

## **CACHE COUNTY COUNCIL MEETING January 13, 2004**

The Cache County Council convened in a regular session on January 13, 2004, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

### **ATTENDANCE:**

**Chairman:** H. Craig Petersen  
**Vice Chairman:** John Hansen  
**Council Members:** Brian Chambers, Paul Cook, Darrel Gibbons,, Kathy Robison, Cory Yeates (**Arrived 5:32 p.m.**)  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger

**The following individuals were also in attendance:** Kim Cheshire, Attorney George Daines, Lorene Greenhalgh, Briton Hoth, Jamison Hoth, Jenifer Hoth, Kelly Hoth, Kelton Hoth, Sharon Hoth, John Jamison, Joshua Jamison, Margaret Jamison, Sherisse Jamison, Rob Johnson, Zan Longstrof, Sheriff Lynn Nelson, Pat Parker, Jim Smith, Auditor Tamra Stones, **Media:** Jennie Christensen (KVNU), John Wright, (Herald Journal).

### **CALL TO ORDER**

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

### **INVOCATION**

The invocation was given by Brian Chambers.

### **PLEDGE OF ALLEGIANCE**

Chairman Petersen lead those present in the Pledge of Allegiance.

### **REVIEW AND APPROVAL OF AGENDA**

**Chairman Petersen asked that an Executive Session be added to the agenda immediately after Council meeting.**

**ACTION: Motion by Council member Gibbons to add the Executive Session to the agenda as requested. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

### **REVIEW AND APPROVAL OF MINUTES**

Minutes of the December 09, 2004 Council meeting were reviewed and approved.

### **REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

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**APPOINTMENTS:**

Donald R. Briel

Information Technology Manager

**ACTION: Motion by Council member Hansen to approve the recommended appointments. Cook seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

**WARRANTS:** The warrants for the periods of 12-12-2003 to 12-18-2003 and 12-19-2003 to 12-24-2003 were given to the Clerk for filing.

**OTHER ITEMS**

- **Channel 9 change** - Executive Lemon recommended a public hearing be held to receive public input on the decision to drop Channel 9 from the translator and replace it with Channel 11 or Channel 14.
- **Cloud Seeding** - The county has received the December report from North American Weather Consultants.
- **Hwy 30 Safety Concerns** - The intersection at approximately 1900 North on the Box Elder/Cache County line is too narrow for cars waiting to turn left. UDOT is meeting with the Cache County Road Department on January 15, 2004 to look at relocating the intersection.
- **Road Department Thank You** - From December 24, 2003 to January 3, 2004 many Road Department employees worked long hours to keep roads open. More calls complimenting the road crews were received by the county than complaint calls.
- **CDBG Interviews** begin tomorrow, January 14, 2004. Logan now has it's own special area and any projects that are within Logan City or have Logan City beneficiaries are excluded from the county CDBG process this year. The only one that the county was going to sponsor that is completely eliminated is Sunshine Terrace. The English Language Center may lose some of their funding because some of their beneficiaries are within Logan City.
- **Utah County Insurance Pool** is now offering a workers compensation insurance program. Their bid has a lower premium but because of the short rate penalty and the possible loss of a dividend, Cache County is remaining with their present program. Executive Lemon said he may bring a proposal before the Council in July to consider changing to the Utah County workers compensation insurance.
- **UAC Legislative Committee Meeting on January 15, 2004** Thursday at 9:00 a.m. in the UAC offices. These meetings will be broadcast by satellite at the Bear River Health Department. Viewers will be able to interact with those at the meeting in Salt Lake.

- **TV Translator Case Legal Fees** - The County has received a payment of the majority of the fees in this case, but because the case is on appeal Executive Lemon recommends the payment be put in sundry income and held pending a final outcome on the case.

**ITEMS OF SPECIAL INTEREST:**

- ▶ **Employee of the Month** was presented to John Jamison of the Cache County Sheriff's Department.
- ▶ **Bear River Mental Health Audit Report** was presented by Rob Johnson. The audit didn't find any major problems. The big addition in fixed assets on page 12 is due to the new addition to their facility at 90 East 200 North in Logan. On the Statement of Activities total revenues are up by just over \$200,000 because of Medicaid. Chairman Petersen questioned why expenses for administration are up about \$170,000. Johnson explained they hired some new people — a corporate compliance officer and someone to work with their computers. He said if you looked at the percentage, it was only up from 15% to 16% which is a little bit more but not a major shift. Johnson called attention to the fact that pages 14 and 15 are the same expenditures as page 13 but with some detail. Of the \$5.7 million, over \$4.2 million is in personnel which is about 75%. Bear River Mental Health is a service facility. Johnson said the statement on page 18 under deferred revenue relates directly to counties. The state contract requires a 20% local match. The state is on a different fiscal year than the counties are on. So if the county budgets an excess in one year, Bear River Mental Health shows it as deferred revenue, leaves it on their books making sure that the county auditor's office knows it's on there, and then in a year where the county budgets too little and the legislature gives Bear River Mental Health some unexpected amount, they can withdraw from that reserve. Johnson indicated the amount in Note 7 on page 22 (Fixed asset appropriation - which is for future fixed assets) is way down because they built a facility and are in the process of adding on to their Brigham City facility. The management letter on pages 34 and 35 mentions the prior year's finding that some of the rent and lunch collections were not turned in on a timely manner. They have corrected that this year. In the current year's findings there were some insurance premiums paid to Bear River Mental Health's insurance agent that were billed fraudulently. This came out as the work for this audit was being done. Bear River Mental Health is currently in negotiation with the insurance company. Bear River Mental Health has contacted the police and when it is discovered what the insurance won't cover, Bear River Mental Health will press charges for that amount. They are trying to negotiate with their insurance company to direct bill BR Mental Health. Johnson doesn't believe they will be successful in that attempt so they're going to go to a down payment until they get the actual coverage in place. Executive Lemon said, "You basically paid the agent for insurance and he didn't put the insurance in place." Johnson said, "Yes, and in some cases he inflated the amount he billed us for services and pocketed the extra." Lemon asked if the insurance company is bound to cover that because he was their agent. Johnson said state law says that if it is the normal agent covering normal things, it is the insurance company's responsibility to

cover that. However, there is a loophole. Johnson has been in touch with the insurance company and they said that this is probably outside of that law because it's excess lines and that's not covered. Johnson believes that because BR Mental Health is a member of the Mental Health Risk Retention group - a group of mental health centers that have gone together to buy this insurance - the insurance will cover it. Lemon asked who required the actual coverage. Johnson said it was actually IHC who wanted BR Mental Health to cover each one of their PHD's and physicians who went up to the hospital with a \$1 million/\$3 million policy. That was going to be expensive so BR Mental Health tried to put some excess into their umbrella and the agent billed them for that excess and never bound the coverage. The other item in the management letter concerned a bid Bear River Mental Health had for the janitorial service for their facility and when they added on, they basically doubled the square footage and doubled the amount they were paying the janitorial service and that pushed it over the \$1,000 threshold, and they should have bid that out again. They have corrected that since and will try to watch that threshold more carefully in the future. Johnson said if you think of Bear River Mental Health funding, it's kind of a reverse pyramid and the county money is what brings down the state money and then the state and county money match the Medicaid and the whole funding of mental health rests on that portion that the three counties put in and Bear River Mental Health appreciates the county's support.

**Council member Yeates arrived.**

**Council member Cook left the meeting.**

**BUDGETARY MATTERS**

There were none.

**SET PUBLIC HEARING:** JANUARY 27, 2004 - 6:00 P.M. - AGRICULTURAL PROTECTION AREA DAVID L. AND BILLIE W. CURTIS.

**ACTION: Motion by Council member Hansen to set the public hearing as proposed. Robison seconded the motion. The vote was unanimous, 6-0. Cook absent.**

**SET PUBLIC HEARING:** FEBRUARY 10, 2004 - 6:00 P.M. - FLORA OBRAV, AGENT FOR OBRAV RANCH LLC REZONE REQUEST (AVON).

**ACTION: Motion by Council member Gibbons to set the public hearing as proposed. Hansen seconded the motion. The vote was unanimous, 6-0. Cook absent.**

**Council member Cook returned to the meeting.**

**SET PUBLIC HEARING:** JANUARY 27, 2004 - 5:45 P.M. - TO RECEIVE PUBLIC INPUT REGARDING T.V. TRANSLATOR CHANNEL CHANGE FROM CHANNEL 9 TO CHANNEL 11 OR 14.

**ACTION: Motion by Council member Gibbons to set the public hearing as proposed. Yeates seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- **Selection of Cache County Logo** - The Logo Selection Committee met a second time to consider the submissions on the logo contest and submitted four logos that were part of the contest.

(Attachment 1)

**ACTION: Motion by Council member Robison to select the Cache County logo contest winning entry. Gibbons seconded the motion. The vote was unanimous, 7-0. (See Attachment 1)**

- **Update Report - Cache County Historical Courthouse** - Executive Lemon said the Building Committee met January 13, 2004 and reviewed the expenses with Spindler Construction. They've established a tentative budget. The completion date is now December 04, 2004. The demolition in the basement took longer than originally planned. There is discussion of the possibility of the parking lot being completed before the building.
- **Update Report - Cache County Jail/Administration Building** - Sheriff Nelson said that most of the third floor painting is completed, the second floor administration area is carpeted and Cache Valley Electric will be done in the next two weeks with the general wiring. The new furniture has arrived and is being stored. The temporary occupancy permit may be issued around mid-February. One of the ongoing problems has been the location of the sewer connection. The consensus now is to put a lift station on the jail property at the southwest corner of 200 North. This will be a temporary solution because Logan City is in the midst of redesigning that leg of the sewer system and within the next year or two the jail will be able to be on a direct gravity feed into a Logan City sewer instead of a private pump station.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- ☐ **Resolution No. 2004-01 - A Resolution declaring the intent of Cache County (THE "COUNTY" to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes ("TRANS") as a participant in the Utah Association of Counties ("UAC") combined cash flow borrowing program (THE "UAC PROGRAM"), and related matters.**

(Attachment 2)

**ACTION: Motion by Council member Yeates to waive the rules and adopt Resolution No. 2004-01. Cook seconded the motion. The vote was unanimous, 7-0.**

- ☐ **Resolution 2004-02 - A Resolution Approving and Authorizing the Execution of an Amended Interlocal Cooperation Agreement with Other Members of the Utah Association of Counties Insurance Mutual, Relating To the Establishment, Funding and Operation of Utah Association of Counties Insurance Mutual.**

(Attachment 3)

**ACTION: Motion by Council member Hansen to waive the rules and adopt Resolution No. 2004-02. Robison seconded the motion. The vote was unanimous, 7-0.**

- ☐ **Ordinance No. 2004-01 - An Ordinance Imposing a Transient Room Tax for Cache County Utah, Identifying the Purposes for Which the Tax is Imposed. Providing Definitions, Providing Collection and Remittance Procedures, Providing Appeal Procedures and Providing an Effective Date.**

**ACTION: Motion by Council member Cook to table Ordinance No. 2004-01 until a cost proposal and comparison is received. Yeates seconded the motion. The vote was unanimous, 7-0.**

- ☐ **Discussion - Nominations for RAPZ Advisory Committee**  
Chairman Petersen asked this item be placed on the agenda for the January 27, 2004 Council meeting.
- ☐ **Discussion - Job Description for RAPZ Administrator**  
Council member Gibbons asked that the wording in the first sentence of paragraph 4 under Description be changed to "The Administrator will report to the County Executive but also serve as staff to the Committee and Council."

(Attachment 4)

#### **OTHER BUSINESS**

- ✓ **Council Appointments to Various Boards-2004**

(Attachment 5)

- ✓ **Council 2004 Priority Initiatives** - Chairman Petersen selected thirty-six initiatives which he feels the Council needs to track during the coming months or years. Some initiatives discussed included the following:
  - Petersen expressed concern that perhaps, as Attorney Daines previously suggested, the County needs some additional financial expertise in dealing with the revenue sources at the jail.
  - Auditor Stones said the automated money deposit system is being extended to the three departments that are not presently part of that system. Training is scheduled for the first of February and equipment is supposed to be installed at the end of January.
  - The County Attorney's office is studying the possibility of separation of civil and criminal

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- case management as well as the implementation of countywide justice courts.
- The County needs to find another source for gravel.
- The development of an electronic system for maintaining property tax information.

### **COUNTY ATTORNEY'S REPORT ON PENDING MATTERS**

There were none.

### **COUNCIL MEMBER REPORTS**

**Brian Chambers** - The ambulance committee met January 12, 2004 with Logan City and discussed possible funding options, arriving at three possible options. A letter has been sent to the Mayors asking them to respond to those options by February 1, 2004. Steven Taylor of Logan City is a new member of the ambulance committee.

**John Hansen** - Citizens reported that about a mile north of Paradise there is a road that heads west and it has been plowed, but only has a single lane. Hansen asked about the time line on the landfill committee and at what point the Council will be involved in the decisions. Gibbons said he has concerns about the ability of the county to keep the road open to the proposed Clarkston site. Lemon also expressed concerns about the decision-making process. Petersen directed a report from the landfill committee be placed on the agenda for the January 27, 2004 Council meeting.

**Paul Cook** - The work continues with Patrick Hunter, the county webmaster, to update the county website. The present search engine cannot handle what is proposed. Cook recommends using Lexus-Nexus as the search engine. The set-up and first year's fee would total \$2,000 and each additional year would cost between \$300 and \$500. Cook said he will give this information to the newly appointed Information Technology Manager his input before proceeding further.

**Kathy Robison** - All of her concerns about the jail committee meeting were addressed by Sheriff Nelson in his update report.

### **ADJOURNMENT**

The Council meeting adjourned and moved to Executive Session at 6:52 p.m. to discuss acquisition or disposition of property.

The Council adjourned from Executive Session at 7:55 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** H. Craig Petersen  
Council Chairman

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