

**CACHE COUNTY COUNCIL MEETING  
November 12, 2002**

The Cache County Council convened in a regular session on 12 November 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 Gibbons, John Hansen, H. Craig Petersen, Kathy Robison,  
Cory Yeates  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger

**The following individuals were also in attendance:** Jim Bishop, Brian Chambers, Paul Cook, Michael Dunn, Lorene Greenhalgh, Vicky Jensen, Treasurer Karen Jeppesen, Sheriff Lynn Nelson, David Nielsen, Evelyn Palmer, Pat Parker, Auditor Tamra Stones, Jim Smith, Peggy Tueller, Mark Teuscher, Jennie Christensen (KVNU), Joe Rowley (Herald Journal).

**CALL TO ORDER:**

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

**INVOCATION:**

The invocation was given by Larry Anhder.

**REVIEW AND APPROVAL OF AGENDA:**

There were no additions or changes to the agenda.

**REVIEW AND APPROVAL OF MINUTES:**

The minutes of County Council Meeting for October 22, 2002 were reviewed, corrected and approved.

**Council member Gibbons moved to approve the minutes of October 22, 2002 as amended. Peterson seconded the motion. The vote was unanimous, 7-0.**

**REPORT OF COUNTY EXECUTIVE:** Executive Lemon reported on the following items:

**Appointment :** Donald Sadler - Cache County Planning Commission

**Vice Chairman Beck moved to approve the appointment. Robison seconded the motion. The vote was 6-1 (Anhder voted "no.")**

County Council  
November 12, 2002

**Appointment :** Matthew Hansen Lund - Deputy County Attorney

**Vice Chairman Beck moved to approve the appointment of Matthew Hansen Lund as Deputy County Attorney. Petersen seconded the motion. The vote was unanimous, 7-0.**

**Warrants:** The Warrants for the period of 10-04-2002 to 10-10-2002; 10-11-2002 to 10-24-2002; 10-25-2002 to 10-31-2002 and 11-01-2002 to 11-07-2002 were given to the Clerk for filing.

**Other Item:**

**TV Translator:** Executive Lemon reported that a microwave had been installed from Perry to Mt. Pisgah and that the County now has digital signal on all of the stations except for "Channel 9." There had been marked improvement on the television picture and sound for Channels 2, 4, 5, 7 and 13.

**EMPLOYEE OF THE MONTH: JIM BISHOP**

Jim Smith presented Jim Bishop to the Council as the "Employee of the Month" for November.

**JIM SMITH:** "Jim began his career with the County 19 Summers ago in 1983. For nearly two decades now, he has been a key employee in our Cache County Surveying Department. Jim's surveying skills were first developed in the Army as he surveyed mobile nuclear weapons throughout Europe with the US military. Year's later he actively began surveying Cache County in 1976 as an independent surveyor. Today Jim shares his various surveying skills with the citizens of the county by assisting property owners with their land and water issues. Though he has worked in almost every area of land surveying, his expertise includes water systems, land development and road systems."

" One of Jim's peers said of him: 'He's always pleasant and willing to help out with others and their jobs. He brings a good attitude to the County.'"

**County Executive Lynn Lemon presented the award and certificate in appreciation for the work that Mr. Bishop had done. Chairman Anhder extended congratulations on behalf of the County Council. (Department Head, Preston Ward, was excused.)**

**DEPARTMENT HEAD OF THE YEAR: KAREN JEPPESEN**

Jim Smith introduced Cache County Treasurer, Karen Jeppesen, as the County Department Head of the Year.

**JIM SMITH:** "Karen has been with Cache County since 1982 and was later appointed County Treasurer in January of 1993. She has since been elected to this same position for the past eight years and was recently reelected for a third term." As the County Treasurer, Karen is responsible by statute for receiving, depositing, investing and disbursing all monies belonging to the County and all other money by law directed to be paid to the Treasurer."

County Council  
November 12, 2002

"One of Karen's peers wrote: 'Karen is always kind to everyone. She is most helpful to the citizens of Cache County. If someone has a problem, she does her best to help solve the problem. She also has a smile and a kind word for everyone.'"

**Executive Lemon made the award presentation and commented that Karen does go out of her way. He stated that even (for) the ones that she can't do everything the way they want to do, she really went out of her way to try to make them feel like the best possible solution is accomplished. On behalf of the Council, Chairman Anhder extended their congratulations.**

**INTRA-DEPARTMENTAL TRANSFERS: TAMRA STONES**

**(See Attachment No. 1)**

**JAIL:** Transfer of funds requested was for \$109,000.00 to meet expenses for the balance of the year to cover items such as: travel, telephone, medical and special board out fees.

**EMERGENCY MANAGEMENT:** Transfer of funds requested was for \$5,000.00 to pay off the balance owed on a trailer.

**Council member Gibbons moved to approve Intra-departmental transfer of funds. Peterson seconded the motion. The vote was unanimous, 7-0.**

**INTER-DEPARTMENTAL BUDGET TRANSFERS: TAMRA STONES**

**(See Attachment No. 2)**

**CPDO:** Transfer of funds requested for \$8,963.00 to meet expenses for the balance of the year such as Salaries and Benefits.

**COUNCIL ON AGING:** A transfer of funds was requested for \$4,486.00 to meet expenses for the balance of the year.

**COUNTY OFFICE BUILDING PROJECT:** Transfer of funds requested for \$994,169.00 to meet expenses for Project Length Budget Items.

**SENIOR CITIZENS:** Transfer of funds requested for \$1,600.00 to meet expenses for the balance of the year.

**SHERIFF (Patrol Division):** To transfer to pay crime scene academy which is to be reimbursed by grant funds. The funds will be added back to the Sundry account at the next budget opening.

County Council  
November 12, 2002

**TV TRANSLATOR - CAPITAL PROJECTS:** Transfer of funds requested for \$2,560.00 to pay for microwave transmitter equipment at our TV translator site.

**Council member Yeates moved for approval of the Inter-department budget transfers. Robison seconded the motion. The vote was unanimous, 7-0.**

## **THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION**

### **BOARD OF EQUALIZATION:**

Cache County Auditor, Tamra Stones, presented a current year list of parcels going thru the Board of Equalization (BOE) that represented all the actions taken and recommended by BOE.

**(See Attachment No. 3)**

**Council member Gibbons moved to accept the findings on the Board of Equalization list and approve the actions presented by Auditor Stones. Petersen seconded the motion. The vote was unanimous, 7-0.**

## **THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION**

### **ADMINISTRATION BUILDING UPDATE:**

Executive Lemon reported that the Administration Building was moving forward and was under budget. The goal was to try to be in the new building by the end of June of 2003.

As a point of interest, Council member Petersen brought out the fact that when the original Courthouse was being built, the construction company was running out of money and didn't have enough to pay their employees and without the financial aid of David Eccles and his picking up that construction company as a part owner, construction might not have gone on.

**A letter will be sent to the Ellen Eccles Foundation in regards to soliciting additional funds for the renovation and refurbishing of the Historic County Courthouse.**

### **CACHE COUNTY JAIL UPDATE: SHERIFF LYNN NELSON**

Housing Inmates Outside the County. All the beds had arrived and most were in place. The Jail was down to 16 people being housed in Weber County; all other County prisoners had been brought back from the other Counties. By the end of the week, they should be all out of Weber County. Meetings had been held with the Adult Probation and Parol (AP&P) and the Judges. Several things had been worked out with AP&P; they have some electronic monitoring. They

County Council  
November 12, 2002

also have the ability to put people at their homes and request that they stay there as part of their probation and parole. The Judges said: "As long as you have a plan, we're happy."

Jail Project. The jail project was moving ahead quite rapidly. The footings and foundation had been poured and possibly the prefabricated jail cells would be here earlier than expected. The final building permit would be pursued next week. One permit for footings and foundations had already been approved.

**ORDINANCE NO. 2002-09: NATURAL BARRIER DETERMINATION DEFINITION**

An ordinance amending the subdivision ordinance, originally adopted by Ordinance No. 2000-16/17, to include the following definition and providing an effective date.

**Council member Petersen moved to approve Ordinance No. 2002-09. Yeates seconded the motion. No action taken.**

**Council member Yeates moved to amend Ordinance No. 2002-09 by dropping the first sentence under 2-C. Gibbons seconded the motion. The vote was unanimous, 7-0**

**(See Attachment No. 4)**

**(Vote taken on the ordinance as amended.)**

**Ordinance No. 2002-09: Natural Barrier Determination Definition**

|           | ANHDER | BECK | GIBBONS | HANSEN | PETERSEN | ROBISON | YEATES | VOTES CAST |
|-----------|--------|------|---------|--------|----------|---------|--------|------------|
| AYE       | X      | X    | X       | X      | X        | X       | X      | 7          |
| NAY       |        |      |         |        |          |         |        | 0          |
| ABSTAINED |        |      |         |        |          |         |        | 0          |
| ABSENT    |        |      |         |        |          |         |        | 0          |

**RESOLUTION NO. 32: POLICY ON CHANGING PRIVATE ROADS TO PUBLIC ROADS**

**Council member Yeates moved to approve Resolution No. 2002-32. Gibbons seconded the motion. No vote was taken.**

**Council member Petersen moved to continue Resolution 2002-32 and ask that it be rewritten. Yeates seconded the motion. The vote was unanimous, 7-0.**

**RESOLUTION NO. 2002-33: SETTING FEES FOR MASTER PLAN AND DEVELOPMENT AGREEMENT**

County Council  
November 12, 2002

The proposal ended up being basically a \$400.00 administration fee plus actual costs to include: coping, postage, noticing of meeting, Board member fees for special meetings, actual time spent on the project, any travel costs for special meetings, long-distance phone calls not in the actual cost process.

**Council member Gibbons moved to approve Resolution 2002-33. Vice Chairman Beck seconded the motion.**

**Discussion:**

**Darrel Gibbons:** I think it reflects the discussion we had last time with respect to meeting the actual costs rather than imposing some arbitrary fees that may not be natural costs.

**Larry Anhder:** I agree with Craig's comments about the previous resolution and in this resolution.

**Cory Yeates:** This is written much better.

**Anhder:** No; read it! It doesn't make sense. "The proposal filed with Cache County by the Cache County Zoning Department for County Fee Schedule to include fees in application to the RR Zone. Is hereby approved." It ought to reference the attachment or something like that. The Chair will accept a motion to continue unless someone wants to make an amendment to this one.

**Council member Gibbons move to continue Resolution 2002-33 in order for it to be rewritten. Yeates seconded the motion. The vote was unanimous, 7-0.**

**Craig Petersen:** One other item. Darrel's comment on what the fees are actually charged for. One of the items is actual staff time that is spent on this project. Does that mean any actual staff time that we charge for it? There is a \$400.00 administrative fee that they pay up front. Do we start then from zero when we charge them up front?

**Mark Teuscher:** It just depends on the nature and size of the project. Lorene and I talked this over. With the nature and size of this project, \$400.00 would never cover their staff time. There will be a lot of things that they will do that are not normal with this kind of project than they would do on a normal project.

**Petersen:** I guess my question would be then is if we are going to charge them for every minute of staff time, why do we set a \$400.00 administrative staff fee up front.

**Teuscher:** Just to begin the process. We could cut that portion of it; if you wanted. Understand that a \$400.00 fee is nothing for this size of a project.

**Petersen:** I understand that except that is going to be only a small amount of what they are going to have to pay.

**Teuscher:** I guess it is Lorene's choice here but they could not charge the first \$400.00 and they start charging from there.

**Anhder:** I don't have a problem with it.

**Kathy Robison:** It's kind of like going to the doctor's office. You pay your office visit and then you're charged for what follows after that.

**Anhder:** It's like getting a service call. You call a professional to come out and then they charge you for just saying "Hi." The motion before us is just to have them continue it.

**AMENDMENT TO AGENDA:**

**Chairman Anhder requested to amend the agenda in order to move item 9-f, Ordinance No. 2002-14, establishing Community Planning and Development Services Department under pending action to Item 10-k which would place it under initial proposals for consideration of action. Because this ordinance was not actually on the agenda of the last Council meeting, Council members agreed to the placement move.**

**HARDSHIP REQUESTS: TAMRA STONES**

County Council  
November 12, 2002

**(See Attachment No. 5)**

Cache County Auditor Tamra Stones recommended approval of the following hardship request:

Jennifer M. Carroll - 07-187-000(Logan) for a property Tax abatement of \$355.76. This request had been approved in the previous year.

**Council member Petersen moved to approve the hardship request. Robison seconded the motion. The vote was unanimous, 7-0.**

**RESOLUTION NO. 2002-34: AMENDING CHAPTER 12 OF THE CACHE COUNTY CODE TO INCLUDE COUNTY ROAD ACCESS**

Cory Yeates commented that there was a committee that had been put together to take a look at access into some of the canyons around the County. There were apparently in a field search nearly a dozen roads that had been gated and were either locked or inaccessible by the public; yet, they were public right-of-ways to public ground. What we want to do is make sure that all public accesses to public ground were open and available to the public at large.

According to Councilman Yeates, In Smithfield on one occasion back in the mid 1970's it was found in the County records that the County Commissioners had given a property owner \$300.00 to fence his property and instead he gated it. That took up about 50ft of that road and the gate on that road remains locked today.

The County Attorney had sent letters to property owners who they felt might be affected by the gating and locking of public roads and there were a lot of concerns. Council member Yeates recommend that the Council consider adopting the resolution ordering that these public right-of-ways be opened back up for public use.

**Mike Dunn**, District Director for Congressman Jim Hansen: We are fighting the same thing down in Farmington right now where a private landowner has blocked off access to Farmington Canyon. This arbitrarily has done that and has stopped The Law states that if access as been granted for the past 10 years, then a public easement has been established. That has been ruled so by State Law. So, it has been put in the State of Utah. An individual landowner particularly when trying to block off access to public lands so that he now enjoys the public land and can exclude all others and makes his private playground; that is going against the law. In every instance that is to be brought up before the Court. This is something the Chairman of the Resources Committee of the United States is very concerned about. It is a common problem throughout the entire West.

**Gibbons:** I think we need to say in the language that county roads that access public domains have to be left open. There are some, I'm sure, that have been closed that were once considered County roads that only access private properties that have been closed or gated.

**Craig Petersen:** Mike, does your comment suggest that this resolution is already superceded by State law and consequently is redundant?

County Council  
November 12, 2002

**Mike Dunn:** What I am saying is that you will have to take it to court if you want the courts to take care of it. You also have the authority, as I understand it with your resolution, to direct County employees to go and open those right-of-ways. There are a lot of cases that you can site to back up your concerns and what you do in the future.

**This resolution will be on the next agenda.**

**RESOLUTION No. 2002-35:** AUTHORIZING EXECUTIVE TO EXECUTE INTER-LOCAL AGREEMENT WITH NORTH LOGAN CITY - TRANSFER DEVELOPMENT RIGHTS PROGRAM STUDY

**(See Attachment No. 6.)**

**RESOLUTION NO. 2002-36:** AUTHORIZING EXECUTIVE TO EXECUTE INTER-LOCAL AGREEMENT WITH LOGAN CITY, WELLSVILLE CITY AND USU EXTENSION - TRANSFER DEVELOPMENT RIGHTS PROGRAM STUDY

**(See Attachment No. 7.)**

The County was participating with North Logan on a quality of growth grant to study particular County sites to study the transfer of development rights and the proper perspective of any jurisdictional taking developments rights outside of the unincorporated county and transferring it into a municipality.

Mark Teuscher explained that there were two inter-local agreements.

1. Resolution No. 2002-35: To cooperate with North Logan on the quality of growth grant. We get \$15,000 and there was an \$8,000,00 match that must be done. Basically, the County was saying to North Logan: "We'll participate with you jointly on this quality-of-growth grant jointly."
2. Resolution No. 2002-36: An agreement between the County, North Logan City, Wellsville City and USU Extension. To focus on the financial obligation of the County is \$2,000 to participate. There has to be a local match of \$8,000.00 or half of the \$15,000 which is \$7,500 and the other half is in kind which is in money.

Lemon clarified that this proposal was initially a joint grant with Hyde Park and North Logan. Hyde Park determined that they didn't want to move forward with it; so, North Logan faced losing the grant unless they could find other partners; and the County had agreed with those other entities to be the other half of the grant.

**Council member Gibbons moved to waive the rules and adopt both Resolutions: 2002-35 and 2002-36. Hansen seconded the motion. The vote was unanimous, 7-0.**



County Council  
November 12, 2002

**ORDINANCE NO. 2002-15:** AMENDING CHAPTER 12 OF THE CACHE COUNTY CODE TO INCLUDE COUNTY ROAD ACCESS, ADDING THE SAME TO THE CACHE COUNTY CODES AND PROVIDING AN EFFECTIVE DATE

Pat Parker clarified that the resolution makes the change and then the Ordinance enacts the change in the ordinance itself. The Council would have to wait until they act on the resolution before they can act on the ordinance.

**No action was taken.**

**Ordinance No. 2002-15 was accepted as a first reading and would be placed on the next Council agenda. (No discussion was held.)**

**ORDINANCE NO. 2002-16:** SETTING SALARIES FOR CERTAIN ELECTED OFFICIALS FOR 2002

**Ordinance No. 2002-16 was accepted as a first reading and would be placed on the next Council agenda. (No discussion was held.)**

**IMPOSING RAPZ TAX DISCUSSION:** LYNN LEMON

Executive Lemon had met with the Mayors and also had met on several occasions with the committee that was pushing the RAPZ Tax. There was a requirement to have the opinion question on the ballot of an election; thus, the County Council agreed to put it on the election ballot for November 5 as an opinion question, which did not enact the tax but was just so that the Council would know the opinion of the voters about the Tax. Now the requirement is that the Council come back and actually enact the tax.

According to Executive Lemon, the County was really pushing the RAPZ Tax on a Countywide basis so that the major sales-tax generators, Logan and North Logan, would not just do this themselves and then the rest of the County would be excluded. Executive Lemon recommended that because the opinion question did pass as well as it did that the County Council now enact this tax and make it affective on a particular date. This must be done by ordinance.

Chairman Anhder's feeling was that it was appropriate to get that going right away and gave the go ahead to have Executive Lemon get the County Attorney to draft the ordinance.

Executive Lemon suggested looking into the makeup of the advisory committee that would need to be set up. Chairman Anhder felt that there was time to do that after the tax was enacted so that there would be revenue in hand to work with rather than anticipated revenues. Vice Chairman Beck felt they were two separate issues. Council member Yeates had some concerns about the way to go about selecting the committee; he felt there ought to be some Council discussion about that. After the tax was enacted, the Council would have a year to establish the committee and the disbursement of the tax revenue.

County Council  
November 12, 2002

**Two ordinances would need to be written. One would establish the ordinance imposing the tax and the other would establish how the distribution is governed.**

**Discussion:**

**Larry Anhder:** We have had some debate about whether we use committees or whether do not use committees and we have had some discussion about how tentatively it is divided up ...but we really haven't voted on anything.

**Lynn Lemon:** I think it was 45-45-10, 45 for cultural-45 for recreational and 10 for zoo.

**Darrel Gibbons:** You are suggesting that we go ahead and impose the tax this year.

**Anhder:** I am.

**Lemon:** Interestingly, as we passed it 3:1, Utah County turned it down about the same way. Now what it really does is allow for the individual city that votes for it now to go back and impose the tax and keep all the tax for themselves.

**Layne Beck:** Is Utah County in the same class as we are?

**Lemon:** Yes. If we would have turned it down as a County and not enacted it then (interrupted)

**Beck:** Do the cities have to go through it on a ballot:

**Lemon:** They do. They could put it on their ballot and then on the next general election enact it. For the County as a whole this is better. I think there will be a lot of demand for it.

**Anhder:** I think it is going to be a good thing for Cache County

**Pat Parker was directed by Chairman Anhder to have the County Attorney draft an ordinance enacting the RAPZ Tax for the next Council agenda.**

**TV TRANSLATOR DISCUSSION:**

Layne Beck reminded the County that there was a discussion on the TV Translator in the last meeting. He felt it was a mistake for the County not to continue doing broadcast television. He felt people should have the option of viewing television and not to have to pay for a subscription fee each month as with Cable TV or Satellite.

Council Member Petersen referred to the question as to how many people were actually using it. He would like to know the actual cost per person for the County to do this. He also wanted to know the value the spectrum might have if the County did not broadcast.

**Council Discussion:**

**Layne Beck:** What we do know is that our lease expires in June 2004 with Mt. Pisgah. The previous proposal that the owner of that site has proposed to this County is that we pay \$1200 per month per channel.

**Lemon:** We were supposed to be in trial on the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> of this month and that has been postponed due to some reasons that the court's aware of. I did get a note yesterday saying that the (**Beus?**) group would like to meet with us and see if we could resolve this. I don't want to get your hopes up because we have done this twice before. At least they are acting like they would like to get together and wanting to resolve this. I said to our attorney if they would come back with a reasonable offer, \$1500 per month or something in that nature, we would probably be very happy with that. If they come back with \$1500 per channel per month, it wouldn't be even feasible for us to consider doing that. There is that slight possibility and we will probably know within the next couple of months if that might happen. However, Layne is right if it doesn't happen, the lease expires in 2004.

**Beck:** If we don't do something to find another site that is acceptable to the Federal Communications Commission (FCC) and those channels go dark, then the County loses its right to use those channels because the FCC will auction them off to the private market.

**Lemon:** I don't think we ever want to do that. I think we will know soon and we do need to move forward so we deal with this problem. One of the frustrations for me is that our attorney in this lawsuit had an estimate as far as what it would cost us to develop out at Clarkston Peak. When I saw those number, I thought it is way out of line for us to even consider investing that amount of money. I think we could probably do it for less than that. With all of the other

County Council  
November 12, 2002

projects we are doing this next year, I haven't given it a lot amount of time. We need to do that. I wish that we could get this litigation resolved and then we would know what we would have to do.

**Gibbons:** Does the FCC differentiate between use? Do they specify that we have to use them for television translation or does it make a difference to them if we lease them to a private company?

**Beck:** It is like water; if we don't use them, you don't gain (possession).

**Lemon:** I think we could lease them if we wanted to.

**Petersen:** That is the key. We do need to do something but we have to make sure that we do the right thing. That may not be necessarily continuing as we have done in the past.

**Lemon:** Pat, Mike Bragger called me. Did I talk to you about putting him on the agenda?

**Pat Parker:** No.

**Lemon:** I think I had asked him to come to our next meeting. He has the latest information and we might have more information in a couple of weeks. We need to do something. I certainly am not proposing that we let the TV translator site go. With the improved signal, we actually may have more people who are interested in it because it has much improved over what it has been recently

**Petersen:** One thing, maybe I just missed it on the survey and maybe it wasn't easy to see, was it gives just percentages. It does not give how many people are involved. It also apparently was a survey that involved Box Elder and Rich Counties. It was almost 70% of Cache County. Do you have any idea how many people were surveyed?

**Lemon:** I could find that out. I don't know it tonight; I need to look into it.

**Beck:** Almost 24% received their television through an antenna over there.

**Gibbons:** It is interesting. I was invited the other night to speak to a Richmond Lion's group and I asked them specifically how many had received their television service through the translator. There weren't any of those. We just don't have a very accurate feel for how many people do rely on this. Maybe the satellite dish people and the cable people would be willing to let us know how many subscribers they have. So that you could have some idea of how many aren't using it.

**Lemon:** Mike Bragger said the local stations have no plans to put their digital signal on satellite. He said that they made a decision that they are going to transmit their improved digital signal by TV translators. He said: "I think the local satellite users are going to pull their stations off of your television translator site because they will be able to get good signals off the satellite of the national channels. I don't know how long the analog signals will be available on the satellite but apparently in some point-in-time they are going to cut the analog signals and there will only be digital. Then there may be more of a demand for that. There are a lot of things happening in this industry and we need to see that we know it as best we can.

**Petersen:** It does indicate that about 13% of the people get their signal directed to the station by their antenna. My guess is that those are in Box Elder County.

**Executive Lemon would pursue trying to find out numbers as to how many people were using the satellite. He would also have Mike Bragger come to Council in the next meeting.**

**PROPOSED REVISIONS IN CACHE COUNTY PERSONNEL MANUAL:**

This item was continued to the next agenda.

**STATE OF COUNTY ADDRESS AND PRESENTATION OF PROPOSED 2003 BUDGET:**  
CACHE COUNTY EXECUTIVE, M. LYNN LEMON

**(See Attachment No. 8)**

Council Member Petersen questioned where the assumed saving of housing prisoners fit into the budget. Executive Lemon admitted that there would actually be no savings that there would be a trade-off because of the addition of the third floor and because of the addition of the five employees already granted and the nine employees needed in addition to that. The budget in

County Council  
November 12, 2002

2003 was going to be very challenging, however, in 2004 there was the possibility of gained revenue from work-release prisoners brought into the Jail from other areas and the possibility of housing State prisoners that was not in the budget.

Chairman Anhder noted that the cost per inmate would be lower than in the current Jail and Auditor Tamra Stones also commented that there was an impact on County-State revenues also. The contract with the State Department of Corrections was extremely reduced because their revenue was down.

**Discussion:**

**Craig Petersen:** I would really like to see some details on the operating cost for the jail. It appears to have turned out quite a bit different than what I thought it was going to turn out.

**Lynn Lemon:** Okay. We have gone over those but being realistic we need to plan for what it is going to cost us long term to operate the Jail. It is going to cost us more than we anticipated. If we hadn't done this, I think our situation would be worse next year...If we took the \$680,000 .00 and increased that by another \$100,000, this year our cost to house prisoners outside the County would probably have been the neighborhood of \$780,000 to \$800,000. Next year it would have been even greater.

**Darrel Gibbons:** That savings will go along way towards paying the bond. If you are not paying to house prisoners, those dollars could be used to go toward a bond payment.

**Lemon:** If you didn't have those (figures) in your budget before, you would have to figure out a way to do it. That's why there is an increase in there not just to pay the bond but also to operate the jail on a long-term basis.

**Petersen:** Part of this is that we really didn't ever budget fully the cost of housing prisoners out of the county....

**Lemon:** We didn't this year because literally our budget was \$440,000.00 If we hadn't made the change that we did in October, our budget would probably have been \$350 to \$400,000.00 short. (Further information on this will be provided to the County as needed.)

The County, Option's Sales Tax. it assumes a growth of 3.8% based on a 2002 estimate... We anticipated last year that we would have higher sales-tax growth because of all of the additional retail that has come into the County but the growth has been somewhat flat. We are not estimating that it will be more than that; however, it could be more next year

The Fee In-lieu as far as property tax. We assumed a 5% growth based on the 2002 estimate. Jail fees condition of probation is based on the State statute which now requires that the State pays 70% of cost beginning July 1, 2002. The billing and statements since that time have been annualized.

Note: Executive Lemon informed the Council that in this year's legislature, there was a provision in the law that said that the State would pay the Counties the cost to house condition-of-probation inmates in the County Jail. What is happening is that a person should be sentenced in the State Prison. The Judge makes the decision that it is better for them to serve their time in the County Jail rather than to go to the state prison. There was a little tidbit that said: "If revenues were available." In the past the State would pay as long as they had money but when they didn't have the money, they didn't have to pay. There was a revision in the law and Executive Lemon thought that the State was now required to have to pay for that.

Payment in leu of taxes: The payment in-leu of taxes in the administrative services budget is based on the 2002 payment.

Employee compensation. This budget includes a 1% merit pull distributed at the discretion of the Department Head and the Personnel Manager based on merit performance and then ½% market pull distributed at the discretion of the Personnel Manager and the County Executive. This would be to deal with market issues as it relates to an individual. We've had some positions where we are not trying to not lose an individual. So, that is there for that purpose. It also assumes an 8.2% increase on health insurance premiums on January 1, 2003. We gave you at the meeting two weeks ago a recommendation from the Employee Compensation Committee. I received a new memo from Jim today and I think I have given a copy of that to all of you. This budget includes the five additional employees which the County Council approved in October 2002 in order to house additional prisoners in our current facility until the new facility is completed. It also includes three addition correction

County Council  
November 12, 2002

employees in August 2003 and eight addition correction and control-room employees in November of 2003. The budget also includes an investigator in the Civil Division which is funded by a VAWA grant and an employee funded in the Travel Region funded entirely by a "Scenic-By-way" Grant. This Travel Region employ is a non-merit employee that will only be here as long as the grant funding is available. If you remember, our top priority was the investigator last year. Our hopes are that we will continue to get a VAWA Grant on this for several years and be able to work into funding this by ourselves.

There were additional employees that were removed from the recommendation. There was a full-time Deputy County Attorney. If you remember when we had a Deputy Attorney leave a couple of years ago, the County Attorney's Office made the decision not to rehire that position because it was funded by a soft-money grant. They didn't want to be in a situation where if that grant went away, they would have to let an employee go. Last year in order to met the budget parameters that we asked them to try to figure out how to pay a 5% increase and they also wanted to do some adjustments for their Deputy Attorneys because they were having a hard time keeping some of their current employees. They did agree not to fill a legal secretary position. That is still not filled in this budget. We removed a programmer in the Data Processing, an office specialist in the Auditor's Office. A part-time Election Clerk moving to a full-time Election Clerk, we removed that; we did put some money in there for hiring a person on a part-time basis. It also removes a secretary for the Surveyor's Office, an individual in the Patrol Division in the Sheriff's Office, a Civil Process Server in the Civil Division, a data processing person in the Civil Division and a part-time secretary in the Fire Department budget....

Possibly sales-tax revenue may be greater than is projected due to increased retail establishments in Cache County. Executive Lemon recommend that by 2003 a Legal Assistant position and a part-time EMS Coordinator be top priorities to consider if addition revenue was found.

The Airport Development Task Force is recommending that a full-time Airport Manager position would be funded. Estimates for this position was that it would require an addition \$40,000.00 from Cache County and \$40,000 from the City of Logan also. It was the hope of Executive Lemon that by next year after the Jail was finished, the County would see some revenue that would help deal with some of the other issues.

**Discussion:**

At Council member Gibbons' request, Tamra Stones pointed out that it was about a 31% tax increase for \$44.30 and that overall the tax revenue increase was about 36.7%. Council member Petersen noted that there was a 5% increase on roads.

Tamra Stones commented that the inter-governmental revenue had dropped and there had been a big shift in revenue there. Executive Lemon noted that he was concerned about the County employees. Because of this difficult challenge as far as trying to figure out how to pay for the current situation and how to pay for the future situation of the County, the employees should not suffer. The cost of the salary benefit increase was about \$77,000.00 and Executive Lemon felt it was a fair recommendation. The 1% merit would be available to all departments and 1/2% to the Personnel Manager to deal with marketable issues.

Money was not budgeted for furniture for the Administration. Money was budgeted for a Hearing Officer dealing with the Board of Adjustments. A small amount of funds was also budgeted to develop and maintain a web page for the County. The Sheriff and the Jail Commander would really like the new employees to come on board sooner than budgeted for because of training.

**ORDINANCE NO. 2002-14: ESTABLISHING COMMUNITY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

Vice Chairman Beck suggested that the Surveyor should be the head of the Department and also be an elected position. Chairman Anhder disagreed. He felt that it should not be an elected office and that the County Planner ought to be the head of the Department. The advantage would be that County Planner would be on the staff of the County Commission.

County Council  
November 12, 2002

**This item was on the agenda for first reading and will be placed on the next Council agenda for further action.**

**OTHER BUSINESS:**

**UTAH ASSOCIATION OF COUNTIES ANNUAL CONVENTION:**

November 13<sup>th</sup> thru 15<sup>th</sup> of 2002 in ST. GEORGE, Utah.

**CACHE COUNTY COUNCIL MEETING SCHEDULE:**

Pat Parker asked to go over the calendar for Council meetings in December because there were five Tuesdays in December.

**The Council agreed that they would meet on the first and second Tuesday in December 2003.**

**COUNCIL MEMBER REPORTS:**

There were no Council member reports.

**ADJOURNMENT:**

Council meeting was adjourned at 7:25 p.m.

\_\_\_\_\_  
ATTEST: Jill N. Zollinger  
County Clerk

\_\_\_\_\_  
APPROVAL: C. Larry Anhder  
Council