

CACHE COUNTY COUNCIL MEETING

March 11, 2003

The Cache County Council convened in a regular session on March 11, 2003, in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen
Vice Chairman: Cory Yeates
Council Members: Brian Chambers, Paul Cook (arrived at 5:07p.m.), Darrel Gibbons, John Hansen, and Kathy Robison.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Evelyn Andrews, Jay Downs, Cheryl Empey, Lorene Greenhalgh, Meridene Hancock, Susan Lemon, Grant Mathews, Peggy Matthews, Sheriff Lynn Nelson, Evelyn Palmer, Pat Parker, Dan Peterson, Fire Chief Kelly Pitcher, Adrie Roberts, Jim Smith, Auditor Tamra Stones, Mark Teuscher, Rachel Von Niederhausern, Sonya Warner and Cleve Winkel. **Media:** Joe Rowley (Herald Journal) and Jennie Christensen (KNVU).

CALL TO ORDER:

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

INVOCATION:

The invocation was given by Council member Gibbons.

PLEDGE OF ALLEGIANCE:

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA:

Changes to the Agenda.

1. Under item 7 a - a second proclamation was added "American Red Cross Month."

The agenda was approved as amended.

REVIEW AND APPROVAL OF MINUTES:

Minutes of the Council meetings for February 25, 2003, and February 27, 2003, were reviewed, corrected and approved as amended.

REPORT OF COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENT: Lamar Clements County Planning Commission

ACTION: Motion by Council member Gibbons to approve the appointment of Lamar Clements to the County Planning Commission. Hansen seconded the motion. (Vote: 4-2-1) Chambers, Gibbons, Hansen and Petersen voted "yes." Robison and Yeates voted "no." Cook (absent)

Council member Cook arrives.

APPOINTMENTS: Tracy Reese Benson Planning Commission
Grant Baer Deputy County Auditor

ACTION: Motion by Council member Gibbons to approve the appointments. Yeates seconded the motion. The vote was unanimous, 7-0.

WARRANTS: The warrants for the periods of 02-07-03 to 02-13-03; 02-14-03 to 02-20-03; and 02-21-03 to 02-27-03 were given to the Clerk for filing.

OTHER ITEMS:

1. **2003 UAC LEGISLATIVE TRACKING SHEET:** Executive Lemon highlighted those bills that were tracked by the Utah Associations of Counties (UAC) during the Legislature which were important to the County.
2. **Forest Service Plan.** The Forest Service Plan is expected to be ready by the end of March. Executive Lemon has set up a meeting with Rob Cruz, the local Forester, on March 18th at 9:00 a.m. All Council members were invited to attend.
3. **North American Weather Cloud Seeding Report for February.** Executive Lemon discussed the benefits of cloud seeding and reported that the County's moisture levels are still far below normal.
4. **County Logo** Executive Lemon handed out several examples for a new County logo and asked the Council members for input and suggestions on the logo.
5. **Millville Canyon Road.** The Sheriff had given Executive Lemon a letter concerning closure of Millville Canyon, he asked if the Council would take a position opposing closure to the road. The sheriff's main concern was access to get equipment in for search and rescue missions. Legally if a road has been used for more than 20 years for access the landowner does not have the right to close access. This proposal was submitted to the Council for their consideration.

Discussion:

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Council member Yeates: It seems to me that is just an outright misuse of the public road when they close down a road that has been established for those many years and has been used as extensively as that road has been. This is exactly the thing that we have been fighting with the gates on private property and some other parts of the County. Was this done by the Wildlife?

Executive Lemon: (It was done) by the Division of Wildlife Resources.

Yeates: If they have a problem with wintering elk, I would have a whole lot less problem with them gating it in the Winter time and maybe in the Spring but it needs to be open the rest of the year.

Lemon: Sheriff, if we have to, we would use that in the Winter for search and rescue, right?

Sheriff Nelson: Right. Right now they have shut off the deer-fence road during the Winter months from Millville to Hyrum. I think there has been a push between Millville and Providence to reduce the motorized traffic in between Providence and Millville. I don't know if that is an official closure or not or if somebody just stuck a gate up there but this is the main canyon road that takes us right up to the top.

Lemon: We have never had notification, at least that I am aware of, for the County that they were planning to do that.

Yeates: There was no notification.

Council member Gibbons: I don't think that we should consider them any differently than we would a private property owner who would close a road, as Cory indicated, and restricted the public from having access to public lands.

Council member Hansen: That canyon is awfully steep. I go up there fairly frequently in the Summer and the Winter. In the Winter I see very few elk because it is steep. I don't see a problem. I don't really see a lot of abuse of the road either in terms of people up there on the side hills. The first hill has been well worked over the years but beyond that, I think people are very careful with that terrain.

Lemon: I've been up there a few times and I have not noticed that there has been a lot of road damage or 4-wheel damage.

Council member Chambers: I've never been up there. The rationale then for closing it again was what?

Lemon: They've said they needed to protect the winter elk-range or the elk feeding area. I really don't think there has been that much abuse.

Council member Cook: There isn't. That is our neck of the woods and this is crazy. We just need to deal with whatever administrative steps we can to prevent this.

Lemon: The one thing I intend to do, based on this letter, was to ask the County Attorney because the law says that the only body that can close a public road in the county is the County Legislative Body. I don't think any other body has the authority to close that road.

Cook: No, they shouldn't.

ACTION: Motion by Council member Hansen to oppose the closing of Millville Canyon. Cook seconded the motion. The vote was unanimous, 7-0.

POINT OF PERSONAL PRIVILEGE: Council member Cook apologized for being late but wanted to have it on the record that he would have supported Lamar Clements and voted in the affirmative. Chairman Petersen noted that it wouldn't change the vote but that it would be noted in the minutes.

- 6. CMPO LETTER:** A letter from the Cache Metropolitan Planning Office had been received and the Council was asked to consider extending the interim Cache Access Management Policy. Executive Lemon reminded the Council that the 6-month moratorium under which the policy was passed expired today, March 11, 2003. Chairman Petersen suggested that an ordinance be prepared for consideration on the next Council agenda.

PROCLAMATION: "SCOUTING FOR FOOD"

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Vice Chairman Yeates read the proclamation for the Boy Scouts of America to conduct a food drive to be called "Scouting for Food"

(See Attachment No. 1.)

"The Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaim March 29, 2003, to be designated as "Scouting for Food Day" and encourages all citizens of Cache County to contribute generously."

ACTION: Motion by Council member Robison to approve the proclamation. Cook seconded the motion. The vote was unanimous, 7-0.

PROCLAMATION: "AMERICAN RED CROSS MONTH"

(See Attachment No. 2.)

Vice Chairman Yeates read the proclamation regarding the American Red Cross.

"In recognition of the American Red Cross and their valuable service, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaims March 2003 be designated as the "American Red Cross Month" and encourages all citizens of Cache County to support this organization's noble humanitarian mission."

ACTION: Motion by Council member Hansen to approve the proclamation. Gibbons seconded the motion. The vote was unanimous, 7-0.

EMPLOYEE OF THE MONTH: PEGGY MATTHEWS

JIM SMITH: "I would like to introduce Peggy Matthews who has been selected as our Employee of the Month for the month of March. Peggy is a native of Cache County and grew up in the safety and serenity of Young Ward. While in her youth she fell in love and married a handsome young Providence boy named Grant Matthews. After moving several times both in and out of the State of Utah, Peggy and her family moved back to Cache Valley in 1984 and Peggy started working for the Cache County Weed Department. Nine months later she transferred to the Cache County office within the USU Extension program where she has been a key employee ever since. Currently Peggy functions as a 4-H Administrative Assistant wherein she performs a variety of office, secretarial and receptionist duties".

In 2002 Peggy assisted 386 4-H volunteer leaders in enrolling more than 1,600 youth in 4-H. She collected information on another 5,327 youth who participated in 4-H school-enrichment programs. A total of 7,778 youth participated in at least one 4-H program last year and Peggy reported and recorded information on each one efficiently and accurately.

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Peggy is the proud mother of five children and 24 grandchildren. All of her children attended Utah State University and four grandchildren and two of their spouses are presently enrolled as students at USU. She enjoys music and playing the piano and has accompanied family members who have performed at a variety of functions.

It has been said of Peggy: "She is warm and pleasant yet very professional as she greets people and sees that they receive the information they need." From the top of our Heads to the bottom of our Hearts, we express our appreciation to you for your Helping hands and wish you the best of Health as you continue to promote 4-H programs. (**4-H's**). Congratulations Peggy.

Executive Lemon presented the "Employee of the Month" certificate. From the Extension Office, Andrie Roberts presented Peggy with a bouquet of flowers as a token of their appreciation. Jim Smith presented the \$25 gift card. Peggy expressed a brief thank you to the County and her love of the Extension Office and the people who work there.

CACHE VALLEY TOURIST COUNCIL REPORT: MARIDENE HANCOCK

Maridene Hancock stated that 2002 had been a good year in Tourism for Cache County compared to the rest of the State of Utah. Total Transient room tax collected for 2002 was \$244,770.00. This is a 7% increase over 2001. We collected \$229,465.00 last year.

Average annual (motel) occupancy for 2002 was 58.4% as compared to 57.9% in 2001 and 55.8% in 2000.

Co-op Advertising Opportunities:

1. Utah Business Magazine - February issue
2. Salt Lake CVB Publication - Spring/Summer issue.
3. Utah Outdoors Ad - (formerly "Bicycle Utah")
4. Travel Pal Ad

A Cache Valley Fun Card/Sticker Program was introduced which will be a direct mailing campaign to 65,000 homes from within a 300-mile radius. Post cards will also be mailed to those people who have requested information on Cache Valley over the past two years. The Fun Card will feature 12 attractions. As the tourists travel to each of the attractions, they will receive a sticker. When they visit eight out of 12 of the attractions, they can turn in their card for entrance in the monthly drawings.

Logan Canyon National Scenic Byway: Logan Canyon was designated as a National Scenic Byway in June of 2002. The Logan Canyon Scenic Byway Corridor Management Team is undertaking a project to involve the community in a visioning process for the byway.

Council member Hansen questioned Ms. Hancock about the plans for the future of building a convention center and a hotel possibly attached to that building or close by. Ms. Hancock was excited about that; however, because of the economy, now was not the time to build. They will continue to work on occupancy rates until such time as it would be possible.

Council member Cook asked about the amount of rooms that had become available in the last

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five years. In response, Ms. Hancock showed the Council a chart explaining where rooms had been added.

(See Attachment No. 3.)

SUMMER CITIZENS PROGRAM: DAN PETERSON

DAN PETERSON, Assistant Dean, Conference Services: Summer Citizens is a program (where) residents, the "Sun Birds," come to Logan to get away from the sun in Arizona, Texas, Nevada and all over. About three years ago, the former Assistant Dean for continuing education took over the program from the Chamber or the Tourism Committee or whoever had it. I took my Assistant Deanship last Fall and started researching these programs.

(See Attachment No. 4.)

Program participation had been decreasing and extra costs were put into the program to build it up. The first year over \$50,000.00 were lost in terms of direct and indirect expenses. The second year about \$51,000.00 (was lost). This being the third year it was slated and after budget cuts, Utah State University realized that they could not afford to lose money. The projection was more loss even after expenses had been reduced to the bare minimum.

We are still losing about \$28,000.00; we have some options to make that up to cut further. We believe the program is well run and (that it is) a quality program based on our efforts with USU's name behind that. Capacity-wise 731 Summer Citizens are attending.

The purpose of me coming to talk to you is about the economic impact this program has to the Valley of anywhere from 2.6 million up to 6.1 Million dollars depending upon the multiplier that you use.

Industries that are impacted: **1)** Medical - \$80,000 out of pocket from these people. (\$600-\$700,000.00 impact to them.) **2)** Housing Industry (abt. \$500,000.00) **3)** Grocery Stores (abt. \$243,000.00). This data came from about 731 surveys with a response rate of 46% asking last years Summer Citizens where they spent their money.

We want to let you know that we are going to ask for Restaurant Tax. We are grateful for the Restaurant Tax that we have received in the past of about \$11,000.00. For us to keep running the program, we obviously need to cut expenses, raise revenues or find Restaurant taxes (which are) dedicated to Tourism. This is a good use of it; we will be asking for \$52,000.00 in our application. The other angle that we are taking is "Vendor sponsorships." If we don't offset that \$28,000.00 (projected) loss this year, the program will not be run by Utah State University.

The options are 1) to give it to Logan City. 2) We have met with the Chamber, with the Mayor, with Economic Development and a number of people about our strategies. We are open to suggestions but at this point, we have contacted about 30 vendors, we are getting mixed response. We are saying by your donation and level of benefits you are giving us, we are hearing a vote of confidence to keep the program running or no donation a vote of no confidence and the program is in jeopardy.

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Discussion:

Council member Chambers: What was the first year, Dan, of the change of the quarter's system to semester system?

Dan Peterson: 1998.

Chairman Petersen: The Summer of 1998 is when it would have been effective because we started the first of that year.

D. Peterson: They come the first to the middle of May and they leave the end of August.

Executive Lemon: So, you are saying this last year you lost \$51,000.00?

D. Peterson: Correct.

Peterson: One of the nice things about this particular form of Tourism. It is concentrated in the Summer but it doesn't burden the motels because they're in apartments that have been vacated by students that otherwise would have been empty; so, it really doesn't contribute to the peak load of problems for the motels during the Summer. They may be high maintenance but still it is a very pure form of dollars that come in.

Lemon: Do the apartment owners make any contribution?

D. Peterson: Very Little. Some selected not to this year. They said: "Bottom line, if I have an apartment with two rooms, I can rent it to four students or two senior citizens for a lot less." They are coming down. Enrollment is up in the Summer. A lot of USU Housing will not be available next year because we need to give it to the students first. They have given 500 though, but that has been hit and miss. A half-a-million benefitting but they also have tight budgets.

Petersen: Dan, I noticed on your budget there is about \$19,000.00 almost \$20,000.00 on fees to USU Departments. What's that?

D. Peterson: The instruction costs.

Petersen: On the previous page, there was Instructor Payroll of about \$29,000.00.

D. Peterson: Sonya runs our program. She just corrected me; thank you. Lab fees will be to pay for parking and those kinds of problems.

Petersen: (The term "Departments" is defined broadly. It is not academic Departments; it is all kinds of departments, right?)

D. Peterson: Right.

Chambers: Are you proposing to have courses for this Summer? I notice that figure has going up?

D. Peterson: Yes.

Sonya Warner: We can have about 12 more this year.

Lemon: Meridene, how did it end up with USU?

Meridene Hancock: Logan City played a part; the University played a part; the Chamber played a part. There wasn't any one office that really handles the Summer Citizens. I am just so thankful for the way they have run this program. It is excellent. I think if it comes back into the Community, you are going to have that really disjointed effort which wasn't really as successful as being able to call one number and go to one place. I would hate to see it come back! I really like the program.

Lemon: I'm not saying that it isn't a valuable program but we are saying that it is going to cost us \$51,000.00 now to do it. What happened before? Were there things that were just not being done?

Hancock: We ran on a lot lower budget!

D. Peterson: When we looked at it, we went to the Tourist Council and they said: "Okay, this is part of your duties." So, something else got put off. As a self-supporting organization, we have to account for all of our time. By doing this program, we are not doing another one to generate revenue to support our salaries. So, we could give it back to the City. The City has got to either find a way to get somebody else to do a little bit more or they may have to fund a position to do it. These folks start calling in January and it doesn't stop until after the Summer in October. We get a lot of feedback. Truly, we raised the bar of the quality of the organization and the consistency. We are just to the point where we don't have a whole lot of choice. We either make it take care of itself or pass the baton this Summer. This is one of those programs that a lot of people are going to die on. We would like to make it work; but if we can't, perhaps it is just out of our mission.

Lemon: Is there a possibility of charging any more for the courses?

D. Peterson: I met with Rhonda (Thompson) today from American West Heritage Center. They are starting a bunch of new courses. Now they'll be competition for these courses, which is good. Applied Technology Center has a bunch of courses. We are talking about programs where you would be paying about \$30.00 for a class. You can't get a whole lot more than with the going rate of the competition.

Warner: We have raised the fees when it came over to Conference Services. Prior to when it was a joint venture, no one else called. Student Services ran the courses. At that time they would pay about \$20 for a course. With the nature of the clientele, we can't drastically increase those expenses; so, we earned it with registration fees. We have increased it and we are up to \$33.00 now. The majority of that does go right back into instruction. We also sell them

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a student ID card where those fees go back to the departments for parking and computer lots of things of that sort. We have raised the fee on that again this year in hopes of generating a bit more income. So, we are raising the fee; but we have to be very careful about that. There are other programs out there. They love Utah State; they love Cache Valley; and they want to keep coming back but they are willing to shop around and go somewhere else if the price is out of their range.

Hancock: It is one of those programs that if we lost it, the community would be saying: "You need to get that back." There are so many communities that are trying to get this type of a program. I really think the private sector needs to support it more than they do but they seem to have the attitude: "Well, they come anyway and we are getting the business." If that program was closed down, they would really see an effect on their pocketbook.

D. Peterson: We are going to keep up the quality this year whether we lose money or not but we need to make sure, through public awareness and announcements, that we have transferred it.

Warner: Our understanding along those lines is that it will free up restaurant tax money. With the RAPZ tax being available next year, some of those organizations may currently be receiving restaurant tax.

Lemon: I really do think the restaurants would feel the effect if this program were not here.

Petersen: It's more than that. Your direct expenditures were a million-and-a-half.

Chambers: Are you saying, Dan, when Summer school enrollment is up, this makes the housing market tight?

D. Peterson: Correct.

Petersen: Well, tighter, there are still a lot of extra houses. We really have 40% as many students on campus in the Summer versus about 40% of what we have in the Fall.

D. Peterson: Here's another thing. If we bring those USA Cheerleader camps up here, a lot of youth programs will go ahead and take up dorm space. There will be very few dorms for the Summer citizens. Old Farm has told us: "We don't want any more." In fact the ones that we have, you can go ahead and take them; we are not getting any money anyway."

PUBLIC HEARING SET: OPEN 2003 BUDGET

It was proposed to Open the 2003 budget on March 25, 2003 at 6:00 p.m. The main items would be as follows: Airport Grant, EMS Coordinator and Bond money.

ACTION: Motion by Vice Chairman Yeates to set the public hearing. Gibbons seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL MOVED INTO BOARD OF EQUALIZATION

REVIEW OF LAW GOVERNING TAX EXEMPTION REQUESTS:

Chairman Petersen highlighted the following from the law governing tax exemption requests:

1) The Council is allowed to make exemptions, deferrals or abatements of tax only if the claimant, the applicant, is the owner of the property as of January 1. **2)** The following types of property can be on the Council's approval of exemption. **A)** Different types of property owned by government and **b)** property owned by a nonprofit entity which is used exclusively for religious, charitable or educational purposes. **3)** The Council is required by law to notify people by May 15 of their decision. If someone had a property exemption in the past forgets to apply, the Council was to remind them by the April 1st. The Council's decision was to be made by the 1st of May.

Auditor Tamra Stones commented that generally these tax-exemption requests were only from organizations that have 501-C3, IRS qualifying letters; however, just because they have that doesn't necessarily mean they should be tax exempt. Ownership is a test; 501-C3 is a test and exclusive use is a test. There can be a partial exemption if the space can be exclusively identified. This can be real or personal properties and vehicles.

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A government entity is not tax exempt; it is taxed because of government categorization, state, city or county ownership. The Charitable exemption, educational and religion, are annual exemptions and their purpose must remain the same. The property may change in a year and must be reviewed yearly. There are between 42 and 45 entities in the County that apply for tax exemption per year.

TAX EXEMPTION REQUESTS:

(See Attachment No. 5.)

RELIGIOUS APPLICATIONS.

Cache Valley Bible Evangelical Free Fellowship Church	Continuation
Cache Valley Christian Center Inc.	Continuation
Corporation of Episcopal Church in Utah	Continuation
Emmanuel Baptist Church	Continuation
Faith and Fellowship Center	Continuation
First Presbyterian Church of Logan	Continuation
Harmony Lodge (Masonic)	Continuation
Holy Trinity Lutheran Church	Continuation
Maranatha Baptist Church	Continuation
North American Islamic Trust, Inc., The	Continuation
Prince of Peace Lutheran Church	Continuation

ACTION: Motion by Vice Chairman Yeates to approve all the above religious related tax exemption requests. Robison seconded the motion. The vote was unanimous, 7-0.

NON-RELIGIOUS APPLICATIONS.

Alice and Allen Stokes Nature Center	Continuation
American Red Cross Cache County Chapter	Continuation
Association for the Advancement of the Handicapped	Continuation
Bear River Head Start	Continuation
Bear River Mental Health Services	Continuation
Beaver Mountain Ski Patrol (a subordinate of National Ski Patrol)	Continuation
Boys & Girls Club of Cache Valley	Continuation
Bridgerland Audubon Society	New Application
Cache County Children's Justice Center	Continuation
Cache Employment & Training Center	Continuation
Carl Inoway Senior Housing Corporation	Continuation
Child and Family Support Center	Continuation
Community Nursing Services	Continuation
East Birch Creek inc. (Formerly North Eastern Services)	Continuation
Options for Independence	Continuation
Spendlove Research	Continuation
Sunshine Terrace Foundation. Inc.	Continuation
Trapper Trails Council, Boy Scouts of America	Continuation
USU Research Foundation/SDL	Continuation/ Part new
Whittier Community Center	Continuation

ACTION: Motion by Council member Gibbons to approve the above tax exemption requests. Cook seconded the motion. The vote was unanimous, 7-0.

TABLED:

Neighborhood Nonprofit Housing Corporation	New Application
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Auditor Tamra Stones clarified that HUD required them to make a separate nonprofit corporation for the 22-unit HUD disabled housing building. The request needed to be redone.

There was discussion on the following requests:

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- Bridgerland Community Ice Arena, Inc. Continuation
- Capital Arts Alliance Continuation
- Utah Festival Opera Company Continuation

Discussion:

Council member Robison: How do we justify these? They can make a profit but are we giving them a full exemption or a partial. How does this work?

Auditor Stones: On the **Bridgerland Community Ice Arena**, we held a hearing last year and we were going to charge a privileged tax. It was the Council's desire to make them exempt. Once they are exempt, I'm assuming the wish of the Council is to maintain exemption. We did not charge the privilege tax and we exempted the tax on their personal property based on they serve educational purposes.

The **Festival Opera**, they do have community programs for the children. Based on that educational exemption was granted them. The Utah Festival Opera was exempt for the building that produces the production and the personal property. They also had apartment buildings which they used to generate revenues to support the educational and opera production. They wanted those apartment buildings to be tax-exempt but they were not exclusively used for their mission. So, this (request) is only allowing the exemption on the personal property and basically the Dansante building and the vehicles they use to do their production.

Robison: I don't understand how we say that they are used exclusively for educational purposes because they're not. Yet, we still give them an exemption. I just don't understand this.

Executive Lemon: They did appeal the apartment buildings to the State Tax Commission and the Tax Commission ruled in our favor.

Stones: They supported the County's ruling that they were not tax exempt.

Lemon: They supported the finding that the Dansante building was an educational facility.

Stones: This must not happen only in Cache County. There must be other precedent setting organizations that have the same sort of mission.

Council member Gibbons: We had the same issue with the Whittier Center some years ago and it was determined that it didn't have to be 100% educational. As long as there was a portion of it that was significant, the Tax Commission upheld that their request to be exempt.

Robison: We are basing this on a significant portion; we are not saying that it has to be 100%. It doesn't have to be exclusive?

Gibbons: That's right.

Stones: It does. This is the Council's reading on this. This is not what I think.

Robison: I understand.

Stones: In many years past, all of the Council has supported that as educational. They have actually had hearings with the Federal Opera Board and the Directors, etc.

Gibbons: They have had a number of those kinds of projects that they put on for the benefit of the community, it has been the Council's attitude that there has been a significant effort to make an educational approach with respect to that organization.

Council member Cook: Brian (Chambers), let me ask you what your thoughts are.

Council member Chambers: They have programs throughout the year where elementary and middle school students are invited to come for no charge. They get in on some nice programs there and there is a great educational benefit to many of our students.

Gibbons: Generally many of those costs are offset by contributions from some entity that has paid for the performance.

Robison: Well are we or are we not following the law?

Gibbons: I think that we are comfortable in saying that we are following the law with respect to personal property.

Lemon: I think if you denied it and they appeal to the State, the State would rule in their favor based on the comparisons that we have looked at.

Stones: It is the same argument as we continually run up against with the hospital. "If you give a gift to the community and if the gift is as great as or bigger than the tax burden," that is one of the tests that they use.

Gibbons: I am more comfortable with this gift than I am that gift.

Cook: It does appear to be direct benefit to the school and I know they really do try to reach out and try and educate. I just wish I knew percentage-wise how much it is. Do they have to demonstrate that in some way?

Stones: We are using the application standards as put forth from the State Tax Commission.

Cook: What's their standard roughly?

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Stones: You make an application, you tell us your board members, you give us your bylaw, your 501C3 letter of ruling, you might have to give us income tax information for a few years. Basically it is very generic. And when we tried to make it more restrictive or more encompassing, like we did with the Hospital. We got shot down by the Supreme Court. We can only base our decision on generic rules that the Tax Commission has determined are the standards. That's what we are following.

Gibbons: There has been quite a lot of discussion to what they requested. We have narrowed the approval down to real property. There were initially a lot of other things that they had requested.

Lemon: There is a difference with the Bridgerland Community Ice Arena and that is that the real property of the Bridgerland Community Ice Arena is actually owned by the four entities of Cache County and three the Cities. We lease that to Bridgerland Community Ice Arena.

Stones: I believe that this request is simply for the proposed property because it was determined by the Council that there was no privilege tax to be charged on the building because of ownership.

ACTION: Motion by Council member Cook to approve the tax exemption requests for Bridgerland Community Ice Arena, Inc., Capital Arts Alliance and Utah Festival Opera Company. Gibbons seconded the motion. The vote was unanimous, 7-0.

●Logan Regional Hospital Property Tax Exemption Continuation

No action was taken on the tax exemption request for Logan Regional Hospital. A committee was constituted of Council members Chambers, Cook and Robison, Assessor Howell and Auditor Stones to meet with Logan Regional Hospital. Auditor Stones would set up the meeting.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

ADMINISTRATION BUILDING UPDATE:

A target date for the move into the new County Administration building would be June 1, 2003. The move-in date had to do with logistics. The completion date of the building was still on target.

COUNTY JAIL UPDATE:

The target date for the completion of the jail pod would be the 1st of October 2003 and for the Administration building, it would be the 1st of December 2003.

FINAL PLAT APPROVALS:

Lorene Greenhalgh recommended proposals for the following two final plat approvals:

LANCE NIELSEN 2-LOT FARM MINOR SUBDIVISION: Lance D. Nielsen, agent for John A. Leatham and Scott D. & Angela Griffeth, is requisitioning approval of a two-Lot Farm Minor Subdivision on 26.37 acres in the Agricultural Zone with a remainder parcel of 24.30 acres not eligible for residential development, one single family dwelling on an approved lot of 1.07 acres located at 3810 South highway 23, and for one additional one-acre lot for the construction of a single family dwelling to be located at 3860 South Highway 23, one mile north of Wellsville.

Lorene Greenhalgh: The Planning Commission reviewed the request on 3 March 2003 and recommended approval with the following findings of fact: 1)The request is compatible with the

area. 2) There was no opposition to the request. 3) The request meets the requirements of the subdivision ordinance, and 4) The request is not detrimental to the health, safety and welfare to the citizens of Cache County. The plats are in order and they have met their requirements.

(See Attachment No. 6)

ACTION: Motion by Council member Gibbons to suspend the rules and approve the final plat of the Lance Nielsen 2-Lot Farm Minor Subdivision. Robison seconded the motion. The vote was, 6 “yes” 1 “abstention” (Yeates abstained)

CLEVE R. WINKEL MINOR SUBDIVISION: Cleve R. & Vera S. Winkel, agents for themselves and Dean R. Jeffs TR., are requesting approval of a 3-lot minor subdivision on 10.74 acres of property in the Agricultural Zone with one existing single family dwelling on 2.73 acres located at 548 West 8100 South, one approved lot of 5.28 acres located at 508 West 8100 South, and for one additional lot of 2.73 acres for the construction a single family dwelling to be located at 574 West 8100 South, north of Paradise.

Lorene Greenhalgh: In the beginning this was a 10-acre Lot. It was divided in half by conditional use permit and one house was built on that one 5-acre lot. Mr. Winkel is the one who built that house and he has since agreed to sell half of that lot to someone else. The other owner, Mr. Jeffs hasn't developed his 5 acres as yet, but he wanted the option left open to him to divide his lot in the future if he chooses to do so. That option would be open through the amendment to the subdivision. The Planning Commission reviewed the request on 3 March 2003 and recommended approval with the following findings of fact: 1)The request is comparable with the area. 2) There was no opposition to the request. 3) The request meets the requirements of the subdivision ordinance, and 4) The request is not detrimental to the health, safety and welfare to the citizens of Cache County.

(See Attachment No. 7)

ACTION: Motion by Council member Hansen to suspend the rules and approve the final plat proposal for the Cleve R. Winkel 3-Lot Minor Subdivision. Cook seconded the motion. The vote was 6 “yes” 1 “abstention” (Yeates abstained)

LUNCHEON WITH ELECTED COUNTY OFFICIALS.

Those in attendance were Chairman Petersen, and all the Elected Officials except for Attorney George Daines, who was out of town.

Items that came up at the luncheon.

1. A proposal that “Department Heads” Chief Deputies would be made “at-will employees.” All elected officials agreed to support this. There would be a formal resolution forthcoming on making those people “at-will employees.” All elected officials indicated support for that.
2. Elected officials making a presentation or the Council visiting with the elected officials. Chairman Petersen was in favor of this and asked for thoughts from the Council. This would allow opportunity for elected officials to share some of their concerns, successes, frustrations and etc.

Chairman Petersen assigned Pat Parker to look at the length of the agendas and accordingly assign one of the elected officials and department heads to come and to spend 15 minutes with the Council with the idea that they would have the opportunity to share their concerns and successes.

3. Redevelopment agencies. Redevelopment areas had been constructed in the County and some good things have come out of that. It is interesting the way the law works. What occurs is that the property taxes associated with the increase in value on those redevelopment agencies goes back over a period of time to pay for the infrastructure. If the particular entity happens to be in Logan City, Logan City has participated in that decision and basically come to conclusion that's a value to them. What happens is that there are other entities that are affected by their decision who really have no say in it.

Auditor Tamra Stones commented that the County has a Tax Review Committee. **Executive Lemon** interjected that they (the committee) really didn't have much say on what happens.

Tax Review Committee: Executive Lynn Lemon, Auditor Tamra Stones and some School Board representatives. (Ms Stones stated that there were supposed to be a representative from each taxing entity that is affected by this decision who give input into the decision.)

Looking at the redevelopment districts within the County, the tax loss is about \$900,000.00 a year:

Logan City	\$133,000.00
Cache County	150,000.00
Logan City School District	514,000.00
Cache County Schools	73,000.00
<u>Smithfield City</u>	<u>23,000.00</u>
Total	893,000.00

4. Provided Essential Services to the County: As the County grows there is some increase to revenue; however, requirements of the County for providing essential services increase very rapidly. The demands for Sheriff services increase; the demands for the Assessor and the other entities also increase. This should be looked at strategically so that the budgeting process could be more effective. Chairman Petersen passed out the "Cache Valley General Plan" Cache 2010 Charting the Future final report.

"Cache 2010" was a strategic planning effort back in 1992 and 1993. This was a major effort by Cache County Council and Citizenry of Cache County to look at Cache Valley planning and involved response of about 100 people. They identify core values, goals associated to those core values and strategic activities.

The Countywide Planner came about and was implemented from the Cache 2010 general plan. The question was raised as to the effort made 10 years ago: *"Would there be value in reviewing where the County is today in the form of a Cache Valley general plan or looking at it now as a County at what we do rather than looking at it during the setting of the budget year?"*

STRATEGIC PLANNING FOR CACHE COUNTY DISCUSSION:

Chairman Petersen asked what the feelings of the Council were in regards to mapping out primary concerns and goals of the County before receiving the budget report of the County Executive for the next year.

Discussion:

Council member Chambers: What other recommendations were there besides the Countywide Planner?

Executive Lemon: I think if you look at the values and some of the critical strategies, you would find what you are looking for.

Chairman Petersen: I think the Ag. Policy Advisory Committee probably was a recommendation that came out of this; at least I see it noted here somewhere. There is one that has to do with the collection of solid waste. There are probably 20 of them that are listed on that.

Lemon: It says here under water supply: "Supported function of the County Water Policy Advisory Board." There are things that we have done; but Craig is right, we haven't really looked at this and let it be our guide. We looked at it for a year or two and then kind of put it on the shelf and didn't look at it again.

Council member Gibbons: I'm trying to remember what we officially did when this was presented. I can't remember whether we officially agreed to accept this as a direction and policy that we would pursue or whether we thanked them for their goals and told them we thought it was excellent and would consider it as we went along the way. I just don't remember what we did. Jenni, do you.

Jennie Christensen: Yes, you passed it.

Gibbons: Did we adopt it?

Christiansen: Oh yes. I remember doing an interview right after.

Pat Parker: I couldn't find it in the minutes. I went back through the minutes and the last meeting that I could find it was when Tom Jensen was here and we gave him direction to continue on but I could not find a motion or anything where the Council had accepted it.

Petersen: It looks like the date on this one document, Pat, is January of 1993. That would have been about the time frame.

Lemon: Is that the time when Tom came and made a presentation?

Mark Teuscher: I don't think it was ever adopted as a document. You're right. My office was created out of that as one of the goals. The inter-local agreement that all the jurisdictions would participate calls for a "countywide comprehensive plan," or a "countywide general plan," if you will. You adopted the land use ordinance. In the inter-local agreement, it talks about basically three elements to that comprehensive plan. There is a land use element, transportation element, and an infrastructure element. You adopted the comprehensive plan and land use element. Then, subsequently with State law changing and adding affordable housing, we added a 4th element to it.

Petersen: Mark, even that all significant, but not nearly as broad as this plan itself.

Teuscher: Actually, we took everything out of the 2010 Plan and put (it) into the general plan.

Petersen: There are also elements in here about support of the arts.

Teuscher: Right and that was to be recognized as it goes into the infrastructure element when it starts to look at police, fire, water, schools, arts and things that were not land use oriented. The way the comprehensive plan is set up is that it has room to take in all components that the 2010 Strategic Plan had and incorporate those in those components.

Petersen: Let me give you another example and you respond. One of the critical strategies was reducing pupil-teacher ratios in schools. That wouldn't have found it's way.

Teuscher: It will probably come into something as part of the school component looking at the population growth and school sizes and issues as we start to talk with the school district and look at those issues.

Gibbons: I think we ought to do something. We are 10 years down the road and we haven't looked back too carefully too often. Mark's office has done (this) to some degree. It wouldn't hurt for us to officially look at it as a Council.

Petersen: The intent was that there was going to be an oversight committee that would monitor the extent to which the plan was to be realized. I'm not sure that really occurred.

Teuscher: I think once the Countywide Development Office came into existence, that Board began to function the management of the Comprehensive plan. That was a big issue when we started the Comprehensive plan to make sure that the 2010 goals and strategies were folded into that comprehensive plan. So the Board manages that process. Actually, we'll start probably the end of this month beginning on the transportation element holding workshops. We have been going on the transportation plans with the MPO of the State. We will be doing workshops with the local jurisdictions over the next two-months and start to bring the transportation element to you. We've been

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working on components of the infrastructure element such as water, working with the Water Advisory Board. All of the strategic planning components can be incorporated into the Comprehensive plan. That is your official general plan. You should be following that document.

Council member Hansen: Craig, question. All the information, that was generated from all those discussions, is that compressed into these two documents?

Petersen: No. There would have to be some other documents. The one that says "Final Report," John, really just discusses process. It really doesn't discuss the outcomes. The other one has part of the outcome but it was first of all preliminary; so, I don't think it is the final one. There is something else that I have got to locate.

Gibbons: It would be interesting to see. Chris Coray, as a member of the Council, was one of the driving forces on this. Chris may have those documents.

Teuscher: Tom Jensen should have a copy too.

Petersen: We can look at this a couple of ways. We could look at it as we could be doing something like this or we could look at it more narrowly in terms as simply the functions of the Council and develop more-or-less a strategic approach for us. We don't need to come to a conclusion tonight. I just wanted to raise the issue and let you look at this (handout) and we will bring it back another time.

Gibbons: I would like to ask Mark a question. When you say: "The Countywide Planning Development Office currently has oversight essentially and we're doing this." Who is "we're?"

Teuscher: My office is managed by a 7-person Board: The Mayor of Logan, Douglas Thompson, Lynn Lemon, Mayor Dent, of Lewiston and Mayor Welker of Nibley respectively; and then there are three at-large people: Steve Bodily, Guy Ray Pulsipher, and Gordon Tooley. We have a work program. The work program is on a constant basis every year focusing on completing components of the comprehensive plan developing, of course, the land use element, which is done (We are into an implementation phase of that.) By completing the transportation element and then other components as we do special studies for the infrastructure element primarily on water right now. We are looking at all those components. Under the infrastructure element, police and fire are a major component of infrastructure. Including those issues and the interest into the general comprehensive plan, (which is) a critical component of that section.

Gibbons: As you look at the Comprehensive Plan and 2010 Committee that Oversight Board is much smaller and more narrow in their focus and appreciation than this original committee was.

Lemon: The Countywide Planning Office was just one of the parts of that 2010 Plan. It wasn't the intent, back when we were doing this, that they would do all that would be included in here.

Petersen: The intent was that there would be another committee that would monitor the progress in this. It really was supposed to be broader than that I think.

Strategic Planning would be on the next agenda.

OTHER BUSINESS:

Executive Lemon brought up the fact that he had been nominated by the Utah Association of Counties to serve on the NACO Board of Directors and felt that he would need the support of the Council if he were to do this. It will involve a couple of meetings a year. There was about \$4,000.00 appropriated in the budget for this. In the past it had been agreed that one year the County Council members could go to NACO. The next year other elected officials would go. His appointment wouldn't change that arrangement.

The Council was in agreement that if the Executive wanted to go (be on the NACO Board of Directors), they would be supportive. Executive Lemon being on the NACO Board of Directors was accepted by acclamation.

COUNCIL MEMBER REPORTS:

Council member Gibbons raised the point of the Council not being very acquainted with the new Council members and their companions. He suggested that when the new administration building was completed,

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the Council and their companions could tour the facility and mingle together afterwards with light refreshments.

Council member Chambers asked for affirmation as to whether or not the Council was meeting with the Logan City Council on the 5th Tuesday in April. Pat Parker had contacted Logan City twice with no response from the Chairman; so, she visited with the Mayor and he was going to get back to her.

Council member Hansen reported that the Ag. Advisory Board had a meeting last Thursday and talked about TDR's and PDR's. The Mayor of Wellsville and the Mayor of North Logan were there. It was determined again, that there was not a lot of money to see all of these programs through.

Council member Yeates brought the matter of the closing of the Millville canyon road. He would be meeting soon with the County Attorney to get things finalized so a deadline could be set to get those roads open that have been closed. This was to get the gates off of public property.

Council member Cook: 1) The County website was coming along fine. Data was not coming back from the Departments as was requested. It is at the stage now where the implementing of the design could begin. 2) Mr. Cook wanted clarification as to whether or not Kathy and he were on the Jail Committee. He felt it was helpful to have an idea of what was going on by being in those meetings but he was given the impression that they were undermining those proceedings. **Executive Lemon** affirmed that Council members Cook and Robison were welcome to be in the meetings. The point of contact was established for the contractors as being Sheriff Nelson unless issues related to a change in a maximum price; and that should go to Attorney George Daines or Executive Lemon. **Council member Gibbons** pointed out that twice the Council had been caught unaware with respect to changes in the maximum price and that a lot of times during the update to the jail, specific information as to where the project is dollar-wise, what had been changed with respect to the project as far as design in meeting that gross-maximum price. Those were the kinds of things that Paul and Kathy needed to be kept aware of so they could inform the Council or those things needed to be noted on the report.

ADJOURNMENT:

Council meeting was adjourned at 7:15 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman