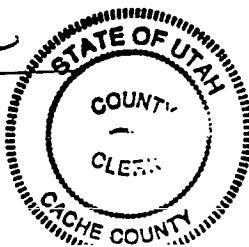
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

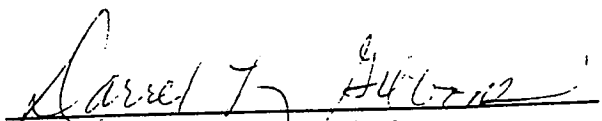
This resolution was duly adopted by the Cache County Council on the 12th day of August, 1997.

ATTESTED TO:

CACHE COUNTY COUNCIL


Stephen M. Erickson
Cache County Clerk




Darrel L. Gibbons, Chairman

FUND 28 LIBRARY SPECIAL REVENUE FUND EXPENSES

COUNT	DESCRIPTION	Recommended		Amended Budget	Reason for Change
		Current Budget	Increase DEBIT / Decrease CREDIT		
581-120	Library - Temporary Salaries	\$9,919		\$9,919	
581-130	Library - Benefits	\$1,488		\$1,488	
581-230	Library - Travel	\$0	\$300	\$300	to attend library training courses in SLC
581-240	Library - Office Supplies	\$3,600		\$3,600	
581-250	Library - Equip, Supply, & Main	\$1,200		\$1,200	
581-260	Library - Bldg & Grounds Maint	\$600		\$600	
581-270	Library - Utilities	\$1,980		\$1,980	
581-310	Library - Prof & Technical	\$105		\$105	
581-610	Library - Miscellaneous Supplie	\$1,409		\$1,409	
581-620	Library - Miscellaneous Servi	\$780	(\$300)	\$480	transfer to travel
Totals			\$300 / (\$300)		
Net adjustment				\$0	

FUND 40 CAPITAL PROJECTS FUND REVENUES

COUNT	DESCRIPTION	Recommended		Amended Budget	Reason for Change
		Current Budget	Increase DEBIT / Decrease CREDIT		
38-70000	Appropriated Surplus	(\$96,621)	(\$3,500)	(\$100,121)	For BRAG ADA improvements
Totals			\$0 / (\$3,500)		
Net adjustment				(\$3,500)	

FUND 40 CAPITAL PROJECTS FUND EXPENDITURES

COUNT	DESCRIPTION	Recommended		Amended Budget	Reason for Change
		Current Budget	Increase DEBIT / Decrease CREDIT		
4982-722	Improvements - 160 N Main	\$2,540	\$3,500	\$6,040	County Match on CDBG grant - ADA project
Totals			\$3,500		
Net adjustment				\$3,500	

CACHE COUNTY

RESOLUTION NO. 97- 20

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CHILDREN'S JUSTICE CENTER AND CACHE COUNTY CORPORATION AND AUTHORIZING THE EXECUTION OF THE AGREEMENT

The County Council of Cache County, Utah, in a 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 an interlocal agreement between Children's Justice Center and Cache County Corporation.

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

BE IT RESOLVED that

SECTION 1: APPROVAL

The attached proposed interlocal agreement between the Children's Justice Center and Cache County is hereby approved.

SECTION 2: PRIOR RESOLUTIONS, POLICIES OR ACTIONS

This resolution supersedes all prior resolutions, 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

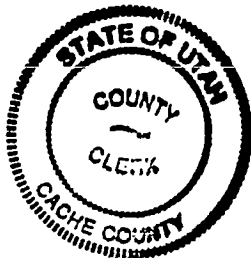
The County Executive is hereby authorized to execute the proposed interlocal agreement and the County Clerk is authorized to attest thereto.

SECTION 3: EFFECTIVE DATE

This resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the 12th day of August, 1997

CACHE COUNTY COUNCIL



BY Darrel L. Gibbons
Darrel L. Gibbons
Chairman

ATTEST TO:

Stephen M. Erickson

Stephen M. Erickson
Cache County Clerk

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ALLEN				
ANHDER				
BECK				
GIBBONS				
PETERSEN				
PULSIPHER				
SKANCHY				
TOTAL				

CACHE COUNTY COUNCIL

By: _____
 Darrel L. Gibbons
 Chairman

ATTESTED BY:

 Stephen M. Erickson
 Cache County Clerk

Publication Date: _____

CACHE COUNTY CHILDREN'S JUSTICE CENTER INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement is made and entered into by and between Cache County, a political subdivision of the State of Utah; the Division of Child and Family Services, a state agency; Guardian Ad Litem for Bear River Region, a state agency; the Attorney General of the State of Utah; the Bear River Health Department, a multi-county agency; Bear River Mental Health Services, Inc., a private not-for-profit agency; the Cache Children's Justice Center Friends Committee, a private non-profit agency; the Child and Family Support Center, a private non-profit agency; Citizens Against Physical and Sexual Abuse, a private non-profit agency; and the following law enforcement agencies or departments, the Cache County Attorney's Office; the Cache County Sheriff's Office; the Logan City Police Department; the North Park Police Department; and the Utah State University Police Department; all referred to as the **"INTERLOCAL AGENCIES OF THE CACHE COUNTY CHILDREN'S JUSTICE CENTER"** and hereinafter referred to as **"IACCCJC"**.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953, as amended and Title 67, Chapter 5b, Utah Code Annotated, 1953, as amended, public agencies and other persons, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action to implement a comprehensive, multidisciplinary, non-profit, intergovernment response to sexual abuse of children and serious physical abuse of children in a facility known as a Children's Justice Center; and

WHEREAS, the IACCCJC, have voluntarily determined that the interests and welfare of the children and youth at risk within the jurisdiction of Cache County will be best served by the Interlocal Cooperative Agreement to provide for the establishment of a Children's Justice Center, and

WHEREAS, the parties hereto recognize the devastating damage to individual children and the community generated by child abuse; and

WHEREAS, the parties hereto acknowledge the child abuse is a community problem for which no single agency, individual, or discipline has the knowledge, skills, and resources to provide the assistance needed by abused children and their families; and

WHEREAS, the combined wisdom, experience, and professional knowledge of child protective services, medical and mental health professionals, and educators will significantly enhance the effectiveness of treatment of victims and their families; and

WHEREAS, the protective intervention system must be sensitive to the needs of abused children and meet those needs by respecting the uniqueness of each child and family, and

WHEREAS, the IACCCJC have agreed to provide personnel or services as may be within their legal power to appropriate and furnish, and

WHEREAS, the IACCCJC have approved this Interlocal Agency Cooperative Agreement to provide for establishment, use, operation, and control of the **CACHE COUNTY CHILDREN'S JUSTICE CENTER** hereinafter referred to as the **"CENTER"**.

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act as follows:

Section 1. MISSION STATEMENT

The mission of the Center is to provide a comprehensive multidisciplinary response to child sexual abuse and serious physical abuse in a neutral based facility where investigation, medical services, treatment, and training are coordinated in order to protect the best interests of the child and the community.

To accomplish this mission the Center will endeavor to: a. Develop a comprehensive, multidisciplinary response to child abuse which is designed to meet the needs of child victims and their families and to protect the rights of the alleged perpetrator; b. Minimize the time required to investigate, prosecute, and initiate treatment for the abused child; c. Establish a neutral based facility where professional documented interviews of, and services for, abused children and their families will be provided; d. Minimize trauma to the child caused by multiple contacts with professionals responding to child abuse complaints; e. Provide the family of the abused child with investigative, support, and coordination services; f. Maintain open communication and case consultation among community professionals and agencies involved in child protective and child abuse prosecution efforts; g. Coordinate and track investigative and treatment efforts; h. Enhance the skills of professionals involved in child abuse cases; and 9. Enhance community recognition and understanding of the child abuse problem.

Section 2. EFFECTIVE DATE AND DURATION

This Interlocal Cooperation Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Agreement Cooperation Act, upon the submission of this Interlocal Cooperation Agreement to, and the approval and execution hereof by the IACCCJC. This Interlocal Cooperation Agreement shall not become effective until it has been reviewed and approved for form and compatibility with the laws of the State of Utah by the Utah Attorney General's Office, and the Cache County Attorney's Office. Prior to becoming effective, this Interlocal Cooperation Agreement shall be filed with the person who keeps the records of each of the parties hereto. The term of this Interlocal Cooperation Agreement shall be fifty (50) years, unless terminated pursuant to Section 9 of this Agreement or terminated pursuant to Section 63-55-267.5, Utah Code Annotated, 1953, as amended, which provides for a repeal of the enabling legislation as of July 1, 2004.

Section 3. ADMINISTRATION OF AGREEMENT

The IACCCJC do not contemplate nor intend to establish a separate legal or administrative entity under the terms of this Interlocal Cooperation Agreement. The IACCCJC do agree that, pursuant to Sections 11-13-7 and 67-5b-104(2)(e), Utah Code Annotated, 1953, as amended, **CACHE COUNTY** hereinafter referred to as the County, shall act as the administrator designated to oversee the Center, including the budget, costs, provision and appointment of personnel, management, execution of contracts on behalf of the Center. This Agreement shall not relieve any public agency of any obligations or responsibilities imposed upon it by law.

The County agrees to become the designated contract governmental agency (also called designated public agency, and "umbrella" agency) for the Center. As the umbrella agency, the County will: a. function as the "flow through" agency for federal grant start up monies and state legislated funds allocated to the Center by the State Attorney General's Office, and the County will administer payments for personnel (salaries, benefits, and liability insurance) and operational costs as allocated by the state approved Center budget; b. function as the "flow through" agency

for any other granted funds submitted by the Center as a governmental agency by administering payments per request of the Center and in accordance with the grant budget; c. provide appropriate audit functions; d. recommend and approve the Center staff, whose names have been submitted by the Local Advisory Board and; e. hire, supervise, discipline and terminate staff in accordance with the Cache County Personnel Policies and Procedures, as county employees with the rights and responsibilities thereof.

Section 4. LOCAL ADVISORY BOARD

The IACCCJC hereby creates a local advisory board hereinafter referred to as the "Board", pursuant to Section 67-5b-105, Utah Code Annotated, 1953, as amended, which shall be composed of the following people from the Cache County area: a. the director of the Center, as approved and appointed by the County, or the director's designee; b. the Cache County Attorney or his designee; c. a representative of the Attorney General's office designated by the Attorney General; d. the Cache County Sheriff or his designee; e. the Logan City Chief of Police or his designee; f. the Cache County Executive or his designee; g. a physician licensed to practice medicine and surgery under Sections 58-67-301, Utah Medical Practice Act, or Section 58-68-301 Utah Osteopathic Medical Practice Act; h. a licensed mental health professional; i. a criminal defense attorney; j. a guardian ad litem or designee; k. a representative of the Division of Child and Family Services designated by the employee of the division who has supervisory responsibility for Cache County; l. two members of the Center Friend's Committee, including the Chair; and m. at least four members of the community at large.

Pursuant to Section 67-5b-105(2), Utah Code Annotated, 1953, as amended, the members of the Board who serve due to public office shall select a chair and vice chair of the Board. Appointees and designees shall serve a term or terms as designated in the Board by-laws.

Each vacancy in the Board which occurs prior to expiration of a term of appointment, other than those which serve due to public office, shall be filled by the same selection process set forth above to serve for the remainder of the term of the person being replaced.

The Board will: a. submit to the County Executive potential staff in accordance with the County hiring policies and procedures; b. coordinate with the Director in monitoring the budget and costs; c. oversee the functioning of the Center program to ensure its stated purposes are being met in exemplary fashion; and d. develop operation policies and procedures for the Center and submit the same for approval to the County Executive.

Section 5. FRIENDS COMMITTEE

The Cache Children's Justice Center Friends Committee, which has legal, non-profit status, and hereinafter referred to as Friends Committee, will: a. own the Center building, its contents, and property on which it is built; b. administer payment for facility insurance, maintenance, and improvements; furnishings; any mortgage; and other requests from the Director and Board, ie equipment, training costs; and c. function as the flow through agency for granted funds submitted by the Center as a non-profit agency.

Section 6. PURPOSES

This Interlocal Cooperation Agreement has been established and entered into between the IACCCJC for the following purposes: a. to provide a comprehensive, multidisciplinary, non-profit, intergovernmental response to sexual abuse of children and serious physical abuse of children; b. to coordinate and enhance the quality of services required to investigate, prosecute,

and initiate treatment for the abused children; c. to facilitate the investigation of the alleged offense against the abused child; d. to conduct interviews of abused children and their families in a professional and appropriate manner; e. to obtain reliable and admissible information which can be used effectively in child protection and criminal proceedings; f. to coordinate and tract the use of medical and mental health services, the investigation of the alleged offense, the preparation of the prosecution, the treatment of the abused child and family, and the education and training of persons who provide services to the abused child and his/her family; g. to expedite the processing of the case through the courts; h. to protect the interest of the abused child and the community; i. to reduce trauma to the abused child; j. to enhance the community understanding of sexual abuse of children and serious physical abuse of children; and k. to provide as many services as possible that are required for the thorough and effective investigation of child abuse cases.

Section 7. MANNER OF FINANCING

The operation of the Center shall be financed in the following manner: a. A line item appropriation by the Utah Legislature to the Attorney General, who then shall contract with the County acting as the agency designated herein to oversee the budget of the Center; b. Federal grants; c. Contributions of funds, tangible and intangible property, personnel, or services, from the parties to this Agreement; and d. Private donations. Neither the IACCCJC or the Center shall request funding from the County if other forms of financing are no longer appropriated.

All state and federal funds and tangible and intangible property shall be appropriated by the County as the public agency hereby designated to establish and maintain a budget for the Center.

Section 8. ADDITION OF OTHER MEMBERS

Other public agencies or other persons may become parties to this Interlocal Cooperation Agreement upon recommendation by the Board and approval by the County by executing an addendum to this Agreement. In order for a public agency to be added to this Agreement by addendum, the addendum must be approved by the governing body of the public agency to be added and the addendum must be reviewed and approved for form and compatibility with the laws of the State of Utah by the attorney for the public agency to be added. Prior to becoming effective, the Interlocal Cooperation Agreement and the Addendum shall be filed with the person who keeps the records of the public agency being added to this Agreement.

Section 9. TERMINATION

Any and all parties to this Interlocal Cooperation Agreement may terminate participation by giving at least three months notice to the Board and the other parties to this Interlocal Cooperation Agreement. Any notice of termination shall be served upon each of the parties to this Agreement and upon the Chairperson of the Board. Upon a complete termination of this Agreement, any existing funds or real or personal property which may be owned by the Center shall be donated to another non-profit organization pursuant to the by-laws of the Friends Committee.

Section 10. INSURANCE

The Center shall, during the entire term hereof, keep in full force and effect fire, casualty, public liability, extended coverage and all-risk insurance on the facility. The policy shall be issued in the name of the Friend's Committee, owner of the Center building and property. The County shall be listed as an additional named insured on the policy.

Section 11. INDEMNIFICATION

The IACCCJC, as well as other agencies or persons which may be added by addendum, agrees to indemnify and save harmless the others and the County as the administrator and umbrella agency, for any and all damages, claims, suits, and actions arising out of any other party's negligent error or omission in connection with this agreement; or the operation of the Center; or the management of the employees of the Center. It is expressly agreed between the parties that the obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, Section 63-30-34.

Section 12. FILING OF INTERLOCAL COOPERATION AGREEMENT

Executed copies of this Interlocal Cooperation Agreement shall be placed on file in the office of the County Clerk of Cache County and with the official keeper of records of the IACCCJC, and shall remain on file for public inspection during the term of this Interlocal Cooperation Agreement.

Section 13. AMENDMENTS

This Interlocal Cooperation Agreement may not be amended, changed, modified, or altered except by an instrument in writing which shall be: a. approved by each of the parties; b. executed by a duly authorized official of each of the parties; c. submitted to and approved by the Utah Attorney General, the Cache County Attorney, and the attorney for any public agency added pursuant to this Agreement as required by Sections 11-13-9 and 67-5b-104(3), Utah Code Annotated, 1953 as amended, and d. filed in the official records of each party.

Section 14. SEVERABILITY

If any term or provision of the Interlocal Cooperation Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Interlocal Cooperation Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Interlocal Cooperation Agreement unenforceable.

Section 15. GOVERNING LAW

All questions with respect to this Interlocal Cooperation Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement.

DATED this _____ day of _____, 1997.

ATTEST:

by: Stephen M. Erickson, County Clerk

ATTEST:

by:

ATTEST:

by:

ATTEST:

by:

ATTEST:

by:

ATTEST:

by:

ATTEST:

by:

ATTEST:

by:

ATTEST:

by:

CACHE COUNTY:

by: M. Lynn Lemon, County Executive

DIVISION OF CHILD AND FAMILY SERVICES

by: Dean Janes, Associate Director

GUARDIAN AD LITEM, BEAR RIVER REGION

by: Diane Balmain, JD

ATTORNEY GENERAL, STATE OF UTAH

by: Jan Graham, Attorney General

BEAR RIVER HEALTH DEPARTMENT

by: John Bailey, Director

BEAR RIVER MENTAL HEALTH SERVICES

by: Trent Wentz, Acting Director

FRIENDS COMMITTEE

by: Bill Burnard, Chair

CHILD AND FAMILY SUPPORT CENTER

by: Sue Hoffman, Director

CAPSA

Myrna Redd, Director

CACHE COUNTY ATTORNEY

by: Scott Wyatt, County Attorney

LOGAN CITY POLICE

by: Rich Henricks, Chief

USU POLICE

by: Steve Mecham, Chief

CACHE COUNTY SHERIFF

by: G. Lynn Nelson, County Sheriff

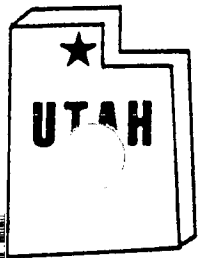
NORTH PARK POLICE

by: Kim Hawkes, Chief

Approved as to Form and compatibility with the Laws of the State of Utah:

Scott Wyatt, County Attorney

State of Utah Attorney General's Office



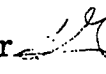
Cache County Corporation

LORENE GREENHALGH
Zoning Administrator
752-8327

179 North Main, Room 210
Logan, Utah 84321

MEMORANDUM

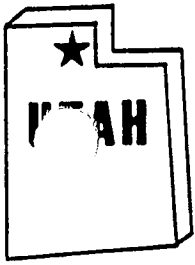
TO: Cache County Council

FROM: Lorene Greenhalgh, Zoning Administrator 

DATE: July 9, 1997

SUBJECT: Hulme Subdivision

Lynn Hulme is requesting Council approval of an 8-lot subdivision in the Agricultural Zone to be called the Hulme Subdivision for the construction of 8 single family dwellings to be located at 10760 through 10970 South 800 East, Avon. This proposed subdivision has been reviewed by the Planning Commission on four different occasions and was given preliminary plat approval on 2 June 1997 with final plat approval being given on 7 July 1997. There can be no further division of the lots; road right-of-way has been dedicated and the road must be completed prior to any zoning clearance being issued for a building permit. Fire protection storage has been required and must be in place prior to homes being constructed. There will be adequate culinary water provided by wells to the subdivision. The applicant must improve the county road with chip and seal to the 20-foot required width and must place a 4-foot sidewalk from the last home of the subdivision to the school bus stop which is to be completed at the time the homes are constructed. There will be an escrow agreement with Cache County with \$500.00 per lot being held for the completion of the sidewalk.



Cache County Corporation

LORENE GREENHALGH
Zoning Administrator
752-8327

179 North Main, Room 210
Logan, Utah 84321

MEMORANDUM

TO: Cache County Council

FROM: Lorene Greenhalgh, Zoning Administrator

DATE: August 6, 1997

SUBJECT: Eva Bird Minor Subdivision

Eva Bird is requesting council approval of a 5 lot minor subdivision in the agricultural zone to be called the Bird Minor Subdivision to be located at 5593 West, 5587 West, 5581 West, 5575 West, and 5569 West 2800 South, south of Mendon. This request has been reviewed by the Planning Commission several times since January of this year with a number of changes being made. Adjacent property owners do not want the subdivision to be approved and there has been controversy over several points which the applicant has worked diligently to fix. The road placement has been agreed upon and is to be completed prior to any zoning clearance for a building permit being issued. Well applications have been made and a feasibility study has been done for septic tanks. The property is entirely in the FIRM flood plain and elevations have been done with the lowest point being several feet above the base flood plane elevation. Flood plain release forms will need to be signed by each lot owner and birms may be required to be placed to protect the septic tanks and homes from water from the canal above. A deceleration lane is to be provided on the State highway. All county requirements have been met for final plat approval.

DRAFT
CACHE COUNTY
CORPORATION

LYNN LEMON

EXECUTIVE/SURVEYOR

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

COUNTY COUNCIL

DARREL L. GIBBONS

CHAIRMAN

C. LARRY ANHDER

V. CHAIRMAN

SARAH ANN SKANCHY

GUY RAY PULSIPHER

H. CRAIG PETERSEN

LAYNE M. BECK

CORY YEATES

STEPHEN M. ERICKSON

CLERK

August 13, 1997

Mr. John Aalberg, Chairman
Olympic Cross Country and Biathlon Site Selection Committee
Salt Lake Organizing Committee
257 East 200 South, Suite 600
Salt Lake City, UT 84111

Reference: Response to your letter of July 31, 1997

Dear John,

The following is Cache County's response to your inquiry listed above. If you need additional information or clarification please give me a call. We will provide the additional information as soon as possible.

The Cache County Planning Commission will require a master plan to show details as they relate to buildings (both temporary and permanent), trails or roads, parking areas and shooting ranges. The buildings include a expansion of the current hotel accommodations, timing stands along the trail, an administration building and a stadium.

Questions #1

First Item—A condition^{el} use permit will be required to construct an administration building and the stadium. Cache County does not anticipate a problem with the permit process.

Second Item—This should be permitted through Wellsville City. Cache County will not require a permit to bury water or snow-making lines.

Third Item—Cache County will require engineered plans for both the road and the parking lot with coordination and approval by the Road Superintendent and the County Surveyor. The road should meet the County's minimum requirement.

Fourth Item—This should be permitted through Wellsville City if attached to Wellsville's Sewer System or approval and permits will need to be obtained for a temporary closed septic system through the Bear River Health Department.

Questions #2

A conditional use permit is not required to construct new trails or improve existing trails. Conditional use permits are required to building "timing stands" along the trail. Cache County does not anticipate a problem with the permit process. An environmental study is not required for trail construction.

Question #3

A conditional use permit is require to build a temporary shooting range for the Olympics and to use the facility on a permanent basis. Cache County does not anticipate a problem with the permit process.

Questions #4

The expansion of the resort will require both a conditional use permit and a building permit. An extended building permit will be required if construction takes longer than 180 days. It will take between 6 and 8 weeks after all required information is obtained to process both the conditional use permit and building permit. Cache County does not anticipate a problem with the permit process.

If Sherwood Hills is selected as the Olympic Cross Country and Biathlon Site, the permit process for both conditional use permits and building permits should beginning by January, 1998 in order for permits to be in place and construction to begin in June, 1998.

Thank you for considering Sherwood Hills as a possible site for the Cross Country and Biathlon Venue. If you need any additional information please give me a call. Thank you.

Sincerely,

M. Lynn Lemon
County Executive/Surveyor

cc: Cache County Council
Cache County Planning Commission
Wellsville City Council
Wellsville City Planning Commission
Lorene Greenhalgh, Zoning Administrator
Joe Kirby, Road Superintendent
Mayor Ruth Maughan, Wellsville City
John Nelson, Director Building & Safety