

CACHE COUNTY COUNCIL MEETING
March 12, 2002

The Cache County Council convened in a regular session on 12 March 2002 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Marreen Casper, Michael Fortune, Lorene Greenhalgh, Joe Linton, Rob Moore, David Nelson, Sheriff Lynn Nelson, Angela North, Michael North, Evelyn Palmer, Pat Parker, Wayne Rasmussen, Low Raymond, Ted Seeholzer, Jim Smith, Auditor Tamra Stones, Mark Teuscher, Kenton Wall, Von Williamson, Attorney Scott Wyatt, Leon D'Souza (Herald Journal) Jennie Christensen (KVNU)

CALL TO ORDER:

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

INVOCATION:

The invocation was given by Kathy Robison.

REVIEW AND APPROVAL OF AGENDA:

REQUESTED CHANGES TO THE AGENDA:

Added DUP abatement item under 8d. Discuss item 11a before setting the date for item 8a.

The Council Meeting proceeded with the agenda as amended.

REVIEW AND APPROVAL OF MINUTES:

The minutes of the regular Council meeting held on February 26, 2002 were discussed, corrected and approved.

Council member Yeates moved to approve the minutes of February 26, 2002 as amended. Council member Robison seconded the motion. Vote was unanimous, 5-0. (Anhder and Petersen absent.)

REPORT OF COUNTY EXECUTIVE:

County Executive Lemon reported on the following items:

Appointments: Richard Nielsen - Cache County Agricultural Advisory Board.

Council member Gibbons moved to approve the appointment. Yeates seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

Warrants: The Warrants for the periods of 12/11/2001 and 02/22/2002 to 02/28/2002 were given to the Clerk for filing.

Other Items:

1. **Northern Utah Motorized Trail System:** This is a proposed motorized system that goes through Weber, Box Elder, Cache, and Rich Counties. There are 337 miles of existing trails that would be identify as motorized trail. 65 percent of the system is already in place. There is 172 miles of existing roads or trails that are not currently open.

This is a proposal that State Lands is working on and Representative Jim Hansen has given them an indication that he thinks he can appropriate about \$5,000,000.00 in funding to provide parking lots, trail-heads, etc.

There are a couple of conflicts; however, the feeling is that they can be worked out. The intention is to provide these trails to prevent a lot of the off-road trails that are being made. The Forest Service is supportive of this proposal.

2. **North American Weather Consultant Cloud Seeding Report for February:** There were very few storms in February. Snow/water equivalent is down but hopefully it will go back up.

EMPLOYEE OF THE MONTH: WAYNE RASMUSSEN

Jim Smith introduced Wayne Rasmussen to the Council as Employee of the Month for March.

Wayne has worked in the capacity of Building and Grounds Supervisor for Cache County. He began his employment with the County on January 6, 1997. Wayne has navigated the electrical, the plumbing, and the heating system of the old Courthouse. He has been thrifty in making use of parts and pieces from one office to another and has become very proficient at trading goods and services for Jail inmates to help clean and maintain the County's buildings and grounds.

Wayne also coordinates the County's "Excess-Property Program." He supervises the janitorial staff, tends the boiler in the Winter, mows and waters the lawns in the Summer, sets up displays for the County and State Fair, and coordinates or performs nearly all other challenging maintenance duties.

County Executive Lynn Lemon made the award presentation for Cache County Employee of the Month to Wayne Rasmussen with appreciation for a job well done. Jim Smith presented him with his gift certificate.

STATUS REPORT OF PILT: MARREEN CASPER

Ms. Casper explained to the Council members that PILT means "payment in-lieu-of-taxes." All through Utah there are many lands owned by the Federal Government that we don't have access to. Rather than being able to use them, the Government has helped us by giving us money back to offset those taxes.

Senator Hatch has been trying to bring PILT up to full funding. Until this year, \$20,000,000.00 was being added a year; however with the war and the defense budget. The Bush Administration took out all ear-marked projects in order to balance the budget. This means that PILT is out and now the Senate and the House must put it back in if it is to be included in the National Budget.

Ms. Casper asked the Council to contact J.J. Brown, from Senator Hatch's office and detail what PILT means to Cache County and what full funding of PILT would do for our County.

BUDGET MATTERS:

There were no budget transfers.

TOUR OF POWDER MOUNTAIN:

The tour of property being proposed for a RR Zone known as Powder Mountain was set for Tuesday, April 9, 2002 at 9:00 a.m.

PUBLIC HEARING SET: PROPOSED ORDINANCE CALLED THE RESORT AND RECREATION (RR ZONE) TO BE ADDED TO THE LAND USE ORDINANCE.

Council member Yeates moved to set the Public Hearing for RR Zone to be added to the Land Use Ordinance on April 9, 2002, at 6:00 p.m. Gibbons seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent.)

Executive Lemon told the Council that the proponents of this re-zone have offered to pay for a portion of an economic analysis as to what the impact would be on Cache County, the schools, etc. Logan City has also agreed to pay ¼ of it if the County would pay ¼. Deputy County Attorney, Don Linton had received a bid to do the analysis for \$10,000.00.

Council member Gibbons moved to direct the County Executive to use the Sundry Account to pay the County's share of the economic analysis for the RR Zone, known as

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Powder Mountain. Hansen seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

**THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION.
BOARD OF EQUALIZATION MATTERS:**

TAX EXEMPTION REQUESTS: TAMRA STONES

Twenty-two tax-exemption requests were presented to the Council by Auditor Tamra Stones. The following requests were all continuing applications and most were the same as last year; however, there were a few changes noted:

Alice and Allen Stokes Nature Center
American Red Cross Cache County Chapter
Association for the Advancement of the Handicapped
Bear River Mental Health Services
Boys and Girls Clubs of Cache Valley
Cache Community Food Pantry
Child and Family Support Center
Church of Jesus Christ of Latter-Day Saints, The (A few new parcels had been added.)
Corporation of Episcopal Church in Utah
East Birch Creek Inc. (Name change - Formerly North Eastern Services)
Emmanuel Baptist Church
Faith and Fellowship Center
First Presbyterian Church of Logan
Grace Baptist Church
Holy Trinity Lutheran Church
Maranatha Baptist Church
Neighborhood Nonprofit Housing Corporation (Further information was attached. 1) A 22-unit subdivision in Nibley that would not be tax exempt because they were holding it; and when it changes hands to someone who needs assistance with their housing, then it will come under the tax rolls. 2) The housing corporation was intending to build a Hud-sponsored housing unit for disabled persons. They intend to break land along about July. The request is conditional based on when they break ground.)
North American Islamic Trust, inc., The
Options for Independence
Somebody's Attic
Whittier Community Center

(See Attachment #1)

Council member Gibbons moved to approve all requests. Council member Yeates seconded the request. The vote was unanimous, 5-0. (Anhder and Petersen absent.)

It was noted that the Logan Regional Hospital Tax-exemption request was handled as a separate filing of an affidavit. A sub-committee of the County Auditor and Assessor, two Council members, Kathy Robison and Darrel Gibbons would be assigned to meet with the Hospital. It

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was suggested to contact Ann Skanchy, and invite her to also join in the meeting.

DUP ABATEMENT DISCUSSION:

Executive Lemon had met with the Daughter of the Utah Pioneers and they provided a letter, of which the Council members were given a copy. Executive Lemon recommended that the County abate the amount of tax that is due on the portion of the space that is used by the Daughters of the Utah Pioneers. The calculation was based on square footage. It was noted that the DUP used 24.2%. The tax was then multiplied by that percentage and that amount comes to \$1,306.34.

Council member Robison moved to accept abatement of the DUP portion of the property taxes for the building owned by the Chamber of Commerce for the year of 2001 only. Gibbons seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent.)

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

RESOLUTION NO. 2002-08: 911 RATE INCREASE

A resolution approving a rate increase for the 911 Communications Center.

(See Attachment #2)

Council member Yeates moved to accept Resolution 2002-08 increasing the 911 Fee from \$1 to \$2 per household. Hansen seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent.)

CACHE COUNTY ADMINISTRATION BUILDING UPDATE:

Executive Lemon passed the Bid Tabulation and Report to the Council.

(See Attachment #3)

Eleven contractors had been pre-qualified. 8 bids were received. The three lowest bids were as follows: 1) Raymond Construction 2) Union Pointe Construction 3) Bud Bailey Construction. After approval of the three lowest bids from the Council, the three companies would then be reviewed; and if there were no problems, the project would be awarded to the low bidder. If there happened to be a problem, the project would be awarded to the next low bidder.

Council-member Gibbons moved to accept the three lowest bids. Based on a positive

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review from the architect and the project manager. Robison seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

Executive Lemon also announced that the ground breaking for the new Administration Building was planned for April 2, 2002 and invited everyone to be there.

RESOLUTION NO. 2002-10: SET DATE AND PURPOSE OF SPECIAL ELECTION FOR COLLEGE-YOUNG WARD INCORPORATION

(See Attachment #4)

Council member Gibbons moved to waive the rules and to approve the adoption of Resolution 2002-10 and to set the Special-Election date for the College Young-Ward Incorporation election on May 7, 2002. Yeates seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent.)

PUBLIC HEARING: AMENDMENT TO THE LEGACY MINOR SUBDIVISION

Lorene Greenhalgh commented that when the "Legacy Minor Subdivision" was first approved, it was for a 4-lot subdivision and all the rest of the pre-1970 parcel were kept in agriculture. The amendment came because they wanted to add one more lot. The problem was the place they wanted to add the lot was not contiguous with the other 4 lots. The only way to do this was through the "Cluster Subdivision Ordinance." When that Ordinance was written the "cluster" was not defined as having to be contiguous. The County Attorney advised that in the absence of that definition, it always goes in favor of the applicants. So, they (the applicants) were allowed to go ahead and present an application for a 5-lot Cluster Subdivision with 3 remaining parcels to be kept in agriculture.

Because there were not any real problems other than the lot was not contiguous and the Ordinance required a Public Hearing to amend a subdivision, it was the recommendation of Ms. Greenhalgh to accept the amendment.

Vice Chairman Beck opened the public hearing for the amendment to the Legacy Minor Subdivision. Beck stated that this hearing was called to allow all citizens to provide input concerning the amendment.

PUBLIC COMMENT:

Michael North: We would like to build a house on the 5th lot in this subdivision. We went immediately to Brian Lyon who first made the minor subdivision. Brian Lyon made 4 lots in which he put his house and then the three other lots were available. We came to Brian and we ask him if it would be a possibility to add on to his subdivision as the 5th lot. We went through the proper procedures: paper work, and working with Lorene Greenhalgh and the County, also coming to the meetings and working out the logistics of everything and trying to keep it to the County Ordinances and following all of those procedures. We have

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come this far trying to follow every Ordinance. One of those being whether it is a contiguous subdivision. She (Lorene Greenhalgh) explained that we did go through the Attorney involved with that. We just encourage you to vote for this amendment. Thank you.

Vice-Chairman Beck asked for further comments from the audience. There were no comments made.

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

LEGACY MINOR SUBDIVISION APPROVAL OF AMENDMENT:

Council-member Gibbons had reviewed the area where the request was being made. He had also met with a member of the Planning Commission in the process of that review.

Council member Gibbons moved to waive the rules and approve the amendment to the Legacy Minor Subdivision. Robison seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

(See Attachment #5)

**PUBLIC HEARING: PROPOSED LAND USE ORDINANCE REVISION - TO-WIT:
CHAPTERS 5, 6, 7, AND 8.**

Vice Chairman Beck opened the public hearing for the proposed Land Use Ordinance revision. Beck stated that this hearing is being called to allow all citizens to provide input concerning the revision.

Mark Teuscher handed out copies of the revision and gave an overview of the proposed revision to the Land Use Ordinance. He stated that Chapters 5, 6, 7, and 8 constitute probably 60% of the entire code. Basically these chapters define everyone's property, property rights, and what they can or can't do on their property. There is some cleanup that still needs to be done: Signs, sensitive zone, and a couple of other overlay zones, water and wildlife protection zones, etc.

(See Attachment #6)

Chapter 5: Chapter 5 defines the uses that are allowed in the County. Basically what "Permitted Use" is, what "Conditional Use" is; and what a "Temporary Use" is. It describes what has to be done, who is responsible to do that, what findings of facts, and the "Revoked Uses" - such things as associated with property rights. It also talks about the "Appeal Process" of any use.

Chapter 6: Basically is the bulk of the County Code. It defines the "Zoning Districts." The County has 4 zoning districts and an agricultural zone. It defines everything either as a permitted use, conditional use, or is shown as not-allowed. (Note: Temporary uses are allowed in all zones.)

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Chapter 7: Chapter 7 is the actual zoning districts and their development standards. This is where we define the minimum lot size, maximum height, setbacks, lot widths, frontages, and so forth associated with those zones. Separations from primary buildings, etc. These are the design standards of a parcel.

Chapter 8: A chapter dealing with “Nonconforming Lots, Uses, and Buildings.” These are uses, lots, and buildings that have at one point in time existed legally in the County but now do not conform to the County Code. How we can deal with those; how we can expand those; and what constitutes discontinuation of use, etc.

Council member Gibbons recommended that some time be taken to read over the proposed revision. Mr. Teuscher recommended that a workshop be set up to sit down, review and answer questions that the Council may have.

Mr. Teuscher noted that the Land Ordinance Proposal had been made available to the public.

PUBLIC COMMENTS:

Angela North: In the proposal, I think Chapter 6 but I’m not sure, they have removed the temporary use of trailers during building. They removed this because a lot of people did not remove their trailers after their house was built, as I understand that.

We now have our plat approved and are applying for a building permit and we would like to be able to do this. On some of our property we have a couple of horses that are already out there and we would like to be on the property. With removing this from the chapter, we would not be able to do this. In revealing this and looking more into it, we have met with Michael Fortune. He would negotiate a contract with us where the contract would be for 12 month, 18 months, or whatever. In that period of time we would build and then he would come and move the trailer for us.

I would like for you to think about putting something in here (the Land Use Ordinance Revision) with a temporary dwelling that maybe if we could have a “Conditional Use “ and have it possible to negotiate a contract with somebody so we can still do this (have a trailer on the property to live in while home is being built.). It will help a lot of people like my family who is a small family who is just starting out. It will save us a lot of money by being able to buy a home and leaving it out there and living out there. Mike will buy it back from us with the contract we have within 18 months or whatever is delegated as our time frame.

I would really hope that you would look into this and see what we can do about keeping this open. I understand that we need a few changes in it (the Land Use Ordinance). I would really approve that as long as we can still perceive how the temporary live-in situations and the trailers be more certain as they come with an added cost, with a contract, or maybe even a tax fee at the end of the building if the trailer is not removed. Thank you very much.

Discussion:

Darrel Gibbons: Do we currently permit that?

Mark Teuscher: No.

Gibbons: What do we do currently?

Lorene Greenhalgh: We used to do that but as she said, we were having problems with them never removing the

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trailer. The problem being these were being leased to a son or daughter or grandson. Someone always needs the trailer and it was there forever. We have got probably still 30 or so removable trailers in this Valley that the time their conditional use permit expired in 1990 or 1992 are still there. They are still being lived in and we can't get them moved.

Teuscher: They have become an enforcement issue for the County.

Lynn Lemon: When did we take them out?

Teuscher: When we changed Chapter 4.

Greenhalgh: The agricultural chapter.

Gibbons: That's already been done?

Teuscher: Yes.

Greenhalgh: But this (this proposal) has a chapter in it for temporary uses; however, it refers to temporary event uses rather than living quarters.

Teuscher: Historically they have been problems for the Zoning Office in terms of trying to enforce it. This is not an uncommon problem and is a typical easy way to get in on a property but it is a common problem throughout the State that they don't get removed. You have kids living in them or you have a renter living in it. They just become a second dwelling unit on a property and it is difficult to basically pursue that. It is not a real great "PR" (Public Relations) thing. Typically the Planning Commission just recommend to take them out of the code.

PUBLIC COMMENT:

Michael Fortune: Angie and Mike North asked me to come and speak on this. We had a similar situation a few months back which I think Lorene helped with. We had the Christiansen family who's home burned down in Petersboro and who were looking to rebuild their house. This was just less than six months ago. I've worked with the City of Logan a lot and a little bit with Mark in some of the things that go on. I realize that can be a problem. You see them on the outlying area, these manufactured homes that probably got a temporary use situation but have not been removed and followed through on like they committed to.

One of the things that was done in the Christiansen's situation, and Mike and Angie in talking to them have proposed to do the same thing, what we did. We came in and showed as part of their application the contract that they have. The Christiansen's have basically till through June to finish it. They have a contract where I have already made arrangements of acquiring that mobile home back to us and we have a contractual obligation to remove it. We have it (the trailer) sold again at that point in time. So, in looking at this, as you've considered the things that you can do to help families such as the North's and others under a similar situation with temporary housing on their property making that investment, moving on (the property), and building these homes that add value in our County, that temporary situation where we are willing as she stated to enter into a contract where we do legally have the right to come back and at that date pick it up from them. Not only do we have the right to do it but we have the legal obligation from their standpoint that we are required to do it, etc.

I just wanted to clarify that. I think that is something that may have been missing on some of the other situations where they were able to just leave them (the temporary dwellings) out there and get away with it. Thank you very much.

Discussion:

Lynn Lemon: Lorene or Mark, what would be your attitude if they could show you that they have a contract and it would only be there for a period of time?

Mark Teuscher: The Planning Commission was pretty adamant; they did not want particularly the people to do that. We are just following the recommendation of the Planning Commission at this point.

Cory Yeates: But as administrators.

Teuscher: It is difficult; it is an enforcement issue even if they have a contract. The County is not party to that contract.

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Layne Beck: That's right. I guess if we did have a provision in the Code to allow it, we could put penalties in there that would penalize the contractor who was supposed to remove it.

Teuscher: We have penalties now and we still have them. It has been an enforcement problem for Lorene's office.

Darrel Gibbons: Where the County issues the permit, the County could be a participant in the contract.

Teuscher: I guess it could be but in reality it is a difficult issue. I would assume it is just a contract between the builder and the property owner.

Mike Fortune: Could there be something where occupancy of the house prior to certification and approval for occupancy of that home that the manufactured home must be removed? When you got to that point that the house was ready for occupancy, then it is time that mobile home should be removed. I think that is where the problem comes in. They've occupied the home and then, as it has been said before, there is always a family member needing some place to live; but if they are not allowed to occupy that home until that manufactured home is removed, maybe that is a way to address that problem from the standpoint of enforcement and then also from the stand-point of helping young families when they come in.

Teuscher: I can see that these permits are issued by the Chief Building Official. The reality is that they can move into their home before it is even done. You have electricity in there now. You may not have 220 but it has at least 110. It is a common practice to move into that structure while it is still being finished. It is somewhat problematic. The County then becomes the watchdog of these particular issues to make sure that they come into compliance. It really is an enforcement issue.

Gibbons: In reading the Planning Commission minutes, dealing with this portion did I not read about someone living in a storage shed that they built on the property so that they could have occupancy while they lived in the house? Didn't that happen as a way around this?

Greenhalgh: Yes. We have some interesting requests. One lady wanted to build an apartment into her barn so that she could live there while she built her house. She could afford a barn for her horses and wanted that first but the law says that the barn has to be 100 ft. away from the residence. So, we couldn't let her have her apartment but we have had several requests for those types of things. Frankly the "mobile clause" has been a part that is really problematic; it never goes away. It really doesn't.

Lemon: People never remove them?

Greenhalgh: Most do remove them.

Teuscher: Some do but there are those that just leave them there.

Beck: Most folks, at least city-dwellers anyway, that sell a home and buy another one somewhere else. If they sell a home, they generally have to go rent an apartment or they have to rent another home somewhere else while they are under construction with their new home unless they want to take a financial risk of building and hoping they can get it sold before the new one is completed; so, they can move in to their new one when the new one is completed. Most folk that I am familiar with when they go through this process generally have to have to just sell their home. Once their deal is closed on their existing home, then they go rent an apartment or a rental house somewhere for a few months, 6 months, or however long it takes to construct their home. That is the process that 98% of people have to go through. Even though I am somewhat sympathetic and I would like to make housing affordable for people, I don't think if you were going to any one of the Cities in this County that they would allow a temporary trailer to be moved into a lot while they were constructing a home on that lot. I don't know that for sure.

Greenhalgh: The difference is usually you can find an apartment relatively close to your home; but where it is out in the County, you have a lot more miles involved coming to and from. Now, when I got my home in River Heights, we did live in the old home on the property until the new one was finished; and then we were required to tear it down. That was an advantage for us. It took us 3 months to tear it down.

Beck: Did the City of River Heights require you to tear it down.

Greenhalgh: The City of River Heights required us to tear it down.

Beck: So, they allowed you to live in it during construction.

Lemon: We require them to remove the trailer; it is just a matter of us having to remove the trailer, is that right?

Greenhalgh: Having to enforce it and to follow through and make sure it goes.

Beck: We required them to remove the trailer under the old Ordinance but we just didn't enforce the provisions of the old Ordinance?

Greenhalgh: But there was no way to enforce it.

Teuscher: It's tough because the Government is coming out and saying: "You have to move your aged Mother out of your mobile home." "You have to move this daughter or son or whatever family that you are renting to out of the home." It really comes across as the County as a "BIG UGLY STICK." It is not a pleasant scene to enforce on somebody to make them remove somebody from their dwelling unit.

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John Hansen: Mark, is that the reason that it wasn't enforced or was it un-enforcable?

Teuscher: It was impossible to enforce.

Gibbons: Scott, do you agree with that analysis?

Teuscher: You can enforce it but it gets real ugly.

Beck: And expensive.

Wyatt: I think close to impossible. It really is a hard situation to enforce. We have never committed the resources to enforce it.

Vice Chairman Beck asked for further comments from the public. No comments were given.

Council member Yeates moved to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

A workshop on this issue was tentatively scheduled for April 23, 2002, at 3:30 p.m. Also, Council member Gibbons would like an invitation extended to the Planning Commission to attend this workshop.

FINAL PLAT APPROVAL: DOUGLAS NIELSON MINOR SUBDIVISION

Lorene Greenhalgh told the Council that Doug Nielson was trying to comply with the provisions in the new Business License Ordinance and one of those provisions is that you need the Zoning clearance. His property had been in several different configurations and under several different ownerships sever different times throughout the years. He had been made aware of some road issues, some rights of dedications that needed to be done. He wasn't interested in doing that at the time; but with the new Business Ordinance, it had become a requirement.

The Zoning Office had worked with Mr. Nielson and Mr. Nielson prepared the necessary documents, etc. However, the people that he had sold his home to were not willing to sign, because they had built an archway and a fence out in the road right-of-way and didn't want to dedicate that to the County because at some point they might be required to remove that. A letter explaining the issue was sent to them and they responded and signed the documents for the subdivision plat.

The Nielson Minor Subdivision has now been through the Planning Commission approval and now has the proper signatures and ready for the Council's approval. There should be no more development on the property unless at some point they want to expand the shop. The three lots already have construction on them. There are two homes and a shop on the three lots. So, it is not like there would be a subdivision for further development. This was strictly a zoning issue that needed to be cleaned up and it was noted that Ms. Greenhalgh had been working with the Nielsons for 11 years. Completing this showed great progress. The location of the subdivision was at 6600 North and 1000 West, west of Smithfield.

(See Attachment #7)

Council member Yeates moved to waive the rules and approve the Nielson Minor Subdivision. Gibbons seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

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ORDINANCE NO. 2002-03: AMENDING CACHE COUNTY LAND USE ORDINANCE, TO WIT:
Chapters 5, 6, 7, and 8.

NO ACTION TAKEN.

CACHE COUNTY JAIL - TRADITIONAL BID VS CONSTRUCTION MANAGER DISCUSSION:

Joe Linton addressed the Council at Executive Lemon's request to give a quick review of the points brought up on the "Construction Management Process" two weeks ago. He commented that the difference between "Construction Management" and "Design Bid" had been discussed last time the Council met. Because there were apparently questions that needed to be understood more, Mr. Linton had suggested that a construction company be invited to answer those questions.

Mr. Linton introduced Rob Moore and Kenton Wall from Big D Construction. Mr. Moore explained the Construction Management Process.

Mr. Moore explained that construction-management had evolved through a process of the un-acceptance of a traditional "Design it" and "Bid it." In this traditional method the process sometimes can have a lot of conflict. Sometimes the low sub-contractors aren't the right contractors. Sometime the process of the low bid is not always the best value.

The "Team" approach is a better delivery in a project to produce a product that has value in cost, quality, and time in collaboration of getting the best ideas and value out of the architects, the best out of the owner team, and the best out of the construction management team. Probably 97% of the business for Big D Construction today is delivered through Construction Management and general contracting. This process has developed through the owners and their choice of delivery. This is just a different option and is the preferred method of practice today.

1. Team Developed
 - Owner Representative
 - A & E
 - Construction Manager/General Contractor
2. Weekly Team Meetings
3. Set Project Goals & Objectives
 - Cost model
 - Quality objectives
 - Master schedule
4. Design & Engineering Process
5. Peer Reviews
 - Detailed estimate
 - Cost model approved
6. Bid Packages & Value Engineering
 - Bid packages approved

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7. Early Project Start
Civil & earthwork
8. Design Proceeds
9. Final Bid Packages
Guaranteed Project Cost
10. Project Construction
11. Project Completion

Weekly team meetings and documentation assures clean communication and adherence of project goals.

Schedule control is also a part of the construction management process. The Schedule is from design to completion. It is not just when ground is broke. Interactive communication in "value engineering" can save a lot of time and money.

The Construction-Management Process does allow for very competitive bidding plus you get a chance to open and review as a team everyone of the bidders. One of the advantages of construction-management is to know that the project is tied to a sum and it would not go over that amount. Money saved then goes back to the owner. There can be Incentives to save also, which could be set up in the contract to give a kick-back to the construction manger and the Owner, for example: 60:40 or 70:30 and the Owner gets the highest percentage of money saved.

Mr. Moore injected that construction can begin one or two months after the you hire the Construction Manager because as a team better decisions are made faster. ***Usually it is a reduction of six months time.*** You want to start construction when you are at the comfort level and that is why a trusted, competent Construction Manager is needed.

The market had softened since November but now construction activity has started to increase again. Good value can be had by taking advantage of the market place the way it is now and it could save the taxpayers money. The longer the project is put off; there will be the problem of spending more than would be spent now.

In the opinion of Vice Chairman Beck, the emphasis needs to be on the long term efficiency of the jail. Over the long haul, the construction costs of this jail will only amount to maybe 10% or less of the total cost of this jail. Focus needs to be on designing things so that it is the most efficient to operate.

Sheriff Nelson commented that Weber County's Jail Command Staff were extremely pleased with the facility that they have. This jail was accomplished through the Construction-Manager process.

JAIL FINANCING DISCUSSION:

Executive Lemon told the Council that financing is as challenging as cost, at least as far as this project is concerned, because the market is always changing and the rate is always changing.

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About a month ago when the Building Committee met with people who were involved with bonding, they said there was really going to be very little upward pressure on bonds as far as bond rates for the next year. At that point in time it seemed to be their recommendation to get a line of credit to pay for the Administration Building and then bond both buildings together. However, in the last week or so, the bond market has moved up 20 basis-points.

It was the suggestion of Executive Lemon now to go forward on the bond for both the Administration Building and the Jail and get them locked in. There would be a substantial savings by doing them both together. He felt that as the economy gets stronger, the pressure will be there to move the bond rate up.

The analysis done by Well Fargo really points this out. He felt that waiting would literally cost a lot of money. It was noted that financial institutions really don't look favorably on loaning money on a 30-year bond so a 20-year Bond was recommended.

Basically the decision had been made not to go to the public with a General Obligation Bond. The other two ways to do this would be through a Municipal Building Authority and that would be by a Revenue Bond. Another option is a Sales-tax Revenue Bond, which is about 20 basis-points better because the sales tax revenue of the County is allocated to pay the bond back.

The Lending institution had said that the County really wasn't in a position to do the Municipal Building-Authority Bond because the land must be locked up and tied down and in place. Also, the County must have their estimates, before this bond could be done. The Sales-tax Revenue Bond could be done at any time. Executive Lemon calculated that the County would need to come up with an additional \$200,000.00 for the amount needed to make the loan payment on a bond for both facilities, and added this amount to the \$400,000.00 for additional costs that had already been approved. Council member Gibbons reminded the Council that the cost of housing prisoners was also a factor in this decision because the longer the County waits, the higher that cost is going to be. Vice Chairman Beck commented that this would mean a property tax increase.

Auditor Tamra Stones was requested to put numbers together as far as what it would cost per household with a tax increase.

Council member Gibbons moved to direct the County Executive to proceed immediately to secure bonding not to exceed 20 years for both the Administration Building and the Jail and attach it to sales tax. Yeates seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

Council member Gibbons moved that the Council go into an Executive Session. Yeates seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent.) The Council members adjourned from the Executive Session.

The Council discussed further the Construction Management method of construction for the Jail facility.

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Council member Gibbons move to approve the Construction Management method of construction for the Jail facility. Yeates seconded the motion. The vote was unanimous, 5-0. (Anhder and Petersen absent)

Vice Chairman Beck adjourned the meeting at 8:15 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Layne M. Beck
Council Vice Chairman