

CACHE COUNTY COUNCIL MEETING
January 22, 2002

The Cache County Council met in a regular session on 22 January 2002 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

Chairman: C. Larry Anhder
Vice Chairman: Layne M. Beck
Council Members: Darrel L. Gibbons, H. Craig Petersen, Kathy Robison.
Council Members: John Hansen and Cory Yeates - *excused*
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Kitty Dunn, Michael Dunn, Lorene Greenhalgh, Richard Hendricks, Boyd Israelsen, Rdel Jenkins, Jon Keller, Ted McArthur, Mike Mecham, Lisette Miles, Dave Nielsen, Evelyn Palmer, Pat Parker, Kelly Pitcher, Jim Smith, Scott Wyatt, Preston Ward, Jennie Christensen (KVNU), and Leon D'Souza (Herald Journal)

CALL TO ORDER:

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

INVOCATION:

The invocation was offered by Craig Petersen.

REVIEW AND APPROVAL OF AGENDA:

The agenda was approved as presented.

REVIEW AND APPROVAL OF MINUTES:

The minutes of the regular Council meeting held on January 8, 2002 were discussed, corrected, and approved.

Council member Robison moved to approve the minutes of January 8, 2002 as corrected. Vice Chairman Beck seconded the motion. Vote was unanimous, 5-0. (Hansen and Yeates absent)

REPORT OF COUNTY EXECUTIVE:

County Executive Lemon reported on the following items:

Appointments: There were no appointments.

Warrants: The Warrants for the period of 12/26/01 and 01/05/02 to 01/10//02 were given to the Clerk for filing.

Other Items:

1. **College/Young Ward City Incorporation Petition:** Executive Lemon turned some time over to the Cache County Clerk, Jill Zollinger, to report the status of this petition. Ms. Zollinger told the Council that the Clerk's office has completed processing the College/Young Ward incorporation petition and they have determined that the petition fails to meet the requirement under Utah Code Section 10-02-101; and that is that it covers at least one-third of the total private land within that area. The total private-land area totals 11,239.80 acres. One-third of the total private land area equals 3,709.13 acres. The petitions acreage totals 3,441.87; so, the petition acreage falls short by 267.26 acres. Ms. Zollinger will be notifying the Sponsors of the petition this week.

Executive Lemon stated that there was basically a 30-day period for the sponsors to make up the deficiency. Then the Clerk has 20 days to determine if they have met the requirements. If the requirements have been met then the petition will be brought back to the Council. If they don't make up the deficiency, then the process is finished.

Chairman Anhder complimented the Clerk's office and all those who helped with the process.

2. **Utah Association of Counties 2002 Preliminary Calendar.** Executive Lemon outlined the UAC 2002 calendar dates with the Council. **a)** County Officials' "Day at the Legislature," which is this Friday, January 25, 2002. Because of the nature of the Legislature this year, I think it is important that we be there and participate. **b)** The other dates that I felt that were important for you as a Council to be aware of is on March 20, 2002; the UAC Executive Committee do plan to visit Cache County. If you can mark that so that you can participate in this. **c)** On April 10-12, 2002 is the "UAC Management Conference." **d)** On Jun 26, 2002 there is "Utah State Association of County Council Commissions' Workshop," a one-day work shop at the Homestead. **e)** Usually the second week in September is when they have the Utah State Association of County Commissions and Councils' Fall Workshop. **f)** The Annual Convention, November 13-15, 2002.
3. **UAC Legislative Committee Agenda:** Executive Lemon would like the Council members to be aware of the UAC Legislative agenda and to take an active roll in talking with Senators and Representatives to stress the Jail reimbursement, Jail contracting, and Bailiff issues. Even though the Legislature is finding areas to save as far as the State is concerned, it is really putting additional burden back on the County.
4. **Bonneville Shore Line Trail:** There will be another public open house on January 28,2002 at 6:30 p.m. concerning the Bonneville Shore Line Trail. We certainly want to encourage landowners and everyone involved to be there so that their concerns are addressed.

5. **State Road 91.** UDOT is holding another public hearing on widening State Road 91 from Smithfield to the Idaho border. It will be next Tuesday, January 29th, 2002 from 6:00 - 8:00 p.m. at the North Cache 8th- 9th Center, in Richmond.

FIRE CHIEF RECOGNITION - TED McARTHUR

Kelly Pitcher introduced Ted McArthur to the Council. When Chief McArthur moved to Cache County in 1984, he quickly became involved in the community as a member of the Fire Department and the 1st responders of Paradise. Ted has provided many years of service to the county as a member of the County Fire District Instructor Pool. He has been the Training Officer, the Assistant Fire Chief and also the Fire Chief for the Paradise Fire Department. Under Ted's watch Paradise became the first Fire Department in Cache County to obtain 100% certified "Firefighter One" status. All the equipment at station 90, which is Paradise, is in top notch condition. It has been accomplished with one of the smallest budgets of any of our Fire Departments in the County also. The members of Paradise Fire and Rescue were always ready, willing, and able to help out, which is an attitude that is made possible by a Fire Chief with the interest of the Community as the number one goal in his heart.

Chief Pitcher presented Mr. McArthur with the Service Award Recognition plaque and also the Gold Helmet award. The Council also commended Mr. McArthur for a job well done.

CAPITAL ARTS ALLIANCE REPORT - LISETTE MILES:

Lisette Miles, Executive Director of the Capitol Arts Alliance (CAA), addressed the Council and presented the CAA "Quarterly Report" of October 1 to December 31, 2001 and the "Compiled Financial Statement of the CAA dated December 31 2001." The Capitol Arts Alliance consist of the following Entities: The Ellen Eccles Theatre, Bullen Center, and the Thatcher-Young Mansion.

(See Attachment #1)

In the third quarter at the Utah Festival of the Opera, there were 29 performances in the Ellen Eccles Theater. They had a 30% increase in ticket sales. It was thought that 85% of the patrons who attended the Utah Festival of Opera come from out of town. So that is quite an opportunity for CAA to show off our community facilities to people who are not from Cache Valley. The facility was being used for performances of CAA as well as by renters of the facility, such as: Actors from the London Stage, Cache Valley Civic Ballet, The Eugene Tueller Cache Community Theatre.

In order to gear up for the addition events that they were going to be having for the year, Sara Anderson was hired as their Box Office Staff. Also hired on a part-time basis was Pamela Bee who is in charge of Education and Outreach activities.

At the Bullen Center the Capitol Arts Alliance earned rental income from receptions, seminars, workshops, weddings, dance classes, dinners/parties, art exhibits, etc.

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A Programming and Economic Impact Survey was completed with inserts to the utility bills and with four write-ups in the Herald Journal. Responses to date received were about 330.

The annual fund appeal was sent out the end of November. Currently the fund was over about \$1,500 from where it was last year. Ms Miles was enthused about that especially considering the downturn of the economy since the events of September 11 and the consequences of that.

CAA received two additional support grants from S. J. and Jessie E. Quinney Foundation in the amount of \$10,000 and from Willard L. Eccles Charitable Foundation in the amount of \$15,000. These will go directly to their programing.

Ms. Miles metioned the Pilot Program which is a joint venture between the Utah Arts' Council and an Arts Consultant that is based out of Oregon. There are about 20 Arts administrators from across Utah that are participating in this. Melodie Francis, is another Cache Valley representative that is involved in this program. They meet 4 times a year for about 3 days and go over professional development and how we can build the community.

Financial Reports were also compiled:

(See Attachment #2)

An \$89,000.00 deficit was approved for the operating budget this year which was necessary to fulfill the goals that were set. The report was that costs are being controlled as much as possible and at present CAA is at about \$30,000.00 better than what had been expected. Areas are still being cut back and tough choices are being made.

Questions:

Craig Petersen: Explain to me; if you approved a deficit in your operating budget and although it is not going to be as bad as you wanted, how do you deal with that at the end of the year?

Lisette Miles: We are drawing from our cash reserves.

Lynn Lemon: Your ticket sales have been greater than you anticipated. Is that the main reason for the difference?

Miles: I would say "No" because actually I was surprised with that number because it had just been devastating as far as the consequences of September 11 as far a ticket sales; and this is nationwide trend. Our tickets sales were down. I need to go back and look at those.

Larry Anhder: Didn't you report that for the year, your total attendance was up largely do to the increase in the Utah Festival Opera.

Miles: Right. Our ticket sales are just for the Capitol Arts Alliance events. While attendance is up for events overall, we don't count the total ticket sales for instance the ticket sale for the Cache Community Theater or for the Utah Festival Opera.

Lemon: It just looks like they are all up for that 6-month period but are you saying that you don't know if that is correct?

Miles: The only question that I have is the ticket sales.

Lemon: The \$99,000.00.

Miles: Yes.

Lemon: Your expenses are up also in the budget but because of the increased revenue, you didn't have as big a deficit as you had anticipated. Is that correct?

Miles: Right. We also received about \$25,000.00 in grant support we did not anticipate. I'd say starting last Spring we renewed our efforts to try to expand our funding sources. That has been a very good point. To be quite honest it is because one of our Board members has close family ties with these foundations. Our rents for the theater are definitely up but we also have corresponding personnel costs that are associated with those coming in. We'll continue to try to fine-tune them, to do all we can to keep our expenses down, and to find additional funding.

Anhder: Could you share with us any of the results from your survey?

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Miles: For the Programming survey, "CATS" was number one. In order to bring them in we would have to bump the price by an average of \$10.00. Normally our Broadway prices are \$20, \$26, and \$30. So we would need to bump those prices up by \$10.00.

Anhder: I paid more than that in San Francisco. It is a different market here.

Miles: That is what we are really faced with. Is that something that this community would be able to support? The other one was "The Music Man" which was in the same situation as "CATS." I'm having a meeting with the Programming Committee to try and figure out what we want to do. There is also two other really good shows that we could bring in that we could maintain our current price structure. Even when we bring in a Broadway show, we are still subsidizing that about \$15,000.00 through grants. We feel it is important for our community to have this exposure.

Anhder: When something like Betty Buckley comes and "Funny Girl" and you play it with just 700-800 people, do you lose money on those kind of events?

Miles: We always lose. All our events are subsidized by the grants and the contributions that we get. That is pretty much standard for the industry. If you get 50% earned income and 50% contributed income then you are doing really well. I think our average of earnings is up on the higher end. We negotiate the artists' fees and we have a really good staff that tries to keep the cost down; and we have wonderful support from sponsors.

Chairman Anhder thanked Ms. Miles for her report.

BUDGET TRANSFERS:

There were no budget transfers.

PUBLIC HEARING SET - OPEN 2002 BUDGET

Council member Gibbons moved to set a Public Hearing to open the 2002 Budget on February 12, 2002 at 6:00 p.m. Robison seconded the motion. The vote was unanimous, 5-0. (Hansen & Yeates absent)

PENDING ACTION:

911 RATE INCREASE - DISCUSSION:

Discussion was postponed until the next agenda.

ADMINISTRATION BUILDING UPDATE :

Executive Lemon reported that the Committee met this morning and had met a couple of times since the last County Council meeting. He passed a calendar to the Council members of a schedule for the Administration building.

(See Attachment #3)

Lemon told the Council that the committee is in the process of pre-qualifying contractors for the project and that the pre-qualification process will be completed by February 5, 2002. In terms of financing the committee considered a lease-purchase option, but it was determined in the meeting this morning that it was probably in the County's best interest to go through a process of bonding. We will begin going through a rated-bond process in the next 6 weeks; so that we can bond about the same time that we award bids as far as the contractors are concerned.

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Council member Petersen also thought it was important to point out that it wasn't a decision made without help. There had been some discussion with legal council and their direction concluded that probably in terms of pricing, the way it would be treated, that there would really be no advantage of a lease-purchase. So the committee decided to go with bonding.

Questions:

Layne Beck: I have a question with respect to the bonding for this administration building. If we are going to bond to do that does it make sense if we are going to do a jail to kind of think about doing them both together from the cost of issuance point-of-view? Does it matter?

Lemon: We have talked about that all along. We have talked about the idea of doing it together; however, we are not certain right now of when we are going to be ready to move forward on the jail, if we would be ready midway through this year or later. This will be a lease-revenue bond. We will actually take lease proceeds and pay for that through the Building Authority. With the jail we weren't certain whether we would do it with a lease-purchase or whether we would do it with a general obligation. At this point-in-time, I think we feel that we should separate them. Again we are still at the point we could do it together.

Beck: We do have over \$2 million in capitol reserves for this administration building; so, I guess you could start construction and issue bonds later and put it together if there is a savings for the County to do that. I don't know if there is but, if there is we ought to at least consider it.

Anhder: There are some savings.

Scott Wyatt: One of the other considerations is bonding is so good now that we hate to wait for the jail. Whatever savings we might see by putting them together, we may lose.

Beck: Because rates may go back up. That's true. We need to make a decision on the jail soon too.

Lemon: It does affect us as far as arbitrage. We basically told UAC that we wanted to borrow as much money on tax anticipation as we could and the only amount we could borrow was the amount between \$5 million and \$3.5 million because we anticipated borrowing \$3.5 million. If we don't do that if we borrow more than that, we may not be able to borrow some of that as far as tax anticipation. If we are not going to borrow that money maybe until later in the year maybe that is something that we could work through.

Beck: I don't know what the time line is going to be on the jail.

Anhder: Have you picked a financial advisor for the administration building?

Lemon: No. We have gone through the pros and cons of the financial advisor. At this point in time George Daines, who is a member of our building committee and I are going to meet with an advisor and layout the kind of format that we would like to bid this on and then actually just bid it ourselves. You will get different opinions from different individuals. Some will say it will be worth you time to pay for financial advisors. I've probably had just as many individuals who work as financial advisors say that we will do just as well to lay out what we want and then let underwriters give us proposals as far as underwriting bonds for us and save the cost of a financial advisor. At this point in time, I think that is what our intent is. Again, we haven't made that decision. We are planning to meet next Monday with them and then we'll meet with the committee again next Tuesday; we'll report back to you at the next Council meeting.

UPDATE - CACHE COUNTY JAIL: LYNN LEMON

Executive Lemon told the Council that Council members Beck and Gibbons and Executive Lemon along with Sheriff Nelson, Von Williamson, Daron Henrie from the Jail, and the Architects visited the Idaho Falls, Bonneville County jail.

Comments:

Lynn Lemon: I think we have narrowed down a lot of the options except the personnel issue as far as what it is going to actually cost us to operate the facility. Hopefully that is something that we are going to get determined in the next little while. I don't know whether I should say we could get it determined in the next couple of weeks but I really think that is the determining factor. If in fact we determine that we can build a jail for what the estimate was given to us in December and we can pay for it with the proceeds that we are now using to pay to house prisoners outside the county, I think we are wise to do that. However, if we determine that the cost to operate is going to be substantially more than what we are currently paying, then we need to figure out a way to finance that. We'll have to determine whether that is to just do a proposed tax increase with a lease-revenue bond or whether we do a general obligation bond as far as the jail is concerned. That is something that needs to be determined fairly quickly but I think the real

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key factor right now is whether they can operate with generally the same number of the employees that they currently have.

Layne Beck: I think that it was a good experience to go through that jail. I think the architects picked up some information about the construction process that they went through. It has been in operation for 3-years. It is a 364 bed jail. They have roughly 60 staff although they do have a separate building for work-release, which they have some security risks there, I thought, with only one officer handling roughly 16 or so minimum security work-release kind of people that are coming and going. They picked up some information with respect to doing video arraignment and making sure that they have sound stuff in place with insulated walls and all that so you don't have feedback; and other information like that was very helpful.

Lemon explained that the real issue is what will it cost to operate the Jail. That is the issue that has got to be determined before a proposal can be drafted. Careful consideration must be made, determine what is best, and then make a decision and go from there.

VOTING PRECINCT BOUNDARY CHANGES : JILL ZOLLINGER

County Clerk, Jill Zollinger explained to the Council that she had contacted Logan City and Providence City about the proposed voting precinct boundary changes. They were in agreement with the changes. The changes will create eight (8) new voting precincts in the County. Six (6) in Logan and two (2) in Providence bringing the total voting precincts in the County to Seventy-two (72).

(See Attachment #4)

Council member Gibbons moved to approve the Voting Precinct boundary changes. Council member Petersen seconded the motion. Vote was unanimous, 5-0. (Hansen and Yeates absent)

There was a question as to whether or not this process needed to be done by Resolution or Ordinance. Attorney Wyatt will draw up the appropriate papers and have them ready for the next Council meeting.

FINAL PLAT APPROVAL: LOGAN CITY WEST FIELD SUBDIVISION

Lorene Greenhalgh, Zoning Administrator came before the Council and explained that Kevin Hansen and Michael Mecham, agents for Logan City and Rallin & Jean Andersen are requesting approval of a three lot minor sub-division to be called Logan City West Field Subdivision to allow the construction of an Engineered wetland to provide tertiary treatment of effluent from the Logan sewer lagoons as a Public Utility on 243.74 acres in the Agricultural Zone. The owners of the two lots not included in Logan City's proposal are to be kept in agricultural use and those owners signed the vellum copy of the plat but have since refused to sign the mylar copy. Our legal council has advised us to proceed and have the vellum copy recorded with the mylar. The Recorder has agreed to record both copies.

(See Attachment #5)

Council member Gibbons moved to waive the rules and to approve the sub-division. Council member Petersen seconded the motion. Vote was unanimous, 5-0. (Hansen and

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Yeates absent.)

PUBLIC HEARING: AGRICULTURAL PROTECTION AREA - HAROLD SELMAN, INC.

Chairman Anhder opened the public hearing for comments. Executive Lemon explained that this property is located southwest of Avon and directly East from Mantua. The agricultural protection area would cover 5,774 acres and that the Zone of that area was FR 40.

Chairman Anhder questioned if it is inconsistent that the Council do something as an agricultural protection in a Forest recreation area? Executive Lemon said that it is protection from a nuisance lawsuit.

Public Comments:

Dave Nelson: What is the significance of the agricultural protection area? I went to the Planning Commission, and that question was asked but nobody could answer it because they didn't even know what it was.

Lynn Lemon: When we started this whole process, we questioned whether there was any benefit of having someone in an ag. protection area because we have an ag. zone and we protect people's right to agricultural in that ag. zone. The one benefit that I can see and that was pointed out to us by the Soil Conservation District is that if you are in an ag. protection area and someone files a nuisance lawsuit against you then you have a complete defense if you are conforming to current agricultural practices. Now I don't know how it would relate to this but if you were in an ag. zone and you were baling hay or hauling manure or something that may be offensive to a neighbor or some people who lived next to you, you would have a defense against that as long as you were following current agricultural practices.

Nelson: How about if you sprayed the sagebrush and it blows off on the neighbor's land.

Lemon: I don't think you would have protection in that. It would be a nuisance law suit because somebody didn't like what you were doing as far as your agricultural land use.

Chairman Gibbons motioned to close the Public Hearing. Council member Petersen seconded the motion. The vote was unanimous, 5-0. (Hansen and Yeates absent.)

A resolution for this would be brought back to the next Council meeting.

ORDINANCE 2002-01: RE-ZONE OF 24.4 ACRES FROM FR40 TO AGRICULTURAL

An Ordinance amending zoning from Forest Recreation Zone to Agricultural Zone on 24.4 acres of land.

(See Attachment #6)

Council member Petersen moved to waive the rules and approve Ordinance 2002-01. Vice Chairman Beck seconded the motion. Vote was unanimous, 5-0. (Hansen and Yeates absent)

RESOLUTION NO. 2002-03: BUSINESS LICENSE FEES

Executive Lemon explained that the Resolution before the Council had been prepared and recommended by the department heads involved in the Business License process.

(See Attachment #7)

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Vice Chairman Beck moved to waive the rules and adopt Resolution 2002-03 leaving item (b) temporary business fee at \$50.00. Council member Robison seconded the motion. The vote was unanimous, 5-0 (Hansen and Yeates absent).

RS 2477 ROADS DISCUSSION: PRESTON WARD

PRESTON WARD: As you know the State through the Attorney General's Office and through the Utah Association of Counties (UAC) have determined that we need to protect our roads. We are trying to locate and map all the roads throughout the County. Last year the State told us that they wanted 20 roads from each County. The State wanted to have these roads mapped and located; then the Attorney General's Office was going to write a description for them.

Over the Summer and into the Fall and at the last UAC meeting, the State decided that we needed to do all of the roads. We have identified and mapped through GPS 43 roads marked on the map. These are the roads that we have all ready mapped. I have identified another 27 roads that I feel should be identified as public roads. What I need from the Council is some recommendations and some guidance. Is this adequate or too much? Do we need to add more roads? Where do we go from here?

The map was displayed for the Council to review.

Executive Lemon told the Council that this is a problem that we need to take seriously. The State is already dealing with the 20 roads that we initially proposed and now they are asking us to deal with all other roads in the County. We are trying to make sure we go through a process to determine which roads we want to claim. I think it ought to be something that we try to get input from. Chairman Anhder would like to see an Outreach Program on this item and get public input.

It was decided that the Executive would take care of newspaper coverage and to try to have front-page coverage with a feature article concerning the RS2477 roads issue. A public hearing would be held in the next Council meeting.

Council member Gibbons moved to set the public hearing at 6:30 p.m., on February 12, 2002. Council member Petersen seconded the motion. Vote was unanimous, 5-0. (Hansen and Yeates absent)

JOINT MEETING WITH LOGAN CITY COUNCIL:

The joint meeting with Logan City Council will be held at 5:00 p.m., Tuesday, January 29, 2002. Executive Lemon confirmed the date with the Logan City Council and items they will be discussing will be the National Guard Armory, Zap tax, 911 fees and a County Jail location.

COMPOSITION OF CACHE COUNTY PLANNING COMMISSION:

Discussion was postponed on this item until the next Council meeting.

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JOINT MEETING WITH CACHE COUNTY PLANNING COMMISSION:

The Planning Commission was interested in meeting with the County Council in a joint workshop to talk about Powder Mountain and the Resort Recreation Zone.

The decision of the Council was that there would be no joint meeting to discuss specific issues, but that the Council Chairman would meet with the Planning Commission at their meeting on February 4, 2002 and take some time on the Commissions agenda and explain why the two bodies should remain separate in function.

TOUR OF DISPATCH FACILITY DISCUSSION:

Chairman Anhder asked if the Council would be interested in having a personalized tour of the new Dispatch Facility. The Council expressed interest.

It was decided that for the tour, the Council would meet at the 4:00 p.m., February 12th, at the Logan Justice Center, which is on 1st West and 3rd North in Logan.

COUNCIL MEMBER REPORTS:

Layne Beck: I would draw your attention to the new plaque we have on the wall. The plaque was presented to the County Council and the Executive for the County's roll in construction of the new Ice Arena. Also the Olympic torch relay will be coming through Logan on the 6th of February 2002. Logan Park's and Recreation will be hosting the event at the USU Spectrum. It will stop there about 5:00 p.m..

ADJOURNMENT:

Chairman Anhder adjourned the Council meeting at 6:50 p.m..

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: C. Larry Anhder
Chairman