

Approved

Council Meeting

Minutes

9 May 2000

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CACHE COUNTY COUNCIL MEETING MINUTES MAY 9, 2000

The Cache County Council met in a regular session on May 9, 2000 in the Hyrum City Council Chamber, 83 West Main Street, Hyrum, Utah 84319.

ATTENDANCE:

Council Chairman Darrel L. Gibbons, Vice Chairman Craig Petersen, Council Members, Sarah Ann Skanchy, Layne Beck, Cory Yeates, Guy Ray Pulsipher and Larry Anhder.

Others in attendance: Cache County Executive M. Lynn Lemon, Pat Parker, Executive Assistant, Jim Smith, Sheriff Lynn Nelson, Lt. Von Williamson, Ted Kindred, Kerri Rasmussen, Zane Rasmussen, Chief Deputy Mike Stauffer, Paula Pitcher, Janet Borg and Kathy Robinson. Representing the media were Mike Weibel of the Herald Journal and Jennie Christensen of KVNU.

CALL TO ORDER:

Chairman Gibbons called the meeting to order at 5:00 p.m. and welcomed all in attendance. Cache County Clerk, Daryl Downs was excused. Mr. Downs is attending a mandatory training for all County Clerks in Salt Lake. Pat Parker, Executive Assistant was asked by Mr. Downs to take the minutes of this meeting.

INVOCATION:

The invocation was given by Chairman Darrel Gibbons.

AGENDA AND MINUTES:

The agenda was approved as written. The minutes were corrected as follows: Page 7 change "Lakewood" to "Lady Bird Park". Page 9 change "Lemon wants the County comply" to "Lemon wants the County to comply". Page 11 change "obligation for of \$676,000.00" to "obligation for \$676,000.00". Change "senate bill" to "Senate Bill" and "mineral lease board" to Mineral Lease Board".

The minutes of April 25, 2000 were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE:

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

1. 3:30 p.m. Meeting
Lemon, Skanchy, Gibbons, Pulsipher, Fire Chief Kelly Pitcher and representatives from Hyrum City met at the Cache County Fire Training Facility. There is a lot of work that needs to be done. Chief Pitcher assured the Council Members and the representatives from Hyrum City that the facility would be completed and cleaned up and working by Summer. Gibbons suggested that arrangements be made to get some fill in the parking area so the facility is not completely surrounded by weeds. Also the County Weed Department was to be contacted and asked to come in and do some spraying.
2. 4:00 p.m. Meeting

The Cache County Council, Cache County Executive, Hyrum City Mayor and the Hyrum City Council met at the intersection of 1500 West 4400 South in Hyrum. Two issues were discussed. The Major issue was that Hyrum City would like the County and Wellsville City to work together on a long term basis to plan to extend 4400 South West, approximately 1 1/4 mile where there is not an existing road, to an intersection with Highway 89/91. The short term objective was that Cache County and Hyrum City work together to try to widen 1500 West, improve the intersection at 1500 West and 4400 North. Lemon will get together with Joe Kirby of the Cache County Road Department and discuss right-of-way issues and then will get with Hyrum City to move forward.
3. Handed out a copy of a letter which has been sent to all the Mayors and many other citizens who have an interest in the proposed Water Advisory Board asking them to make nominations. Lemon expressed sincere concern to give everyone who is interested an opportunity to participate in the nomination process.
(Attachment #1)
4. Encouraged the Council Members to attend a public hearing put on by the CMPO which is probably the final workshop before the long range plan is adopted
(Attachment 2)
5. Referred to a letter received from Stephen F. Mecham, Commission Chair of the Public Service Commission of Utah stating the new telephone equipment would be installed by May 1, 2000. (Attachment 3)

6. Addressed a memo received from Goffrey Straw of the Logan Transit District. This memo and attachment refers to the proposed time line for extended transit services. (Attachment 4)
7. Advised the Council that the Cloud seeding Program had been extended for another month. They did a little work in the month of April. The project is now finished and came in under budget. (Attachment 5)
8. Referred to a letter received from Bill Thomas Peters of the law firm of Parsons, Davies, Kinghorn & Peters referring to the Union Pacific Railroad which was recently decided by the Utah Supreme Court. The Utah State Tax Commission rulings through 1991 - 1994 were sustained. (Attachment 6)
9. Handed out a copy of the letter sent by County Clerk Daryl Downs addressing the Notice for Public Hearing, College-Young Incorporation Study. Two dates have been set - (1) June 6, 2000 at 7:00 p.m. at Hazel and Homer Leishman Farm Shop; (2) June 14, 2000 at 7:00 p.m. at the Thatcher Enterprises facility. Minutes should be taken at those meetings. The Legislative Body of Cache County should appoint someone to take those minutes. Chairman Gibbons asked Lemon to request County Clerk Daryl Downs or his designee to take these minutes. Susie Becker will be asked to conduct the meetings. (Attachment 7)
10. Warrants of May 5, 2000 were presented for filing in the County Clerk's office.

STATUS REPORT ON 179 NORTH MAIN BUILDING:

Lemon referred the Council to the report prepared by Jensen/Haslem. The project will be finished by the middle of July, 2000 and the report will be ready for review. Lemon felt that at that time, it should then be turned over to the County Historical Preservation Commission and ask them to come back with their recommendations as to what should be done with this building. No matter what decision is made, there will be a segment that will not be happy. Gibbons clarified that the Council has not been committed to anything at this time. Petersen felt that the County Historical Preservation Commission certainly has the right to input, but their input is not necessarily more important than others. Skanchy felt that it was part of the Logan City Planning that Historical projects go through this process. Lemon stated that they had applied for one grant which will give some additional funds to help with this study. They are also waiting for resumes and then will apply for a second grant. Gibbons asked that this item not fade in the distance and to keep pushing them to make sure their report is complete by the middle of July, 2000. Lemon will follow up and express the urgency of a completed report by July.

STATUS OF STATE COURT'S BUILDING:

Lemon reported that the new State Court's Building will be built on the corner of 100 West and 100 North. The State is going forward aggressively on this location. They are working on acquiring the Post Office location. The Legislature did give them 2 million dollars this year - part to acquire land and part to do the planning. Skanchy stated that the Juvenile Detention people are having an open house on Friday, May 12, 2000 for their new facility on 6th West and 2000 North.

DISCUSSION - COUNTY ADMINISTRATION BUILDING:

Lemon stated that until we get the study back on the 179 North Building, Lemon has not done too much other than discuss the issue with Department Heads and Elected Officials. The last concept is to do a combined Administration Building with Logan City. As soon as we get the information back on the 179 North Main Building, then we will move forward with this concept in a more positive way. A separate County Administration Building has not been pursued at this time. Gibbons asked what kind of timetable would the combined facility put us on. Lemon responded that Logan City would like to wait for several years, however they have said that if the County absolutely wants to do a combined building they would meet our timetable. There are some departments that are really in need of more room, especially Motor Vehicle. Anhder asked if we could start doing design and space studies now. Lemon explained that space analysis has already been done by Jensen/Haslem. Jensen/Haslem has also done this study for Logan City. They have been asked to keep moving forward and do it on a combined basis. Lemon asked the Council if it was still their desire to continue working on a combined facility. The Council responded that it was.

DISCUSSION - CACHE COUNTY JAIL:

Lemon reminded the Council that he handed out a memo from the Sheriff at their last meeting concerning the jail. Lemon stated that one of the problems we are trying to work around is that in June of 1999 the Council met with all the Elected Officials and Department Heads to discuss short term priorities and long term priorities. One of those issues was to take care of the County Administration Buildings before addressing the Jail issue. Lemon and Sheriff Nelson have talked to an individual who is willing to come and do a study for us. Discussion is also scheduled with Zion's Public Finance about a way we may be able to roll the current bonds into new funding. If the Court's are going to be built at 100 West and 100 North and once they are moved and we get the county offices out of 179 North Main, consideration can be made to build on to the jail at its present location. A connection to the Court could be built underground. However one of the outstanding issues is whether to build a jail that will take care of Cache County's needs for long term or build a larger jail and contracting with the State for prisoners to help pay for that larger facility. Legislators have warned not to depend on the State for revenues. These issues still need to be decided. Beck asked if the Department of Corrections is still attempting to contract with private correctional facilities. Lemon responded that they are still moving forward to do that. Gibbons stated that this idea was put on hold during the last legislative session. Sheriff Nelson stated that it was not moving forward at this time. Beck expressed concern because the State was

considering paying the private institution \$60.00 or \$65.00 per day and was only paying the Counties \$38.00. Lemon stated that the State was paying the Counties \$43.00 per day. Lemon stated that the Counties, collectively, were struggling with why the State was moving toward a private facility for this very reason - the Counties were housing the inmates cheaper. Sheriff Nelson stated that the amount was arrived at as an average throughout the state. The Sheriff's Association is waiting for Salt Lake County to challenge this amount and perhaps it will be raised.

Sheriff Nelson felt that if the Council looks at building a new jail in this direction, they should build looking way into the future and consider housing federal inmates as well as state. Anhder raised the issue of the cities paying for their inmates. Lemon stated that the issue the cities raise is double taxation. Beck felt that the difficult issue was the misdemeanor convictions being housed in the jail. Lemon has discussed this issue with the County Attorney and he is not willing to ask the cities to pay for their inmates. Gibbons stated that a lengthy discussion was held with UAC during the legislative session and it was concluded after that meeting that Senator Hillyard was probably correct that the legislation was in place.

Some of the considerations for the location of the new jail were presented by Sheriff Nelson including adding on to the new county building. This would save a footprint for another building. Anhder asked about doing that with the present jail. Nelson explained that we cannot build on top of the current building. This concept is putting the jail in the basement with a few feet exposed for sunlight.

Sheriff Nelson stated that calls are up approximately 25% and the average population in the jail is 90+. Gibbons asked how many inmates we are housing on an average in Box Elder County. Nelson responded approximately 18-25 depending on the day. Gibbons asked how many have been housed in Davis County. Nelson responded one.

Nelson explained that they are currently in discussions with the State on the possibility of using the old Juvenile Detention Center for housing inmates. This would mean an additional eight beds bringing the long term inmates closer so the work programs can continue. Williams stated that the inmates that would be in this facility would house work crew inmates. The only time they would basically spend there is during the evenings.

Gibbons explained the reason for this item being on the agenda. This subject has been discussed now for approximately 1 ½ years and he felt the Council needed to made a concrete decision at some point in time. Skanchy asked Lemon to bring back the information on the bond issue to the next Council meeting. Lemon explained that in order to remodel the 120 North 100 West building the estimate was 2.7 million dollars and a new building was 3.3 or 3.4 million dollars. It made better sense to him to build a new building taking into consideration the problems generally experienced with remodeling.

PUBLIC HEARING SET:

A motion was made by Petersen to set a Public Hearing for June 13, 2000 commencing at 6:00 p.m. on the proposed Subdivision Ordinance. The motion was seconded by Yeates. Passed unanimously.

BOARD OF EQUALIZATION:

A motion was made by Skanchy to go into the Board of Equalization. The motion was seconded by Yeates. Passed unanimously.

Gibbons presented the Findings of Fact - IHC Logan Regional Hospital to the Board for approval.

A motion was made by Yeates to approve the Findings of Fact as presented. The motion was seconded by Petersen. Passed on the following vote: Skanchy, Yeates, Beck, Petersen, Pulsipher and Anhder - yes. Gibbons abstained. (Attachment 8)

A motion was made by Yeates to go out of the Board of Equalization. The motion was seconded by Skanchy. The motion passed unanimously.

ORDINANCE NO. 2000-08:

A motion was made by Skanchy to approve Ordinance No. 2000-08 - Designating County Council as the Cache County Board of Equalization. The motion was seconded by Anhder. Passed unanimously. (Attachment 9)

ORDINANCE NO. 2000-09:

A motion was made by Skanchy to approve Ordinance No. 2000-09 - Repealing Obsolete or Superseded Ordinances. The motion was seconded by Pulsipher. Passed unanimously. (Attachment 10)

LETTER TO CACHE COUNTY PLANNING - ICE ARENA:

Lemon explained that if the facility stays in the County, then this letter to the Planning Commission basically says Cache County is willing to donate 7.8 acres located at approximately 150 East 2700 North, North Logan, Utah to North Park Interlocal Cooperative for the purposes of constructing an ice arena. Letters have been received from Hyde Park City and North Logan City asking for the Equestrian Lease to be amended.

A motion was made by Beck to approve the letter and forward it to the North Park Interlocal Cooperative. The motion was seconded by Yeates. Passed on the following vote: Beck, Yeates, Petersen, Gibbons, Pulsipher and Anhder - yes. Skanchy No. (Attachment 11)

Council member Yeates was excused at this time.

SOLID WASTE HAULER/HANDLERS PERMIT:

Lemon referred to a letter addressed to the Solid Waste Advisory Board from Roger Sunada addressing the issue of refuse collection, transport disposal rules and permitting. The subject of permitting was taken to the Board of Health and was tabled indefinitely. Box Elder County felt they did not need this regulation. A public hearing was held by the Board of Health and after than meeting they decided they did not want to do the regulating. The question is what does Cache County wish to do. The funding alternatives are: (1) Permit Fees - fees would be collected for the solid waste collection permits; (2) County Tax - fees would be added to the property tax; (3) Solid Waste Fees - Create a surcharge on collection and/or disposal fees; and (4) City Assessment - Cities and County create own fee system and pay by population. The management alternatives are: (1) Cache County - could administer the program through the Sheriff's Department or other existing department, or create a new structure; (2) Logan City Permits & Compliance - county could contract with the City of Logan Permits & Compliance for Enforcement; (3) Individual Cities - status quo, no action alternative, where each city and the County passes their own ordinance and enforces its provisions; (4) Bear River Health Department - County contracts with the BRHD to administer program and tailors degree of permitting.

Gibbons asked if there was a State requirement that says we have to permit or can we take the same posture that Box Elder County took and say we don't want any more government involvement and we are not going to do it. Pitcher agreed that Cache County could do that. Anhder asked about what types of illegal dumping calls Pitcher is receiving. Mainly uncovered loads. Beck asked about the increased fees if they don't cover loads at the landfill. Pitcher stated that there was \$10.00 for not tying their load. Beck felt that perhaps that fee could be raised for commercial haulers.

Gibbons felt that the County should pursue an ordinance that would deal specifically with illegal dumping and that the Council should take some sort of position so when the Solid Waste Advisory Board meets on Monday the Board would know how the Council feels.

Beck asked Pitcher about the \$4.25 monthly increase in solid waste fees which occurred about two years ago, wasn't there enough to fund a portion of enforcement. Pitcher responded that that was one of the options stated in the handout. Beck stated that the money should already be there and an additional increase should not be required. Pitcher responded that a person and their salary was not put in the proposal at that time for this program.

Anhder stated that educational programs should be pursued aggressively. He felt that people just don't know what the requirements are. Information should be mailed to the Mayors for distribution to their residents. Also when the people come into the landfill, give them the rules at that time. Gibbons suggested that when the monthly billings go out to contractors or others who have an account, send them the information also.

Lemon stated that he is aware of the theory that those who create the waste should pay. However, when the fees are raised, the illegal dumping increases noticeably.

Skanchy asked about the educational person which she thought was funded. Pitcher responded that such a person was on board and was educating mainly children in the schools. Skanchy asked if her duties could be expanded to include what Mr. Anhder had recommended and have her go into the cities and make presentations.

Gibbons stated that the County would take the position that the cities would be responsible and that the County would ask the Solid Waste Department to pursue more aggressively an education program. Skanchy asked if Gibbons was referring to cities and the unincorporated area of the County and the County Service Area would not be interjected into this at all. Gibbons responded that was correct. **(Attachment 12)**

DISCUSSION - 2000 RESTAURANT TAX ALLOCATION:

Skanchy asked if we contemplate getting about \$500,000.00 in Restaurant Tax this year. The majority of this Council has agreed to give the Ice Arena \$103,000.00, the Capitol Arts Alliance \$77,000.00, and the Festival of the American West, \$22,500.00. In taking that amount off the top approximately \$300,000.00 left for allocations. Logan City has requested for restrooms at the Willow Park Complex - \$75,000.00, however at the last Council meeting it was decided to give \$20,000.00 to finish the electrical. The question is does the Council wish to take the \$20,000.00 from the \$75,000.00 or in addition to. Skanchy asked if any requests had been received from Cache County? Lemon responded yes for promotion of the Fair and Rodeo - \$5,000.00. Gibbons asked about the Great American West Rodeo. Skanchy felt that the Council should do something to enhance what the County has an interest in. Anhder felt that we are starting to put too much money in promotion, that the Cruise In, the Chamber of Commerce or Travel Council and Opera promotional monies should be limited if not eliminated. Beck did not feel that that should be eliminated because those functions bring tourists to the Valley and they spend a lot of money in restaurants. Skanchy stated, that from her viewpoint, the promotion for some of the events that are held in the County are important. She was not sure that we should give the Tourist Council as much money as we do give when we give them money from other sources. Anhder felt like the Cruise In has become almost a private venture and they should not be funded at all from restaurant tax. Beck asked what Hyde Park had requested. Lemon responded they had requested funds for a sign for their City. Lemon stated he had informed Hyde Park that if the ice arena was funded, then their project probably would not receive any funding. Skanchy asked about the Cub River Project. Lemon responded they have requested \$25,000.00 for five years. This is Richmond and Lewiston's combined project. They have stated that if the Council would commit to the \$25,000.00 they could get an additional \$300,000.00 in contributions. Skanchy asked if the Council made a decision some years ago to have an activity in the northern part of the Valley and that kind of a complex would be beneficial in terms of representing the citizens throughout the County. Gibbons responded that was correct and they have been approached by leagues throughout the County to hold games there. They need lights in order to accommodate

these games. Gibbons stated that they have enough interest that they can book the facility every night of the week. Lemon asked the Council about the request for signs at the Hardware Ranch. Lemon is not planning on an allocation for this project. Pulsipher stated that he would support Lemon on this project. Lemon had also intended to allocate funds for the Lyric Theatre. They have raised about 2 million dollars to refurbish the theater. They would like \$25,000.00. This is a very small amount, but they feel that just having the public support is very important and helped them to raise the rest of the money. This theater does bring a lot of people to the Valley especially in the summer. Pulsipher lent his support to the Cub River Project.

DISCUSSION - ICE ARENA FINANCING:

Petersen had requested a funds-on-hand report from Janet Borg. Borg stated that she did not have those figures at this time. Petersen asked how much money does she have at this time. Borg responded they have 3.5 million funds available at this time. Petersen asked if that was funding that is available right now. Borg stated right - it includes the Eccles \$500,000.00 pledge, the State's \$250,000.00, \$100,000.00 from the Sport's Authority. Petersen stated that he was looking for money that we could tap into now or within the construction period not that was pledged over a 5 or 10 year period. Borg stated that she would continue working on them and get the figures to Petersen. Petersen asked what terms of the decision making process needs to happen now to come to the final decision of what gets built. Borg suggested that a oversight committee should be formed with parties from each entity. They could be from the NPIC Board, Cache County has two Council Members and the Executive and other people who are interested in the project. Petersen stated that his question was a little different as in the last meeting we talked about the various options as to what we build - how does that decision get made. Borg stated that she was addressing that issue - create an oversight committee. Gibbons stated that somewhere along the way, the Council needs to made the decision if it is going to be a 3.3 million or 3.8 million facility. Borg stated that the contract would be for 5.1 million dollar facility with the 3.3 million being phase one. Petersen asked about the decision between the 3.3 million and 3.8 million dollar facility - when would that decision be made? Borg responded that was a good question. Beck stated that the question is do we have the \$500,000.00 endowment. Borg stated that the endowment is their goal. Petersen clarified that Borg wanted to start out with the 3.3 million construction funding. Borg agreed. Lemon stated that NPIC needed to go to the Planning Commission to get a permit, then they needed to get a building permit, North Logan has got to install the road and there is about \$225,000.00 of State money that has to be spent before June 30, 2000 or we lose it.

GLENN MILLER SHOW:

Council Member Beck stated to the Council that he had been requested by a constituent to have the Cache County Council write a letter of support for the Glenn Miller program. Petersen explained that the University was subsidizing it to approximately \$150,000.00 each time. The expense is on costumes, dancers, the band, etc. Beck felt that it is a cultural event that brings a lot of people to the area. The \$150,000.00 is above ticket sales.

COUNCIL MEMBER REPORTS:

Anhder addressed the issue of a property tax increase. The way the property tax structure is set up, our property tax revenue base erodes annually, in that the County can only capture increased property tax revenue on increased growth and nothing on inflationary increases. And thus, our base erodes annually while our expenses increase annually. Anhder felt that the County Council has to start considering that awful word and now would be a very good time to do that because we will set the rate by August. Skanchy asked if the Certified Tax Rate was set in June. Anhder was not recommending it, but it is something the Council needs to think about. Skanchy asked him to explain about not being influenced by inflationary figures. If our property is increasing in value, that is an inflationary figure and then the tax the Council imposing on top of that in growth comes into the county. Anhder agreed but went to say that you can only capture the growth because they factor down your rate according to your inflationary increase. Lemon stated that the individual property owners can get a tax increase. Beck asked if that is the case - why do our taxes continue going up. Anhder stated that the increase is school taxes because the School Board understands this principal. Lemon stated that part of the problem was that the legislature was willing to give us an inflationary growth factor but they wanted to take away new growth. The Counties said no way, the inflationary growth would not make up for the new growth.

ADJOURNMENT:

Chairman Gibbons adjourned this meeting at 7:20 p.m.

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

ATTEST:



Daryl R. Downs
Cache County Clerk

APPROVAL:



Darrel L. Gibbons, Chairman
Cache County Council

**CACHE COUNTY
CORPORATION**

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

120 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 435-752-5935
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COUNTY COUNCIL

DARREL L. GIBBONS
CHAIRMAN
H. CRAIG PETERSEN
V. CHAIRMAN
SARAH ANN SKANCHY
C. LARRY ANHDER
GUY RAY PULSIPHER
CORY YEATES
LAYNE M. BECK
DARYL R. DOWNS
CLERK

May 4, 2000

**Mayor David P. Wood
8490 North 2400 West
Amalga, UT 84335**

Reference: Water Policy Advisory Board Nominations

Dear Mayor Wood,

Water and Water Issues are a continuing part of the challenges that we all must deal with as our County continues to grow and the demand for more water and improved water quality increases.

The Cache County Council has adopted Resolution No. 2000-09 re-establishing the Cache County Water Policy Advisory Board.

In preparing recommendations for this board, I would like to receive a broad array of nominations from interested groups and individual citizens.

Nominees should be willing to attend monthly meetings of the advisory board and have interest and knowledge in providing water policy options and recommendations to the Cache County Executive and Cache County Council.

If you or your organization are interested in submitting a nomination, please provide a resume and letter(s) of recommendation to my office by 5:00 p.m. on May 22, 2000.

Thank you for your interest in planning for and managing this very important resource.

Sincerely,


**M. Lynn Lemon
County Executive**

enclosure: Resolution 2000-09



**CACHE METROPOLITAN
PLANNING ORGANIZATION**

CACHE COUNTY

MAY 05 2000

EXECUTIVE

Mark E. Daines, Chairperson
Kent F. Ward, Vice Chairperson
James P. Gass, Executive Director

160 North Main Street
Suite 203
Logan, Utah 84321

Phone: 435-753-3631
Fax: 435-753-3426
e-mail: cachempo@nl.net

TO: Workshop Participants *mwh-5/5/2000*
FROM: Tom Fisher, Transportation Planner
Cache Metropolitan Planning Organization
SUBJECT: Official Public Hearing - CMPO Long Range Plan
DATE: May 4, 2000

Just a reminder that we will be conducting an Open House and Public Hearing as part of our official public process for the CMPO 2025 Long Range Transportation Plan. The Open House and Public hearing will be conducted on **May 9, 2000, at the Mount Logan Middle School, 875 North 200 East, Logan, UT, from 6:00 p.m.- 9:00 p.m.**

The program for the open house and public hearing will be as follows:

Open House	6:00 p.m.
Public Hearing	7:30 p.m.
Close	9:00 p.m.

Please come and voice your opinion about our process and and the plan.

Pass this information on to your fellow board and council members. We look forward to their input.

Thank you

Executive Council:

Mayors: Chairman Mark E. Daines, Hyde Park; Ralph Degn, River Heights; Jack R. Draxler, North Logan; Gale J. Hall, Millville; Alma H. Leonhardt, Providence; H. Jay Nelson, Nibley; Douglas E. Thompson, Logan City; Kent F. Ward, Smithfield Other Members: Steven J. Bodily, Utah Transportation Commission; Lynn Lemon, Cache County Executive; Tom Kerr, Logan City Council; Geoff Strav, Logan Transit District



Michael O. Leavitt
Governor

State of Utah

PUBLIC SERVICE COMMISSION OF UTAH

MAY 04 2000

EXECUTIVE

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Douglas C.W. Kirk
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Sandy Mooy
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Julie Orchard
Commission Secretary

May 3, 2000

Darrel L. Gibbons, Commission Chair
M. Lynn Lemon, County Executive
120 North 100 West
Logan, UT 84321

Dear Commissioner Gibbons and Mr. Lemon:

MML 5/4/2000

Thank you for your letter concerning the difficulties some of your residents have been having with their telephone service. Your assessment that US West has an obligation to provide adequate basic service to all of its customers is correct.

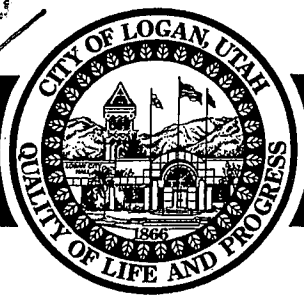
When we learned of the call blocking problem you reported, the Division of Public Utilities, our investigative staff, began an investigation. They discovered that the blockages began when a new Internet Service provider in Cache Valley expanded its service which ended up tying up the voice network trunks between Logan and Smithfield. Apparently the voice system was not engineered to handle the kind of demand Internet use causes. US West ordered central office equipment to relieve the problem and expedited the project to have the equipment installed by May 1st.

The Division staff contacted Michael Dalebout at US West yesterday to determine if the Company had met its commitment. Mr. Dalebout reported that they installed the new equipment and it was functioning by midnight April 29th. Apparently they are still doing call traffic studies to ensure that the network is properly reinforced to meet the demand in Smithfield, Richmond, and Hyde Park.

If the trouble you reported persists I would ask that you call me personally or contact Wes Huntsman at the Division of Public Utilities at 801 530-6679. Your constituents deserve good telephone service.

Sincerely,

Stephen F. Mecham
Commission Chair



Logan Transit District



Geoffrey Straw
Transit Manager

May 4, 2000

CMPO Executive Council

CACHE COUNTY

MAY

EXEC

Re: **Proposed Timeline for Creation of CVTD**

Dear Executive Council Member:

MSJ
5/8/2000

At our CMPO Executive Council meeting on May 1st, the Council asked that I forward a copy of the proposed timeline to initiate the Cache Valley Transit District. The attached timeline will meet the schedule requirements detailed in the Utah Code; the attached discussion paper details the steps the County must take to initiate the process. Each municipality must also pass similar resolutions (I will distribute these at our next CMPO Executive Council meeting).

As I mentioned last night, my staff and I will begin the public involvement process in the coming weeks to drum up support for this important transit expansion project. I will contact your City Recorders during the next two weeks to schedule the necessary public hearings to consider the resolutions to put the CVTD on the November 7 ballot. Please call me at 750-7128 if you have any questions.

Sincerely,

Geoffrey Straw

Proposed Timeline for CVTD Referendum

November 7, 2000 General Election

The legislative body of Cache County and each municipality within the proposed district must consider adoption of two resolutions: creation of a public transit district, and imposition of a ¼ of one percent sales & use tax.

The district creation resolution shall:

- describe the area proposed to be included in the proposed transit district;
- be accompanied by a map that shows the boundaries of the proposed local district;
- describe the service proposed to be provided by the proposed local district;
- explain the anticipated method of paying the costs of providing the proposed service; and
- state the estimated average financial impact on a household within the proposed local district.

The sales and use tax resolution shall:

- include the words "Shall the city/county of _____ impose a sales and use tax of one-quarter of one percent (0.0025) to fund a public transit system?"

In addition, the following milestones must be met:

- | | |
|-----------------------------|--|
| by September 8, 2000 | The legislative body of Cache County and each municipality must have conducted a public hearing regarding the adopted resolutions. Each public hearing must be attended by a quorum of the respective legislative body, and the deadline and procedures for filing a protest must be discussed at the beginning and end of each hearing. |
| October 23, 2000 | Notice of the election shall be given by the County clerk in the manner prescribed by statute. |
| November 7, 2000 | As part of general election, consider two ballot measures: establishment of a public transit district, and adoption of a ¼ percent sales and use tax. |
| by November 17, 2000 | If the two referenda pass, the County clerk will begin certification and incorporation of the district. |
| by December 29, 2000 | Execute operating and maintenance contract between the Cache Valley Transit District and the City of Logan (<i>Logan Transit District</i>). |
| March 27, 2001 | Initiate service. |

North American Weather Consultants, Inc.

Air Quality, Applied Meteorology, Meteorological Research, Weather Modification

8851 South Sandy Parkway, Suite 100
Sandy, Utah 84070-6408
Telephone 801-984-6600
Facsimile 801-984-0185
E-Mail nawc@xmission.com

CACHE COUNTY

MAY 05 2000

EXECUTIVE

May 3, 2000

Mr. Lynn Lemon
Cache County Executive
120 North 100 West
Logan, Utah 84321

Dear Lynn :

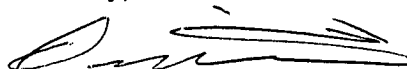
This letter report covers the activities conducted on the Box Elder and Cache County seeding program during the month of April, 2000. The seeding operations were extended into April due to the drier than normal conditions experienced in the December to March period which resulted in less seeding than anticipated. The resulting cost savings were used to fund the operations in April without exceeding the original budgets established for the December-March program. April was, in general, warmer and drier than normal throughout Utah. The following are per cent of normal precipitation amounts for a few sites in northern Utah: Brigham City-22%, Grouse Creek-71%, and Logan USU-51%.

There were four storms that were seeded during April. These events are summarized in Table 1. A total of 238.4 hours were accumulated during April which equates to 1907.2g of silver iodide being released. Some storm periods that occurred in April were not seeded because they were too warm or there were low level inversions present which would have restricted upward movement of the seeding material.

The spring snowmelt is well underway due to the lack of precipitation and warm temperatures. For example, as of May 3, the average snowpack water content on the Bear River Drainage was 54% of normal.

We will prepare a final report on this program this summer. This report should be available in September. Please call if you have any questions or comments.

Sincerely,



Don A. Griffith, CCM
President

cc: Norm Stauffer, Division of Water Resources

PARSONS, DAVIES, KINGHORN & PETERS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

185 SOUTH STATE STREET
SUITE 700
SALT LAKE CITY, UTAH 84111

TELEPHONE
(801) 363-4300
FACSIMILE
(801) 363-4378

JOHN PARSONS
GLEN E. DAVIES
GERALD H. KINGHORN
BILL THOMAS PETERS
LANGDON T. OWEN, JR.
R. KIMBALL MOSIER
JOHN N. BREMS
KEN P. JONES
DAVID W. SCOFIELD
STUART W. HINCKLEY
JOHN S. BRADLEY
HAROLD L. REISER
WM. SHANE TOPHAM
J. SCOTT BROWN
KATHERINE S. GREGORY
PAIGE BIGELOW
DAVID J. BURNS

CACHE COUNTY E-MAIL
attorneys@pdjk.com

May 8, 2000

MAY 09 2000

EXECUTIVE

Darrell L. Gibson, Chair
Cache County Council Member
120 North 100 West
Logan, Utah 84321

Re: Union Pacific Railroad - Summary

Dear Mr. Gibson:

As you are probably aware, the Union Pacific Railroad case for 1991 through 1994 was recently decided by the Utah Supreme Court. The Supreme Court indicated that due to a late filing of the Petition for Review by the railroad, the decision of the Utah State Tax Commission for the years 1991 through 1994 was sustained.

The currently remaining outstanding appeals are tax years 1995, 1996, 1997, 1998 and 1999. The tax years 1995 and 1996 are pending before the Utah State Tax Commission and are scheduled for formal hearings the week of October 23 - 27, 2000. Tax years 1997, 1998 and 1999 are filed with the United States District Court for the District of Utah. Schedules have not been set for discovery and trial in those cases because of settlement negotiations that were scheduled between the Property Tax Division and railroad. On one occasion Eckhardt Prawitt, Bruce Johnson (Tax Commissioner) and myself were present. Subsequent to that meeting, the representatives of the railroad and the Property Tax Division arrived at a proposed settlement, the summary of which is enclosed with this letter. The summary shows what would be refunded to the railroad for the year 1995 and 1996 (the pending Tax Commission appeals) and the years 1997 through 1999 (the District Court actions). At the time the District Court actions were filed, the railroads deposited the amounts in dispute with the Clerk of the Court which were then, by agreement, invested by the State Treasurer in the same manner as county funds are invested.

I have forwarded copies of the attached tax settlement summary to Karl Hendrickson, who is the chairman of the UAC Centrally Assessed Litigation Committee, for his review. As of the date of this letter, we have not made a final determination concerning whether or not to recommend the settlement or litigation. The purpose of this letter is to advise your county of the developments that have taken place with regard to these appeals. Certainly, the proposed refund to the railroad for nearly \$7,000,000 dollars in tax revenues is a staggering amount.

28001.03

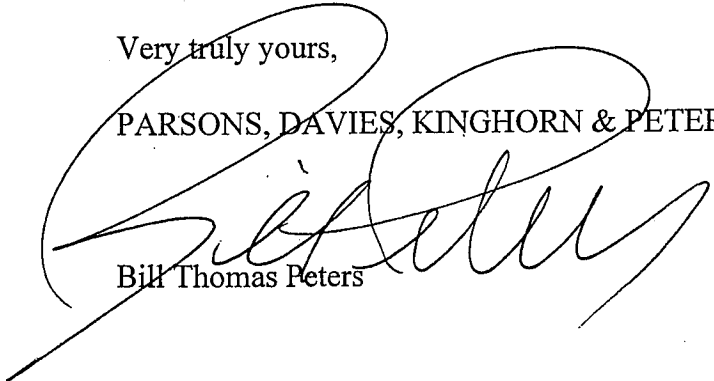
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PARSONS, DAVIES, KINGHORN & PETERS

Please give us the benefit of your thoughts with regard to this matter. We need your input.

Very truly yours,

PARSONS, DAVIES, KINGHORN & PETERS


Bill Thomas Peters

BTP:anc

cc: Karl Hendrickson
Deputy Salt Lake District Attorney
2001 South State Street, S3600
Salt Lake City, Utah 84190

Karen A. Jeppesen
Cache County Treasurer
179 North Main Street #101
Logan, Utah 84321

Tamara Stones
Cache County Auditor
179 North Main Street #106
Logan, Utah 84321

Scott Wyatt
Cache County Attorney
11 West 100 North
Logan, Utah 84321

Brent Gardner, Executive Director
Utah Association of Counties
5397 South Vine Street
Salt Lake City, Utah 84107

Eckhardt Prawitt
Utah Association of Counties
5397 South Vine Street
Salt Lake City, Utah 84107

1999 - 1998 SETTLEMENT SUMMARY

COUNTY	1995		1996		1997		1998		1999		NET AMOUNT TO CNTY.	NET AMOUNT TO UPRR
	REFUND TO UPRR	ESCROW TO CNTY.	REFUND TO UPRR	ESCROW TO CNTY.	REFUND TO UPRR	ESCROW TO CNTY.	REFUND TO UPRR	ESCROW TO CNTY.	REFUND TO UPRR	ESCROW TO CNTY.		
Beaver	\$30,830	\$36,666	\$52,475	\$25,786	\$52,376	\$28,849	\$37,639	\$23,047	\$24,048	\$10,186	\$181,559	
Box Elder	\$42,971	\$36,666	\$52,475	\$147,412	\$299,412	\$132,009	\$172,217	\$115,579	\$120,568	\$299,554	\$687,643	
Cache	\$31,568	\$36,267	\$26,651	\$60,437	\$54,131	\$27,541	\$35,929	\$22,046	\$22,999	\$8,403	\$180,894	
Carbon	\$0	\$0	\$0	\$53,154	\$122,759	\$60,863	\$79,399	\$47,419	\$49,478	\$168,719	\$251,636	
Davis UP	\$65,427	\$76,276	\$0	\$26,336	\$107,962	\$82,211	\$107,252	\$65,822	\$68,680	\$59,484	\$425,597	
Davis SP	\$0	\$0	\$0	\$35,044	\$53,494	\$0	\$0	\$0	\$0	\$26,336	\$53,494	
Emery	\$0	\$0	\$0	\$53,971	\$71,181	\$33,768	\$44,054	\$29,106	\$30,365	\$97,918	\$145,600	
Grand	\$0	\$0	\$0	\$68,678	\$109,623	\$53,417	\$69,888	\$43,507	\$45,375	\$97,918	\$145,600	
Iron	\$58,522	\$88,678	\$63,464	\$44,995	\$91,392	\$53,749	\$70,119	\$42,422	\$44,288	\$13,966	\$332,979	
Juab	\$44,754	\$63,464	\$42,241	\$41,720	\$84,740	\$47,420	\$57,898	\$38,491	\$40,143	\$16,895	\$292,057	
Millard	\$49,358	\$57,392	\$41,720	\$20,353	\$41,340	\$20,788	\$61,865	\$38,709	\$40,375	\$21,099	\$140,211	
Morgan	\$24,284	\$29,810	\$165,504	\$92,097	\$187,062	\$209,727	\$273,606	\$180,317	\$17,657	\$3,957	\$1,001,387	
Salt Lake UP	\$137,998	\$0	\$0	\$32,507	\$66,028	\$33,286	\$43,425	\$30,304	\$31,609	\$26,219	\$210,940	
Salt Lake SP	\$0	\$0	\$0	\$93,540	\$189,999	\$109,271	\$142,552	\$89,526	\$93,398	\$42,084	\$676,202	
Summit	\$37,992	\$31,886	\$31,886	\$31,269	\$63,511	\$129,319	\$168,706	\$108,620	\$113,333	\$189,295	\$425,463	
Tooele	\$115,378	\$134,875	\$93,540	\$98,141	\$199,334	\$0	\$0	\$0	\$0	\$98,141	\$199,334	
Utah UP	\$36,798	\$43,115	\$31,269	\$4,053	\$8,232	\$4,105	\$5,355	\$3,395	\$3,539	\$11,553	\$17,126	
Utah SP	\$0	\$0	\$0	\$199,334	\$8,232	\$0	\$0	\$0	\$0	\$0	\$0	
Wasatch	\$0	\$0	\$0	\$8,232	\$45	\$29	\$39	\$23	\$24	\$26	\$156	
Washington	\$23	\$25	\$22	\$103,799	\$174,089	\$113,352	\$118,261	\$160,042	\$56,533	\$114,828	\$156	
Weber UP	\$63,657	\$74,204	\$51,105	\$114,828	\$12,662	\$0	\$0	\$0	\$0	\$0	\$534,010	
Weber SP	\$0	\$0	\$56,533	\$12,662	\$0	\$0	\$0	\$0	\$0	\$0	\$114,828	
Weber OUR	\$1,022	\$1,150	\$6,234	\$0	\$0	\$0	\$0	\$0	\$0	\$4,062	\$14,834	
TOTALS	\$740,582	\$871,837	\$1,159,830	\$2,355,787	\$1,204,179	\$1,570,952	\$1,008,605	\$1,052,220	\$1,760,145	\$6,591,428		

Property Tax Div

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

120 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 435-752-5935
Fax 435-787-9386

COUNTY COUNCIL

DARREL L. GIBBONS
CHAIRMAN
H. CRAIG PETERSEN
V. CHAIRMAN
SARAH ANN SKANCHY
C. LARRY ANHDER
GUY RAY PULSIPHER
CORY YEATES
LAYNE M. BECK
DARYL R. DOWNS
CLERK

May 9, 2000

TO: Daryl Downs

FROM: Lynn Lemon 

SUBJECT: Notice for Public Hearing, College-Young Incorporation Study

Enclosed is a copy of state code 10-2-108 concerning Public Hearings on feasibility study results. Based on that, I would include the following in the notice of the public hearing:

The Cache County Council has scheduled two public hearings on the College-Young Incorporation Petition feasibility study results, to allow the feasibility consultant to present the results of the study and allow the public to become informed about the feasibility study results and to ask questions about those results of the feasibility consultant.

The first public hearing will be held on June 6, 2000 at 7:00 p.m. at the Hazel and Homer Leishman farm shop located at 2401 South Highway 89/91, College Ward, Utah. The second public hearing will be held on June 14, 2000 at 7:00 p.m. at the Thatcher Enterprises facility located at 2701 West 1800 South, Young Ward, Utah.

A full copy of the the study is available for inspection and copying at the the office of the County Clerk. The Executive Summary is printed below: "The results of this study.....
(Executive Summary attached)

I would recommend the above notice be published in the newspaper on May 16, 23, 30, 2000.

LEGAL NOTICE

Notice is hereby given of a PUBLIC HEARING regarding a new Subdivision Ordinance for the unincorporated area of Cache County to be held by the Cache County Council at a meeting to be held in the Cache County Council Chambers, 120 North 100 West, Logan, Utah on 13 June 2000 at 5:00 p.m.

This PUBLIC HEARING will be held at 6:00 p.m. to take comment on the proposed "**Subdivision Ordinance for Cache County**" and all interested persons are invited to attend. Complete details and a copy of this proposed ordinance is on file for public inspecting at the office of the Cache County Zoning Administrator, 179 North Main, Room 210, Logan, Utah.

Dated May 10, 2000

CACHE COUNTY COUNCIL
Daryl Downs, Clerk

Publication Date: May 12, 2000
 May 16, 2000
 May 23, 2000
 May 31, 2000
 June 6, 2000

EXECUTIVE SUMMARY

The results of this study (based on the requirements of Utah Code 10-2-106) indicate that, if incorporation should occur, projected budgetary expenditures for College-Young will exceed projected revenues by \$155,449, assuming a constant level of services. During the first year of operations, revenue lags could increase this deficit to \$200,676. Estimated first-year revenue is \$197,462, or roughly \$160.54 per capita, which is substantially lower than the current average revenue of \$307.34 per person generated in the Cache County municipal services fund (for areas of the unincorporated county). The relatively low level of revenue in College-Young is due to two factors: 1) limited amount of commercial development; and 2) low population density. The limited amount of commercial development impacts sales tax revenues, while the small population impacts both sales tax and road fund revenues. Note that sales tax and road fund revenues account for more than 91 percent of all projected revenues for College-Young.

Projected sales tax revenue, as calculated by the Utah State Tax Commission, is \$80,424. Sales tax revenue is distributed based on population and point of sale. Only 14 percent, \$11,555, comes from the point of sale (19 outlets listed in College-Young). College-Young receives the majority of sales tax revenue -- \$68,869 or 86 percent -- based on the population portion of the distribution formula. If incorporation is the goal, College-Young will need to increase its sales tax base so that the distribution between population and point of sale is more even. This is because the population distribution will hold at the same level (assuming population growth is similar to the state), while point of sale revenue will increase directly with sales growth in College-Young. And, there are opportunities for commercial development along Highway 89/91.

College-Young will receive approximately \$100,000 in road fund money. Road fund monies are distributed based 50 percent on population and 50 percent on weighted road miles. Note that College-Young will receive roughly 70 percent of its funds from the road mile portion of the formula, and the remaining 30 percent from the population portion. College-Young, with 29.77 square miles, covers the largest single geographic area in Cache County, yet has the lowest population density at 41 persons per square mile. Therefore, the funds received simply are not sufficient to cover the road needs of such a large geographic area. Road maintenance is estimated at \$170,995 yearly, or roughly \$5,300 per mile. In comparison, Lewiston (which covers the next largest land area within the county) currently spends an average of \$3,900 per road mile. Road department officials in Lewiston indicate that many of their roads are deteriorating and that approximately \$7,000 per mile is needed for proper maintenance.

Therefore, in order to bridge the deficit between revenues and expenditures, College-Young will need to implement a property tax. During the first year of operations, which includes revenue lags, the estimated tax on a primary residence with a market value of \$150,000 (and taxable value of \$82,500) is \$677. After the initial year (when startup costs and revenue lags are no longer an issue), the amount of necessary tax will decrease to roughly \$450. Overall, the ratio of revenues to expenditures in the College-Young budget (after the initial year of operations) is roughly 60 percent.

Estimated expenditures in the College-Young budget equate to roughly \$267 per capita (not including startup costs). This is somewhat lower than the \$307 per capita now being spent on residents of the unincorporated county through the Cache County municipal services fund, but is similar to the average of \$272 spent by municipalities within Cache County. (Expenditures by municipalities range from \$201 per capita to \$345 per capita).

Special districts, such as mosquito abatement and sanitation and garbage will be unaffected by incorporation. If Cache County provides contract services for sheriff, zoning, roads and a portion of animal control to the proposed incorporation area, the municipal services fund will receive contract revenues in the amount of \$207,933, offset by a loss in revenue of \$200,462 as well as a reduction in expenditures of \$10,596, for an overall benefit to the county of \$18,067. If contract services are not provided by the county, the municipal services fund will still lose revenues of \$200,462 while expenditures will be reduced by an estimated \$147,733 -- a loss of approximately \$52,729 to the county.

Both Logan City and Nibley City officials have voiced concerns that the proposed incorporation hinders future, more logical annexations to their cities. Also, the consultant has met with several property owners who do not want to be in an incorporated College-Young. All of these property owners have property located to the east of Highway 89/91. The consultants have copies of nine letters from property owners within the proposed incorporation area, requesting not to be a part of the proposed College-Young incorporation. Many of these property owners feel that they will be better able to develop their property in Logan or Nibley because more municipal services, including sewer, would be available to them.

By statute, we have reviewed budgetary impacts based on the current level of services in College-Young. College-Young residents may choose to incorporate with a lower level of services and thus reduce the gap between revenues and expenditures.

notice under Subsection 10-2-108(2) has been given with respect to the revised feasibility study; and

(iii) unless withdrawn, a signature on the petition may be used toward fulfilling the signature requirements under Subsection 10-2-109(2)(a) for a petition based on the revised feasibility study. 1999

10-2-106.5, 10-2-106.8. Repealed. 1997

10-2-107. Modified request for feasibility study — Supplemental feasibility study.

(1) (a) If the results of the feasibility study do not meet the requirements of Subsection 10-2-109(3), the sponsors of the request may, within 90 days of the feasibility consultant's submission of the results of the study, modify the request to alter the boundaries of the proposed city and then refile the request, as modified, with the county clerk.

(b) (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a) shall comply with the requirements of Subsections 10-2-103(2), (3), (4), and (5)(a).

(ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section 10-2-103 may be used toward fulfilling the signature requirement of Subsection 10-2-103(2)(a) for the request as modified under Subsection (1)(a), unless the modified request proposes the incorporation of an area that is more than 20% greater or smaller than the area described by the original request in terms of:

- (A) private land area; or
- (B) value of private real property.

(2) Within 20 days of the county clerk's receipt of the modified request, the county clerk shall follow the same procedure for the modified request as provided under Subsection 10-2-105(1) for an original request.

(3) The timely filing of a modified request under Subsection (1) gives the modified request the same processing priority under Subsection 10-2-105(2) as the original request.

(4) Within ten days of the county legislative body's receipt of a certified modified request, the county legislative body shall commission the feasibility consultant who conducted the feasibility study to supplement the feasibility study to take into account the information in the modified request that was not included in the original request.

(5) The county legislative body shall require the feasibility consultant to complete the supplemental feasibility study and to submit written results of the supplemental study to the county legislative body and to the contact sponsor no later than 30 days after the feasibility consultant is commissioned to conduct the supplemental feasibility study.

(6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study do not meet the requirements of Subsection 10-2-109(3):

- (i) the sponsors may file a further modified request as provided in Subsection (1); and
- (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection (6)(a)(i).

(b) A further modified request under Subsection (6)(a) shall, for purposes of its processing priority, be considered as an original request for a feasibility study under Section 10-2-103. 1997 (2nd S.S.)

10-2-108. Public hearings on feasibility study results — Notice of hearings.

(1) If the results of the feasibility study or supplemental feasibility study meet the requirements of Subsection 10-2-109(3), the county legislative body shall, at its next regular meeting after receipt of the results of the feasibility study or supplemental feasibility study, schedule at least two public hearings to be held:

- (a) within the following 60 days;

(b) at least seven days apart;

(c) in geographically diverse locations within the proposed city; and

(d) for the purpose of allowing:

(i) the feasibility consultant to present the results of the study; and

(ii) the public to become informed about the feasibility study results and to ask questions about those results of the feasibility consultant.

(2) (a) (i) The county clerk shall publish notice of the public hearings required under Subsection (1) at least once a week for three successive weeks in a newspaper of general circulation within the proposed city.

(ii) The last publication of notice required under Subsection (2)(a)(i) shall be at least three days before the first public hearing required under Subsection (1).

(b) (i) If there is no newspaper of general circulation within the proposed city, the county clerk shall post at least one notice of the hearings per 1,000 population in conspicuous places within the proposed city that are most likely to give notice of the hearings to the residents of the proposed city.

(ii) The clerk shall post the notices under Subsection (2)(b)(i) at least seven days before the first hearing under Subsection (1).

(c) The notice under Subsections (2)(a) and (b) shall include the feasibility study summary under Subsection 10-2-106(3)(b) and shall indicate that a full copy of the study is available for inspection and copying at the office of the county clerk. 1997

10-2-108.5. Repealed. 1997

10-2-109. Incorporation petition — Requirements and form.

(1) At any time within 18 months of the completion of the public hearings required under Subsection 10-2-108(1), a petition for incorporation of the area proposed to be incorporated as a city may be filed in the office of the clerk of the county in which the area is located.

(2) Each petition under Subsection (1) shall:

(a) be signed by the owners of private real property that:

(i) is located within the area proposed to be incorporated;

(ii) covers at least 1/3 of the total private land area within the area; and

(iii) is equal in value to at least 1/3 of the value of all private real property within the area;

(b) indicate the typed or printed name and current residence address of each owner signing the petition;

(c) describe the area proposed to be incorporated as a city, as described in the feasibility study request or modified request that meets the requirements of Subsection (3);

(d) state the proposed name for the proposed city;

(e) designate five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each;

(f) state that the signers of the petition appoint the sponsors, if the incorporation measure passes, to represent the signers in the process of:

(i) selecting the number of commission or council members the new city should have; and

(ii) drawing district boundaries for the election of commission or council members, if the voters decide to elect commission or council members by district;

BEFORE THE BOARD OF EQUALIZATION
OF CACHE COUNTY

IN RE:	The matter of the Application) for exemption from property) taxation of IHC HEALTH) SERVICES, INC., for the) LOGAN REGIONAL) HOSPITAL.))) FINDINGS AND DETERMINATION) FOR TAX YEAR 2000)
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This matter came before the Board of Equalization of Cache County, Utah on April 11, 2000 and April 25, 2000 upon the verified application for property tax exemption submitted by IHC HEALTH SERVICES, INC., for the LOGAN REGIONAL HOSPITAL.

FINDINGS

Based upon the verified application and matters presented to the Board of Equalization at its hearing on April 11, 2000 and April 25, 2000 and other materials presented to it, the Board of Equalization finds that:

1. IHC HEALTH SERVICES, INC., is the owner of record of the Logan Regional Hospital which is located on the real property described in the attached "Exhibit A" and other parcels of property described therein.
2. Sarah Ann Skanchy, a member of the Board of Equalization, met with the owner's representatives and reviewed the application of the owners and relevant facts and standards. The County Auditor, Tamra Stones and County Assessor, Kathleen Howell, attended with Sarah Ann Skanchy to clarify real and personal property issues.

3. It was recommended that some exemption be granted to the applicant for the Tax Year 2000 on the basis that IHC HEATH SERVICES, INC., and the Logan Regional Hospital property qualify for exemption from the property tax under Standards I, II, III, IV, V, and VI as promulgated by the Utah State Tax Commission on December 18, 1990, and as delineated by the Utah Supreme Court in its decision dated September 1, 1994, in a case appealed to that Court by the Cache County Assessor and the Salt Lake County Assessor from decisions of the Board of Equalization of their respective counties.
4. The Budge Clinic Building is being constructed on a portion of Parcel No. 05-016-0028 which currently is the site of Logan Regional Hospital. The Budge Clinic is not tax exempt and the Board of Equalization, in a public meeting held on March 14, 2000, approved the request for an amendment to the affidavit for property tax exemption to be filed once a survey identifies the new parcel and the appropriate value and tax is determined by the County Assessor's Office.
5. There has been a reallocation of space within the building located on Parcel No. 05-016-0029 and designated the Medical Office Building-Surgical Center, and the exempt property is increased from 23% of value to 38% of value.
6. Parcel No. 05-016-0001 is the parcel on which the Day Care Center and a new parking lot are located. The value attributable to the Day Care Center is deemed to be exempt.
7. The Board of Equalization in a public meeting held April 25, 2000, upon lawful notice, met with a representative of the owner and approved the amended requests for tax exemption as contained in these findings.

DETERMINATION

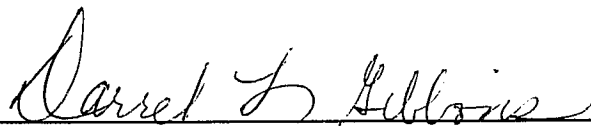
The Board of Equalization of Cache County, Utah, determines that:

IHC HEALTH SERVICES, INC., is hereby granted an exemption from property taxes for portions of the real property described in the attached "Exhibit A" which is used for the Logan Regional Hospital, its Medical Office Building-Surgical Center, its Home Health Agency, its Day Care Center and the personal property listed therein for the Tax Year 2000.

The foregoing findings were approved by the following votes by the members of the Board of Equalization on May 9, 2000.

<u>COUNCIL MEMBER</u>	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Larry Anhder	_____	_____	_____
Layne Beck	_____	_____	_____
Darrel Gibbons	_____	_____	_____
Craig Petersen	_____	_____	_____
Guy Ray Pulsipher	_____	_____	_____
Sarah Ann Skanchy	_____	_____	_____
Cory Yeates	_____	_____	_____

These findings and determination are approved as written this 9th day of May, 2000.



Darrel L. Gibbons, Chairman Board of Equalization

Attested To:

Tamra Stones, Clerk of Board of Equalization

EXHIBIT A

**LOGAN REGIONAL HOSPITAL
CACHE COUNTY**

AFFIDAVIT
TAX YEAR
2000

REAL PROPERTY PARCEL NO.	SITE OR COMPLEX (HOSPITAL) NAME	NAME OR IDENTITY OF BUILDING	REAL PROPERTY CURRENT VALUE	TAX	DESCRIPTION BLDG USE	EXEMPT %	PERSONAL PROP VALUATION	EXEMPT BASIS STC STANDARDS
04-083-0018	Logan	Land - Agricultural 18th-20th N (Greenhall) 40 ac. 41 (20,000sqft, 0000)* [215,682/18,75]*	591,360	218.06		0%		
05-018-0001	Logan	Day Care Center	646,116	6,563.43	Day Care for benefit of Hospital employees - 60% Parking for Hospital 5% Parking - Budget Clinic 35%	65%	BU-27-3045 11,753	ABCDS
05-016-0028	Logan	Hospital and Land Medical Office Building - Surgical Center	5,051,950	51,322.76	A medical office building has been constructed on the Hospital Campus (Bridge Clinic)	100%	B5-16-0028 Supp 580,358 Equip 5,365,295 BU-27-3048 111,130	ABCDE
05-016-0029	Logan	Home Care Services - MES 500 East 1300 North, Suite 140 (Leased)		Exempt		100%	BU-27-3045 10,957	ABCDES
05-016-0043	Logan	Vacant Land - Held for Hospital Expansion	321,473	3,265.66	Vacant Land - Held for Hospital Expansion	0%		ABCDE
05-016-0086	Home Health Agency acquired 11/14/94	Unit 6, Logan Medical Center Condominiums		Exempt		100%	BU-27-3046 10,967	ABCDES
05-016-0086	Rehab Services	246 E. 1260 N., Logan, Utah		Personal Prop. Only		100%	BU-27-3388 7	ABCDES
05-016-0086	Counseling	246 E. 1260 N., Logan, Utah		Personal Prop. Only		100%	BU-27-3387 7	ABCDES
TOTALS			6,610,901	61,370.11				

* Value per 1999 greenbelt assessment
** The Hospital reserves the right to identify the taxable portion of the Hospital Campus

LEGEND: F = FUTURE ACQUISITION BASIS
A = INDIAN RESERVE
B = COMMUNITY DEVELOPMENT SERVICE

D = DONATION OF TIME
E = DONATIONS OF MONEY
S = SATELLITE

100167
02/29/2000

**VEHICLES
TAX YEAR
2000**

**LOGAN REGIONAL HOSPITAL
CACHE COUNTY**

EXHIBIT A

In addition to the real and personal property described, the following described vehicles are owned by and used for the support and accomplishment of the exempt function described in the Affidavit and are, therefore, exempt from personal

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE I.D. NO.</u>	<u>LICENSE NO.</u>
1997	Chevrolet Truck	1GCEK14MJT7217215	754 JZP
1991	Toyota Camry (1)	JT2SV21E8M3441243	281 EAS
1991	Toyota Camry (4)	4T1SV21E9MU304947	704 EAR
1991	Toyota Camry (5)	4T1SZ21E9MU355047	079 ELJ
1989	Toyota Camry (3)	4T1SV21E8K4085768	501 DAK
1989	Toyota Camry (2)	4T1SV21E2KU097399	502 DAK
1986	Chevrolet Celebrity Sedan	1G1AW19R8G6105234	934 AEF
1985	Chevrolet Celebrity Wagon	1G1AW35X5F6258782	BDP 851
1983	Chevrolet K10	1GCEK14H4DF307325	9681 BA
1991	Ford Van	1FMHE21H1MHB14452	829 GVZ
1995	Ford F-20	2FTHF26H35CA18921	178 HJP
1985	Ford Van	1FTJE34H5SH1A87850	415 HNK
1994	Ford Taurus (1)	1FALP52U2RA153160	765 GML
1997	Ford Taurus (2)	1FALP52U8VG150450	741 JYZ
1996	Ford Taurus (3)	1FALP52U4TA233440	879 JGK
1997	Ford Taurus (4)	1FALP52U9VA137581	770 JWV

CACHE COUNTY ORDINANCE NO. 2000- 08

AN ORDINANCE AMENDING ORDINANCE NO. 87-05, DESIGNATING THE CACHE COUNTY COUNCIL AS THE CACHE COUNTY BOARD OF EQUALIZATION.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that Ordinance No. 87-05 should be amended.

The Cache County Council hereby ordains, as follows:

Section 1. Designation of Board of Equalization.

The Cache County Council shall be the Cache County Board of Equalization, and shall exercise the authority and fulfill the responsibilities of the County Board of Equalization, as provided in ~~[said Chapter 7 of Article 59,]~~ Utah Code Ann. §§17-5-246 and 59-2-1001.

Section 2. Effective Date.

This ordinance shall take effect immediately upon adoption and publication in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 9th day of May, 2000, upon the following vote:

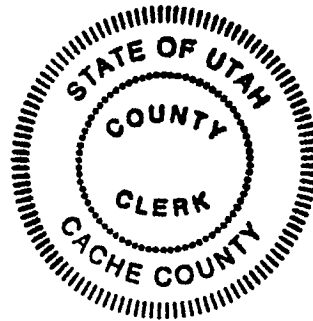
	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ANHDER	X			
BECK	X			
GIBBONS	X			
PETERSEN	X			
PULSIPHER	X			
SKANCHY	X			
YEATES	X			
TOTAL	7			

CACHE COUNTY COUNCIL

By: *Darrel L. Gibbons*
Darrel L. Gibbons
Chairman

ATTESTED BY:

Daryl R. Downs
Daryl R. Downs
Cache County Clerk



Publication Date: 17 May 2000

CACHE COUNTY ORDINANCE NO. 2000 - 09

AN ORDINANCE REPEALING OBSOLETE OR SUPERSEDED ORDINANCES
AND PORTIONS THEREOF FOR CACHE COUNTY, STATE OF UTAH.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the following ordinances, or portions thereof, have become obsolete or have been superseded, and should be repealed.

The Cache County Council hereby ordains, as follows:

Section 1. The following ordinances are hereby repealed:

- A. Ordinance No. 64-01, relating to "Punishment for Misdemeanors".
- B. Ordinances No. 33-01, 51-01, 85-01, 85-03, 86-04, and 91-01, relating to "Meeting Times".
- C. Ordinance No. 78-01, relating to "Consolidation of the Office of Constable into the Office of County Sheriff".
- D. Ordinance No. 74-08, relating to the "Office of County Auditor".
- E. Ordinance No. 50-01, relating to "Official Bonds".
- F. Ordinances No. 89-10, 91-05, 91-07, 92-05, 92-06, 93-07, 93-08, 94-07, 94-17, 94-18, 95-03, 95-04, 96-08, 96-09, 97-06, 97-07, 98-06, and 98-07, relating to "Salaries of County Officers and County Council members".
- G. Ordinances No. 62-01, 62-02, and 75-06, relating to "Sales and Use Tax".
- H. Ordinances No. 72-04 and 73-02, relating to "Transient Room Tax".
- I. Ordinance No. 87-07, relating to "Consents to State Restaurant Liquor Licenses".
- J. Ordinance dated March 13, 1937, relating to "Closing Hours for Businesses where Beer or Liquor are Served".
- K. Ordinance No. 79-06, relating to "Beer".
- L. Ordinances dated January 20, 1937, relating to "Dance Halls".
- M. Ordinances No. 16-02, 56-01, 77-02, 77-03, 87-08, and 89-09, relating to "Dogs".
- N. Ordinance No. 66-02, relating to "Fire Prevention".
- O. Ordinance No. 27-01, relating to "Fireworks".
- P. Ordinance No. 37-01, relating to "Public Drunkenness".
- Q. Ordinance No. 77-16, relating to "Spotlighting".
- R. Ordinance dated November 30, 1971, relating to "County Roads".
- S. Ordinances No. 71-01 and 71-03, relating to "Uniform Construction Codes".

- T. Ordinances No. 70-02 and 70-04, relating to "Building Inspector".
- U. Ordinance No. 85-02, relating to "Flood plain Management".

Section 2. The following sections of ordinances are hereby repealed:

- A. Ordinance No. 88-10, §§3 and 4, relating to "County Records Management."
- B. Ordinance No. 82-04, §7, relating to "Transient Room Tax".
- C. Ordinance No. 19-02, §2, relating to "Livestock Running at Large".
- D. Ordinance No. 69-01, §2, relating to "Food Service Establishments".
- E. Ordinance No. 72-01, §2, relating to "Bear River District Milk and Milk Products".
- F. Ordinance No. 69-02, §6, relating to "Open Burning".
- G. Ordinance No. 89-04, §9(a), relating to "Open Burning".
- H. Ordinances No. 70-06, §3; 77-22, §6; 78-07, §3; and 78-15, §3, relating to "Discharge of Firearms".
- I. Ordinance No. 71-05, §5, relating to "Parking Regulations".
- J. Ordinance No. 77-17, §4, relating to "Off-Road Vehicles".
- K. Ordinance No. 65-01, §2, relating to "Traffic Regulations".
- L. Ordinance No. 81-02, §6, relating to "County Roads".

Section 3. Repeal shall not revive any ordinances. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 4. Effect of repeal on past actions and obligations. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance, does not waive any fee or penalty due and unpaid on the effective date of this ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 5. Effective date. This ordinance shall take effect immediately upon adoption and publication, in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 9th day of May, 2000, upon the following vote:

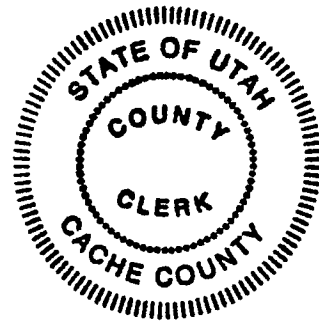
	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ANHDER	X			
BECK	X			
GIBBONS	X			
PETERSEN	X			
PULSIPHER	X			
SKANCHY	X			
YEATES	X			
TOTAL	7			

CACHE COUNTY COUNCIL

By: *Darrel L. Gibbons*
 Darrel L. Gibbons
 Chairman

ATTESTED BY:

Daryl R. Downs
 Daryl R. Downs
 Cache County Clerk



Publication Date: 17 May 2000

CACHE COUNTY
CORPORATION

M. LYNN LEMON

COUNTY EXECUTIVE/SURVEYOR

120 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 435-752-5935
Fax 435-787-9386

COUNTY COUNCIL

DARREL L. GIBBONS

CHAIRMAN

H. CRAIG PETERSEN

V. CHAIRMAN

SARAH ANN SKANCHY

C. LARRY ANHDER

GUY RAY PULSIPHER

CORY YEATES

LAYNE M. BECK

DARYL R. DOWNS

CLERK

May 9, 2000

North Park Interlocal Cooperative
120 North 100 West
Logan, UT 84321

Reference: Land Lease Agreement for Bridgerland Community Ice Arena

To Whom IT May Concern:

This letter indicates Cache County willingness to lease approximately 7.28 acres of ground located at approximately 150 East 2700 North, North Logan, Utah to the North Park Interlocal Cooperative for the purpose of constructing an Ice Arena according to the terms of the Interlocal Cooperative established for this purpose.

If you need any additional information concerning this matter please feel free to contact me.

Sincerely,



M. Lynn Lemon
County Executive

enclosure



WAY OF MAIN STREET

6.89 Acres
0015

2.41 Acres

0028

0016

1.71 Acres

1.34 Acres

0024

5.36 Acres

0021

0002

0003

0030

Hyde Park
North Logon

3.89 Acres

6.24 Acres

7.28 Acres

34.78 Acres

0008

SCALE: 1" = 200'

0004

NOT KNOWN

0009

5.84 Acres

19.06 Acres

0018

0019

0025 ?

0020 ?

BACK

DRAFT MEMORANDUM

DATE: May 15, 2000

TO: Solid Waste Advisory Board (SWAB) Members

FROM: Roger Sunada, Director of Environmental Health

SUBJECT: Refuse Collection, Transport, and Disposal Rules, Permitting, and Enforcement Process

BACKGROUND

In April, the Bear River Health Department indefinitely tabled solid waste regulations for the tri-counties. The proposed regulations would govern:

- Issuance of permits for solid waste collection and charge fees for implementing the program.
- Conducting inspections.
- Proper management of wastes in order to control litter and illegal disposal
- Orders when violations are determined
- Sampling wastes or requiring sampling to ensure wastes are allowable into the landfill
- Prohibiting accepting waste at the landfill if violates rules and regulations or threatens the health and safety of employees or others
- Enforcing the rules.

The proposed Bear River Health Regulations would have centralized rule-making and enforcement to one agency with appropriately trained personnel. Pending revisions, the system now in place in Cache County requires each city and the County of Cache to pass their own solid waste management ordinances, permitting, inspections, and enforcement.

The program would have been funded through permit fees. In the past, investigation and follow-up on illegal dumping and littering complaints has been done by the Bear River Health Department, but the program is unfunded. BRHD receives no local or State solid waste funding. Without future sources of funding, the Department may cease work on solid waste complaints and programs.

Some of the concerns raised regarding the Bear River Health Department regulations were from Box Elder County, which questioned the need in Box Elder County for more government involvement in solid waste. Within Cache County, there were concerns about the number of non-commercial solid waste carriers that would be required under the ordinance to be annually permitted and inspected.

ISSUE

The SWAB previously supported centralizing regulations, permitting, and enforcement with the Bear River Health Department. This proposal was circulated to the cities as part of the update of the solid waste ordinances and agreements. With the tabling of this proposal, what course of action does the SWAB recommend for regulating, permitting, and enforcing solid waste practices?

An alternative program should address the following needs:

- Restrict inappropriate dumping and hauling.
- Minimize health risks resulting from inappropriate dumping and transport of waste.
- Promote safe vehicle transport of wastes.

- Educate drivers about the risks of refuse transport
- Provide quick, consistent enforcement of refuse transport problems

A program would need to be inclusive of the following elements:

- Ordinance establishing requirements and penalties.
- Annual Permits for all refuse haulers.
- Annual vehicle inspection for permitted entities.
- A determination of haulers required to obtain permits and establishment of exemptions (farmers, residential haulers)
- Investigation and prosecution of illegal dumping activities
- Enforcement of the permit regulations for transport and disposal (contained loads, identification on trucks).

The other determinations are how the programs should be funded, and who should be responsible for managing the program. Alternatives for funding and managing the programs follow.

FUNDING ALTERNATIVES

Some funding options utilized by other organizations include 1) a permit fee based on the number of vehicles permitted and inspected; 2) a county property tax assessment; 3) user fees attached to collection and/or disposal; 4) assessing the cities and County by population (the individual entities decide how the assessments are to be paid). These may be used individually or in combination.

Alternatives	Description	Pros	Cons
Permit Fees	Fees would be collected for the solid waste collection permits.	<ul style="list-style-type: none"> ▪ Administration and overhead are low. ▪ Solid waste transporters who meet permit standards benefit from competing vehicles meeting the same standards. ▪ Consistent with other examples in County 	<ul style="list-style-type: none"> ▪ If only vehicles collecting waste for profit are permitted, there may need to be supplementary funding. ▪ Some transporters may avoid permit because of fee charged.
County Tax	Fees would be added to the property tax.	<ul style="list-style-type: none"> ▪ System in place. ▪ Fair distribution of costs 	<ul style="list-style-type: none"> ▪ Delay in initiating program to add fee to notification & billing. ▪ Higher potential for tax protest. ▪ More difficult to establish cost-benefit nexus
Solid Waste Fees	Create a surcharge on collection and/or disposal fees.	<ul style="list-style-type: none"> ▪ System in place. ▪ Relationship between service and fees 	<ul style="list-style-type: none"> ▪ If on service fees, those with collection service pay for enforcement for violators.
City Assessment	Cities and County create own fee system and pay by population.	<ul style="list-style-type: none"> ▪ Cities now collect solid waste fees. ▪ High degree of local autonomy. 	<ul style="list-style-type: none"> ▪ May result in a non-uniform system.

PROGRAM MANAGEMENT ALTERNATIVES:

Administration and operation would be specified in an ordinance, and some of the options may require an inter-government agreement. Some options for managing the program follow:

Alternatives	Description	Pros	Cons
Cache County	Cache County could administer the program through the Sheriff's Department or other existing department, or create a new structure.	<ul style="list-style-type: none"> ▪ The County has jurisdiction over the entire area. ▪ Prosecution would rest with the County. ▪ The County Council sits as governing board for CSA #1 ▪ Can target illegal dumping in rural areas. ▪ County maintains roads, which are affected by littering. 	<ul style="list-style-type: none"> ▪ May not have staff trained in environmental permit enforcement. ▪ New program to initiate.
Logan City Permits & Compliance	County could contract with the City of Logan Permits & Compliance for Enforcement.	<ul style="list-style-type: none"> ▪ Operates similar sewer pre-treatment program with permits and inspection. ▪ Employees with similar experience available to train others. 	<ul style="list-style-type: none"> ▪ While separate from Environmental Health, may appear to represent the City of Logan's interests.
Individual Cities	Status quo, no action alternative, where each city and the County passes their own ordinance and enforces its provisions.	<ul style="list-style-type: none"> ▪ Cities and County retain autonomy 	<ul style="list-style-type: none"> ▪ Cities have had difficulty initiating this program. ▪ Duplication of efforts. ▪ Difficult for each entity to have expertise. ▪ Limitations on funding.
Bear River Health Department	County contracts with the BRHD to administer program and tailors degree of permitting.	<ul style="list-style-type: none"> ▪ Trained people available. ▪ Excludes Box Elder and Rich County. ▪ BRHD has similar contracts. 	<ul style="list-style-type: none"> ▪ Board for BRHD would need to support program.

For all the above management alternatives except individual cities, the County would need to pass an ordinance establishing its authority and the regulatory structure. The Bear River Health Department Ordinance could serve as a basis for the ordinance, with changes to reflect local conditions and values in Cache County like the number and types of vehicles subject to permits.

RECOMMENDED ACTION

Recommend to CSA #1:

1. Whether the County should adopt an ordinance governing solid waste management practices.
2. What should be included in the ordinance, if recommended.
3. What vehicles should be required to obtain permits.
4. A responsible organization for managing the program.
5. A funding mechanism.