

Council Meeting

Minutes

22 February 2000

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Council Meeting  
22 February 2000

## Cache County Council Meeting Minutes 22 February 2000

The Cache County Council met in a regular session on 22 February 2000 in the Cache County Council Chamber, 120 North 100 West, Logan, Utah 84321

### Attendance

Council Chairman: Darrel L. Gibbons

Council Vice-chairman: H. Craig Petersen

Council Members: C. Larry Anhder, Layne M. Beck, Guy Ray Pulsipher, Sarah Ann Skanchy, Cory Yeates

Cache County Executive: M. Lynn Lemon

Cache County Clerk: Daryl R. Downs

The following individuals were also in attendance: Pat Parker, Jim Smith, Scott Wyatt, Lynn Nelson, Tamra Stones, Stephen Thurston, John Emmett, Tom Jenson, Lanny Herron, A. Leo Krebs, C.R. Batten, Jay M. Bagley, Russell Goodwin, Sydney A. Wengreen, Donald Hansen, Stephan Flint, Scott Theobald, Gail Christensen, Marieluise Wolfe, Alice Lindahl, Sharell Eames, Lula Devalue, Joyce Davis, Chris Liecke, Brad Wood, Joe Maynard, Ray Robison, Lorene Greenhalgh, Janet Borg, May Coover, Merv Coover, Mark Teuscher, Clair Ellis, Steve Thompson, Mike Weibel (Herald Journal), Jenny Christensen (KVNU).

### Call to Order

Chairman Gibbons called the meeting to order at 5:02 p.m.

### Invocation

The invocation was offered by Council Vice-chairman H. Craig Petersen

### Agenda and Minutes

Chairman Gibbons recommended that items 10e, 10f, and 10g be moved under the Report of the County Executive. Each of these items deals with re-codification.

The minutes of 8 February 2000 were reviewed, corrected, and approved.

### Report of the County Executive

### Other Items

### **Utah Department of Transportation Overpass in Brigham City**

Mr. Lemon has a copy of a UDOT letter which talks about the overpass in Brigham City. The letter proposes two options for overpasses. One option would have the overpass on Main Street intersection and the other option would have the overpass on 11<sup>th</sup> South. He wanted to know if the council had a preference. Ms. Skanchy doesn't want an overpass at all. Mr. Gibbons agreed with Ann. Mr. Yeates said that stopping traffic a few blocks after building an overpass is not very logical. Ms. Skanchy also said that although she is not in favor of an overpass, it would be more logical to go under the overpass on Main Street.

Mr. Lemon mentioned the current snow water equivalent is currently 81% and precipitation is at 77%. Tony Grove is at 99%, but the south end of the valley is lacking water in the Little Bear River and on the Blacksmith Fork River.

Mr. Lemon reminded the council of the Access Management Workshop on Monday, February 28, at 6:30 p.m. in the Hyde Park City Offices.

Mr. Lemon gave the warrants to the clerk.

### **Discussion of Cache County Re-codification Efforts**

He turned the time over to Mr. Nolan to answer any questions on the re-codification effort. He said the council agreed last year to have all of the ordinances codified in book form. A series of amendments to the existing ordinances and three new ordinances have been recommended by those doing the re-codification. The three new ordinances are to be initially considered by the council today. Each of the three new ordinances would fill in gaps in the ordinances which presently exist.

The General Provisions Ordinance, 00-02, has definitions which would be applicable to all other county ordinances once they are compiled.

The Right of Entry for Inspection Ordinance, 00-03, would be a new ordinance which would allow any officer or employee of the County to enter any building for the purpose of making an inspection to enforce any other ordinance. This ordinance would apply to any other ordinance relating to the same subject unless otherwise noted.

The General Penalty Ordinance would be established so that a separate penalty would not need to be established each time the council adopted a new ordinance.

The three in question are all new ordinances. Hereafter, the changes would be amendments to existing ordinances. Changes may be made to ordinances that are seventy to eighty years old or to ordinances that are fairly recent. Mr. Nolan said that everything passed by the council prior to

March 15<sup>th</sup> will be in the initial addition. All those adopted later will be in a supplement which will be published annually.

Ms. Skanchy asked Mr. Nolan what an infraction is. He replied that an infraction is a crime which has a fine but does not carry a jail sentence.

Mr. Petersen asked what the property terms "tenements" and "hereditaments" meant. Mr. Nolan said that the terms are Old English common law terms. They are kinds of interests in lands.

Mr. Lemon asked if they could extend the deadline to further consider the ordinances so that more of the changes would be reflected in the initial publication. Mr. Nolan said that aside from the three new ordinances, everything would be amendments to existing ordinances. Mr. Lemon said that ordinances should be considered on at least two separate dates before approval. This would mean that only the three ordinances discussed tonight would be ready for adoption on March 15<sup>th</sup>. Mr. Nolan indicated that there is some flexibility with the publisher if needed.

Mr. Anhder asked if the council would be presented with the entire re-codified book. Mr. Nolan said that after the cut-off, the council would be given the information on everything which has been adopted to that point, the opportunity to review all changes and approve them, and language for an adopting ordinance which would adopt the code as a Cache County Code. The adopting ordinance would require consideration and action by the council. The process would also include repealing of outdated provisions.

Mr. Nolan said that by design this re-codification does not include anything on the zoning ordinance or the subdivision ordinance.

Mr. Nolan said the council would be given each complete ordinance with the amendments highlighted. The majority of the amendments will be technical in nature to bring our ordinances into compliance with current state law. Mr. Anhder wanted to have a simplified process for reviewing the very simple technical changes. He suggested this only for those which are clearly technical in nature.

Mr. Nolan said that 25 to 30 ordinances will be recommended for adjustment, and he envisioned doing the process much like the legislature. The entire text would be printed and any adjustments would be flagged as changes. Mr. Nolan said that an amended ordinance needs to be adopted just as a new ordinance, including having the ordinances published in the newspaper. Mr. Nolan thinks all of them may not be ready by the next meeting. Mr. Lemon wants to have all of the amendments taken care of before the codification is completed.

Mr. Gibbons asked the members if they would be comfortable waiving the rules and passing the ordinances that have only technical amendments on the first reading. The council seemed to agree with this process.

Mr. Lemon asked Mr. Nolan to give an example of something that would be an infraction. Mr. Nolan responded that violation of some of our ordinances may be a class B misdemeanor. However, our fines are not current with the new fines under state law. The intent is to make one ordinance which will apply across the board to the violation of any county ordinance. Ordinances which do provide for a penalty would not be governed by the proposed penalty ordinance.

## Items of Special Interest

### **Women Over Sixty-five Achievement Award**

Mr. Petersen read a letter honoring Sarah Ann Skanchy. Ms. Skanchy received one of the Women Over Sixty-five Achievement Awards for the year 2000 from the Utah State University Women's Center Advisory Board. The award recognizes outstanding women who have made significant contributions to the advancement and equality of life for women in Cache Valley. There will be a program honoring Ms. Skanchy on Monday, March 27<sup>th</sup>, 2000, in the Taggart Student Center, Evan Stevenson Ballroom, at 6:00 p.m.

### **Capital Arts Semi-Annual Report**

Mr. Stephen Thurston and Mr. John Emmett presented the Semi-annual Capital Arts Report to the council. Mr. Thurston provided a Status Report, an Independent Auditor's Report, and the Financial Statements for the years ended June 30, 1999 and 1998.

Mr. Thurston summarized by listing the events which had recently sold out. These included Bar J, The King and I, and Spirit of the Dance. Mr Thurston feels that the CAA has had a great quarter.

The next big even is the gala on February 25th. The CAA is in the process of getting next year's venues and booking next year's events. They attribute their current success to a survey asking residents what they wanted to see.

Mr. Emmett said the restructuring with Logan City will include some increased financing. The Logan City Council supported the advice of the consulting group from New York. The board also recognizes a need for a trained, experienced arts management help. They are going to be doing a national search to find someone to fill this role. They hope to find someone in arts administration to take over the role of Executive Director by July 1<sup>st</sup>.

The CAA anticipate staying as a non-city, non-profit entity. Mr. Emmett also thanked the council for its ongoing support.

Attachments 1 and 2

## **Wise Water Planning**

At the last meeting in January, the council decided that it would like to hear a presentation from the People for Wise Water Planning. Bruce Pendaray served as the spokesman for the group.

Mr. Pendaray spoke about maximizing citizen representation in county water policy in general, and specifically about making recommendations for the composition of the Water Policy Advisory Board. He noted that the individuals who signed petitions against the conservancy district in 1990, 1991, and who later voted against the district have given the council a sign of what they would like.

Mr. Pendaray read from the introduction of the recommendations document to begin his presentation. He then moved to page 5 of the same document to give the council a sample of their proposed Water Policy Advisory Board.

One representative would be from a state or federal agency.

Mr. Pendaray suggested that the three agricultural representatives could be one person from the North Cache Soil Conservation District, the South Cache Soil Conservation District, and from one of the irrigation groups.

Two members would be from conservation or sportsmen's groups.

One member would be appointed by the League of Women Voters.

The two elected officials that would serve on the board would include one from within Logan City ( a council member or mayor) and one from outside Logan City ( a council member or mayor).

The final two representatives would be individuals with technical expertise in water. They would be appointed through Utah State University by one of the colleges with expertise in these areas.

One thing that they would not recommend is having a council member as a voting member of the board. Second, they do not recommend that the council make the appointments to the board. Let the defined groups identify and appoint their people so that they have a greater investment in the process.

The group believes that the board should conserve its resources until a need presents itself. They would also like to have written reports created. Minutes should be required and an individual would be paid to take the minutes. Roberts Rules of Order would be appropriate to follow. The bottom line is an orientation toward a consensus approach. If consensus is not possible, the reports of the majority and minority could be presented to the counsel for its consideration.

Mr. Pendary then presented the *Our Proposal* portion of the document (see page 1, paragraph 3). He continued reading this document verbatim. He moved throughout the document in his presentation, but followed the text closely as he moved from point to point. Mr. Pendary concluded with the summary paragraph.

Mr. Pendary then asked the council members if they had any questions and offered to meet with the council in a work session for further discussion.

Ms. Skanchy asked how they would select the chairman at the third meeting if they rarely met. Mr. Pendary said that individuals could be selected after they had sufficient time to know each other.

Mr. Petersen asked what is meant by not meeting very often. He presumed from the document that they would be meeting at least four times each year. Mr. Pendary agreed.

Mr. Pendary wanted to minimize the necessary time and then focus it on important issues. He said that often there is not a pressing need. The county may not need to play a role on a month to month basis. However, the board would be available when necessary, as crucial issues arise.

Mr. Petersen said a current concern is getting on with the process. Mr. Anhder asked if they were going to talk about the role of the board. Mr. Petersen said he would like to see a proposed resolution or alternative resolutions. The resolution could then be amended as needed. Mr. Lemon said that some of the issues need to be decided before a resolution is prepared. Mr. Anhder complimented the Wise Water people for their movement toward the Water Policy Advisory Board's recommendation.

Mr. Petersen sees the changes in the Wise Water proposal as an attempt to compromise. Mr. Pendary said that he has perceived in council meetings that the council was not moving toward a purely technical decision. They would like to work toward something that is workable and that can be lived with by the citizens.

Mr. Gibbons asked Mr. Wyatt about drafting an ordinance. Mr. Wyatt said that most of what he has heard would need to be included in a resolution.

Ms. Skanchy said that there isn't anything pressing that would prevent further discussion. Mr. Lemon said Mr. Teuscher has said that the aquifer classification project is crucial.

Mr. Anhder asked if a board is needed at all. Ms. Skanchy and Mr. Gibbons think it would be appropriate to have one and that the board would drive the agenda with respect to water in the county. Mr. Wyatt said that they need to have a workshop if they are going to put together a resolution.



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The Water Advisory Policy Board has put forward a proposal and the Wise Water Planning group has put forward their plan. A meeting was proposed for 14 March 2000 at 4:00 p.m. as a workshop to precede the council meeting. Mr. Petersen suggested that perhaps an hour workshop would be sufficient to come to a workable solution that could then be dealt with in council meeting. A vote could not be held in a workshop, but a general agreement may be able to be reached.

Mr. Gibbons said that the council would retain final authority for choosing the nominees for appointment. Mr. Petersen also felt that the ultimate appointment decisions should be made by the council. Mr. Pendary said that letting people play a role in the selection gives them a vested interest in the process.

Attachments 3 and 4

Budgetary Matters

**Intra-departmental Transfer**

**Weed Department**

The recommended transfer moves \$7,850.00 from the chemical fund. This is only a temporary transfer to the Professional and Technical-Printing fund to begin the printing of the new weed manuals.

**Mr. Yeates moved that the council approve the recommendation. Mr. Pulsipher seconded the motion, and it passed unanimously.**

Attachment 5

Public Hearings, Appeals, and Board of Equalization

**Set Public Hearings**

**Ms. Skanchy moved that the council set a public hearing to open the 2000 Budget on 14 March 2000 at 6:00 p.m. Mr. Yeates seconded the motion, and it passed unanimously.**

**Mr. Petersen moved that the council set a public hearing on 14 March 2000 at 6:15 p.m. on the Stephen W. Wright, the LW Dairy Partnership, and the Mt Sterling Area Agricultural Protection Areas. Mr. Yeates seconded the motion, and it passed unanimously.**

## **Board of Equalization**

### **Tax Abatement Approval**

**Ms. Skanchy moved that the council approve the abatements in the total amount of \$425,214.62. Mr. Petersen seconded the motion, and it passed unanimously.**

Attachment 6

### **Pending Action**

#### **Resolution 00-04**

#### **Amend North Park Interlocal Cooperative Agreement**

The council discussed the interlocal agreement at the last meeting. Ms. Skanchy asked at that meeting to see the full copy of the existing agreement. Ms. Skanchy would have the contract say that the county is not required to pay maintenance or operation costs. She recalled that the county did not agree to pay any maintenance or operation costs. Ms. Skanchy said that if the bonding company is concerned about the security for financing and the repair of the facility she could live with that. But she thinks that the maintenance and operation costs are day to day costs.

Mr. Beck said that the contract is trying to state that the North Park Interlocal Cooperative will enter into a contract with BCIA to provide for the operation, maintenance, and repair of the facility, and that Logan, North Logan, Hyde Park, and Cache County will not be responsible for these costs.

Mr. Lemon said the attorney is attempting to make the proposal more favorable to the bonding agency. Ms. Skanchy would like to add maintenance to the last sentence of page 7. Ms. Skanchy said the contract says that if the assets of this group dissolve, the property is returned to the county. The new contract also supersedes all prior agreements. Ms. Skanchy is merely raising her concerns. Mr. Lemon said that the county still owns the land on which the facility sits.

Mr. Beck said the committee also was addressing the concerns of the smaller cities when it gave ownership back to the county if the entity dissolves. Mr. Anhder said he wants to see the ice arena work. He thinks its an asset to the county and that the county needs to move ahead. Mr. Anhder said the county may set a public/private precedent for cooperation.

The current language according to Mr. Beck is an attempt to work with the cities and with the bond holders.

**Mr. Beck moved that the council adopt resolution 00-04. Mr. Yeates seconded the motion, and it passed 5-2. Ms. Skanchy and Mr. Gibbons voted against.**

Attachment 7

Mr. Lemon said the land lease agreement for this facility would be on a future agenda.

**Discussion**

**Change of Fire Engine Lease Agreement from Five to Six Years**

Ms. Stones prepared an amortization for the counsel for the six year proposal. Ms. Stones said the annual payment at a 5.5% interest rate on four \$155,000.00 trucks would be about \$121,500.00. Total borrowing over six years would be about \$730,000.00 with interest. The increase would be approximately 11,000.00 per year as compared to the original lease.

Mr. Anhder asked if the committee were convinced that the county has need of these trucks. Mr. Pulsipher and Mr. Gibbons answered yes.

**Mr. Anhder moved that the six year lease be approved. Mr. Pulsipher seconded the motion, and it passed unanimously.**

Mr. Beck said one of the issues was the best use of the resources. Some of the larger cities use their trucks much more often than the smaller cities. Kelly Pitcher felt that this would not create a large problem. In 2012 only one truck will need to be replaced and Mr. Pitcher thought that an adjustment might be possible then, if necessary, to get back on schedule.

**Historical Courthouse Architectural Plans**

The county contracted with Jensen/Haslam to do a needs analysis our county buildings. Mr. Lemon asked Lanny Herron what it would actually cost to renovate the building. Mr. Lemon said that one of the issues is if it is even a viable option to save the courthouse. He doesn't think that this question has ever been answered. Mr. Lemon provided the council with a letter that Mr. Herron had given to him. Mr. Lemon attended a meeting on Thursday, February 17<sup>th</sup>. The county does have a Cache County Historical Commission to consider the current situation. Mr. Lemon said we will be more certain of the building's status after the legislative session has ended on March 1<sup>st</sup>.

Mr. Petersen asked why the 1997 Jensen/Haslem contract has been less than half finished to date. The firm also provided a proposal on the current county building. Jensen/Haslem originally contracted with Cache County and the State to do a needs analysis proposal on long-term space. A second report on the current county building reported that it would cost 2.7 million to remodel the county building and 3.4 million to build a new building. At that point, the county decided that it was more feasible to build new rather than remodel and so Jensen/Haslem did not continue with its study at the county's request. This is why the contract has not been completed to date.

Mr. Anhder thinks the council should move ahead and determine what the county should do with the building. Mr. Anhder said the county needs to decide if they will remodel or demolish the building. Mr. Anhder asked what the historical study would consider.

Lanny Herron said a detailed seismic study would be critical. Along with this, a historical study would determine whether the building should be renovated, remodeled, or demolished. Mr. Anhder has the impression that the building is very expensive just to maintain. Mr. Herron said that to gain an understanding of future costs, the committee would need to be familiar with the past. He noted that the 1997 study was really just a cursory look at the courthouse building. The new needs analysis would provide the costs for each of the different options.

The initial budget for needs analysis was \$10,000.00. The budget was amended in 1998 to do design work, but part could be used to pay for this study. The balance of the amended budget purchase order is \$25,000.00. Some of the work has already been done. The balance of the work would include a historical evaluation (\$15,000.00) and a seismic study (\$3,500.00). The remainder of the money would finish the physical facilities review (\$5,400.00).

Scott Theobald said that in support of what Jensen/Harlem is doing, the Cache County Historical Preservation Committee has requested a \$6,000 matching grant from the Department of State History to be used toward the study.

Mr. Petersen asked what a historical evaluation is. Mr. Herron said it is an evaluation of the materials in the building, the ability of the building to be adaptively reused, the ability to bring the building space into 21<sup>st</sup> century use, while maintaining its historical character. It would include a physical evaluation of the structure, the brick, the details etc. Jensen/Harlem would provide a list of what the county would be getting for the cost of the study.

Mr. Lemon said State History would like to see the building renovated and have the interior brought up to current standards, while maintaining the outside shell. Ms. Skanchy asked what the objectivity of the outside consultants would be. Mr. Herron said the seismic engineers would do a non-biased job and that safety would be the number one concern. Cooper Roberts, the Historical Architecture Firm, is one of the best firms in the state for this type of work. Mr. Lemon said Roger Roper felt the general leaning would be toward preservation. Mr. Herron and Mr. Jensen said they are interested in being as objective as possible.

Mr. Beck said that at a prior meeting the council adopted by motion to make a trade with the State Courts to take on the project of the historical courthouse. Mr. Beck wants to know what the council's current position is. Mr. Gibbons said the motion left room for additional negotiation if the courts did not agree. Mr. Beck said our suggestion was not to have the courts demolish the building. He said the motion traded the property with the courts and left it to the courts to do what they would with the property. Mr. Lemon recalled that the courts needed space which would have required the destruction of the jail. He told the courts that the county was not in a

position to have the jail removed at this time. The state courts responded that due to the opposition the state was changing its proposal and would go to an alternate site on 100 North and 100 West. Mr. Lemon said the county was trying to provide a place on Main Street for the courts. Gibbons said no matter what happens, the county needs to get the information that tells the county what is possible and what it will cost.

Mr. Petersen is troubled by the historic preservation analysis costs when it is compared to the other costs. He is troubled that, after a \$5,000.00 review of the structural, electrical and mechanical systems, additional work needs to be continued. He thinks spending an additional \$10,000.00 is redundant. Mr. Herron said the new review would be forward looking. It would evaluate the costs for adapting the building with new equipment at varying levels. The other study considered the current state of the equipment. The detail of any evaluation is driven by available funds. Ms. Stones suggested closing the old purchase order and open a new purchase order at the next budget opening.

#### **Motion to Move Forward with County Courthouse Historical Evaluation**

**Mr. Anhder moved that the evaluators move forward with knowledge that the county intends to appropriate money for the project at the next budget opening. Mr. Yeates seconded the motion, and it passed unanimously.**

#### **Initial Proposal for Consideration of Action**

#### **Final Plat Approval**

Ms. Greenhalgh presented two plats to the council for approval.

#### **SAW Estates Minor Subdivision**

Ms. Greenhalgh presented Sidney A. Wengreen's proposed subdivision south of Hyrum. Mr. Gibbons mentioned the Fire Board's concerns about having sufficient water to meet fire protection requirements and the availability of water. He asked Ms. Greenhalgh if the Planning Commission addressed the issue. She said that minor subdivisions do not require fire hydrants. Mr. Gibbons said that requirements related to square footage require at least 1000 gallons of water per minute available for fire protection.

Ms. Greenhalgh said that Mr. Pitcher approved the plat after review. If square footage exceeds 3,600 square feet, 1,500 gallons per minute need to be available. Mr. Anhder said the appropriate place for this question was in Building Inspection and that they should be the ones to enforce the law. The well on the property has water to provide for three homes and for a herd of 200 cattle.

**Ms. Skanchy moved that the council approve the SAW Minor Subdivision. Mr. Petersen seconded the motion, the motion passed 4 to 2. Mr. Yeates and Mr. Anhder abstained.**

#### **Slate View Minor Subdivision**

Ms. Greenhalgh presented Brad Wood's proposed subdivision north of Paradise. Each of the water lines in this subdivision are separate and do not constitute a public water system.

**Mr. Petersen moved for approval of the Slate View Minor Subdivision. Ms. Skanchy and Mr. Beck both seconded the motion and it passed 4-2. Yeates and Anhder abstained.**

**Ms. Skanchy moved for approval of the Restaurant Tax Application. Mr. Petersen seconded the motion, and it passed unanimously.**

#### **Ordinance 00-01**

##### **Consolidation Cache County Elected Offices**

Mr. Gibbons noted that Mr. Anhder had raised the issue of the consolidation of offices. The election process in 2000 will not be affected by this discussion. Mr. Gibbons left it on the agenda to make the public aware that it will be a topic of discussion. Mr. Lemon said that a decision would have needed to be finalized before 1 February 2000.

Mr. Wyatt suggested that the subject be discussed so that everyone who wants knowledge of the situation would know this before they declare their candidacy. Such a decision would be effective at its earliest in January 2003. The individual who wins the 2000 interim election would have the right to finish the two-year term which they were elected to. The council members suggested that perhaps others offices should be considered for consolidation. Mr. Yeates said that it is possible that any candidate may have to campaign for three different campaigns in one year.

**Mr. Anhder moved that the council consider the consolidation of offices, including the County Clerk's office, during the next twelve months. Giving notice would alert anyone that these offices are being considered for consolidation. Mr. Petersen seconded the motion.**

Mr. Beck asked for a point of personal privilege to have Clair Ellis from the Republican Party speak about the issue. Mr. Ellis thinks consolidation should be carefully considered. He thinks that giving notice would be a good thing so that anyone filing would have knowledge of the council's intent. He is worried about trying to rush a decision through the council in the next two weeks that precede the filing period. Mr. Ellis suggested that any decision would need to be for the benefit of the county in the long term. Mr. Ellis also said that a careful evaluation which includes public hearings, budget analysis, and consideration of alternatives is needed. Mr. Ellis suggested that if consolidation is considered, it would need to be warranted, and the best combinations of offices would need to be discussed. He also said that leaving the situation as it is

should be considered as an alternative. Mr. Ellis does not oppose consideration of the issue, but he is worried about trying to rush a decision through the council process.

**The council then voted on Mr. Anhder's earlier consideration of consolidation motion  
The motion carried unanimously.**

Mr. Anhder asked that the consolidation issue be put on the agenda for discussion. Mr. Beck thinks this year would be appropriate because Ann Skanchy is still on the council, and she has important knowledge of historical perspective on the county's current form of council government. The issue will be placed on the agenda for the first week in May.

**Interpretation of 1990 Land Use Ordinance, RE2 Zone.**

Mr. Lemon said an issue came before the Planning Commission recently. A Ms. Wiedmeier sought to get a rezone of property. During this process, it was determined that a conflict existed. Ordinance 90-15 was adopted on 18 December 1990. The ordinance became effective on 3 January 1991. Mr. Lemon noted that the ordinance was a new ordinance and Mr. Lemon and Mr. Teuscher said that a section of this new ordinance superseded all prior ordinances related to specific zoning requirements. Mr. Lemon, Mr. Teuscher, and Mr. Nolan concluded that the language repealed everything, except specific property that had been specifically zoned by ordinance.

Mr. Lemon brought it to the council's attention to determine the current status of property within the zones affected by this ordinance. Mr. Teuscher said that in conversation with Mr. Bruce Parker (who has discussed the issue with Mr. Jodie Burnett), they determined that under the current code there is not a residential zone of any kind. The question is if the zones were ever in existence once the new ordinance was adopted in 1990. The repealer eliminated all prior zones. Mr. Teuscher is interested in determining what the intent of the council was when they passed the ordinance. Ms. Greenhalgh said that she operated under the premise that the existing zones would be in place and honored, but no new zones would be put into place. Ms. Greenhalgh said that a number of the people who live in those zones want that protection. Ms. Greenhalgh thinks that the county needs to be careful about just having the zones no longer exist. One section of the ordinance says it's a continuation and another area says it's been repealed.

The question is what the intent of the council was at the time. Mr. Lemon thinks the repealer is more clear. Mr. Gibbons thinks that the intent of the council was for it to be repealed.

Based on the planning commission's understanding, they could have approved Ms. Whitmore's parcel if it contained at least two acres, but not a one acre parcel. Ms. Whitmore could have applied for a redone. If the 1990 ordinance repealed all of the zones, Ms. Whitmore may need to meet a different standard.

The official zoning map is designated as the one on the wall in the Zoning Office. Ms. Skanchy suggested that the map should have been amended at the time the ordinance was created. The council needs to make a determination on the question. Mr. Teuscher said that the map as well as the ordinance should be adopted whenever there is a change. Mr. Lemon thinks the repealer is clearer than the continuation. Ms. Skanchy agrees that the zones and the maps were adopted at the time the ordinance was passed.

The older zones would now be legally nonconforming. Undeveloped pieces of property could be developed on smaller ½ acre parcels under current ordinances.

**Ms. Skanchy moved that the council accept that the intent of the council at that time was to repeal all prior zones, the zone in question would be agricultural, and that the map should have been updated at that time. Mr. Anhder seconded the motion, and it passed 4-0.**

#### **Utah State Tax Commission Property Tax Review Program**

Mr. Lemon asked that the county be moved to the end of the list due to some problems with our new INGENIO system. The county will have its review in about one year.

#### **Ground Water**

Mr. Lemon said that Mr. Teuscher felt the groundwater classification project, which has already begun, will become an important piece of the criteria for the agricultural section of density-based zoning which is related to the rewriting the Land Use Ordinance. The well-monitoring and the groundwater classification have already occurred. The aquifer classification is all that remains and then the project will be complete. This project is a critical piece of the puzzle for the Land Use Planners and for the Water Policy Advisory Board. The remainder of the project will cost approximately \$22,000,000. This was approved when the 2000 budget was passed.

**Mr. Anhder moved that the council support the groundwater classification study. Ms. Skanchy seconded the motion and it passed 4-0.**

#### **Council Member Reports**

Ms. Skanchy reminded the other council member of the 5<sup>th</sup> Tuesday meeting with the Logan City Council. The meeting will be held 29 February 2000.

The councils will discuss the following items: airport projects and funding, ambulance, combined city/county building, law enforcement special district, LTD going beyond city boundaries, Willow Park projects, proposed changes in the North Park Ice Arena Agreement, and issues concerning the College/Young annexation.



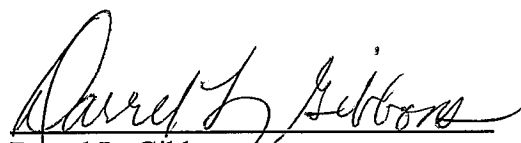
Council Meeting  
22 February 2000

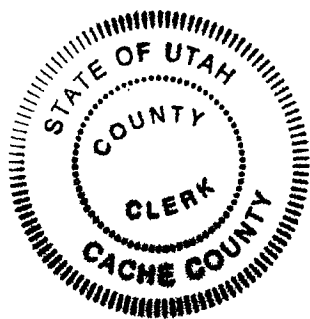
Mr. Lemon heard from Linda Lunceford, Clerk/Auditor in Weber County, that a provision allows for the redrawing of boundaries by the governing body before a vote on the annexation.

Adjourn

Mr. Gibbons adjourned the meeting at 7:50 p.m.

  
\_\_\_\_\_  
Daryl R. Downs  
Cache County Clerk

  
\_\_\_\_\_  
Darrel L. Gibbons  
Chairman, Cache County Council



# STATUS REPORT

Ellen Eccles Theatre and Bullen Center

July 1, 1999-September 30, 1999

Prepared by Stephen W. Thurston, Executive Director CAA

Morris Hansen of Cook, Dorigatti & Associates

## General Operations

### Ellen Eccles Theatre

During this quarter 22,152 people attended performances at the Ellen Eccles Theatre as follows:

#### Capitol Arts Alliance Presentations

none this quarter

#### Renters

Utah Festival Opera Company	26 shows
Ray Bradbury Lecture & Book Signing	1 show
Miss Utah- Vanessa Ballam sendoff	1 show
The Heart Goes On	1 show
Miss Cache Valley Scholarship Program	1 show

### The Bullen Center

During this quarter Capitol Arts Alliance earned rental income from the following:

Receptions	13	Cache Children's Choir	4
AVA Art Camp	2	Cache Community Theatre	21
Youth Camp	1	rehearsals	
Dinners	1	Business Meeting	4
Birthday Parties	1	Valley Dance Classes	13
Reunions	1		

### Capitol Arts Alliance Programming

There was no Capitol Arts Alliance programming this quarter. We did have many renters who utilized the Theatre this quarter. The Capitol Arts Alliance's 1999-2000 Season premieres on October 15, 1999 with "Last Swing of the Century" featuring Guy Lombardo's Royal Canadians, The Ink Spots and the music of Benny Goodman.

# Theatre Attendance for 1st quarter 1999-2000

Production	Number attending	Free	Date
Tales of Hoffmann	350	Dress	7/12/99
Student Prince	750	Dress	7/13/99
Carousel	850	Dress	7/14/99
Tales of Hoffmann	643	No	7/15/99
Student Prince	729	No	7/16/99
Carousel	750	No	7/17/99
Student Prince	800	No	7/21/99
Carousel (Matinee)	986	No	7/22/99
Tales of Hoffmann	579	No	7/22/99
Student Prince	591	No	7/23/99
Tales of Hoffmann (Matinee)	628	No	7/24/99
Carousel	613	No	7/24/99
Carousel	836	No	7/28/99
Tales of Hoffmann (Matinee)	976	No	7/29/99
Student Prince	974	No	7/29/99
Musica Magnifica (Matinee)	561	No	7/30/99
Carousel	841	No	7/30/99
Student Prince (Matinee)	1075	No	7/31/99
Tales of Hoffmann	608	No	7/31/99
Tales of Hoffmann	544	No	8/4/99
Student Prince (Matinee)	1070	No	8/5/99
Carousel	1009	No	8/5/99
Bravo! Opera Discovery (Matinee)	340	No	8/6/99
Tales of Hoffmann	593	No	8/6/99
Carousel (Matinee)	1086	No	8/7/99
Student Prince	959	No	8/7/99
Ray Bradbury Book Signing & Lecture	353	No	8/25/99
Miss Utah-Vanessa Ballam Sendoff	1000	Yes	8/30/99
Sonja Plummer "The Heart Goes On"	368	No	9/17/99
Miss Cache Valley Scholarship Program	690	No	9/25/99
<b>Total attending in first quarter</b>	<b>22152</b>		

## Capitol Arts Alliance Programming Continued

We have instituted some new Box Office procedures. They are as follows:

- 1) Tickets for all shows went on sale September 13, 1999.
- 2) Patrons can build their own series of three or more shows and save 15% off of the single ticket prices.

These changes have been enthusiastically received and ticket sales have been great!

### Shows Coming Up

On December 8, 1999, the Ellen Eccles Theatre will present "Charlotte's Web" a children's show based on the well-loved children's books by E.B. White. There will be a free matinee for school age children as well as an evening performance. This is one of the programs that the City of Logan helps sponsor through the Cultural Arts Grant. We thank the City of Logan for their help and support.

On December 17th & 18th we will have the "Bar J Wranglers" here from Jackson Hole, Wyoming to put on a special Christmas concert. We have added the second night do to the response from the public on ticket sales.

We ring in the new year with "The King & I" on January 13, 2000. This beloved musical is a classic and thus far, ticket sales are strong.

On January 31, 2000, we will present "Spirit of the Dance--The New Millennium". We are excited about this production as it was chosen #1 on our patron survey distributed last year.

### Capital Improvements

We are assessing the needs to winterize our building. We have started renovation of the Thatcher-Young home. It will be restored to the original structure.

### Plans In Progress

Due to our efforts last year to meet the programming desires of the public (two shows are close to sold-out) we are planning to conduct another similar survey for the next seasons shows.

### Fiscal Report

The first quarter is presented for your information. It was prepared by Morris Hansen of Cook, Dorigatti & Associates.



# Cook Dorigatti & Associates, P.C.

Certified Public Accountants

A PROFESSIONAL CORPORATION

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Telephone (435) 750-5566  
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Bruce M. Cook  
Dwight D. Cook  
Richard L. Dorigatti  
Troy R. Martin

To The Board of Directors  
Capitol Arts Alliance  
Logan, Utah

We have compiled the accompanying statement of activities of Capitol Arts Alliance (a nonprofit corporation), for the three months ended September 30, 1999, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying statement of activities and supplementary information and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included in the financial statement, they might influence the user's conclusions about the organization's results of operations. Accordingly, this financial statement is not designed for those who are not informed about such matters.

The information included in the supplemental schedules, which accompany the financial statement, is presented only for analysis purposes. Such information has not been audited or reviewed but was compiled from information that is the representation of management. Accordingly, we do not express an opinion or any other form of assurance on the supplementary information.

The accompanying annual budget of Capitol Arts Alliance for the period ended June 30, 2000, has not been reviewed or examined by us, and, accordingly, we do not express an opinion or any other form of assurance on it.

Management has elected to omit the summary of significant assumptions and accounting policies required under established guidelines for presentation of prospective financial statements. If the omitted summaries were included in the budgeted information, they might influence the user's conclusions about the organization's budgeted information. Accordingly, this budgeted information is not designed for those who are not informed about such matters.

We are not independent with respect to Capitol Arts Alliance.

COOK DORIGATTI & ASSOCIATES, P.C.

*Cook Dorigatti & Associates, P.C.*  
November 3, 1999

# CAPITOL ARTS ALLIANCE

(A NONPROFIT CORPORATION)

## STATEMENT OF ACTIVITIES

For The Three Months Ended September 30, 1999

	Budget 3 Months Ended September 30, 1999	Actual Results 3 Months Ended September 30, 1999	Budget Year Ending June 30, 2000	
<b>Changes in Unrestricted Net Assets</b>				
<b>Revenues and Gains:</b>				
Apartment Rent Income	\$ 0	\$ 174	\$ 0	Apartment rent income
<b>Contributions - Unrestricted</b>				
Unrestricted Donations Cash	2,000	0	8,000	Year end solicitation
Take-A-Seat	1,500	0	6,000	New campaign
Interest	2,225	4,721	8,900	All interest income
Total Contributions - Unrestricted	5,725	4,721	22,900	
<b>Fees, Rents, Tickets, Other</b>				
Ticket Sales	31,000	0	124,000	CAA productions
Fees/Rents Theater	11,675	21,614	46,700	Rent, fees program ads
Rents Bullen Center	7,750	8,936	31,000	AVA, other Bullen Center users
Concessions/Merchandise	1,500	3,373	6,000	Food, drink, sweat shirts
Box Office Fee Income	6,250	3,708	25,000	Box office 6%, ticket service fee
Total Fees, Rents, Tickets, Other	58,175	37,631	232,700	
<b>Net Assets Released From Restrictions:</b>				
Satisfaction of Program Restrictions	109,201	23,584	436,800	
Total Unrestricted Revenues, Gains and Other Support	173,101	66,110	692,400	
<b>Expenses</b>				
Apartment Expenses	21,500	443	86,000	Management fee, util, gen repairs
Credit Card Service Fees	1,500	97	6,000	Credit card % charge
Concession Expenses	625	2,283	2,500	Food, drink & merchandise
Training/Travel/Dues	1,125	1,034	4,500	WAAA, subscriptions, travel
Fundraising	250	0	1,000	Yr. end broch, marketing survey
General Administrative	4,175	2,859	16,700	Off sup, postage, printing, hone, promot
Insurance	25	0	100	Directors insurance
Logan City Building Expense	39,000	23,585	156,000	Maint/repairs/capital improvement
Production/Publicity & Marketing	46,750	12,228	187,000	Art fee, tech, advtis, marketing
Restaurant Tax Payment	19,293	0	77,170	PCIB loan payment - Logan City Building
Theatre/BC Equip/Supplies	3,750	2,956	15,000	Box office equip, prog related item
Salaries/Employee Benefits	35,108	32,740	140,430	Wage, insurance, taxes
Depreciation/Contingency	0	2,926	0	
Total Expenses	173,101	81,151	692,400	
Increase in Unrestricted Net Assets	0	(15,041)	0	
<b>Changes in Temporarily Restricted Net Assets</b>				
<b>Contributions - Temporarily Restricted</b>				
Logan City	39,033	23,584	156,130	Building maintenance income
Sponsors/Grants	70,168	20,650	280,670	Sponsors, eccles, caine, UAC, rst tax
Net Assets Released From Restrictions	(109,201)	(23,584)	(436,800)	
Increase in Temporarily Restricted Net Assets	0	20,650	0	
<b>Changes in Permanently Restricted Net Assets</b>				
Contributions - Permanently Restricted	0	150	0	
Increase in Permanently Restricted Net Asset	0	150	0	
Increase in Net Assets	\$ 0	\$ 5,759	\$ 0	

See accountants' compilation report.

# Hillyard Tyler & Hamilton

Certified Public Accountants

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Logan, Utah 84321

PHONE (435) 753-7430

FAX (435) 753-4242

Principals:

Martin D. Tyler, CPA

Clair O. Hamilton, CPA, MAcc (Taxation)

Of Counsel:

Gary Hillyard, CPA

R. Curtis Anderson, CPA

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INDEPENDENT AUDITOR'S REPORT

To the Board of Directors  
The Capitol Arts Alliance  
Logan, Utah

We have audited the accompanying statement of financial position of the Capitol Arts Alliance (a non-profit corporation) as of June 30, 1999, and the related statements of activities, functional expenses, and cash flows for the year then ended. These financial statements are the responsibility of the organization's management. Our responsibility is to express an opinion on these financial statements based on our audits. The financial statements of Capitol Arts Alliance as of June 30, 1998, were audited by other auditors whose report dated November 18, 1998, expressed an unqualified opinion on those statements.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Capitol Arts Alliance as of June 30, 1999, and the changes in its net assets and its cash flows for the year then ended in conformity with generally accepted accounting principles.

*Hillyard Tyler & Hamilton*

Hillyard Tyler & Hamilton

December 20, 1999

Logan, Utah



# CAPITOL ARTS ALLIANCE

## STATEMENTS OF ACTIVITIES

For The Years Ended June 30, 1999 and 1998

	1999	1998
<b>Changes in Unrestricted Net Assets</b>		
Revenues and Gains:		
Contributions and Grants	\$ 63,312	\$ 52,529
Ticket Sales, Theatre Rent, and Fees	267,947	334,882
Concession Sales, Net	2,517	4,090
Apartment Rent, Net	1,051	10,778
Interest Income	12,483	10,447
	347,310	412,726
Net Assets Released From Restrictions:		
Satisfaction of Program Restrictions	358,082	301,581
	358,082	301,581
Total Net Assets Released From Restrictions	358,082	301,581
Total Unrestricted Revenues, Gains, and Other Support	705,392	714,307
Expenses (See Statements of Functional Expenses):		
Operating	187,005	219,753
Programming	430,369	417,869
Development	238	1,144
	617,612	638,766
Total Expenses	617,612	638,766
Increase in Unrestricted Net Assets	87,780	75,541
<b>Changes in Temporarily Restricted Net Assets</b>		
Contributions	358,082	299,581
Net Assets Released From Restrictions	(358,082)	(301,581)
	0	(2,000)
Increase (Decrease) in Temporarily Restricted Net Assets	0	(2,000)
<b>Changes in Permanently Restricted Net Assets</b>		
Contributions	1,140	0
	1,140	0
Increase in Permanently Restricted Net Assets	1,140	0
<b>Increase in Net Assets</b>	88,920	73,541
<b>Beginning Net Assets</b>	324,534	250,993
<b>Ending Net Assets</b>	\$ 413,454	\$ 324,534

The accompanying notes are an integral part of these financial statements.

## Recommendations for:

### 1.) Maximizing Representation of Citizens in County Water Policy and

### 2.) Reappointment of the Water Policy Advisory Board

PWWP People for Wise Water Planning

February 22, 2000

#### Introduction

PWWP would like to thank the council for this opportunity to clarify and reinforce our recommendations for county water management submitted to the council on April 22, 1999. A copy of that document is attached to this specific recommendation. We understand that the County Council favors the reappointment of a Water Policy Advisory Board (WPAB).

The public is aware that the previous ad hoc committee and the current Water Policy Advisory Board both put the Water Conservancy District (WCD) formation first on their agendas. The public has given the Council a clear signal twice regarding the formation of a Water Conservancy District. The process we recommend will involve the public and provide advice from professional people. Neither group will experience personal gain from the outcome of water development projects. The people who signed the petitions against a WCD in 1990-91 and in 1999 voted "nay" to a WCD are watching closely to see if the Council will take steps to involve them in the process or once again appoints a board with a WCD agenda.

#### Our Proposal

Formulating water policy for Cache County requires that interested parties share understanding of the technical dimensions of the issues involved. Water issues that require council action do not come up very often. Examples that have surfaced in past years have been the moratorium on ground water development and the new regulation on storm water runoff. The task of the WPAB in our view should be to guide the compilation and pooling of relevant information regarding these issues. It should assist the County's water coordinator in translating this information into a form that the County Council can use in order to create the foundation for a decision on water issues. The WPAB must be balanced in terms of interests and composed of members that represent and have the confidence of the public. The WPAB's operating strategy should follow the joint fact-finding procedures outlined below.

#### Joint Fact-Finding

Joint fact-finding rests on a few key ideas. The **first** is that rather than withholding information for strategic advantage, the interested parties pool relevant information. A **second** feature is that joint fact-finding involves face-to-face dialogue between technical experts, key stakeholders and decision makers. **Third** this process places considerable emphasis on "translating" technical information - text, graphics, videos, and oral presentations -- into a form that is accessible to participants in the dialogue. The **fourth** significant product of the process is that it tends to narrow areas of disagreement and uncertainty. While joint fact-finding is geared to building consensus, it tries to map areas of scientific and stakeholder agreement. A **fifth** idea is to develop a "single negotiating text" to record the results of the fact-finding process. This simply means that participants in the negotiation develop a single document based on the inputs of the stakeholders and technical experts to focus discussion, rather than generating competing versions of facts and recommendations.

This kind of organization has been used successfully all over the United States as an effective resource management tool.

## **Advantages**

We recommend that the County Council adopt the above conceptual approach for the WPAB makeup and operating strategy. We do this as citizens of Cache County in the interest of good government and sound water resources planning. We believe that a WPAB made up of key stakeholders that use the joint fact-finding strategy and the services of technical experts will be able to arrive at the best recommendations possible. Such a WPAB will be able to provide understandable reports and recommendations that represent consensus among stakeholders. This will greatly reduce the adversarial atmosphere surrounding water policy decisions that the County Administration and Council wish to avoid.

Key to the success and acceptance of the WPAB's recommendations will be the balanced makeup of its membership and the confidence the key stakeholders have that they are fairly represented. One point that should be clear is that no one interest group should be in a position to dominate decisions. In our view the WPAB should include representation from the following five broad categories: agency, agricultural, environmental, technical, and urban.

## **WPAB Member Selection**

Each organization or group of organizations should be responsible for appointing their representative to the WPAB. This approach ensures that the stakeholders views are represented and makes them more vested in the process. The role of the County Council and County Executive should be to identify the relevant stakeholder groups, not to choose particular WPAB members.

## **WPAB Membership**

We recommend 11 members chosen by the following key groups:

**1 member from a State or Federal agency** with an office in Cache Valley. This could include the State Health Department, State Division of Lands and Forestry, State Div. Water Resources, Div. Of Wildlife Resources, State Parks and Recreation, U.S. Forest Service, etc.

**3 members from the Agricultural Community**

- 1 from the Soil Conservation Service (Northern Region)
- 1 from the Soil Conservation Service (Southern Region)
- 1 from an irrigation company

**2 members from Conservation Groups** One member would represent sportsmen's groups (example: Cache Wildlife Federation, Ducks Unlimited, Pheasants Forever, Trout Unlimited) and the second member from an environmental or environmental education organization (example: Audubon Society, Nature Center, Organization for Environmental Education, science teachers).

**1 member appointed by League of Women Voters**

## **2 members who are elected officials**

1 from Logan City (mayor or city council member)

1 from another city in Cache Valley (appointed by the Cache Mayor's Assoc. from the mayors and town council members)

**2 members with technical expertise in water** These members will be appointed by the U.S.U. Department of Civil and Environmental Engineering, the Utah Water Research Laboratory, the USU Department of Geology or the USU College of Natural Resources. The appointee may be an employee of Utah State, a retired employee, or a person known by the College, departments and the water lab to have the required expertise.

For those memberships which represent a large number of interests (e.g. Agencies, Conservation Groups), it is recommended that an attempt be made to rotate appointments among groups as much as possible.

We recommend that a member of the Cache County Council not be a member of the Water Policy Advisory Board, except in an ex-officio capacity. We believe this is a sound policy. It will enhance decision-making as well as generate public support for the decisions that are made. The WPAB role is to provide good, independent input to the council. If a council member is a voting member of the board, chooses members for the board, determines what will be heard by the board, then the board cannot be viewed as an independent advisor of the council.

## **Membership Tenure, Leadership, and Attendance**

Members should serve 3-year appointments. A member should serve no more than two successive terms. The chairman of the group should be elected by the other board members at the third meeting of the WPAB. Chairmanship will be changed yearly.

If a member misses more than four meetings in a year and/or indicates a need to step down from the board, a replacement member will be appointed by the interest group.

The stakeholder groups will be encouraged to choose individuals who will demonstrate respect for the opinions of others. Members serving on this board need to have the idea of working together in order to be successful.

## **Additional Recommendations**

Meetings of the WPAB will be held when an issue arises which requires their attention (see example p. 1 paragraph 3). Background material regarding issues will be provided to members prior to the meeting.

All recommendations to the council of the WPAB should be made in the form of a written report. A copy of this report should be made available to the public.

The person paid by the County Council to coordinate the activities of the WPAB should be neutral with respect to promotion of particular projects discussed by the WPAB. This person's job will be to provide administrative support for the WPAB. He or she will not promote any projects until the WPAB has developed a program and the County Council has ratified it.

A person should be paid to take minutes of the WPAB. This person should not be a member of the board or be the coordinator.

It would be helpful for members of the county council to attend WPAB meetings, but (as indicated above) not be voting board members.

We recommend that the group be instructed on Roberts Rules of Order to help promote good decision-making.

If the WPAB is unable to agree on a particular recommendation, then the board should be invited to present to the council a majority and a minority recommendation. The County Council will take both points of view under advisement.

## **Summary**

All citizens will benefit from the technical expertise available through this board and the balanced representation of the board.

The council has indicated an interest in having a unified consensus regarding recommendations to the council. One method to achieve this goal is to appoint people with only one point of view. A better way is to appoint committed members with a broad perspective who get good information and provide them a framework (the Joint Fact Finding approach) whereby the group can reach consensus.

When the public perceives that a board has been chosen with a particular agenda in mind, then it loses faith in the recommendations and will not support the board. This results in stalemate and lack of progress. We recommend a structure that does not allow a particular agenda to dominate the board.

Citizens should feel free to bring their concerns forward to be heard. We believe that the interests of county citizens will be best served by a board made up of committed members with broad perspective who seek good information and evaluate it with the joint fact-finding method. This is the ideal framework for achieving consensus.

Recommended WPAB Membership

1 from a state or federal agency

3 from the agriculture community

2 from conservation/sportsmens groups

1 appointed by the League of Women Voters

2 elected officials (1 Logan 1 outside Logan)

2 with technical expertise in water

People for Wise Water Planning (PWPP) respectfully recommends the following approach to water management in Cache County:

1. CACHE COUNTY RESPONSIBILITIES SHOULD BE CLEARLY ARTICULATED.

Prior to the long term commitment of public tax monies, Cache County should understand and articulate its responsibility toward water management in relation to municipal, state and federal responsibilities just as it does with respect to roads, sanitation, law enforcement, weed control, etc. County responsibilities, as opposed to municipal, state and federal responsibilities, should be clearly identified in order to avoid duplication of services and waste of taxpayer monies.

2. CACHE COUNTY WATER ACTIVITIES SHOULD BE NEEDS DRIVEN.

Long term commitment of tax monies should be predicated on specific needs that are clearly articulated.

3. CACHE COUNTY SHOULD FAVOR LEAST COST ALTERNATIVES.

Cache County should favor least cost solutions in order to ensure fiscal prudence and responsible stewardship of public tax monies.

PWPP recommends the following actions:

1. HIRE A QUALIFIED WATER MANAGEMENT COORDINATOR.

The county water coordinator would act in an oversight and review capacity for water development or water protection projects. This coordinator would evaluate and coordinate projects proposed by municipalities and developers, much like the county planner does for the building of houses and other developments. The county water resources office would also coordinate, disseminate and publicize pertinent research on county water resources.

Minimum qualifications for the position should be a Ph.D. in a water related field. Expertise in land-use planning would be desirable. Excellent communication, diplomacy and interpersonal skills would be required.

The funding for this office should be limited to that needed for the position and should not be used to accumulate funds for future projects. We recommend that the county maintain what has long been its policy of not being a promoter of water development projects. Cache County should not be in the retail water business.

This staff person would be charged with the following duties:

- A. Review proposed water development projects with regard to their impact on the county and make recommendations to the county council regarding their feasibility and desirability.

Projects would be evaluated based on a needs assessment, and with a cost/benefit analysis. Socioeconomic, economic and environmental impacts would be considered. The county water coordinator would recommend against projects with negative impacts on Cache County.

B. Facilitate communication and collaboration between communities to help ensure compliance with local, state and federal laws.

Although we don't underestimate the difficulty of creating interlocal agreements, we feel that most communities would support coordination and cooperation regarding water management issues, as water "doesn't recognize city limits." It is commonly recognized, for instance, that storm water mismanagement in one municipality can create a problem for a neighboring community.

The county water resources office would review, make recommendations, and coordinate existing plans among municipalities in Cache County, such as storm water management and flood plain protection projects.

C. Coordinate water studies to better understand county water resources.

The county water coordinator would coordinate water research with the Utah Water Research Laboratory (Logan), the USU College of Natural Resources and College of Agriculture, and local natural resources consulting firms. A volunteer technical advisory board (see section 3 below) would advise the county water coordinator regarding research needs.

This research would be used to indicate needs and would be utilized in countywide planning. For example, studies detailing the characteristics of specific groundwater recharge areas may point to the need to impose limitations on development in these areas in order to protect groundwater recharge. The water coordinator would not initiate studies that promote the surface water projects identified by the Division of Water Resources, but could determine, through research, if DWR projects would benefit Cache County.

D. The county water coordinator would represent the views of Cache County to the state engineer and other appropriate state and federal agencies with oversight roles.

The weight of expertise and county backing would enable the county water coordinator to effectively represent county interests at the state level. In the case of projects proposed by entities from outside the county, especially ones in which benefits to the county are negligible, the water coordinator would not only review impacts, but act to mobilize other areas of county government, such as the planning office, to evaluate potential impacts. One example is the proposed Barrens Reservoir (see section 4), which PWWP believes would benefit the Wasatch Front and harm Cache County.

2. WATER DEVELOPMENT PROJECTS WOULD REQUIRE A CITIZENS' REFERENDUM. No tax monies should be committed to water development projects until citizens have had an opportunity to review the proposed project and vote



on how their tax monies are utilized. Smaller projects that involve specific municipalities, such as storm water management projects, irrigation canal improvements or wells, would not be subject to this requirement. However, citizen approval should precede any county wide projects that require bonding.

3. ESTABLISH A PERMANENT TECHNICAL WATER ADVISORY BOARD.

PWWP recommends that the county establish a permanent technical water advisory board to advise the County Council, the Planning and Development Office, and the water resources office. The board would consist of qualified water experts drawn from the community, including the university. Many local engineers and consultants would undoubtedly not be willing to undertake technical studies on a volunteer basis, but many have expressed interest in volunteering their time to provide professional advice on water issues that affect all Cache County citizens.

We feel that a board composed of qualified experts would serve the county more effectively than a board drawn from city and county representatives, politicians, and citizens with no special water expertise. The County Council and the Planning and Zoning Commission already represent citizens and can provide political advice. The technical water advisory board would be for the purposes of providing professional water expertise.

4. OPPOSE THE BARRENS DAM PROJECT.

We believe that Cache County needs to present a united front of unequivocal opposition to the Barrens Dam project. We believe that this project would have an extremely negative impact on Cache County.

The proposed reservoir would inundate up to 5,400 acres of agricultural land and open space, and would require an additional 1,500 to 2,000 acres for wetland mitigation, as required by the federal government. It is likely that prime farmland would need to be taken out of production for this purpose. Additionally, standing water may raise the height of the water table and degrade adjacent farm land, taking even more land out of production. At the present time, in Cache County, water is not such a limited commodity, however, land is limited, as is reflected in steadily increasing land prices. Water does not go up similarly in price in this area. We should not give away our limited resource (land) for the purpose of storing someone else's water. The land in question provides many benefits, including floodplain protection, farmland, open space, wildlife habitat, and scenic pastoral values. We should protect this limited and valuable resource. Our valley is small.

Opposition from citizens in Amalga and surrounding communities already exists. Twenty-four to 30 families would lose their farms, and 50 to 65 families would lose their livelihood. Most of these farms have been in their families for generations. Residents in this area also fear diminished property values for the entire town, as evidenced by comments sellers have recently heard from potential buyers. The likelihood of a dramatic increase in winter fog conditions would lead to unsafe winter driving conditions for a large area of the county, as well as decreased

airport ground visibility. There would be a perceived or real danger for residents living near the proposed dam. Its 70-foot high diked walls would hold back 200,000 acre feet of water in an earthquake zone. The proposed impoundment lies on a documented geologic fault.

There is also strong opposition from many water management experts, irrigators, farmers and other citizens who prefer least-cost alternatives to meet their water needs. Our share of the costs of construction, storage and treatment would not begin to offset any financial gains from selling our allocated water to the Wasatch Front. To be usable in any area in Cache County, the water would have to be pumped because the Barrens is virtually the lowest point in the valley. Pumping greatly increases the cost of water to the user. Bear River, recently named as one of the ten most endangered rivers in America, possesses extremely poor water quality. Given the extremely salty soils at the Barrens, the water quality in the Bear River would be degraded even further. Bear River water would require extensive treatment, creating some of the most expensive water in Utah. It is estimated that treatment costs alone would average approximately \$500 per acre foot. Because of the exorbitant price, no Cache County municipality could afford this water.

The Barrens is of regional significance as unique wildlife habitat because of its diversity, its use by sensitive species, and its availability as alternative habitat when the Great Salt Lake floods. There is strong and growing opposition to a proposed dam from the Cache County environmental community and from the Utah environmental community, because of the loss of habitat that would occur. The Utah Rivers Council has identified the Bear River as its number one priority, and is opposed to any diversion of water from the Bear River for use by the Wasatch Front.

This is about more than a water storage project. The proposed dam would take away the very heart of our rural valley and replace it with a permanent, irreversible scar. Ten times the size of the Logan sewage lagoons, and large enough to be seen from space, this salty "bathtub" would be the prominent feature in any view of the valley. In an era when we are fast losing our scenic heritage, our green space, our wildlife habitat and our farmland, we should make strong, unequivocal efforts to preserve what is best about our valley.

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Weed Dept  
DATE: 16-Feb-00

Amount to be transferred -- (rounded to the nearest dollar) \$7,850.00

Transfer From ---

Line Item No. : 10-4450-290  
Fund Designation: CHEMICAL

Original Budget: \$41,000.00  
Current Budget: \$41,000.00  
Expenditures to date: \$0.00  
Balance before transfer: \$41,000.00  
Balance after Transfer: \$33,150.00

Transfer To ---

Line Item No. : 10-4450-311  
Fund Designation: PROF & TECH- PRINTING

Original Budget: \$0.00  
Current Budget: \$0.00  
Expenditures to date: \$0.00  
Balance before transfer: \$0.00  
Balance after Transfer: \$7,850.00

Description of needs and purpose of transfer ---

TO PRINT NEW WEED MANUALS - INCOME TO BE RECOGNIZED & REPLACED IN NEXT BUDGET  
OPENING.

*E. Gordon Kirby*  
Department Head

Recommendation:  Approval [ ] Disapproval  
Comments:

Date: 02/16/2000

*Jamua Stones*  
Cache County Auditor

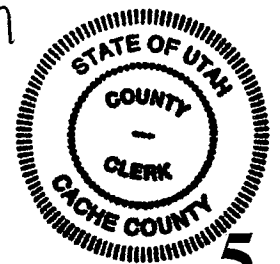
Recommendation:  Approval [ ] Disapproval  
Comments:

Date: 2/17/2000

*Michaelson*  
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 22nd day of  
February, 2000.

*Wayl R. Hows*  
Cache County Clerk

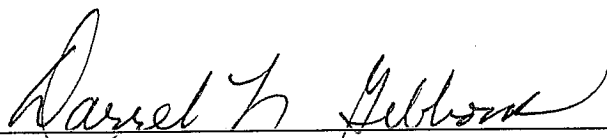


February 22, 2000

PARCELS WITH ABATEMENTS  
CACHE COUNTY UTAH

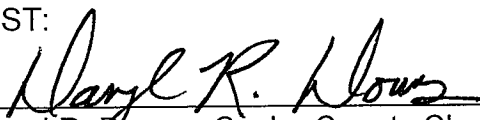
Recap:	Approved Dec. 31, 1999	Reference info. Dec. 31, 1998
Blind	\$ 3,014.86	\$ 3,231.61
20% County	\$129,801.19	\$ .00
Circuit Breaker	\$185,456.04	\$ 233,897.80
Cancellations	35,439.25	\$ 14,106.39
Indigent	\$20,512.03	\$ 58,681.08
Irrigation	\$ 2,427.91	\$ 2,343.73
Veterans	<u>\$ 48,563.33</u>	<u>\$ 16,344.68</u>
Totals:	\$ 425,214.62	\$328,605.29

This listing was approved by the Cache County Council on Tuesday, the 22nd day of February, 2000.



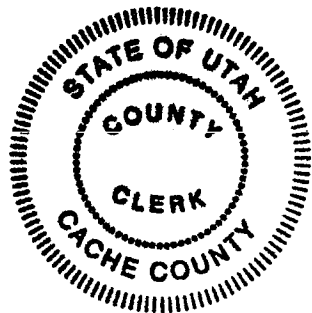
By: Darrel L. Gibbons, Chairman

ATTEST:



By: Daryl R. Downs, Cache County Clerk

Dated: 2/22/2000



Logan, Utah

February 22, 2000

A regular meeting of the County Council of Cache County, Utah was held on February 22nd, 2000, at the hour of 5:00 p.m., at the regular meeting place of said County, at which meeting there were present and answering roll call the following members who constituted a quorum:

Darrel L. Gibbons	Chair
Sarah Ann Skanchy	Councilmember
C. Larry Anhder	Councilmember
Cory Yeates	Councilmember
Layne M. Beck	Councilmember
H. Craig Petersen	Councilmember
Guy Ray Pulsipher	Councilmember

Also present:

M. Lynn Lemon	County Executive
Daryl R. Downs	County Clerk

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the following resolution was introduced in writing, read in full and pursuant to motion duly made by Councilmember Layne M. Beck and seconded by Councilmember Cory Yeates adopted by the following vote:

YEA: C. Larry Anhder  
Layne M. Beck  
H. Craig Petersen  
Guy Ray Pulsipher  
Cory Yeates

NAY: Darrel L. Gibbons  
Sarah Ann Skanchy

The resolution was later signed by the County Council Chair and recorded by the County Clerk in the official records of Cache County, Utah. The resolution is as follows:

RESOLUTION NO. 00-04

RESOLUTION OF THE GOVERNING BODY OF CACHE COUNTY, UTAH ("COUNTY") APPROVING AN AMENDED AND RESTATED INTERLOCAL COOPERATIVE AGREEMENT ADDING LOGAN CITY TO THE NORTH PARK INTERLOCAL COOPERATIVE; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID INTERLOCAL COOPERATIVE AGREEMENT; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Interlocal Cooperation Act"), public agencies, as defined in the Interlocal Cooperation Act ("Public Agencies"), are authorized to enter into contracts and agreements with one another in order to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and to provide the benefit of economies of scale for the overall promotion of the general welfare of the State; and

WHEREAS, the Interlocal Cooperation Act provides that any power that may be exercised by any Public Agency may be exercised and enjoyed jointly with other Public Agencies pursuant to an agreement duly approved by resolution of the governing body of each of such Public Agencies; and

WHEREAS, in order to improve local health and the general welfare by developing recreational, educational, cultural and competitive facilities within Cache County, Utah (the "County"), the County has previously entered into an interlocal cooperative agreement (the "Prior Agreement") with the City of Hyde Park and the City of North Logan to create a separate entity, the North Park Interlocal Cooperative ("NPIC"), to provide for the financing and acquisition, construction, equipping and operation and maintenance of said facilities and related improvements;

WHEREAS, the County now desires to enter into an Amended and Restated Interlocal Cooperative Agreement to amend and restate in full the Prior Agreement in order to add Logan City to NPIC;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL AS FOLLOWS:

Section 1. All actions not inconsistent with the provisions of this resolution heretofore taken by the County are hereby ratified, approved and confirmed.

Section 2. The Amended and Restated Interlocal Cooperative Agreement (the "Interlocal Agreement"), in substantially the form presented to this meeting and attached as Exhibit "B", is hereby approved, and the appropriate officers of the County are hereby

authorized and directed to execute and deliver the Interlocal Agreement, in substantially the form presented to this meeting, their execution constituting conclusive evidence of the County's approval thereof.

Section 3. All orders, ordinances and resolutions with respect to this transaction heretofore adopted, or parts thereof, which are in conflict with any of the provisions hereof are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 4. If any provision of this resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this resolution and the provisions of this resolution being deemed to be the separate independent and severable act of the governing body of the County.

Section 5. Immediately after its adoption, this resolution shall be signed by the appropriate officers of the County, shall be recorded in the official records of the County and shall take immediate effect.

PASSED and approved by the governing body of the County, this 22nd day of February, 2000.

By Marcel Sutton

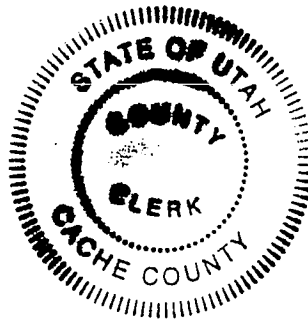
Chair

( S E A L )

ATTEST:

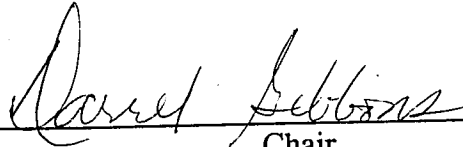
By Wayne R. Jones

County Clerk

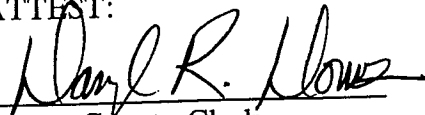


(Here follows other business not pertinent to the above.)

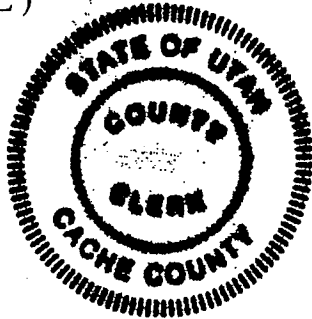
Pursuant to motion duly made and seconded, the County Council of Cache County, Utah, adjourned.

  
Chair

ATTEST:

  
County Clerk

(SEAL)





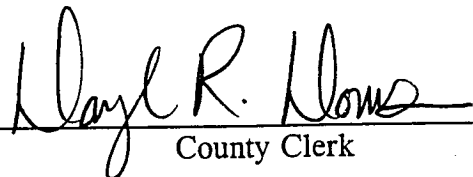
STATE OF UTAH )  
 ) ss.  
COUNTY OF CACHE )

I, Daryl R. Downs, the undersigned duly qualified and acting County Clerk of Cache County, Utah (the "County") do hereby certify:

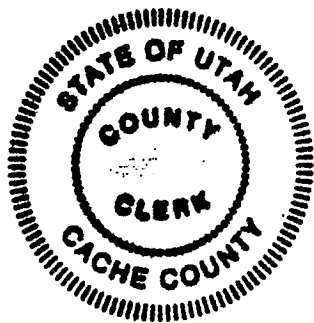
The foregoing pages numbered 1 to 4 both inclusive, are a true and complete copy of the record of proceedings of the County Council ("Council"), had and taken at a lawful meeting of the Council held at the Council's regular meeting place in Logan, Utah, on the 22nd day of February, 2000, commencing at the hour of 5:00 p.m., as recorded in the regular official book of the proceedings of the Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County, this 22nd day of February, 2000.

  
\_\_\_\_\_  
County Clerk

(SEAL)



STATE OF UTAH  
COUNTY OF CACHE

)  
) ss.  
)

CERTIFICATE OF COMPLIANCE  
WITH OPEN MEETING LAW

I, Daryl R. Downs, the undersigned duly qualified and acting County Clerk of Cache County, Utah (the "County") do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the \_\_\_\_\_, 2000, public meeting held by the County was given as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "A", to be posted at the County's principal offices on \_\_\_\_\_, 2000, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "A", to be delivered to The Herald Journal on \_\_\_\_\_, 2000, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2000 Annual Meeting Schedule for the County Council (attached hereto as Schedule "B") was given specifying the date, time, and place of the regular meetings of the County Council to be held during the year, by causing said Notice to be provided to at least one newspaper of general circulation within the County on \_\_\_\_\_, 2000.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
County Clerk

( S E A L )

EXHIBIT "B"

AMENDED AND RESTATED INTERLOCAL COOPERATIVE AGREEMENT

SCHEDULE "A"

NOTICE OF MEETING

SCHEDULE "B"

NOTICE OF ANNUAL MEETING SCHEDULE