

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
23 OCTOBER 2001**

COUNTY COUNCIL MEETING
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CACHE COUNTY COUNCIL MEETING
October 23, 2001

The Cache County Council met in a regular session on 23 October 2001 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

Chairman: Darrel L. Gibbons

Vice Chairman: Layne M. Beck

Council Members: C. Larry Anhder, John Hansen, H. Craig Petersen, Kathy Robison, and Cory Yeates.

County Executive: M. Lynn Lemon

County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Dr. John Bailey, Mary Bennett, Vern Buehler, Richard Cahoon, Mike Dunn, Rdeell Jenkins, Jon Keller, Don Linton, Carolyn Olsen, Ray Olsen, Evelyn Palmer, Pat Parker, Kelly Pitcher, Brad Shumway, Sara Sinclair, Jim Smith, Tamra Stones, Mike Weible, Scott Wyatt, Jason Bergreen (Herald Journal) and Jennie Christensen (KVNU).

CALL TO ORDER:

Chairman Gibbons called the meeting to order at 5:00 p.m.

INVOCATION:

The invocation was offered by Craig Petersen.

REVIEW AND APPROVAL OF AGENDA:

The agenda was approved as outlined.

REVIEW AND APPROVAL OF MINUTES:

The minutes of the regular Council meeting held on October 09, 2001 were approved as submitted.

REPORT OF COUNTY EXECUTIVE:

County Executive Lemon reported on the following items:

Appointments: There were no appointments.

Warrants: Warrants for the periods of September 28th to October 5th were presented to the County Clerk for filing.

Other Items:

1. Budget Analysis: All of the Departments submitted budgets and the process of balancing that budget has begun. For several years there has been an effort to try to bring employee salaries up to market level. Therefore, it was asked of the Departments to include an increase for the employees and this would require a decrease in other areas of their budget.

There was a concern that even with that cut whether or not a balance can be made without some kind of a tax increase. Looking at the sales-tax revenues, there was a significant decrease in September; however, until that time there had been a slight increase. Assistance from the State in projections of sales-tax revenue would be sought. Next year the County will need to fund the General Election, which will cost more money. Also more housing of prisoners outside of the jail is projected because of spacing. There is also \$155,000.00 for payment of fire trucks that will be needed for this year; however, there is also a reduction in bonding.

The processing of the budget will continue and recommendations will hopefully be presented by November 13, 2001. Executive Lemon was open to suggestions or any input regarding the budgeting process.

2. Avon-Liberty Road: A copy of the legal opinion, which was received from the Attorney's Office, was given to the Council members. The Attorney requested that the Council "Table" the issue in order to allow him and the other property owners a chance to see if they could resolve the issue.
3. Draft Environmental Assessments: Executive Lemon had those assessments if anyone is interested in seeing them.

FIRE FIGHTER RECOGNITION : FIRE CHIEF KELLY PITCHER

Chief Ray Olsen from the Mendon City Fire Department was recognized by Fire Chief Kelly Pitcher. Chief Olsen started his career in June of 1975. After about a year he was promoted to the position of 2nd Assistant Chief with Mendon Fire Department and in November 1977 he was made the Chief of the Fire Department. Since that time he has served as Chief under five different mayors. Chief Olsen has been a good example to his fire-fighters and has taken advantage of all the training that was available. He saw to it that his fire-fighters received the benefits of that training as well. He also was the contractor for the new fire station in Mendon, which is a very nice facility. Vice Chairman Beck as the Chair of the Fire Board joined Kelley Pitcher in presenting Chief Olsen with his certificate of appreciation for the 26 years of exemplary service to the community and to the citizens of Cache County and also to the surrounding counties.

SUNSHINE TERRACE ANNUAL REPORT: SARA SINCLAIR

Sarah Sinclair thanked the Council for their support and the interest shown in the Sunshine Terrace Foundation. The following people were in attendance to represent the 400 employees of the Sunshine Terrace: Vern Beuhler, Chairman of the Board; Mary Bennett, Director of Adult Day Center; and Brad Shumway, Administrator of the Nursing Center.

A brand new Adult Day Center is being built on the corner of 209 West 300 North and all the money for that construction was donated; no loan was required. It has on-sight services, overnight stays at the Center now and in the future, and one of the fastest growing services is our in-home personal care where there is certified nursing assisting going into the home to assist people who need help with activities of daily living. So, the Sunshine Terrace Foundation now consists of three centers: Nursing Center with 300 clients, Assisted Living Center, and the Adult Day Center.

In reference to a letter, which was sent to the Council in August and which referred to the budget request of \$42,000.00 for help to cover uncompensated care costs. Sinclair extended appreciation to the Council for the \$35,000.00 given to the Foundation this year and for their support in previous years.

The Foundation is facing the following concerns this year:

1. Regarding ***State-defined uncompensated care***, last year \$963,000.00 was given; this year it is expected to be over \$1,000,000. In sliding scale apartments at Terrace Grove, 75 people total are cared for. 25 percent of those have total or some uncompensated care being giving to them.
2. ***Insurance coverage*** is going up all over the nation. In the Nursing Center there are about 100 medicaid patients being cared for. The system is very challenged. Medicaid was not set up to care for people in nursing homes but it is caring for them in nursing home because of flaws elsewhere that there are not appropriate reimbursement assistance set up. The average payment in any facility is \$12.46 less than the cost per patient per day. Currently as of July 1, 2001 \$98.36 per day per client is received. The cost is over \$110.00 a day. There is a new reimbursement system supposedly based on acuity and it is going to take \$2.48 per patient per day back starting December 1, 2001. Liability costs are going up quickly; property insurance increase will be 50-100% ; workman's comp. going up 10%; health insurance coverage going up somewhere between 14- 22%
3. ***Buying needed medical equipment and making capitol improvements*** with our development drives.
4. ***Employment concerns:*** 1) Money for scholarships for our employees. It is a goal to help employees improve their skills. 2) Licensed nurses this year for the first time have become a struggle to find and to keep. The employee turnover averaged at 32.52% for the first six months of this year. Sinclair is working very hard to keep that turn over down.

The Terrace has been in excellent regulatory compliance, last year they were awarded a perfect joint Commission Accreditation Survey which was awarded in the Nursing Center and Assisted Living.

Open house for the new Day Center will be Monday, December 10, 2001. The Center will open in November for people who need supervision, stimulation and planned activities during the day.

BEAR RIVER HEALTH DEPARTMENT ANNUAL REPORT: DR. JOHN BAILEY

The Council reviewed the annual report which was passed to them by Dr. John Bailey, Director of Bear River Health Department.

Annual Report held on file in County Clerk's Office.

Dr. Bailey clarified that births were recorded in the County where they occurred rather than in their County of residence. There were no births recorded as having occurred in Rich County.

Vice Chairman Beck questioned how high of a Dentist to population ratio the County had. Dr. Bailey responded that it was as high in Cache County as it was anywhere in the State. The State of Utah has a pretty high one also. In terms of getting dental services to medicaid eligible clients, it was not nearly as well as getting medical services to these clients. That is a real problem and is a Statewide problem as well.

In reference to Water policy, it was felt that the public water system was better than private water systems. The organization of periodic screening of public water supplies, accomplishment of the water source surveys as well as the treatment surveys, certification of water-treatment operators, and the regularity of sampling supplies and jumping on it when they deteriorate make this statistic very clear. Private systems are only inspected at the individuals request; otherwise, it is not monitored. Also an individual homeowner isn't required to go as deep when drilling a well as is required of the public system.

Council-member Anhder drew attention to Page 12 of the report where it talked about the development of a sewer system being considered in Nibley and Millville. The Water Policy Advisory Board in the process of identifying aquifer recharge areas had identified that it appeared these areas were fast becoming some of the most critical areas in Cache County because these areas not only re-charge the shallower aquifers from which individual household ones come from but also the deep aquifers from which nearly all of the municipal systems draw from. Council member Anhder felt that the Health Department gave Millville a less than strong recommendation for them to be on a sewer system. The verbal representation was pathetic and was not in step with either the public policy, which was established by the State Division of Water Quality, or information that the Cache County Policy Advisory Board had developed about recharge areas. The letter approach was better; however, still it needed to be stronger. From his point of view, in following these qualifications, it was probably more important that Millville have sewers than Nibley because Millville water approaching those bench hills could create more damage to the aquifers than Nibley does.

Dr. Bailey clarified a statement that was interpreted that the Health Department was not supportive of Millville's interest in a sewer system. That was a failure to communicate and was not the intent of the individual who made that statement. Dr. Bailey wrote a letter on Health Department letterhead and said in that letter: "The Health Department does and always has considered sewer systems that are properly designed, properly constructed, and properly maintained to be the premiere method of waste-water disposal;" and that was stated clearly. Dr. Bailey also pointed out it was a conditional statement because sewer systems not properly maintained could be as big a problem as individual waste disposal systems. He did not feel apologetic about the letter and he thought it was fair to point out the pros and cons of all systems.

The Annual Report of Public Health had the flavor that all is not really well with the public health in the State right now and there seems to be some cracks showing up in the public health infrastructure that have not been there before. Examples: 1) Community immunization completion rate that was a struggle to get up is starting to go back down. Because of some lack of funding for various reasons, it has been necessary to restrict the availability of vaccines to the public. 2) Environmental services: Food service inspection frequency has been going down. Flat funding will be seen this year. New money coming in is ironically being used for things like tobacco control and so-called soft contract issues. 3) Where the Department is suffering the most is in core public health service programs: Clean water, clean air, safe food inspection and infectious disease control. This is happening at a time when bio-terrorism issues are involved with investigating suspicious packages, etc. With the budget constraints the Health Department has they will continue to do the best with resources that are there but core services are suffering the most; and those services are funded with County dollars.

Dr. Bailey explained that a lot of people have been asking the Health Department is "What are you doing to respond to bio-terrorism threats?" The best defense resources available is to continue what is being done on a day-to-day basis with infectious disease control.

Infectious disease investigations are right where they need to be; it is just there are now a couple of diseases that haven't been dealt with in the past. Where traditionally tuberculosis, hepatitis, and sexually transmitted infections have been dealt with, now there is suspect anthrax and suspect smallpox thrown into the equation. The same infrastructure and the same approach and the same mechanism will continue to be used to deal with these bio-terrorism threats because there already is a place to investigate communicable diseases on a day-to-day basis. The things they will continue to do would be to keep the water supply safe and the food safe and investigate suspect communicable diseases when they come out. This is the approach the Department will recommend to the Board of Health Committee.

Dr. Bailey thanked the County Council with much appreciation for the support Cache County has given for public health services.

BUDGET TRANSFER: INTER-DEPARTMENT - FIRE DEPARTMENT

(See Attachment #1)

The Fire Department is requesting a transfer of \$6,516.00 to cover necessary expenses till the end of the year.

Council member Yeates moved to approve the transfer. Council member Hansen seconded the motion. Vote was unanimous, all members voting in favor.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS:

PUBLIC HEARING: AGRICULTURAL PROTECTION AREA - MARVIN M. MOON AND IRMA H. MOON

Chairman Gibbons opened the public hearing.

Executive Lemon reviewed the history of the application of the Ag. Protection Area which is located at 2515 South Hwy 23 between Mendon and Wellsville about a mile South of Mendon. This encompasses 10.7 acres. The paper work was actually filed back in December 1995. It was noted that a draft application to apply for Ag. Protection was given to the Soil Conservation District before the County had actually adopted an ordinance as far as the procedures for requisition of an Ag. Protection Area.

Executive Lemon wrote Mr. and Mrs. Moon a letter back in 2000 and explained that the application had been filed prior to the ordinance and asked them to re-file and go through the process. They came in on July 31, 2001 and filed again. It was advertised; there was a legal notice; and there were no requests received for modifications or changes. Executive Lemon in error neglected to send to the Planning Commission and the Ag. Protection Advisory Board a letter on Aug 23 indicating that they had 45 days to make a response.

To resolve this matter, Executive Lemon sent a letter to both the Planning Commission and to the Ag. Protection Advisory Board to advise them of the hearing tonight.

PUBLIC COMMENT:

Executive Lemon requested comments from the public. There were no comments rendered.

Council member Yeates moved to close the public hearing. Vice Chairman Beck seconded the motion. The vote was unanimous all members voting in favor.

DISCUSSION - CHAMBER OF COMMERCE TAX EXEMPT STATUS REQUEST

Executive Lemon had requested this on the agenda because he felt that the Council should consider tax-exempt status for the Chamber because of the fact that the County is using one-third of the building which was sold to the Chamber but we are not charging them interest and they are not charging us rent. However, based on the recommendation of the County Attorney's Office Executive is withdrawing his recommendation.

With no action taken, the Chamber was to be subject to tax.

HARDSHIP REQUESTS

A workshop was suggested for the Council in order to have more consistency in decisions made regarding hardship requests and for the purpose of having some criteria to go by.

The workshop was set for November 13, 2001 at 4:00 p.m. Auditor Stones was asked to set up some criteria for hardship requests.

ORDINANCE NO. 2001-04 - CREATION OF DISTRICT ATTORNEY OFFICE

Presentation for the creation of a District Attorney Office was made in the last Council meeting by Scott Wyatt. Chairman Gibbons requested the feelings of the Council.

DISCUSSION:

Larry Anhder: I think that the Attorney made a believable case but my hangup comes back with the same thing that I have been expressing time and time again. It is more evident even in this: If a separately elected County Attorney were elected, there is no control over him. Its not power of attorney; its not the County's Attorney; he is his own attorney. I would go for this in a moment if we could appoint and fire a Civil Attorney. It makes all the sense in the world because his argument I believe in completely with about the specialization and different personalities of those who run for the office and that sort of thing, hire or vote for a prosecutor for the District Attorney's Office somebody whose as mean as a junk-yard dog, I just don't know how to control what we would get as a Civil Attorney. There is nothing to prevent us getting another Doug Short.

Kathy Robison: We could take the same challenge by having an elected County Attorney.

Layne Beck: We already do that.

Anhder: We do and by his own admission, and I don't mean this at all personally, he comes in with a different philosophy than the previously attorney had. The previous attorney was a very good Civil Attorney; that was his interest. Now we supposedly have a very good prosecutor and we probably do have.

Robison: Scott, review for me again if we do this, then you would have to raise up a salary level of one of your attorneys.

Scott Wyatt: The Council would set the salary, you have the budgeting power.

Anhder: We can set the salary; you can set the budget.

Wyatt: The minimal point of cost that you could do this is to reduce my office by one person. You could fund that person (the County Attorney) with that salary of that one person and you would have one less person from new DA office.

Anhder: We could set the salaries for both of them by an ordinance.

Beck: By making that assumption though, Scott, you'd make the assumption that one of your present attorneys would like to run.

Watt: I'm not assuming anything; I'm just saying this is a minimal way that you could do it.

Beck: Otherwise you would have to have a reduction in force.

Wyatt: That is exactly what I'm saying.

Anhder: If we adopted this, we would also eliminate one of the positions in his office (the new District Attorney's Office.)

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Wyatt: Right. The next level would be to just fund a new position and you'd make those decisions based on what price that is available; so. I could debate and argue with you about those positions but that is your choice; so, there are two ways that you could go.

Darrel Gibbons: Any other questions you want to ask?

Robison: So you would lose someone from your office?

Gibbons: That's our call.

Beck: Unless there is enough resources in our budget to create a new position.

Robison: We know there isn't.

Petersen: Our passage of this Ordinance tonight would it in and of itself create a position to put it on ballot?

Wyatt: Yes, it would put it on the ballot; and then in 2002, you would set budgets for both of those offices and that would tell us the personnel, how many would be in each office.

Lemon: Scott, if we were to do this, we would need to set a salary for those positions so that whoever ran for it would be aware of the salary.

Wyatt: You would be required to have the salary prior to the filing

Robison: This would be the November election of 2002 and then it would actually take office in 2003?

Gibbons: Yes.

Petersen: One more point you might want to think about is in terms of the budget impact and Scott outlined a scenario that would make that pretty much neutral except that you would have to have a higher salary for one of those Attorneys. My guess is that once you create a County Attorney, that person is not going to be very long satisfied with himself and a secretary because there would be heavy, heavy pressure to expand that office. In a very short period of time a budgetary impact could be significant that's not necessary but I think we shouldn't pass on it on the expectation that we are going to do it on "X" amount of money.

Scott: The one thing the Council is very good at is controlling personnel.

Council member Petersen moved to adopt the ordinance. Council member Anhder seconded the motion.

Further Discussion:

Beck : We did have a committee of attorneys that reviewed this and recommended to us that we not split the office. The County Attorney did give us all of the reasons why he felt like they gave us the recommendation none of which had to do with –What were the words you used, Scott.

Scott: They tried alternative ways when they approached the Council.

Beck: They did not say this was a bad thing. If I remember Joe's report to the Council, and it was only a verbal report; we did not get a written report from them for some reason, he did say that if the County Attorney's Office was adequately staffed, there was no reason that we couldn't have the same effect without have a separation with an additional elected officer in the County.

Anhder: Scott did bring up a very good idea that you don't have that arms-length distance between the Civil Attorney and the Prosecuting Attorney handling sorts of things like questioning the amounts of money paid to indigent prosecutors. Scott can't question the bill that came to us by the public defender because Scott's office is the prosecutor.

Beck: Could Lynn question the bill?

Lemon: I have.

Petersen: It is a fairly significant step for us. We did have a committee that recommended against it. Scott, I thought, presented some good arguments for it. I don't want to rush into it at this point without having explored it further. It really would represent a really significant change in the way we do legal business. I'm not say it is going to be good or bad but it certainly would be a change.

Anhder: Even though you moved for adoption of the ordinance here, you may not vote favorably?

Petersen: I moved for adoption primarily because it seemed as though we needed something that could move it on. We seemed to be on kind of a procedural quagmire.

Robison: What further information would you require, Craig? What would you ask for?

Petersen: I don't know. Maybe it is something that you would want to make a public hearing on? Maybe the committee could perform part of that function. It is kind of interesting that Scott and the Committee kind of came down on opposite sides. The Committee in part said there really is not much of a conflict of interest. Scott's opinion is that there is. I wish I had a better handle as to which side I should come down on that particular point. I will continue to be concerned about the long-term budget implications. I am struggling on how I want to vote on this; I'm not sure at this point whether I want to vote for it or against it.

Anhder: Why not withdraw your motion?

Beck: Move to table.

Petersen: I don't want to table it.

Gibbons: I guess that one of the things I heard Scott say was that as it is if we were to divide, we would have one full-time person that would be responsible for Civil. As it is, we've got 110 percent. You have to give supervision in that office which was an argument in favor and then the other argument that I heard was the one with respect with the conflict of interest. I really don't know how often we have those conflict of interests. I don't know whether we have them frequently enough that there really has to be a concern. I think that there was a period of time after Pat Nolan left the Attorney's Office, perhaps there was some concern with regard to Civil attention; but I think since you have assigned Don Litton to address those concerns, I am much more comfortable with what is happening Civilly. So, I don't have quit the concern that I did have at one time. I think Don has done an excellent job.

Petersen: One procedural option would be for me to withdraw my motion, but if we did that we would probably end up with a motion to table and I'm not sure I want that. This is an important issue. I'm not sure I want to Table it. I'm not sure it is clear-cut as to what we want to do on this one.

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Beck: We had a motion last week and we tabled it.

Petersen: True, we did Table it; but I think effectively we killed it. I'm not so sure we are as clear-cut as what we want to do on this one.

Gibbons: Lets vote on it and find out.

Wyatt: If there is something you want, I could try and get it. I could see if I could get prosecutors to appear and give you want kind of information you would like.

Petersen: What kind of salary change, Scott, do you think would be appropriate from were your person is now to what it might be to resolve this. Give me a broad figure.

Lemon: \$28,000.

Wyatt: I think the District Attorney and the County Attorney ought to be paid on the same level...\$28,000 could be the high and the low probably \$20,000.

Chairman Gibbons called for a vote on the motion.

CREATION OF DISTRICT ATTORNEY OFFICE

	ANHDER	BECK	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X			X		X		3
NAY		X	X				X	3
ABSTAINED					X			1
ABSENT								0

NOTE: COUNCIL MEMBER PETERSEN REQUESTED PERSONAL PRIVILEGE TO CHANGE HIS VOTE TO "NO" ON THE ORDINANCE REGARDING THE CREATION OF A DISTRICT ATTORNEY'S OFFICE IN ORDER TO PUT HIMSELF ON THE PREVAILING SIDE IN TERMS OF THE POSSIBILITY OF RECONSIDERATION. THE CHAIRMAN & COUNCIL AGREED.

Final vote: 3 Aye and 4 Nay.

CREATION OF DISTRICT ATTORNEY OFFICE - Final Vote

	ANHDER	BECK	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X			X		X		3
NAY		X	X		X		X	4
ABSTAINED								0
ABSENT								0

UPDATE: CACHE COUNTY ADMINISTRATION BUILDING: CRAIG PETERSEN

Council-member Petersen reported that the Committee had met earlier this day and some issues are being looked at. One of the most important concerns was a floor plan for the building that will be secure at a reasonable amount of cost. There might be some modifications that may have to be made to the floor plan. There will be a meeting next week with the architect to discuss this.

Recommendations will be brought to the next Council meeting.

RESOLUTION 2001-34: APPROVING PARTICIPATION IN AN INTERLOCAL AGREEMENT FOR A REGIONAL STORM WATER MANAGEMENT STUDY

(See Attachment #2)

This was on for first reading. Urban areas are required to have a storm-water management plan by December of 2002 and implemented by March of 2003. This is a proposal to enter into an inter-local agreement to work together with all of the communities that are affected by that. A cash amount will be required by each entity. There will need to be a loan advanced for the purpose of coming up with and putting together this storm-water management plan and the loan will need to be repaid.

Council member Anhder moved to waived the rules and adopt the Resolution. Council member Yeates seconded the motion. All members voted in favor.

ORDINANCE NO. 2001-05: IMPOSING A 1% TOURISM, RECREATION, CULTURAL, AND CONVENTION TAX AND PROVIDING FOR THE PERFORMANCE BY THE STATE TAX DIVISION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION, AND COLLECTION OF THE TAX AND FOR THE USE OF THE REVENUES FROM THIS TAX

(See Attachment #3)

Annually the Council needs to make a decision by ordinance with respect to the imposing of the Restaurant Tax. This ordinance deals with the function of imposing that tax.

Council member Anhder moved to waive the rules and approve Ordinance 2001-05. Council member Hansen seconded the motion. 6 "aye" 1 "nay". Yeates voted no.

ORDINANCE 2001-05: RESTAURANT TAX

	ANHDER	BECK	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X	X	X	X	X		6
NAY							X	1
ABSTAINED								0
ABSENT								0

RESOLUTION NO. 2001-35: RESTAURANT TAX ALLOCATION FOR ECCLES THEATER AND BULLEN CENTER

(See Attachment #4)

Council member Andher moved to waive the rules and adopt the restaurant tax allocation for the Eccles Theater. Council member Petersen seconded the motion. Vote was unanimous, all members voting in favor.

OTHER BUSINESS:

UAC CONVENTION - NOVEMBER 14-16, 2001 - ST. GEORGE, UTAH

Chairman Gibbons reminded the Council members who planned on attending the UAC Convention to contact Pat Parker so she could make reservations for that event.


COUNCIL MEMBER REPORTS:

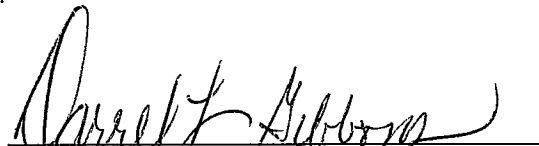
LARRY ANHDER: Cindy Hall and I met with the Quality of Growth Commission. We were successful in obtaining a \$12,000.00 grant to study Ag. Preservation.

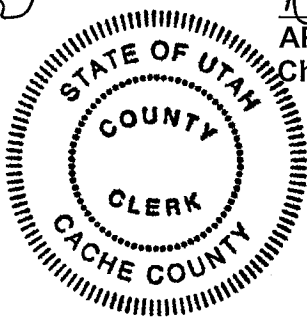
DARREL GIBBONS: The Solid Waste Department has been involved for some time in trying to site areas for new landfills. They've reduced the number of potential sites down to four or five and they are having a difficult time in getting support from community leaders as well as property owners to allow them to do an evaluation of those sites. There has been an alternative sight mentioned outside of the County. I would just say hopefully we can at least do an evaluation of the proposed sites so that we can make a comparison of costs between sites proposed and what this alternative site might be. We are continuing to move in that direction.

ADJOURNMENT:

Chairman Gibbons adjourned the Council meeting at 6:45 p.m..


ATTEST: Jill N. Zollinger
Cache County Clerk


APPROVAL: Darrel L. Gibbons
Chairman



REQUEST FOR INTER-DEPARTMENTAL BUDGET TRANSFER

ENTERED

DEPARTMENT: Fire Department
 DATE: 19-Oct-01

10.29.01

Amount to be transferred -- (rounded to the nearest dollar)

\$6,516

Transfer From ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
10-4220-270	Utilities	\$ 3,000		(2,500)	\$ 500
10-4220-290	St Vehicle Maint	\$ 4,000		(3,016)	\$ 984
					\$ -
					\$ -

Transfer To ---

10-4220-230	Travel	\$3,200	-		\$ 3,200
10-4220-240	Office supplies	\$ 3,000	2,266		\$ 5,266
10-4220-251	Equipment Under \$1000	\$900	1,600		\$ 2,500
10-4220-280	Telephone	\$ 7,750	1,550		\$ 9,300
10-4220-486	Fire Prevention Promotions	\$ 1,500	100		\$ 1,600
	Totals		\$ 5,516	\$ (5,516)	
	Net adjustment				\$ -

Description of needs and purpose of transfer ---
 Transfers to cover necessary expenses to end of year.

Department Head

Recommendation: Approval [] Disapproval
 Comments:

Date: 19-Oct-01

James Stones
 Cache County Auditor

Recommendation: Approval [] Disapproval
 Comments:

Date: 10/26/2001

M. Lynn Hemm
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 23rd day of October, 2001.

Joe S. Zollinger
 Cache County Clerk

CACHE COUNTY
RESOLUTION NO. 2001- 35

A RESOLUTION APPROVING PARTICIPATION IN AN INTERLOCAL AGREEMENT
FOR A REGIONAL STORM WATER MANAGEMENT STUDY.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County enter into an Interlocal Agreement for a Regional Storm Water Management Study to develop a Regional Storm Water Management Plan to give direction in compliance with the requirements of Phase II of the National Pollutant Elimination System.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the Interlocal Agreement for a Regional Storm Water Management Study on behalf of Cache County.

This Resolution shall take effect immediately upon adoption.

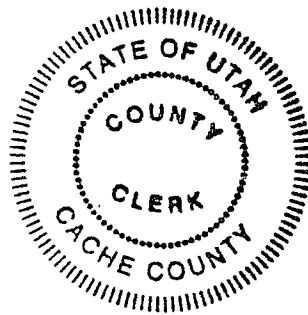
DATED this 23rd day of October, 2001.

CACHE COUNTY COUNCIL

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

ATTEST:

Jill N. Zollinger
By: Jill N. Zollinger
Cache County Clerk



INTERLOCAL AGREEMENT

REGIONAL STORM WATER MANAGEMENT STUDY FOR THE JURISDICTIONS OF THE LOGAN URBANIZED AREA

This agreement is made and entered into as of _____ 2001 by and between **CACHE COUNTY**, the **CITY OF SMITHFIELD**, the **CITY OF HYDE PARK**, the **CITY OF NORTH LOGAN**, the **CITY OF LOGAN**, the **CITY OF PROVIDENCE**, the **CITY OF RIVER HEIGHTS**, the **CITY OF MILLVILLE**, and the **CITY OF NIBLEY**, which are Utah municipal corporations, and which shall be called "**COUNTY**", "**SMITHFIELD**", "**HYDE PARK**", "**NORTH LOGAN**", "**LOGAN**", "**PROVIDENCE**", "**RIVER HEIGHTS**", "**MILLVILLE**" and "**NIBLEY**" respectively in this agreement.

This agreement is made and entered into by and between the parties based upon representations and recitals set forth below:

A. The **COUNTY**, **SMITHFIELD**, **HYDE PARK**, **NORTH LOGAN**, **LOGAN**, **PROVIDENCE**, **RIVER HEIGHTS**, **MILLVILLE** and **NIBLEY** have committed to participate in the development of Regional Storm Water Management Plan for the Logan Urbanized Area of Cache County.

B. The project is to develop a Regional Storm Water Management Plan to give direction in compliance with the requirements of Phase II of the National Pollutant Elimination System (NPDES) within the jurisdictions of the Logan Urbanized Area including the **COUNTY**, **SMITHFIELD**, **HYDE PARK**, **NORTH LOGAN**, **LOGAN**, **PROVIDENCE**, **RIVER HEIGHTS**, **MILLVILLE** and **NIBLEY**.

C. The parties are enabled to enter into this Interlocal Agreement by the provisions of the Interlocal Co-operation Act as set forth in Chapter 13 of Title 11, Utah Code Annotated, 1953 as amended.

THEREFORE, in consideration of the mutual terms, covenants, and conditions contained herein, the parties hereto do hereby agree as follows:

1. Agreement

The **COUNTY**, **SMITHFIELD**, **HYDE PARK**, **NORTH LOGAN**, **LOGAN**, **PROVIDENCE**, **RIVER HEIGHTS**, **MILLVILLE** and **NIBLEY** agree to share the costs for the above referenced project according to Attachment "A" which shall become part of this agreement.

2. Indemnification

The COUNTY, SMITHFIELD, HYDE PARK, NORTH LOGAN, LOGAN, PROVIDENCE, RIVER HEIGHTS, MILLVILLE and NIBLEY agree to hold all other parties of this agreement harmless from any and all claims arising out of this agreement. Each party agrees to indemnify the other parties of this agreement for any expenses incurred for claims for damages. Each party agrees to maintain general liability insurance coverage for such claims or damages. Any claims or damages shall be shared equally.

3. Authorizations

The parties verify that they each are duly authorized through their undersigned representatives to execute and enter into this agreement.

4. Notice

Any notices required to be given shall be given to the parties in writing to the following offices:

CACHE COUNTY	CACHE COUNTY EXECUTIVE 120 North 100 West Logan, UT 84321
SMITHFIELD	MAYOR, CITY OF SMITHFIELD P.O. Box 96, 69 North Main Smithfield, UT 84335-0096
HYDE PARK	MAYOR, CITY OF HYDE PARK P.O. Box 489, 113 East Hyde Park Ln. Hyde Park, UT 84318
NORTH LOGAN	MAYOR, CITY OF NORTH LOGAN 2076 North 1200 East North Logan, UT 84341
LOGAN	MAYOR, CITY OF LOGAN 255 North Main Logan, UT 84321
PROVIDENCE	MAYOR, CITY OF PROVIDENCE 15 South Main Providence, UT 84332
MILLVILLE	MAYOR, CITY OF MILLVILLE 420 East 300 South P.O. Box 308 Millville, UT 84326

RIVER HEIGHTS

MAYOR, CITY OF RIVER HEIGHTS

520 South 500 East
River Heights, UT 84321

NIBLEY

MAYOR, CITY OF NIBLEY

625 West 3200 South
Nibley, UT 84321

In the event of any change of address or offices to be notified hereunder, each party shall be responsible to advise the other parties in writing of such changes.

5. Governing Law

This agreement shall be construed and governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties hereto have executed eight copies of this Agreement, each of which will be deemed an original, on the _____ day of _____, 2001.

CACHE COUNTY

CITY OF LOGAN

By: _____
M. Lynn Lemon
County Executive

By: _____
Douglas E. Thompson
Mayor

Attest:

Attest:

By: _____
Jill Zollinger
County Clerk

By: _____
Lois Price
Logan City Recorder

CITY OF PROVIDENCE

CITY OF SMITHFIELD

By: _____
Alma H. Leonhardt
Mayor

By: _____
Kent F. Ward
Mayor

Attest:

Attest:

By: _____
Skarlet Bankhead
Providence City Recorder

By: _____
O. Dean Clegg
Smithfield City Recorder

CITY OF HYDE PARK

CITY OF NORTH LOGAN

By: _____
Mark E. Daines
Mayor

By: _____
Jack R. Draxler
Mayor

Attest:

Attest:

By: _____
Judy Y. Hawkins
Hyde Park City Recorder

By: _____
Jeff Jorgensen
North Logan City Recorder

CITY OF NIBLEY

CITY OF MILLVILLE

By: _____
H. Jay Nelson
Mayor

By: _____
Gale J. Hale
Mayor

Attest:

Attest:

By: _____
Larry Anhder
Nibley City Recorder

By: _____
Rose Mary Jones
Millville City Recorder

CITY OF RIVER HEIGHTS

By: _____
Ralph Degn
Mayor

Attest:

By: _____
Sheila H Lind
River Heights City Recorder

Approved as to form and compliance with applicable law:

Scott Wyatt
County Attorney

ATTACHMENT A

The following Table shows the breakdown of financial comment to they project by the different project partners.

Project Partners	2000 Census Population	In-Kind Share	Cash Share	Water Quality
Cache County	1,149	\$ 206.00	\$ 1,000.00	\$ 1,937
Smithfield City	7,261	1,302.00	1,000.00	12,240
Hyde Park City	3,038	545.00	1,000.00	5,121
North Logan City	6,163	1,105.00	1,000.00	10,389
Logan City	42,670	7,652.00	1,000.00	71,927
Providence City	4,377	785.00	1,000.00	7,378
Nibley City	2,045	367.00	1,000.00	3,447
Millville City	1,507	270.00	1,000.00	2,540
River Heights City	1,496	268.00	1,000.00	2,522
Total	69,706	\$12,500.00	\$ 9,000.00	\$117,500

CACHE COUNTY, UTAH
ORDINANCE NO. 2001-05

AN ORDINANCE IMPOSING A 1% TOURISM, RECREATION, CULTURAL, AND CONVENTION TAX AND PROVIDING FOR THE PERFORMANCE BY THE STATE TAX DIVISION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION, AND COLLECTION OF THE TAX AND FOR THE USE OF THE REVENUES FROM THIS TAX.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that Section 59-12-603, Utah Code Annotated, 1953 as amended, enables the County Council, as the legislative body of Cache County, to impose a tourism, recreation, cultural, and convention tax not to exceed 1% of all sales of prepared foods and beverages that are sold by restaurants and to apply the revenue therefrom, in whole or in part, to tourism promotion and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined in Section 59-12-602, Utah Code Annotated, 1953 as amended. The County Council finds that it is in the best interest of Cache County and its citizens that a tourism, recreation, cultural and convention tax be imposed.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL FOR CACHE COUNTY, UTAH, AS FOLLOWS:

SECTION 1: TITLE

This ordinance shall be known as the "Tourism, Recreation, Cultural, and Convention Tax Ordinance of Cache County."

SECTION 2: PURPOSE

It is the purpose of this ordinance to impose a tourism, recreation, cultural, and convention tax for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined in Section 59-12-602, Utah Code Annotated, 1953 as amended.

SECTION 3: DEFINITIONS

As used in this ordinance:

- (1) "CONVENTION FACILITY" means any publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.
- (2) "CULTURAL FACILITY" means any publicly-owned or operated museum, theater, art center, music hall, or other cultural or arts facility.
- (3) "RECREATION FACILITY" or "TOURIST FACILITY" means any publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism-related facility.
- (4) "RESTAURANT" includes any coffee shop, cafeteria, luncheonette, soda fountain, or fast-food service where food is prepared for immediate consumption. In accordance with the provisions of Tax Bulletin No. 8-91, effective July 1,

1991, as promulgated by the Utah State Tax Commission, a "restaurant" is any retail establishment whose primary business is the sale of foods and beverages prepared for immediate consumption. Examples include full-service restaurants, fast-food restaurants, and their drive-in windows, concession stands at malls or fairs, and employee or school cafeterias.

SECTION 4: IMPOSITION OF TAX

There is hereby levied for collection a tourism, recreation, cultural, and convention tax on all restaurants, as defined herein, in Cache County, Utah, at the rate of 1% on all sales of prepared foods and beverages that are sold by restaurants for the period October 1, 2001 to September 30, 2002.

SECTION 5: USE OF REVENUES

The revenues received from the tourism, recreation, cultural, and convention tax shall be used solely for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined herein.

SECTION 6: COLLECTION

All taxes collected hereunder shall be collected by the Utah State Tax Commission pursuant to Chapter 12, Title 59, Utah Code Annotated, 1953 as amended, as and in the manner for other state and local sales and use taxes. The County Executive is authorized and directed to negotiate with the Utah State Tax Commission for and to execute the necessary contracts for the provision of such services by the Utah State Tax Commission. Taxes imposed under this ordinance shall be levied at the same time and collected in the same manner as provided for other state and local sales and use taxes in Chapter 12, Title 59, Utah Code Annotated, 1953 as amended.

SECTION 7: LICENSURE

All persons, companies, corporations or other similar persons, groups, or organizations engaged in or doing business as a restaurant or restaurants shall obtain from the Utah State Tax Commission a tourism, recreation, cultural or convention tax license; provided however, that no such additional license shall be required if the person, company, corporation, group, or organization has already obtained and maintains a license pursuant to Section 59-12-106, Utah Code Annotated, 1953 as amended.

SECTION 8: ADVISORY BOARD

The Cache County Executive may establish an advisory board for the purposes of making recommendations for the allocation and application of revenues derived from the tourism, recreation, cultural, and convention tax. The board shall be advisory in nature only. The County Executive shall determine the composition of the advisory board; provided, however, that all appointments to that board shall be upon and with the advice and consent of the Cache County Council.

SECTION 9: ALLOCATION AND APPLICATION OF REVENUES

The Cache County Executive shall submit recommendations to the Cache County Council for the allocation and application of the revenues derived from the tourism, recreation, cultural, and convention tax. Acting upon such recommendations, the Cache County Council then, by resolution, shall approve the allocation and application of such revenues.

SECTION 10: EFFECTIVE DATE

This ordinance shall become effective upon approval and publication in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 23rd day of October 2001, upon the following vote:

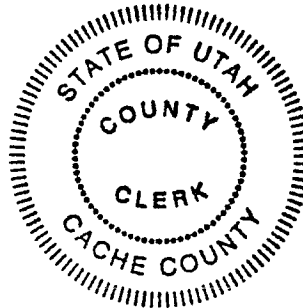
	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ANHDER	X			
BECK	X			
GIBBONS	X			
HANSEN	X			
PETERSEN	X			
ROBISON	X			
YEATES		X		
TOTAL	6	1	0	0

CACHE COUNTY COUNCIL

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

ATTESTED BY:

Jill N. Zollinger
Jill N. Zollinger
Cache County Clerk



Publication Date: November 8th 2001.

CACHE COUNTY
RESOLUTION NO. 2001- 36

A RESOLUTION APPROVING THE ALLOCATION OF REVENUES FROM THE TOURISM, RECREATION, CULTURAL AND CONVENTION TAX TO LOGAN CITY FOR APPLICATION TO THE ELLEN ECCLES THEATER AND BULLEN CENTER.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that Section 9 of Ordinance No. 96-01 authorizes the County Council, acting upon the recommendation of the Cache County Executive, to approve the allocation and application of revenues derived from the 1% tourism, recreation, and cultural and convention tax; that the Cache County Executive has recommended the allocation to Logan City of an amount not exceeding \$76, 545.00 for application thereof to the Ellen Eccles Theater and Bullen Center, a public facility as defined by state law and Ordinance No. 96-01, and that this is an acceptable and appropriate allocation and application of revenues derived from that Tax.

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

BE IT RESOLVED that:

Section 1: Allocation of Tax to Logan City

The allocation of an amount equal to the principal and interest accruing on the P.C.I.B. loan as of July 2001, not to exceed \$76.545.00 from the 1% tourism, recreation, cultural and convention tax collected for the period October 1, 2001 to September 30 2002, to Logan City for its exclusive application thereof to the Ellen Eccles Theater and Bullen Center which are under the management of the Capitol Arts Alliance is hereby approved.

Section 2: Effective Date:

This resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the 23rd day of October, 2001.

CACHE COUNTY COUNCIL

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

ATTEST TO:

By: *Jill N. Zollinger*
Jill N. Zollinger, County Clerk

