

CACHE COUNTY COUNCIL MEETING

April 26, 2005

The Cache County Council convened in a regular session on April 26, 2005, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen

Vice Chairman: Cory Yeates

Council Members: Brian Chambers, John Hansen, Kathy Robison, Gordon Zilles.
Darrel Gibbons, absent.

County Executive: M. Lynn Lemon

County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Gary Adams, Russ Akina, Steve Bower, Reed Bullen, Brian Cannell, Captain Kim Cheshire, Matt Dahl, Attorney George Daines, Newell Daines, Terri Duncombe, Dan Everton, Mark Fjeldsted, Dennis Gehrke, Lucille Hansen, Bruce Haslam, Lynn Hicken, Steve Hicken, Julie Hollist, Sharon L. Hoth, Cameron Jensen, Francine Jensen, Sally Keller, Brian Locke, Robert Marcolese, Sue Marcolese, Derek McLeod, Junior Miller, Nanette Miller, Gene Needham IV, Joe Needham, Sheriff Lynn Nelson, Dave Nielsen, Terry Oliver, Pat Parker, Jill Rarick, Ed Stephens, Auditor Tamra Stones, Michael Twitchell, Rod Wilhelm, **Media:** Adam Benson (Herald Journal), Jennie Christensen (KVNU), Erin Brunson (Salt Lake Tribune) .

The Council met in a Workshop session with the AG Advisory Board at 4:00 p.m. and adjourned from the Workshop at 4.53 p.m.

CALL TO ORDER

Chairman Petersen called the meeting to order at 5:06 p.m.

OPENING REMARKS

The opening remarks were given by Craig Petersen.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

The minutes of the March 29, 2005, and the April 12, 2005, Council meetings were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: James D. Smith Chief Deputy County Executive-Human Resources
Cameron Jensen Deputy County Executive-Finances

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

WARRANTS: The warrants for the periods 12-29-2004 and 04-14-2005 were given to the Clerk for filing.

OTHER ITEMS

- **State Trust Lands** has asked to meet with representatives from the County Council to discuss possible uses of OHV funding. Hansen, Robison and Yeates will represent the Council at a future meeting to be scheduled by Executive Lemon.
- **Cloud Seeding** - Lemon gave the final report to the Council.
- **Valley Channel** sent a letter to the County requesting a channel on the TV Translator. Lemon said until the conversion to HDTV is resolved the county will not be able to answer the Valley Channel's request.
- **UAC Management Conference** - Lemon reported that the legislature created a task force on jurisdictional transfer of roads. Some of the roads proposed for possible transfer are Highways 23, 61, 101, 142, 165, 237, 238 and 243 for a total of 135 miles of road. The state would keep about 54 miles of road on Highways 30, 89 and 91. This proposed transfer would be very costly for Cache County. Lemon said the Council will need to be sure Cache legislators understand this issue and the funding requirements.
- **Jail Reimbursement** - Lemon said Cache County had an agreement with the legislature to pay 70% of jail reimbursement, but Lemon has been informed they are about \$1.5 million short. Lemon contacted Scott Carver with the Department of Corrections who confirmed there is no funding for jail reimbursement at the present time.
- **Armed Forces Day Celebration** - Lemon distributed a copy of an announcement for Armed Forces Day. Cache County has been asked to issue a declaration concerning Armed Forces Day to honor all serving on active duty. The County has been asked to make a contribution to the Armed Forces Day Celebration and Lemon recommends approval of a \$100 - \$200 donation to the American Legion for the celebration.
- **Introduction of Cache County Finance Director - Cameron Jensen** - Lemon introduced Jensen to the Council and said Jensen has been on the job for one week. Petersen indicated Jensen was impressive during his interview with the County. Lemon said the ad for the County Director of Development Services/Countywide Planner is

ACTION: Motion by Council member Hansen to approve the recommended equalized value of \$35,000 for the 2005 tax year. Chambers seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PUBLIC HEARING: OPEN 2005 BUDGET - APRIL 26, 2005 - 6:00 P.M. - Auditor Stones outlined the reasons for the changes in the 2005 Budget. (See Attachment 9 to Resolution No. 2005-07 for details.)

Chairman Petersen opened the Public Hearing and invited public comment. There were none.

ACTION: Motion by Council member Yeates to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

PENDING ACTION

- ❑ **Update - Historical Courthouse Restoration Project** - Lemon reported on the bid opening for the outside improvements around the Courthouse. The estimate had been \$358,000, but the lowest bid came in at \$408,000.

THE COUNCIL RECONVENED AS A BOARD OF EQUALIZATION

- ◆ **Property Tax Exemption Requests**
 - Cache Valley Bible Evangelical Free Fellowship Church
 - Cache Valley Christian Center Inc.
 - Church of Jesus Christ of Latter-day Saints
 - Corporation of Episcopal Church in Utah
 - Emmanuel Baptist Church
 - Ebenezer Church of God (Iglesia de Dios, Ebenezer Cache)
 - Faith and Fellowship Center
 - First Presbyterian Church of Logan
 - Full Gospel Fellowship
 - Grace Baptist Church
 - Harmony Lodge, #32, F. & A. M. Of Utah
 - Holy Trinity Lutheran Church
 - Logan Church of Christ
 - Logan English Congregation of Jehovah's Witnesses
 - Logan Lighthouse Ministry
 - Maranatha Baptist Church
 - The North American Islamic Trust, Inc.
 - Prince of Peace Lutheran Church
 - Roman Catholic Church
 - Second Baptist Church

(Attachment 5)

ACTION: Motion by Council member Yeates to approve the property tax exemption requests. Zilles seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **May Tax Sale Report** - Auditor Stones reported there were four properties scheduled on the May Tax Sale, but one owner has met with the county and there are now three properties.

(Attachment 6)

OTHER BUSINESS

- ✓ **Council Luncheon with Elected Officials - May 4, 2005 - 12:00 noon - Copper Mill** - Council members Zilles, Gibbons and Chambers will attend.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: DECLARE REAL PROPERTY SURPLUS - COUNTY OWNED PROPERTY ON 100 NORTH, 100 WEST AND 200 NORTH, LOGAN, UTAH 84321.

Chairman Petersen publicly announced the options the Building Committee has on the property in question and asked Attorney Daines to outline those options in greater detail. Attorney Daines gave a brief history of the county block properties. Daines indicated much of the discussions concerning the county block have been held in private; however, the time comes when these negotiations should be made public. Daines said there has been ample justification to keep the negotiations private because additional offers and counter-offers were being received right up to minutes before tonight's meeting. The County Administration Building and the Cache County Historical Courthouse will cost the county approximately \$6 million and a little over \$1 million of that has been donated by people for the Historic Courthouse restoration. The county has 30,000 square feet of space in the Administration Building and 20,000 square feet in the Historic Courthouse. Needed parking will be 150 stalls for the two buildings. The County has received several proposals for development of the northwest and southwest corners of the county block. The intent of the County has always been to sell these two corners to offset some of the costs of demolition of old buildings, construction and restoration. Offers received are:

Wasatch Development proposal

- ▶ Northwest corner
- ▶ \$700,000
- ▶ Donate \$50,000 to the Courthouse restoration project.
- ▶ 55,000 square foot office building on a 20,000 square foot pad.
- ▶ 165 parking stalls
- ▶ Roughly 2.25 acres

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- ▶ Wants title to the land and control of all their parking stalls, with shared parking only after daytime business hours.
- ▶ Very little RDA money would be generated for the County because Wastach's first use of such monies would be to benefit Wasatch's own site.

Rudman proposal

- ▶ Trade present Cinema 3 building and land with the county for the southwest corner of the county block to build a movie theater.
- ▶ County values the Cinema Three property at approximately \$600,000.
- ▶ Parking required at night but not during daytime working hours.
- ▶ RDA money generated would be between \$200,000 and \$400,000.
- ▶ Downtown retailers favor this proposal.
- ▶ The intent of the County would be to sell the old Cinema 3 property to Logan City and Logan would demolish the building and allow a center walkway and parking to be developed on that block.

Cache Title proposal

- ▶ 2,500 - 3,000 square feet to build two-story office building.
- ▶ \$75,000
- ▶ \$50,000 additional money into offsite parking development.
- ▶ 15 - 18 parking stalls for daytime parking. Unrestricted parking.
- ▶ Approximately \$70,000 of RDA money would be received by the County.
- ▶ Cache Title is willing to take a site west of the present apartment building only if Workforce Services is on the southwest corner as the Theater proposal would block views from west facing windows. This proposal would cover the rundown west facade of the apartment building. Cache Title is willing to be bookended to theater if their office windows do not face the apartment building.

Bearnson proposal

- ▶ Includes Rudman proposal as well as a 7,000 square foot surface space office building/restaurant.
- ▶ Components may be divisible – may be able to take the restaurant and not the offices, etc.
- ▶ \$175,000 for additional 7,000 square feet of property.
- ▶ Approximate 30,000 square feet.
- ▶ 90 parking stalls.
- ▶ County thinks a restaurant would be an ideal use for the corner and would complement the theater.
- ▶ The preference is for the restaurant/office complex to be on the east side of the theater, but also has a problem with viewing the apartment building from the windows.
- ▶ RDA money generated would be about \$150,000 with the offices and the restaurant.

Logan City proposal

- ▶ Southwest corner
- ▶ \$600,000
- ▶ Trade it to Rudman for the Cinema 3 property.

Needham-owned apartment building gift proposal

- ▶ Willing to donate building with conditions.
- ▶ A theater to be built on southwest corner.
- ▶ No sale to Workforce Services.
- ▶ Donated building to be demolished.

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- ▶ Cinema 3 to be demolished.
- ▶ Want to approve the whole plat of what the County decides to do with the block.

Workforce Services proposal

- ▶ Southwest corner
- ▶ \$600,000
- ▶ 20,000 square feet of surface space.
- ▶ 60 to 110 parking stalls.
- ▶ Also offered \$700,000 for the northwest corner with the same parking needs.
- ▶ Parking will be unrestricted.
- ▶ No RDA money will be generated, but will put in about \$200,000 to develop own parking.
- ▶ Retail merchants in downtown Logan disfavor Workforce Services on the southwest corner. Some do not object to Workforce Services on the northwest corner.

Chairman Petersen opened the Public Hearing and invited public comment.

Bob Marcolese said the County's intent to mix uses on the block is in keeping with recommendations by authorities around the country on downtown property areas.

Gene Needham IV favors the Wasatch Development proposal and said Gene Needham III is unwilling to gift his building if Workforce Services is on the corner.

Reed Bullen of the Downtown Alliance asked about Wasatch Development's public parking restrictions during daytime business hours. Will public parking be available for a fee? Daines said that might be possible, but didn't know for certain.

There was no other public comment.

ACTION: Motion by Council member Yeates to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

ACTION: Motion by Council member Hansen for the Council to move into Executive Session to discuss disposition of property. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

The Council moved into Executive Session at 6:52 p.m.

The Council adjourned from Executive Session at 7:21 p.m.

The Council reconvened for Council meeting at 7:23 p.m.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2005-09 - Declaring Real Property Located on 100 West, Logan, Utah Surplus**

(Attachment 7)

ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2005-09 - Declaring Real Property Located on 100 West, Logan, Utah Surplus. Yeates seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

- **Resolution No. 2005-10 - Approving the Sale of Real Property on 100 West, Logan, Utah** - Chairman Petersen explained the Council had met in Executive Session to discuss issues concerning the disposition of the Needham-owned apartment building and issues involving the totality of Logan City's proposal. The Building Committee has evaluated the proposals and now recommends the Council accept the proposals set forth in Exhibit A. The Building Committee has evaluated said proposals based on at least three criteria set forth in the resolution:
 1. Needs and plans for downtown Logan
 2. The County's continuing needs for parking for its operations and business on the block. The objective was to make the parking situation on the block better and to make sure parking for County employees was adequate.
 3. Prices and terms of sale.

(Attachment 8)

ACTION: Motion by Council member Hansen to waive the rules and approve Resolution No. 2005-10 - Approving the Sale of Real Property on 100 West, Logan, Utah. Chambers seconded the motion.

Discussion on the motion:

Chambers said parking was the major consideration in reviewing the proposals.

Petersen indicated that a letter received from the Logan Downtown Alliance dated February 8, 2005, stated support of the Workforce Services bid for the northwest corner.

Zilles said the problem with the Wasatch Development proposal was that a large number of parking stalls would be unavailable to County employees and the public during daytime business hours.

Daines said that Wasatch Development had an excellent proposal, but Wasatch's restricted parking was a problem.

Lemon also said the exclusive parking portion of the Wasatch proposal tipped the scale in favor of other proposals.

Hansen said the Council felt an obligation to help revitalize the downtown area as the proposals were examined.

ACTION ON THE ABOVE MOTION: The vote was unanimous, 6-0. Gibbons absent.

- **Discussion - Cache County Jail Medical Staff Proposal - Sheriff Lynn Nelson**
Petersen read a letter from Council member Gibbons expressing concerns about this proposal and asking the item be continued until further study.

Chambers said he has visited the jail and feels there is a definite need for additional medical staff. Chambers fears liability issues because of inadequate staffing. Finance Director Jensen agreed the County jail is medically understaffed for its size. Hansen said the request seems reasonable in comparison with other facilities. Zilles also expressed liability concerns. (See Attachment 9 to Resolution No. 2005-07 for details.)

- **Resolution No. 2005-07 - Adjustments to the 2005 Budget**

(Attachment 9)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2005-07- Adjustments to the 2005 Budget. Chambers seconded the motion. The motion passed, 5 aye - Hansen, Chambers, Yeates, Robison & Zilles, 1 nay - Petersen. Gibbons absent.

- **Resolution No. 2005-08 - Adoption of Cache County Jail Policies and Procedures**

This item was discussed in detail at the April 12, 2005, Council meeting.

(Attachment 10)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2005-08 - Adoption of Cache County Jail Policies and Procedures. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

- **Ordinance No. 2005-07 - Repeal of Ordinance No. 2004-01 - Reinstate Ordinance 82-04 - Transient Room Tax** - Executive Lemon explained the Council had agreed to have UAC collect the Transient Room Tax, but the State Tax Commission is going to collect it. This repeals the ordinance that authorized collection by UAC.

(Attachment 11)

ACTION: Motion by Council member Zilles to waive the rules and adopt Ordinance No. 2005-07 - Repeal of Ordinance No. 2004-01 - Reinstate Ordinance 82-04 - Transient Room Tax. Yeates seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Ordinance No 2005-07: The vote was 6-0 (Gibbons absent)

	<u>CHAMBERS</u>	<u>ZILLES</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>VOTES CAST</u>
AYE	X	X		X	X	X	X	6
NAY								0

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	CHAMBERS	ZILLES	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
ABSTAINED								0
ABSENT			X					1

COUNCIL MEMBER REPORTS

John Hansen reported the RAPZ Committee has been meeting and will make a first presentation at the May 10, 2005, Council meeting with a final decision by the Council at the May 24, 2005, Council meeting.

Brian Chambers said the position for a full-time Airport Manager is being advertised and closes May 15, 2005.

Cory Yeates said he had met with the Willow Park Advisory Board and was impressed with the new Logan City Finance Director.

Gordon Zilles said he is looking forward to serving on the AG Advisory Board and hopes much good can come from this Board's work.

ADJOURNMENT

The Council meeting adjourned at 8:11 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman