

COUNTY COUNCIL MEETING MINUTES INDEX

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**CACHE COUNTY COUNCIL MEETING MINUTES
JUNE 8, 1999**

The Cache County Council met in a regular session on June 8, 1999 in the County Council Chamber, 120 North 100 West, Logan, Utah 84321.

ATTENDANCE:

Council Chairman Darrel L. Gibbons, Vice Chairman H. Craig Petersen, Council Members: Sarah Ann Skanchy, C. Larry Anhder, Layne M. Beck, Guy Ray Pulsipher. Council Member Cory Yeates and Cache County Clerk, Stephen M. Erickson were excused.

Others present were: M. Lynn Lemon, Cache County Executive, Pat Parker, Executive Assistant, Tamra Stones, County Auditor, Scott Wyatt, County Attorney, Lynn Nelson, County Sheriff, Jim Smith, County Human Resource, Kelly Pitcher, County Fire Chief, Logan City Mayor Douglas Thompson, Logan City Fire Chief Paul Dextras, Logan City Fire Captain Dave Harston, Logan City Finance Officer, Don Fulton. Citizens: Charlie Batton and Jennifer Christensen. Representing the media were: Mike Weible of the Herald Journal and Jennie Christensen of KVNU.

CALL TO ORDER:

Chairman Gibbons called the meeting to order at 5:05 p.m. and welcomed all in attendance.

INVOCATION:

The invocation was given by Council Member, Layne M. Beck.

AGENDA AND MINUTES:

Chairman Gibbons informed the Council that Cache County Clerk, Stephen M. Erickson has suffered a stroke and is presently at the McKay Dee Hospital in Ogden. Mr. Erickson is on life support at this time. Pat Parker, Executive Assistant was asked by the County Clerk's Office to take minutes of this meeting in his absence. Gibbons expressed his thanks to Parker for filling in. The agenda for the meeting was amended as follows: Item 9.d was moved to be addressed after the Report of the County Executive. Item 9.e. was removed from the agenda and will be placed on a subsequent agenda.

A motion to go into Executive Session at the end of the meeting concerning land acquisition was made by Council Member Skanchy. The motion was seconded by Council Member Anhder. Passed unanimously.

Chairman Gibbons thanked Vice Chairman Petersen for conducting the last meeting. Gibbons reported the fishing was GREAT! The minutes should be corrected as follows: Page 2 in the Executive Report "cave in" should be one word "cravein" and the "spinal card" should be "spinal cord". At the bottom of Page 2 and top of Page 3 "Ronald Jenkins, who represents the Bridgerland Literacy tutors was presented the group winner for the County" should read "Ronald Jenkins accepted the award in behalf of the Bridgerland Literacy Tutors." Bottom of Page 3 "Councilman Anhder expressed concern that a stipulation placed on the application by the Planning Commission "had been" should read "had not been" addressed by E. J. Miller Trust." The bottom of Page 5 "The public was asked to comment "of" should read "on" the proposed changes to the 1999 budget." There "was" should read "were no" comments from the audience.

The minutes of May 25, 1999 were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE:

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

1. Are continuing to work to get the InGeo Tax Roll System up and running. It is not complete. Still trying to get some of the bugs out of it and get it to the point where we can do the conversion. There is some discussion about waiting until after the taxes are done for this year, but if we do that we will run into more and more problems. Hopefully by next Council we will have a date when conversion will take place.
2. A refund has been received from Workers Compensation for just over \$9,000.00. It may be the last refund we will get for a while due to a worker's comp claim. However our employee Ron Gereau is doing very well. He still has some recovery time, but are looking forward to have him back to work soon.
3. Warrants for the period of May 27, 1999 and June 3, 1999 were presented for filing in the County Clerk's Office.

DISCUSSION - AMBULANCE BUDGET - CHIEF DEXTRAS:

Chief Dextras addressed the council on matters concerning the ambulance budget. The City and County entered into this program in 1988. There has been a lot of changes since that time. Some of the changes are. Looking at how some of the services are provided to this community, it was found that 2400 medical calls are run throughout the county and about 300 other type calls such as HAZMAT, water leaks, fire, etc. Therefore it makes the Department primarily a ambulance service. When looking at the budget in the past, how many people were in each budget, and based upon how those people were being used, it became apparent as to whether or not they were at a paramedic level. It takes around \$20,000.00 to bring an employee to a paramedic level. We are close to having 21 people in the department that are at that level. The State requires us to

have both paramedics and EMTs intermediates in the department as well as basic EMTs. It is our intention to provide the best service, not only to Logan but to every citizen in the County. Through the years the alarm load has increased. We average 10% increase a year. Last year we experienced a 2 ½ % increase. However, it has been as high as 19+%. The last time a budget was discussed before this body, we projected approximately 1.4 million dollars. And based on the number of alarms and revenue generated, we hoped to get that. We told this council that we would hire 6 people in October and if the budget projections were met, would like to hire another 6 after the first of the year. But we cannot guarantee you how many alarms will run, what types of alarms whether they are paid or private insurance, Medicaid or Medicare or for people who do not have insurance at all. The additional 6 people were not hired because the additional revenue was not realized. This does not mean these people are not needed. A question may be how did we get from a \$700,000.00 budget to a 1.4 million dollar budget. The answer is the bulk of what we do is not only responding to alarms, but training, re-certification, maintenance of equipment and vehicles is specifically geared to the ambulance. Currently there are twelve people that are assigned to each shift and there are three shifts. We have three ambulances that are staffed as well as a rescue vehicle which has two people assigned to it. When you look at what it takes to staff that equipment, that is a paramedic ambulance, an intermediate ambulance for less serious injuries which operates up to a paramedic level, and also a transfer ambulance that we transfer approximately 400 patients that are all residents of Cache Valley to area hospitals mostly in Ogden and Salt Lake for more intensive care.

Anhder asked if the 400 was included in the 2400? Dextras responded yes.

Dextras went on to explain that when he looked at the personnel and the way they are allocated, and again we are primarily a ambulance department, he thought it weighted strictly toward the suppression side, that was incorrect. I could say that nine people are assigned to an ambulance to every shift which would be a total of 27 people. But wanting to be conservative in the number of people put into the EMS budget and because these people are used by Logan City for a number of other duties and activities, I came up with the number of 22 people for the EMS budget. This is a combination of paramedics, EMT intermediates, and EMTs. So it represents the whole spectrum of certifications in the department.

Perhaps the root of this discussion is that we went from 11 people to the EMS budget and now we go to a budget that has 22 people in it. It is very easy for me to justify the 22 people in that budget. As most of you know the majority of what a budget consists of, in our case, 90% deals with personnel costs. That's why we literally went from a \$700,000.00 budget to a 1.4 million dollar budget.

The rates prior to my arrival had never been adjusted since 1991. In February 1998 the City Council passed the authority for us to adjust the rates. We also did this in August in 1998. The State again had another rate increase which will be taken to the City Council in July of this year. This allows us to increase the revenue we generate. For example, in 1996/97 we generated \$697,000.00. We increased to what the State would allow and generated \$1,700,000.00. An increase of \$300,000.00. This went to offset the increase of personnel in the budget.

Skanchy asked about the budget currently being presented to the City Council, is the County's contribution \$25,000.00? Dextras responded yes. Skanchy went on to clarify that the concern is with the deficit of last year that had accumulated. Dextras responded yes. He went on to state that he felt there was a real need for the City and County to enter into another agreement. He felt that he should come to the City and County on a quarterly basis and update them on the percentage of budget they had met. Then both the City and County would know the amount rather than have a surprise at the end of the year. However, the deficit cannot be projected. We do not know if the \$25,000.00 will cover it at this time because it is unknown if the alarms will cover the costs or what kind of alarms will be experienced this year. Chief Dextras did assure the Council that the fire department and the City are trying to be as aggressive as they can in managing the service they provide.

Lemon asked the question that if he has 22 employees that are charged to the ambulance and 22 that are charged to the fire department or close to that, how many employees per shift does that put in the fire department. Five - six? Dextras responded that approximately 6 per shift are assigned to suppression - 2 in fire prevention, 1 in training and three in administration.

Anhder asked who decided to put 22 people in the budget. Dextras responded that he did. Anhder felt there was not a deficit because the decision was made to put 22 positions in the budget was unilateral and someone could have put in 24 and the deficit would have been much larger, but if someone would have put in 18 there would have been no deficit. Saying that the County is liable for this deficit is not correct because of the one sidedness of the decision as to how many positions are being funded in the ambulance budget.

Beck referred to the agreement wherein it states - "the proposed ambulance budget shall be submitted on or before April 30 of each year to the County for its review. Major elements of this budget being included in the ambulance budget as set forth by the City of Logan's fiscal year shall include staffing levels, and allocations for capital escrow account, for the purchase of equipment and for the write off of bad debts." Anhder stated that that was his position that the staffing had been decided by Logan City and the County had not had input.

Dextras stated that he agreed to a point, but wanted to remind the council members that he had appeared before the County Council and brought the budget to them and talked at that time about the increase in personnel of hiring 6 people in October and the potential of hiring 6 additional people the following January. Dextras felt the information was brought before the Council, but if it was not conveyed as well as it should have been and he would take that responsibility.

Lemon agreed that Chief Dextras did come last year and he did inform the Council that they intended to hire 6 new people and 6 additional people. The difference was that last year they were not projecting a deficit and that is where the problem stems from. The County assumed at that time there would not be a deficit. Now there is a deficit.

Petersen asked about the 1997/98 figures where the number of personnel sites paramedics at 11 and this current year as 22. In that difference of 11 how many reflect new hires and how many

reflect simply a shift between the different areas of service? Dextras responded that it is really all a shift because the two have to be put together. It was not a matter of hiring this many people just for the ambulance and this many for the fire. You have old and new people in each budget. Dextras stated that three positions were arbitrary. Lemon stated that there was a sharing of duties that takes place on each shift. Lemon went on ask what the budget is for the ambulance - \$1.4 million? Dextras responded yes. Now what is the total fire budget. Dextras responded about 1.5 million. So they are about equal. The reason 22 employees was used instead of 27 was to try and offset some of the concerns relating to fairness.

Dextras stated it was brought up in the Fire Board meeting that a study be done of the ambulance service in this county. Is it being managed well, are the budgets accurate and correct? We can use this study as bench marks to go back and made decisions on. It will probably mean rewriting the agreement, changing the mentality as to how business is done, etc. This really is an excellent opportunity.

Skanchy stated what we do in the future is one issue and what we do to cover this year is another issue. We should look to the future and perhaps come to some compromise on the deficit. Has the Fire Board made a recommendation? Gibbons responded that the Fire Board is ready to made a recommendation that we find a firm to do an analysis for us. Pulsipher stated that the Fire Board had not come up with an idea of how to cover the \$200,000.00 deficit. Gibbons did not feel that it was the Fire Board's responsibility to deal with that issue.

Gibbons asked Lemon to include in the 1999 Budget Opening scheduled for next meeting, a figure to conduct this type of study. This study would be funded 50/50 by the City and County. The study may cost approximately \$30,000.00. Skanchy asked Fulton if there is a deficit in the budget this year how is it handled. Fulton responded that it is handled in the fund balance.

Anhder made the motion to ask the County Executive to meet with the Logan City Mayor and negotiate some kind of compromise position on this deficit because of hiring these additional personnel and come back to the Council with a recommendation for settlement. Pulsipher seconded the motion. Passed unanimously.

The deficit is currently \$170,000.00.

SET PUBLIC HEARINGS - JUNE 22, 1999

Skanchy made the motion to set a public hearing at 6:00 p.m. on June 22, 1999 for the Agricultural Protection Area - Ropelato Properties, L.C. The motion was seconded by Pulsipher. Passed unanimously.

Skanchy made the motion to set a public hearing at 6:05 p.m. on June 22, 1999 for the opening of the 1999 Budget. The motion was seconded by Pulsipher. Passed unanimously.

AGRICULTURAL PROTECTION AREA/MILLER

Anhder explained the reason this was continued to this agenda was so Miller's could be aware of the condition recommended by the Advisory Board to be put on the Miller request and secondly to have the opportunity to respond to it. Skanchy explained that if the Council decided to put a restriction in the resolution, could the Council do that. Brent Hoggan addressed this issue to the Council on behalf of the E.J. Miller Real Estate Trust. Hoggan explained that when they appeared at the Public Hearing they were not aware of this recommended restriction. Hoggan cited the provision of the Utah Code which establishes the agricultural protection areas. The limitation for the Council is to either add land or delete land in the proposed area. He felt the Advisory Board did not have the authority to make a recommendation of restriction. They do not have anything to measure that restriction on. In order to do this, the state statute would have to be changed. Hoggan submitted that the criteria has been met, there have been no objections and that the application should be approved without restrictions.

Skanchy asked who determines the capacity to feed. Hoggan responded that it is determined by the market place and the facility. Anhder stated that he had talked to Gordon Zilles and part of the concern was the space to the west and to the north that expansion could take place. Some of this borders Hyrum City where a subdivision is going in and some of the area borders to the south where another subdivision could come in. Members of the Advisory Board had been briefed on a legal action in the mid-west, that had increased their operation and the owners lost in court because it was found they had substantially increased the operation. This raised a concern. Lemon explained that Jennifer Hines of the Soil Conservation Office had checked throughout the State of Utah and could find nothing to prevent this application from being approved as requested and since they did not come to the Public Hearing, he felt the Advisory Board must have satisfied their concerns.

Anhder made the motion to approve the Agricultural Protection Zone without the conditions as recommended by the Advisory Board through the Planning Commission. The motion was seconded by Pulsipher. Passed with the following vote: Skanchy, Anhder, Pulsipher, Beck and Gibbons voted in favor. Petersen voted against. (Attachment #1)

RESOLUTION NO. 99 - TRANSFER OF TCI CABLE TV FRANCHISE

The reason this item was brought before the council on this agenda, Skanchy had a question on AT&T and BSI who was who? The County Attorney's office had written a memo explaining these two companies which satisfied her question.

Anhder made the motion to approve the transfer of TCI Cable TV Franchise to AT&T BSI. The motion was seconded by Skanchy. Passed unanimously. (Attachment #2)

ADDITIONAL PERSONNEL FOR SHERIFF'S OFFICE

Skanchy explained that this item was tabled because of questions on funding. Lemon responded that he had spoken with the County Auditor and there are funds available in the Municipal Services Reserve. That is the area that he would recommend the funds be taken from. If the Council is looking for funding in some other area, there are no funds available at this particular time. Gibbons clarified that the County would fund one position and the School District would fund one. The Sheriff responded that was correct. The two positions would be placed one each in the 8/9grade schools. Lemon stated that they are looking at hiring around August 1, 1999. Skanchy argued that since these are brand new schools, why not go the first year without these individuals and see what happens. Gibbons felt strongly that if you can correct problems on this level, you will correct problems on the High School level. Petersen asked for a clarification of the cost sharing between the County, School District and Federal Government. The Sheriff responded that the plan is to hire two people - each share is \$30,000.00 the first year, \$35,000.00 to \$40,000.00 the second year, \$40,000.00 to \$45,000.00 the third and the fourth year it will be the full \$65,000.00. The School District is very much aware of the funding and is very supportive of it.

A motion was made to approve the two positions by Anhder. The motion was seconded by Petersen. Skanchy asked if this item would be in the Budget Opening set for the next meeting. Lemon responded yes. The motion passed unanimously.

RESOLUTION NO. 99 - COUNTY PERSONNEL POSITION STATUS CHANGE

Wyatt was asked to address this Resolution. He was absent from the meeting so Lemon responded. The position being requested to change to an exempt status is the Victim Advocate Coordinator in the County Attorney's Office. He explained that the position does meet the criteria to become exempt. Skanchy stated that she would like to hear from the County Attorney's office before voting on this resolution. Gibbons stated that he would like a memorandum from the office stating their position on this request. Skanchy explained that her questions are based on the fact that this position is funded by a grant. If the money runs out on this grant then what happens to this position. Lemon agreed that the funds may run out on the Grant and that this was a legitimate concern. Lemon stated that the Attorney's motivation was because this person was working so much over time and qualified for the exempt status. This resolution will be on the next agenda for action.

APPROVAL OF TAX SALE MINUTES

A motion was made to approve the Tax Sale Minutes by Petersen and seconded by Beck. Passed unanimously. (Attachment #3)

1999 RESTAURANT TAX RECOMMENDATIONS

Lemon presented his 1999 Restaurant Tax Recommendations to the Council. The Council had

passed motion supporting the Visitor's Welcome Center \$45,000.00 a year out of restaurant tax funds and \$45,000.00 out of Transient Room Tax. Also the Council indicated they would fund the 1 million dollar bond for the Bridgerland Ice Arena. Based on those two commitments, Lemon took an approach this year, with the smaller municipalities, to try and fund as many of their projects as possible.

Petersen questioned about cutting back on promotion. Lemon responded that last year we gave \$35,000.00 of support. They have requested \$54,000.00. Looking at the types of things they are proposing, he felt this was a fair recommendation it being 75% of their request.

Gibbons asked about the three projects requested for the Willow Park Complex. How much was the request for the restrooms? Lemon responded \$72,000.00. The outdoor portable bleachers were \$12,000.00

Anhder recommended that the Bridgerland Tourist amount be reduced or removed because of the funding they receive from the Transient Room Tax. He also recommended that the Cache Cruise In be removed because of the amount of funds they are currently raising and paying to salaries. He would like to see more of the funds go to the communities.

The 1999 Restaurant Tax recommendations will be on the next agenda for action.

OTHER BUSINESS

Parades:

The following council members will ride in the Lewiston Independence Day Parade on July 5.
Lemon, Beck, Gibbons and Skanchy.

The following council members will ride in the Hyrum Star Spangled Parade on July 5.
Lemon, Anhder and Pulsipher.

Contribution to Youth for Academy Attendance

Skanchy expressed concerns about money being taken from the Council Travel Budget to support a youth's attendance at an Academy. A vote was not taken while the Council was in session. There was no discussion publically about the willingness of the County to contribute to individuals who wish to come before them with such a request.

A motion was made by Anhder to approve the \$100.00 donation and it may be taken out of the Council Travel Budget. The motion was seconded by Pulsipher. Passed with the following vote: Gibbons, Pulsipher, Petersen and Anhder voting yes. Skanchy voted no. Beck abstained.

COUNCIL MEMBER REPORTS

Pulsipher expressed concerns about not advertising the Hardware Ranch enough to the tourist population. Perhaps more should be done to encourage visiting the Ranch especially during the winter months when the Elk come down. Also requested that Joe Kirby and Lemon stay on top of the road to East Canyon going up to Porcupine. Lemon responded that the trucking company has been contacted and informed they had ruined the road in several areas. The County is working with them to share the expense of repairing the road.

Skanchy reported that things are moving right along with the acquisition of land for the runway extension at the Logan-Cache Airport.

Anhder referred the Council to a handout on the subject of water prepared by Thad Erickson. The resolution passed by the Bear River Water Conservancy District attached thereto referred to the construction of a dam. Please be aware that this District is very aggressive in pursuing this issue.

Beck brought to the Council's attention that the BRAG Governing Board agreed to send a letter to the Forest Service regarding the Logan Canyon designation as a wild and scenic river basically stating that BRAG took the same position as Logan City that the Forest Service should back up and punt. This will be an agenda item for the next meeting.

Anhder was asked to arrange a summer social for the Council.

A motion was made by Skanchy to go into Executive Session at 7:05 p.m. The motion was seconded by Anhder. Passed unanimously.

A motion was made by Skanchy to go into regular session at 7:15 p.m. the motion was seconded by Beck. Passed unanimously.

A motion was made by Skanchy to authorize Lemon to go forward with the assignment that he has been given and obtain options. The motion was seconded by Petersen. Passed unanimously.

ADJOURNMENT

Chairman Gibbons adjourned this meeting at 7:17 p.m.

These minutes were taken and transcribed by Patricia W. Parker, Executive Assistant

ATTEST:

Deputy County Clerk

APPROVAL:



Darrel L. Gibbons, Chairman

CACHE COUNTY

RESOLUTION NO. 1999- 10

A RESOLUTION APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA.

The County Council of Cache County, State of Utah, in a regular meeting, lawful notice of which has been given, finds that the legal requirements for the creation of an agriculture protection area have been met; and, therefore, that the proposal filed by Ernest J. Miller, Trustee, should be approved.

THEREFORE, BE IT RESOLVED BY THE CACHE COUNTY COUNCIL, as follows:

The proposal filed with Cache County by Ernest J. Miller, Trustee, dated 18 January 1999, to create an agriculture protection area on 68.42 acres of real property, is hereby approved. The property is described on the attached Exhibit "A".

This Resolution shall become effective immediately upon adoption.

DATED this 8th day of ~~May~~/1999/ June 1999.

CACHE COUNTY COUNCIL

By: Darrel L. Gibbons
Darrel L. Gibbons, Chairman

ATTEST:

Patricia W. Parker
Stephen M. Erickson Patricia W. Parker
Cache County Clerk Executive Assistant

EXHIBIT "A"

Parcel 1 (03-057-0001):

Beginning at a point in the South right-of-way line of 4600 South Street 19 rods more or less South of the East Quarter Corner of Section 31, Township 11 North, Range 1 East and thence West along South line of said Street 128.5 rods more or less to its intersection with East right-of-way line of 1900 West Street and running thence South 48 rods to North right-of-way line of OSL Railroad; thence East 662 feet; thence South 37.29 feet more or less to North right-of-way line of the said right-of-way of said Railroad; thence East in said Railroad right-of-way 124.5 rods more or less to West Railroad right-of-way line of 1500 West Street; thence West 34.8 rods along the South line of 4600 South Street to point of beginning, containing 49.57 acres.

Parcel 2 (03-057-0005):

Beginning 63.75 rods North and 34 rods East of the Southwest Corner of the Southeast Quarter of Section 31, Township 11 North, Range 1 East, and running thence North 23.45 rods; thence East 40 rods; thence South 21.85 rods; thence West 40 rods to beginning, containing 5.86 acres.
A2060

Parcel 3 (03-057-0008):

Beginning in the South line of 4800 South Street 61 rods North of the Southeast Corner of Section 31, Township 11 North, Range 1 East and running thence West 85 rods; thence North 25 rods to the South line of OSL Railroad; thence East along Railroad to a point North of beginning; thence South 25 rods more or less to beginning, containing 12.99 acres.

LBH/estate
millerapp.exa
N-34.38

RESOLUTION NO. 13

**RESOLUTION OF THE CACHE COUNTY, UTAH
APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE**

WHEREAS, Charter Communications Properties, LLC ("Franchisee") owns, operates, and maintains a cable television system ("System") in Cache County, Utah (the "Franchise Authority"), pursuant to Resolution No. 98-31 dated October 13, 1998, Resolution No. 97-25 dated November 25, 1997, Resolution No. 89-22 dated November 7, 1989, and Ordinance No. 89-05 dated August 15, 1989 (the "Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee and InterMedia Partners Southeast ("Transferee") are parties to an Asset Exchange Agreement, pursuant to which the System and the Franchise will be transferred to Transferee (the "Exchange"); and

WHEREAS, concurrently with the Exchange, some of the existing partners of Transferee will withdraw from the partnership (the "Redemption"); and

WHEREAS, as a result of the Redemption, Transferee will be wholly owned by entities that are affiliates of AT&T Broadband & Internet Services ("AT&T BIS"); and

WHEREAS, after the Redemption takes place, TCI Spartanburg IP-IV, LLC ("TCI Spartanburg"), a wholly-owned, indirect affiliate of AT&T BIS, will acquire the managing general partnership interest in IPSE that is currently held by InterMedia Capital Management, LLC ("ICM LLC"); and

WHEREAS, Franchisee and Transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority; and

WHEREAS, the Franchise Authority has investigated the qualifications of Transferee and finds it to be suitable transferee;

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority consents to the Transfer in accordance with the terms of the Franchise.

SECTION 2. The Franchise Authority confirms that (a) the Franchise was properly granted or transferred to Franchisee, (b) the Franchise Authority has received timely notice of the Franchisee's intent to renew the Franchise pursuant to and in compliance with Section 626 of the Cable Television Consumer Protection and Competitive Act of 1992, as amended, (c) the Franchise is currently in full

force and effect and will expire on August 15, 2004, subject to options in the Franchise, if any, to extend such term, (d) the Franchise supersedes all other agreements between the Franchise Authority and the Franchisee, (e) the Franchise represents the entire understanding of the Franchise Authority and the Franchisee and Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise, and (f) Franchisee is materially in compliance with the provisions of the Franchise and to the knowledge of the Franchise Authority, no fact or circumstance exists which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights under the Franchise.

SECTION 3. Transferee may transfer the Franchise or control related to the Franchise to any entity controlling, controlled by, or under common control with Transferee.

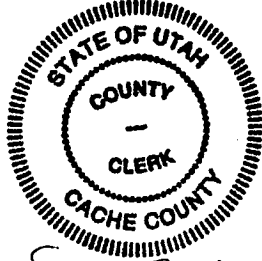
SECTION 4. The Franchise Authority consents to and approves the assignment, mortgage, pledge, or other encumbrance, if any, of the Franchise, the System, or assets relating to the Franchise or the System, as collateral for a loan.

SECTION 5. This Resolution will be effective upon the closing of the Transfer (the "Closing Date").

SECTION 6. The Franchise Authority releases Franchisee, effective upon the Closing Date, from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Transferee will be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

SECTION 7. This Resolution will have the force of a continuing agreement with Franchisee and Transferee, and Franchise Authority will not amend or otherwise alter this Resolution without the consent of Franchisee and Transferee.

PASSED, ADOPTED AND APPROVED this 8th day of JUNE, 1999.



By: David L. Gubson

ATTEST:

Joe S. Zollinger
~~XXXX~~ CHIEF DEPUTY COUNTY CLERK

I, the undersigned, being the duly appointed, qualified and acting Clerk of the Cache County, Utah hereby certify that the foregoing Resolution No. 13 is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the Cache County, Utah on the 8TH day of JUNE, 1999.

Joe S. Zollinger
~~XXXX~~ CHIEF DEPUTY COUNTY CLERK

TAX SALE MINUTES

MAY 27, 1999

The tax lien sale was called to order at 10:00 A.M. May 27, 1999 in the Cache County Council Chambers.

All property advertised by the county auditor, as provided in Utah Code 59-2-1351 with delinquent taxes for the 1994 tax year that were delinquent on January 16, 1999 and had not been redeemed by the sale hour were offered for sale.

County representatives present for the sale were Tamra Stones, Cache County Auditor, Janice Trygstad, Deputy Auditor, Pat Nolan, Deputy Attorney and Michael Gleed, County Recorder.

The sale procedures were outlined as follows:

1. Once a bid has been entered, it cannot be withdrawn. The ordinance allows preferential bids. (Until the moment of the sale, the owner of record or lien-holder of record may redeem the property to prevent the sale.) Payment should be made to the County Treasurer by 5:00 p.m. today in the form of **cash; or certified funds made payable to the Cache County Treasurer in the exact amount of the sale.** Upon payment a temporary receipt will be issued from the County Treasurer.
2. The sales of these properties are conditional and subject to review by the County Council. The council can accept or reject any bid. If the council accepts the bid then the sale will be deemed approved.
3. Tax deeds will be issued by the County Auditor after approval of the Cache County Council and mailed within sixty days together with a permanent receipt.
4. Those in attendance were informed that the county tax sale ordinances were available on the front table.
5. All parcels not sold to a private purchaser or sales not approved by the county council will be deemed "struck off and sold to the county."

The Auditor stated that bankruptcy had been declared on parcel 01-094-0011 and had been withdrawn and all other advertised parcels except 03-102-0024; 06-015-0027; 08-025-0013 had been redeemed.

The Auditor opened the bidding for parcel 03-102-0024 in the name of Northern Wasatch Development. The minimum bid of taxes, penalties, interest, and costs total \$200.18. No bids were offered.

Bidding was opened for parcel 06-015-0027 in the name of Autumn Development & Construction Inc. The minimum bid of taxes, penalties, interest, and costs total \$183.21. No bids were offered.

The Auditor then offered the remaining parcel for sale: Parcel #08-025-0013 in the name of David H. Isaacson. The minimum bid of taxes, penalties, interest, and costs total \$178.75. Jeff Rock bid the minimum bid of \$178.75. No other bids were offered. The parcel was declared sold to the apparent successful bidder Jeff Rock.

"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."

The tax lien sale was closed by the Auditor and adjourned at 10:07 A.M..

APPROVAL OF THE SALE:

Parcel number 03-102-0024 and 06-015-0027 sold to Cache County.

 X Approved Denied

Parcel number 08-025-0013 sold to Jeff Rock.

 X Approved Denied

 Date

Cache County Council

ATTESTED:

Tamra Stones, County Auditor