

**CACHE COUNTY COUNCIL MEETING**  
**April 23, 2002**

The Cache County Council convened in a regular session on 23 April 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, 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: Brenda Anthony, Allen Burris, Thad Erickson, Lorene Greenhalgh, Sherry Lowry, Jim Matsumori, Sheriff Lynn Nelson, David Nielsen, Evelyn Palmer, Pat Parker, Ann Peralta, Jim Smith, Auditor Tamra Stones, Mark Teuscher, Gene Thomson, Alan Westenskow, Jennie Christensen (KVNU), Leon D'Souza (Herald Journal)

**CALL TO ORDER:**

Chairman Anhder called the meeting to order at 5:08 p.m.

**INVOCATION:**

The invocation was given by Executive Lynn Lemon.

**REVIEW AND APPROVAL OF AGENDA:**

An amended agenda was presented to include: **Item 8b.** Set Public Hearing - May 14, 2002 - 6:15 p.m. - With respect to the proposed issuance by Cache County, Utah of its Sales Tax Revenue Bonds. **Item 10c.** Resolution No. 2002-15 - Consider adoption of a resolution authorizing the issuance by Cache County, Utah of up to \$14,500,000.00 of Sales Tax Revenue Bonds, and related matters.

**Chairman Anhder asked the Council if they would accept the amended agenda. Council members were in favor of this action and the Council meeting proceeded as outlined.**

**REVIEW AND APPROVAL OF MINUTES:**

The minutes of the regular Council meeting held on April 9, 2002, were discussed, corrected and approved.

**Council member Gibbons moved to approve the minutes of April 9, 2002 as amended. It was properly seconded. The vote was unanimous, 7-0**

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**REPORT OF COUNTY EXECUTIVE:**

County Executive Lemon reported on the following items:

**Appointments:**        **Janet Olsen** - College Young Incorp. Election Counting Judge  
                                  **Mary Zollinger** - College Young Incorp. Election Counting Judge  
                                  **Nadine Hall** - College Young Incorp. Election Counting Judge

**Council member Yeates moved to approve the recommended appointments for Counting Judges. Robison seconded the motion. The vote was unanimous, 7-0.**

**Appointment:**  
                                  **Lee Wayne Edwards** - Special Deputy County Attorney

**Council member Yeates moved to approve the appointment. Robison seconded the motion. The vote was unanimous, 7-0.**

**Warrants:**        The warrants for the periods of 04-05-02 to 04-11-02 and 04-12-02 to 04-18-02 were given to the Clerk for filing.

**Other Items:**

1.     Clarkston Peak microwave. The microwave that the State purchased for the County which was going to be placed at Clarkston Peak, will now be placed at a site in Perry, UT. TV transmission will then be transmitted from Perry up to the Mt. Piscah site, which will hopefully result in better input signals. Then the intent is to conduct a survey on usage of the TV translator.
2.     Restaurant Tax Request. Executive Lemon handed out the TRCC tax requests for 2002, to the Council. Lemon will have a recommendation to the TRCC Committee so that the Council could then proceed with the allocations.
3.     Bond-Series Payoff. Last year the 1996 series bonds were paid off in order to save interest. This year by June 1, the County's 1992 series bonds will be paid off.

**WATER POLICY ADVISORY BOARD REPORT: ANN PERALTA**

Ann Peralta, reported to the Council that the County is in the fourth year of a drought. Cache County's water situation is not nearly as dire as it is in the southern part of the State. Ms. Peralta presented a graph comparing the water supply average from last year to this year, showing that the water situation is much better this year. Our last drought ended in 1992, which was a seven year drought. Then we had almost seven years of plenty.

She gave to members of the Council some current water issues that the Advisory board is working on, prepared by Thad Erickson, a member of the Cache County Water Policy Advisory

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Board.

**(Attachment No. 1)**

Some changes in State law will become effective on May 6, 2002. This may eventually have an effect on those water rights which have not been fully used for five years and may be subject to forfeiture related to the degree of non-use. The changes in the law relate mainly to modification of how non-use is defined and how any partial forfeiture will be allocated among share holders in irrigation companies. The Board would be doing a mailing to municipalities and irrigation companies with some information on this issue.

Conservation was the issue at the Utah Water Users Association. Peralta encouraged prohibiting watering lawns in the County between the hours of 10:00 a.m. to 6:00 p.m. Peralta cited an estimated water savings of 15% overall if this provision were implemented.

Funding at the State level during the last legislature withdrew the 1/8 cent sales tax devoted equally to transportation and to the water-development revolving funds. The Utah Board of Water Resources and the Utah Water Users Association are opposing this action by the legislature.

**CELEBRATE AMERICA 2002: BRENDA ANTHONY**

On January 2, 2002, a joint Resolution was made at the First Session of the 107<sup>th</sup> Congress of the United State of America. Chapter 1 of Title 36 in the United States Code was amended to designate September 11<sup>th</sup> as Patriot Day.

Brenda M. Anthony, Production Director of Celebrate America addressed the Council and presented a proposed program, "**Patriot Day: A Grateful Nation Remembers.**" This would be an opportunity for Celebrate America, a nonprofit organization, to present a program to the County that would promote the new national holiday, "Patriot Day," It was the intention of this request to build citizenship and to foster a grateful attitude for America. The event would include the following: 1) a dinner, 2) a full orchestra, and 3) a patriotic program.

Six items: presented to the Council:

1. Observation of a new national holiday, Patriot Day
2. An information sheet to be developed by the Celebrate America Committee containing information on the Celebrate American Program and informing the County citizens of the new national holiday, Patriot Day.
3. A display of the flag of the United States at half-staff and observance of a moment of silence in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2002.
4. Other individual family observances to increase patriotism, promote Patriot Day, build citizenship and fosters a grateful attitude for America.
5. Celebrate America acknowledged as the official Patriot Day Commemoration for Cache County.

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6. Cache County Government to be acknowledged as a sponsor of the Celebrate American Program as a Patriot Day event.

**(Attachment No. 2)**

BRENDA ANTHONY: Ms. Anthony clarified that Celebrate America was not asking for any money only for the County's stamp-of-approval by lending them a mandate of support in which the County would recognize this program. They would also request permission to develop a flier that the County would allow to be included within their mailings to the public.

Executive Lemon suggested that it might be more beneficial to have the Cities send the information along with their utility notices. Lemon would follow up on this and contact the Cities for information on their notices and ask whether this would be a possibility.

Council member Petersen questioned whether this would be a work-off holiday or not? Pat Parker stated that she had made inquiries to Senator Hatch's Office. The answer was that it would be nationally recognized; however, it would not be a work-off holiday.

Ms. Anthony said this program could involve something that is missing in the community. If legislation was brought out by flying the flag at half-staff and the public was made aware of this Patriotic program, it would increase patriotism here in the Valley. Mr. Gene Thomson left a video with the Council so that members could view their program.

Chairman Anhder will have a formal resolution drawn up to be brought before the Council in their next Council meeting.

**BUDGETARY MATTERS:**

There were no departmental transfers.

**PUBLIC HEARING SET:**

A request to schedule a public hearing on May 14, 2002 at 6:00 p.m. with respect to the proposed issuance by Utah County, Utah (the "Issuer") of its revenue bonds (the "Bonds") in one or more series and in an aggregate principal amount not to exceed \$175,000,000.00 for the purpose of refinancing the acquisition, improvement and equipping of certain health care facilities for IHC Health Services, Inc., and considering for adoption a resolution approving the issuance of the Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

**Council member Robison moved to set the public hearing for May 14, 2002 at 6:00 p.m. Gibbons seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET:**

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A request to schedule a public hearing for May 14, 2002 at 6:15 p.m. with respect to the proposed issuance by Cache County, Utah of its Sales Tax Revenue Bonds.

**Council member Gibbons moved to set the public hearing for May 14, 2002 at 6:15 p.m. Yeates seconded the motion. The vote was unanimous, 7-0.**

**CITIZEN REQUEST FOR EXTENSION OF TIME TO PAY PROPERTY TAXES:**

Executive Lemon requested a postponement until the next agenda.

**This item was carried over to the next Council meeting.**

**ORDINANCE NO. 2002-03:** AMENDING CACHE COUNTY LAND USE ORDINANCE. TO-WIT: CHAPTERS 5, 6, 7, AND 8.

**This item will be placed on the next agenda for discussion.**

**CACHE COUNTY ADMINISTRATION BUILDING UPDATE:** LYNN LEMON

Executive Lemon reported that work is progressing towards the new administration building and that the Wilkinson building has been torn down. Lemon also explained that an RFP had been done as far bonding for both the Administration and Jail buildings. A committee was set up comprised of Auditor Tamra Stones, Executive Lemon, Deputy Attorney Don Linton, and Human Resource Administrator Jim Smith. This committee interviewed those who applied and narrowed the list down to three firms. The decision of this committee was to go with a negotiated sale. This was divided as follows: 55% with Zions Public Finance and 45% with Wells Fargo. The purpose of the division was to have them compete with each other. A meeting was projected to be either toward the end of May or the first part of June in order to finalize those bonds. The analogy was that if the County went with a negotiated sale, it was something that could be worked upon between now and when the bonds were actually finalized. With a competitive sale, the date would be set for the sale; and then it would be whatever the rate was on that particular date. It was difficult for the committee to determine what the interest rates were going to do but it was felt that rates were creeping upwards; so, it would be better to go with the negotiated sale.

Architects and the Project Manager met with Department Heads on Monday to get a feel as far as layout and furniture were concerned. The project is moving ahead. In a year we should have a very nice building.

**CACHE COUNTY JAIL UPDATE:** LYNN LEMON

The Jail plans are proceeding. Based on the decision to go with the RFP for the architect and to proceed under a Construction-manager type of an arrangement, nine proposals were received from architectural firms. The Jail Committee met on the 9<sup>th</sup> of April and selected three of those firms to interview. Interviews were held on the 15<sup>th</sup> of April with the following firms:

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LJSH AND LLC, GSBS, and BCBO. LJSH was the firm selected.

A contract has been received from the architect and that is being reviewed by the County Attorney. Land acquisition for the Jail was to be discussed in the Executive Session at the end of Council meeting.

**FINAL PLAT APPROVAL: MAPLE HILLS SUBDIVISION**

Lorene Greenhalgh: "Allen E. and Linda W. Burris are requesting approval of a five-lot minor subdivision to be called Maple Hills Subdivision in the Agricultural Zone to be accessed by two private roads called Maple Leaf Drive and Maple Leaf Place with lots located at 11832 North, 11914 North, 11928 North, 11952 North, and 11988 North Maple Leaf Place, northeast of Richmond. The Planning Commission reviewed this request on February 4<sup>th</sup> and again on March 4<sup>th</sup> when they made the recommendation for approval. The Board of Adjustment reviewed this request for lots with no frontage on a public road. Approval by the board was given on 21 March with the following requirements to be added to the Mylar plat: 1) A homeowner's association will be a place prior to the sale of any lot reacquiring access by the private road(s). 2) Those owners using the private roads for access will be responsible for the adequate maintenance of those roads and for the snow removal. 3) Snow must be removed from the private road surface within 12 hours of a snow storm. The Mylar plat has been corrected to show the additional requirements and has the appropriate signatures.

**(Attachment No. 3)**

**In answer to the plat approval request before the Council, Chairman Anhder asked that Executive Lemon get an opinion from the County Attorney on the following questions: 1) Is this intended to get around the major subdivision ordinance and if it does then what should the County do. 2) What is the County's liability for emergency services such as fire, ambulance, and accessibility? This item will be placed on the next Council meeting agenda for action.**

**RESOLUTION NO. 2002-14:** AUTHORIZING THE EXECUTIVE TO SIGN AN AGREEMENT TO ESTABLISH A VISA ACCOUNT IN THE CACHE VALLEY TOURISM OFFICE.

**(Attachment No. 4)**

**Council member Gibbons moved to waive the rules and adopt Resolution No. 2002-14. Robison seconded the motion. The vote was unanimous, 7-0.**

**RESOLUTION NO. 2002-15:** CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE BY CACHE COUNTY, UT OF UP TO \$14,500,000.00 OF SALES TAX REVENUE BONDS, AND RELATED MATTERS

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**(Attachment No. 5)**

Executive Lemon explained for clarification that the motivation was to move the process along as quickly as possible because it was thought that the bond rate would be higher. This parameter resolution needs to be passed 30 days before negotiation on the bonds can begin.

**Council member Gibbons moved to waive the rules and adopt Resolution No. 2002-15. Petersen seconded the motion. The vote was unanimous, 7-0.**

**RR-ZONE DISCUSSION:**

Chairman Anhder suggested that in the next council meeting, May 14, 2002 would include an in-depth discussion of the Resort and Recreation Zone (RR-Zone).

Council member Petersen questioned if the Council had the full version of the Economic Impact Analysis? Executive Lemon responded: "We do not." He went on to explain that Mark Teuscher had raised several issues related to the report. A conference call had been set up for Friday, April 26, 2002, at 10:00 a.m. to discuss issues of the RR-Zone. Those to be included in the call would be Executive Lemon, Mark Teuscher, the County Attorney, and Jonnalynne Walker. Chairman Anhder suggested that Council member Petersen be included in that conference call. The Council also requested a summary of the Ordinance which would include a comparison of the FR-40 Zone to the RR-Zone by Mark Teuscher.

**SMITHFIELD CITY HEALTH DAYS PARADE:**

Smithfield City Health Days Parade was scheduled for May 11, 2002 at 10:00 a.m. Council members were encouraged to participate.

**COUNCIL MEMBER REPORTS:**

Kathy Robison: Our Cache County Volunteer, Susan Psalmonds was recognized by the State of Utah, with the Silver Bowl award.

Cory Yeates: Council member Yeates wanted to know if the Council would discuss how to persuade the other municipalities to go along with the County to retire the bond for the Ice Arena using the money given back to the municipalities and the County from SLOC. This reimbursement was a one time revenue refund of the taxes that the people of Utah from 1989 through 1999 had payed; so Cache County got roughly \$1,000,000.00 back, which had been earmarked to pay off the bond for the ice arena. Vice Chairman Beck felt the reimbursed money should be used for that purpose. He stated that the County's portion of the \$1,000,000.00 was \$35,500.00 Executive Lemon felt the resolution should say that the County will do it if the other three entities that own that building (Logan, North Logan, and Hyde Park) would join with the County. Council member Petersen felt that it shouldn't be conditional on the part of the other entities. That if it was advantageous to the County, the County should pay their part.

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Since there would be penalties if this were done before three years had expired from the time the bond had been issued, there would be a resolution drafted to come before the Council to retire the bond at the earliest possible date.

**The resolution to retire the bond would be placed on Council's next agenda.**

**Council member Hansen moved to adjourn to an Executive Session at 6:45 p.m.**

**The motion was properly seconded. All members in favor.**

**The Council adjourned from the Executive session.**

**ADJOURNMENT:**

With no further business Chairman Anhder adjourned the Council meeting at 7:00 p.m.

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ATTEST: Jill N. Zollinger  
County Clerk

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APPROVAL: C. Larry Anhder  
Council Chairman