

CACHE COUNTY COUNCIL

June 23, 2009

AG ZONE – Proposal-Public Hearing Set-August 25, 2009-6:00 p.m.-Proposed Cache County Multiple Residential/Agricultural Zones	3,4
APPOINTMENT – Mascaro, Leslie-Cache County Planner I	2
AUDIT REPORT – External	2
BALLAM, MICHAEL – Public Comment	5
BEAR RIVER MENTAL HEALTH AREA PLAN.....	2
BERKENKAMP, FRED – Public Comment.....	6
BOUNDARY CHANGES – Council District-Ordinance No. 2009-04.....	4
BUDGET – Public Hearing Set-July 14, 2009-5:45 p.m. – Open 2009.....	4
BUDGET TRANSFER.....	4
COPPIN, DAVID – Public Comment	6
COUNCIL DISTRICT BOUNDARY CHANGES – Ordinance No. 2009-04	4
COUNCIL PICTURES – Retake	8
FORBUSH, JAMIE – Public Comment	6
HAMILTON, JUSTIN – Public Comment	6
LEWISTON JULY 4TH PARADE – July 4, 2009-9:00 a.m.....	8
MASCARO, LESLIE – Appointment-Cache County Planner I.....	2
NEEDHAM, JOSEPH – Public Comment.....	6
ORDINANCE NO. 2009-04 – Council District Boundary Changes	4
PILT PAYMENT – 2009-Agenda Item	2
PARADE – Lewiston 4th of July-July 4, 2009-9:00 a.m.....	8
PICTURES – Retake of Council	8
PROPERTY TAX – 2009-Agenda Item	2
PUBLIC COMMENT – Ballam, Michael	5

PUBLIC COMMENT – Berkenkamp, Fred	6
PUBLIC COMMENT – Coppin, David.....	6
PUBLIC COMMENT – Forbush, Jamie	6
PUBLIC COMMENT – Hamilton, Justin	6
PUBLIC COMMENT – Needham, Joseph.....	6
PUBLIC COMMENT – Riley, Paul	6
PUBLIC HEARING – June 23, 2009-6:00 p.m.-To Take Public Input on Proposed Utah Festival Opera Company RAPZ/Restaurant Tax Allocation and Stipulations	5
PUBLIC HEARING SET – August 25, 2009-6:00 p.m.-Proposed Cache County Multiple Residential/Agricultural Zones	4
PUBLIC HEARING SET – July 14, 2009-5:45 p.m.-Open 2009 Budget.....	4
RAPZ/RESTAURANT TAX ALLOCATION AND STIPULATIONS – Public Hearing-June 23- 2009-6:00 p.m.-To Take Public Input on Proposed Utah Festival Opera Company	5
RAPZ/RESTAURANT TAX ALLOCATION AND STIPULATIONS – Utah Festival Opera Company-Decision	5,6
RILEY, PAUL – Public Comment.....	6
UTAH FESTIVAL OPERA COMPANY – Public Hearing-June 23, 2009-6:00 p.m.-To Take Public Input on Proposed, RAPZ/Restaurant Tax Allocation and Stipulations	5
UTAH FESTIVAL OPERA COMPANY –RAPZ/Restaurant Tax Allocation and Stipulations-Decision .	5,6
WARRANTS – 05-22-2009 to 05-29-2009, 05-29-2009 to 06-04-2009 to 06-05-2009, 06-12-2009 to 06-18-2009	2

CACHE COUNTY COUNCIL MEETING

June 23, 2009

The Cache County Council convened in a regular session on June 23, 2009 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen
Vice Chairman: Gordon Zilles
Council Members: Craig W Buttars, Brian Chambers, Kathy Robison, Jon White & Cory Yeates.
County Executive: **M. Lynn Lemon, absent.**
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Alice Adams, Robert Adams, Susan Ames, Jeanine Andersen, Ben Ballam, Laurie Ballam, Mariann Ballam, Michael Ballam, Olivia Ballam, Vanessa Ballam, Fred Berkenkamp, Ester Biggs, Scott Biggs, Nansi Blau, Donna Borden, Julie Borgmeier, Phillip Borgmeier, Jeanne Borgeis, Eric Brewer, Jacob Briel, Judy Brown, Nik Brown, Jennifer S. Brummett, Herb Butler, Mary Ann Butler, Darla Clark, David Coppin, Ben Coulam, Cassandra Coulam, Adam DeSorge, Clair Ellis, Zach Ellis, Marian Ensor, Wendell Ensor, Mary Erickson, Julie Ernstrom, Reed Ernstrom, Jason S. Erwin, Stefan Espinosa, Melissa Fife, Jamie Forbush, K. Bernie Ford, Bob Fotheringham, Brenda J Frye, Beverly Gancheff, Lila Geddes, Pamela Gee, Catherine H. Goode, Gary Griffin, Milton Gross, Muriel Gross, Justin Hamilton, Chris Harrild, Jim Heig, Sharon L. Hoth, Sally Hunsaker, Kathy Hurst, Cameron Jensen, William Johnston, Brian Joy, Gil S. Katz, Karen Keltner, Michael Kidman, Ray D. Kinnear, Dennis Kirkman, Fay Korn, T. Marc Korn, Barbara Kramer, Bill Kramer, John Kushnir, Craig Leffer, Bill Lindsay, Barbara Lindsay, Phillip Lucas, Jim Lyden, Leslie Mascaro, Dee Masteller, Larry Masteller, Edward McPherson, Alex Mellenthin, Mary Hart Messick, Neil Messick, Bob Morrow, Lee Moser, Barbara Munter, Robert Munter, Joshua L. N., Joseph Needham, Bonnie F. Nielsen, Dave Nielsen, Amanda Nix, Ciara O'Neill-Mendoza, Paul Palmer, Pat Parker, Carolyn Passey, Megan Passey, Wade Pierce, Josh Powell, Tami Pyfer, Nancy Ranger, Alison Read, Bruce Rigby, Dorothy Riley, J. Paul Riley, Jackie Robinette, Josh Runhaar, Darren Sagawa, Vanessa J. Schulkis, Liz Scriven, Peter Scriven, Carol Searle, Karl Seethaler, Katherine Shanklin, Maleia R Sheflin, Steve Shulman, Marjorie Simard, Tonya Smith, Lynne Stone, Robert Stones, Auditor Tamra Stones, Jenny Sweetman, Kay Thomas, Nadine Trudel, Scott Uhrig, Eugene R. West, Gina Wickwar, Vincent Wickwar, Seth A. Wilde, Justin Wood, Darla Yeates, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jeremy Threlfall (KUTA-TV), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Craig "W" Buttars gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with the request by Chairman Petersen to place Item 11a – Discussion-AG Zone Proposal - before the Public Hearing if time allows.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the June 09, 2009 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON (Absent) - Chairman Petersen asked that the report of the County Executive be made a part of the minutes.

(Attachment 1)

APPOINTMENTS: Leslie Mascaro Cache County Planner I

ACTION: Motion by Council member Yeates to approve the appointment of Leslie Mascaro to Planner I as recommended. White seconded the motion. The vote was unanimous, 7-0.

WARRANTS: Warrants for the periods 05-22-2009 to 05-29-2009, 05-29-2009 to 06-04-2009, 06-05-2009 to 06-11-2009 and 06-12-2009 to 06-18-2009 were given to the Clerk for filing.

OTHER ITEMS

- ❑ **2009 Property Tax and 2009 PILT Payment** – Chairman Petersen directed Pat Parker to request a verbal report from Executive Lemon on these two items at the July 14, 2009 Council Meeting. (See Attachment 1 for details.)

ITEMS OF SPECIAL INTEREST

- **Bear River Mental Health Area Plan – Reed Ernstrom, Director**, explained that he is present to ask the Council to approve the required area plan for Bear River Mental Health (BRMH). The county is the local authority for providing mental health services in Cache County and the county has chosen Bear River Mental Health to provide those services. Ernstrom shared a letter from Rick Hendy, State Adult Program Administrator. Hendy stated that the BRMH area plan is the most organized, dynamic, relevant, and up to date plan he has read this year. Ernstrom introduced Dennis Kirkman, who authored the area plan and is the Corporate Compliance Officer. Kirkman observed that the area plan is a description of the scope and array of services provided by BRMH and how those services are provided. Services and resources include therapy, skill development, housing and residential resources, wellness issues, utilization of Logan Regional Hospital and Salt Lake area hospitals, and the newly formed Mental Health Court.

Chairman Petersen noted that this is for the Council's information only and does not require action by the Council.

Council member Robison asked how the housing component is being incorporated into the Mental Health Court? Ernstrom acknowledged that housing is one of the greater needs. Robison said Judge Allen suggested that the BRMH Case Worker could be the liaison for housing. Ernstrom agreed that a stronger link needs to be worked on between BRAG and BRMH.

Ernstrom announced that fifty-one public safety officers have been through the BRMH crisis prevention training which is offered twice a year.

Council member Chambers asked about the capacity in the Behavioral Unit at Logan Regional Hospital and, if capacity is exceeded, where do individuals go? Kirkman replied there are seven beds in the Behavioral Unit. This is a substantial problem. It is

very common to have patients diverted to Ogden or even St. George or Idaho hospitals and vice versa.

Council member Yeates asked Kirkman to give an assessment of the Mental Health Court thus far. Kirkman said it is in its infancy and is something that needs to be developed. Approximately fifteen people are participating in the Mental Health Court presently. BRMH has to develop clinical services tailored to the mentally ill offender, but also needs to do work with the Court as a procedural system and with the magistrate as an agent of change so individuals begin to learn that the specialty court is different than the traditional adversarial system and the Mental Health Court functions in the process of change in the individual. Training material should be available in the next six months to be able to provide other rural counties with a blueprint of how to establish a mental health court.

Council member Chambers inquired how many private psychiatrists are practicing in the Cache Valley area? Kirkman said he knows of three.

- **External Audit Report – Mike Kidman** reviewed the report referring to the financial statements and whether there are problematic changes in fund balances. The audit indicates Cache County's finances are in good condition. The auditors are charged with looking at the internal control structure over the whole county to see if there are significant deficiencies or material weaknesses. There were a few identified including audit adjustments relative to period end accruals, usually done once a year. The Health Department had some of the same types of deficiencies.

Chairman Petersen asked if the county had cooperated fully with providing information? Kidman answered in the affirmative.

Kidman reviewed the State Compliance Report and the Management Letter.

Petersen stated that the letter indicates that follow-up on the recommendations in the letter should be made to the County Council and reflected in the minutes and asked Pat Parker to place on the September 22, 2009 County Council Meeting agenda a follow-up report on the state compliance items.

INITIAL PROPOSAL FOR CONSIDERATION

- **Motion Accepting External Audit Report**

ACTION: Motion by Council member Buttars to accept the Audit Report. White seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **AG Zone Proposal** – Director Josh Runhaar said Chairman Petersen asked him to comment on the different options of how to approach the ordinance change. Most of the change is restructure and reformatting and the greatest issue is how the county will handle density in the new zoning ordinance. Everyone on the Planning Commission is favorable to shifting density, but where does the county lock that density line for the AG zone? Director Runhaar gave the Council a paper outlining the proposed zones with densities from the Planning Commission noting that the names of the proposed zones

will probably be changed, but the density and lots allowed will remain the same. Director Runhaar asked Clair Ellis, Planning Commission, to give the Council some background on the AG Zone. Ellis explained that all property not within a city boundary is the AG zone. The current ordinance was passed two years ago as a temporary zoning ordinance and there have been some amendments to it.

Tape 1, Side B

Chairman Petersen asked Council members how they want to proceed – workshop or public hearing? The Council favored having a workshop prior to a public hearing.

Chairman Petersen stated a workshop on the proposed changes to the AG Zone will be held on August 11, 2009 at 4:00 p.m.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: AUGUST 25, 2009 – 6:00 P.M. – PROPOSED CACHE COUNTY MULTIPLE RESIDENTIAL/AGRICULTURAL ZONES.

ACTION: Motion by Council member Buttars to set a Public Hearing - Proposed Cache County Multiple Residential/Agricultural Zones on August 25, 2009 at 6:00 p.m. Zilles seconded the motion. The vote was unanimous, 7-0.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**
CPDO

Transfer \$2,188.00 from Quality Growth Grant to Envision Cache Valley Project to meet expenses for services.

(Attachment 2)

ACTION: Motion by Council member Yeates to approve the Budget Transfer of \$2,188.00. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: JULY 14, 2009 – 5:45 P.M. – OPEN 2009 BUDGET.

ACTION: Motion by Vice Chairman Zilles to set a Public Hearing – July 14, 2009 at 5:45 p.m. to Open 2009 Budget. Robison seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Ordinance No. 2009-04 – Council District Boundary Changes** – Chairman Petersen reminded the Council that details of this ordinance were reviewed by them at a previous Council meeting.

(Attachment 3)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2009-04 – Council District Boundary Changes. White seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: JUNE 23, 2009 – 6:00 P.M. – TO TAKE PUBLIC INPUT ON PROPOSED UTAH FESTIVAL OPERA COMPANY RAPZ/RESTAURANT TAX ALLOCATION AND STIPULATIONS.

Chairman Petersen indicated the committee that reviewed the Utah Festival Opera Company's (UFOC) RAPZ/Restaurant Tax request consisted of: Executive Lynn Lemon, Chairman Craig Petersen, Tami Pyfer (Logan City Council), Cameron Jensen (Cache County Financial Director), Cache County Attorney James Swink and Rich Anderson (Logan City Director of Finance). The committee met four times and generated findings of fact and recommendations and presented them to UFOC for review and accuracy. Those findings and recommendations included:

The committee believes that the UFOC is important to Cache Valley and provides an important cultural experience for residents, students and promotes tourism. The committee feels it is important that the operations of the UFOC continue.

In reviewing the UFOC budgets for the past five years actual expenses have exceeded actual income by a significant amount. There was nothing illegal or unethical; the strategy may not have been prudent, but given the circumstances the UFOC was in, they felt it was necessary. To refer to those as deficits over those years in some sense is correct, but in other ways, it was not money they borrowed, it was money that came from their investment fund. That investment fund was not a legally restricted endowment fund and they had every right to take money from it. But in doing so the fund dropped from about \$2 million to about \$800,000.00 now. In earlier years that was because of withdrawals to allow them to continue their operations; over the last year, part of the decline reflects the economy.

The economy dramatically impacted that over the last year plus the loss of a very significant donor. The finding of the committee is that the pattern of finance is not sustainable.

If the Council grants UFOC additional funding, it will not require a tax increase and it will not reduce the previously approved allocations to other RAPZ/Restaurant Tax applicants. Executive Lemon provided the Council members with a document indicating that with outstanding encumbrances as well as allocations approved this year there is in the RAPZ/Restaurant Tax fund balance about \$189,000.00.

The committee recommends that the Council allocate \$150,000.00 to the UFOC above and beyond the original allocations with certain stipulations. (See Attachment 4 for details)

Chairman Petersen opened the Public Hearing and asked individuals to come to the lectern, state their names, be brief and direct their remarks to the issue of the recommended allocation.

Michael Ballam, UFOC founder, thanked the County for its generosity and apologized that this had become a public issue which caused difficulty for the Council. Ballam reiterated it was a difficult decision for the UFOC to ask for this additional funding, but realized it was necessary seeing the peril the Opera Company was in. Ballam said he tried to not speak to the press in hopes of not adding fuel to an already burning fire, but it backfired and his silence was misconstrued. His "despondency" alluded to in the news was in response to the resentment against him by some and not to the generous offer of \$150,000.00 from the County.

David Coppin, Chairman of the Board of Trustees for the UFOC, also expressed gratitude to the County and stated the Board understands the committee carefully assessed the stipulations recommended and feels they can all be accomplished over time. This is not overwhelming in comparison to what had to be done to establish the Opera Company originally. Coppin said this funding will have a positive effect on potential donors as the UFOC works to raise the remaining needed funds. The Board will be most pleased to accept the additional funding and pledges its best efforts to do all they can to merit the confidence and trust the committee has placed in them and asks the Council to approve the committee's recommendation.

Justin Hamilton, restaurant owner, spoke in support of the UFOC and the role it plays with his businesses; a minimum of probably a twenty percent increase in his bottom line revenue.

Jamie Forbush, Richmond Mansion, expressed the opinion that what the Council does for one it should do for all, but left the decision to the Council's best judgment.

Joseph Needham, representing the Downtown Alliance, observed that the UFOC is a great benefit to the area and supported the recommendation and stipulations of the committee.

Paul Riley, past CVCA Board member and local citizen, appreciated the Council's support and the committee's stipulations. The UFOC's impact on the youth of the community has provided them with positive discipline and exposed them to the finer things of life which helps prepare them to be good citizens.

Fred Berkenkamp, Summer Citizen Chief Ambassador, noted the money that summer citizens spend in Cache Valley and said that, according to surveys conducted, at least 145 summer citizens will not return to Cache Valley next year if the opera is no longer here. It is a major draw for summer citizens. This equates to \$400,000.00 to \$500,000.00. Berkenkamp said this is not a threat, those summer citizens simply have said they will not come without the attraction of the opera. Beyond that, the new Marriott Riverwoods development will be adversely affected without the draw of the opera. The future of the opera and the future of Cache Valley are intertwined and the County must not let the opera fail. Berkenkamp agreed with the committee's stipulations.

There was no other public comment.

ACTION: Motion by Vice Chairman Zilles to close the Public Hearing-June 23, 2009-6:00 p.m.-To Take Public Input on Proposed Utah Festival Opera Company RAPZ/Restaurant Tax Allocation and Stipulations. Yeates seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- Decision – 2009 RAPZ/Restaurant Tax Recommendations**

(Attachment 4)

ACTION: Motion by Council member Chambers to approve the recommended additional \$150,000.00 RAPZ/Restaurant Tax allocation for the Utah Festival Opera Company as well as the recommended stipulations of the committee. Robison seconded the motion.

Discussion on the motion:

Council member Yeates said he appreciated Dr. Coppin's email explaining some of the newspaper coverage of the UFOC RAPZ/Restaurant Tax. Yeates said he sat in on one of the committee's meetings and thought they were fair and forthright. Yeates also noted that if the \$150,000.00 additional funding is approved, nearly one-fifth or twenty percent of all RAPZ/Restaurant Tax allocation will go to the UFOC which indicates the Council's generous support of the arts. Yeates referred to Chairman Petersen's analysis determining that .5% of all sales tax collected in Cache County comes from the UFOC which is a sizable amount for one event and the Council recognizes and appreciates that fact. Yeates indicated that even before the downturn in the economy there has been a continual budget deficit that has plagued the opera. Yeates quoted from research he initiated on the responsibilities of the Board of Directors of a 501(c)(3) non-profit organization and reminded the UFOC Board of Directors of their duties but said the Council has no desire to micromanage the UFOC.

Council member White said even though he received many phone calls not favoring the additional funding for UFOC, he appreciates the educational feature of the opera for the youth of the community and hopes that as cuts occur for the UFOC to stay viable, the educational aspect will remain intact. Coppin responded that those programs are state fund supported and will not be harmed. White also noted that this is not a late request from UFOC, but was part of their original RAPZ/Restaurant Tax application. This is only a revisiting of the original request.

Council member Robison stated she will vote in favor of the additional funding for UFOC and the recommendation and stipulations are a good compromise. The process should create a tighter run organization. UFOC brings a quality-of-life experience to citizens and brings in revenue during the summer when much of the student population leaves the valley. Robison said this one time she is willing to do this, but the UFOC should have a plan in place to avoid future similar circumstances.

Vice Chairman Zilles admitted he has never been to the opera probably because it is during the months he is working his fields, etc.

Tape 2, Side A

Vice Chairman Zilles acknowledged that the arts always have to be subsidized, but they are important. Zilles views the opera as one of the crown jewels of Cache Valley. The UFOC helps generate a high percentage of the RAPZ/Restaurant Tax. Zilles said he will vote for the additional funding.

Council member Chambers said he has received many supportive calls from citizens on this issue. UFOC is a great boost to the economy of Cache County.

Council member Buttars said he supports the arts and believes it would a great loss to the youth of the valley if the UFOC is gone. His decision has been a difficult one, but recognizes the economic contribution of the UFOC. Buttars hopes the UFOC will implement the recommended stipulations and take any other actions that will help the UFOC become a more viable enterprise.

Council member Yeates reminded the Council that while this proposed additional allocation will not take funding away from this year's applicants, it will mean that there will be \$150,000.00 less in the pool for next year. Yeates said phone calls he has received have been overwhelmingly opposed to the proposal. He will vote against it for that reason.

ACTION: Chairman Petersen called for the vote on the motion. The motion passed, 6 aye – Buttars, Chambers, Petersen, Robison, White & Zilles and 1 nay – Yeates.

OTHER BUSINESS

- ✓ **Schedule Retake of Council Pictures** – New pictures will be taken July 28, 2009 at 4:30 p.m. in the Council Chambers.
- ✓ **Lewiston July 4th Parade – July 4, 2009 – 9:00 a.m.** – Council member Buttars would prefer to watch the parade with his family, but will participate if no one else can. Yeates said he will participate.

COUNCIL MEMBER REPORTS

Craig Petersen said he will not be at the next Council meeting and asked Vice Chairman Zilles to chair the meeting.

Kathy Robison attended the Cache County Ordinance review meeting and asked the Council to consider giving input for Title 5 and Title 8 – business licensing and mass meetings.

ADJOURNMENT

The Council meeting adjourned at 6:50 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Chairman

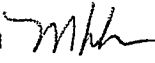
CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN
LOGAN, UTAH 84321
TEL 435-755-1850
FAX 435-755-1981

COUNTY COUNCIL
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBINSON
BRIAN CHAMBERS
GORDON A. ZILLES
CRAIG "W" BUTTARS
JON WHITE

June 22, 2009

TO: Cache County Council
FROM: Lynn Lemon 
SUBJECT: County Council Meeting on June 23, 2009

I will be out of the state and ask to be excused from the County Council Meeting on June 23, 2009.

The following is provided for your consideration and information:

a. Appointments:

Recommend the appointment of Leslie Mascaro as a Planner I.

b. Warrants:

Provide the Clerk the warrants so that they will be a part of the minutes.

c. Other Items:

Item 1. 2009 Property Tax Attached is the County Tax Rate Summary prepared by Tamra Stones, County Auditor which reflects a General Fund property tax for 2009 of \$7,971,397. This is up \$106,397 over the County 2009 budgeted property tax of \$7,865,000. This will be offset somewhat because the collection rate went down from 95.74% in 2007 to 94.47% in 2008. If the 2008 collection rate holds for 2009, the change (1.27%) in the collection rate for 2009 property tax is a decrease of \$101,237. These numbers are all pre truth-in-taxation and board of equalization but helpful as we continue to monitor revenues during the coming months.

Item 2. 2009 PILT Payment Attached is an e-mail from NACO announcing the Cache County 2009 (PILT) Payment in Lieu of Taxes in the amount of \$558,573. This is an increase of \$305,679 over the 2009 budgeted (PILT) of \$252,894. The increase is partly a result of assigning the Secure Rural Schools Title I funding to the Roads Special Service District and will help offset the projected \$130,959 shortfall in Local Sales and Use Tax and the repayment of \$213,273 for the telecom overpayment.

Item 3. Forest Service Road Maintenance Projects The bid opening for these projects is set for July 10, 2009. The pre-bid meeting with the contractors was well attended and it appears Cache County should get competitive bids for these road maintenance projects.

Item 4. Cloud Seeding Attached is a letter from North American Weather Consultants referencing a paper titled "30+ Winter Seasons of Operational Cloud Seeding in Utah" The paper is 15 pages long. If you are interested please check with Pat. Note in the letter a +17% increase for the Northern target area.

County Tax Rate Summary Report 693	Form PT-250-CNY pt-250cny.xls Rev. 2/01
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County: **CACHE** Tax Year: **2009**

The county governing body for the above county has set the current year's tax rates as follows:

Purpose of Tax Rate (code from Utah Code Annotated)	Certified Tax Rate <small>(Report 713 line 10 or 713B col. 5)</small>	Proposed Tax Rate <small>(Report 694 line 7 or 694B col. 3)</small>	Maximum By Law	Budgeted Revenue <small>(Report 694 line 1 or 694B col. 2)</small>
General County Purposes (010*) §59-2-908	0.001574	0.001574	.003200/.003600	7,971,397
Interest and Sinking Fund (020) §17-12-1			Sufficient	
County Library (030) §9-7-501			.001000	
Discharge of Judgement (190) §59-2-1328 & 1330			Sufficient	
Flood Control (040) §17-8-6			Sufficient	
County Health (540) §26A-1-117	0.000134	0.000134	0.000400	680,251
Tort Liability (050) Government Immunity Act §63-30-27			0.000100	
Other (Specify purpose and statute):				
Total Tax Rate	0.001708	0.001708	Total Revenue:	8,651,648

Certification by Taxing Entity

I, Tamra Stones, as authorized agent, hereby certify that this statement is true and correct and in compliance with all sections of the Utah State Code relating to the tax rate setting process.

Signature: *Tamra Stones* Date: 6/16/2009

Title: Cache County Auditor Telephone: 435-755-1701

Mailing address: 179 North Main Street, Suite 202 Logan, Utah 84321

Note: This report must be filed with the county auditor before June 22nd.

Certification by County Auditor

I have examined the information submitted on this statement and have found it to be true and correct.

Signature: *Tamra Stones* Date: 6/16/2009

Note: County auditors must forward one copy of this report to the State Tax Commission on or before June 22nd.

* These numbers refer to the budget types used by the State Tax Commission.

From: "NACo - Ryan Yates" <naco@naco.org>
To: <Lynn.Lemon@cachecounty.org>
Date: 6/11/2009 8:37:59 AM
Subject: 2009 PILT Payments to Counties

June 11, 2009

Dear Hon. Lemon:

The Department of the Interior (DOI) announced today, the issuance of 2009 payments to counties for the Payment in Lieu of Taxes (PILT) program. Specifically, Cache County will receive a fully funded payment of \$558,573.00 for Fiscal Year 2009. This payment was authorized by the Emergency Economic Stabilization Act of 2008 (PL 110-343) in which PILT received full funding through FY 2012.

As you know, the National Association of Counties is the only national organization that lobbies for PILT. In fact for more than 50 years, NACo has championed the fight for PILT - from the signing of the Act on October 20, 1976, through the significant PILT modifications passed in 1994, to the victory of full funding witnessed last October in Congress. NACo and its dedicated members have worked tirelessly on the pursuit of equitable payments to counties. After years of dedicated advocacy on Capitol Hill, counties are receiving full funding for PILT, over \$381 million nationally.

The PILT program was enacted in 1976 to help local governments carry out and provide county services to the public. These include education, solid waste disposal, law enforcement, roads and infrastructure, search and rescue, health care, environmental compliance, fire fighting, parks and recreation and other important community services.

Click the link below for today's press release from the Department of the Interior.
www.doi.gov/news.html

For additional information about the PILT program, or the FY 2009 payment, please visit www.doi.gov/pilt or contact me at ryates@naco.org.

Sincerely,

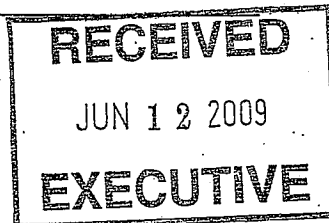
Ryan R. Yates
Associate Legislative Director
National Association of Counties

NACo
25 Massachusetts Avenue, NW
Washington, DC 20001
www.naco.org

**North American
Weather Consultants, Inc.**

Air Quality, Applied Meteorology, Meteorological Research, Weather Modification

8180 South Highland Drive, Suite B-2
Sandy, Utah 84093
Telephone 801-942-9005
Facsimile 801-942-9007
E-Mail nawc@nawcinc.com



June 11, 2009

Mr. Lynn Lemon
Cache County
199 Main St.
Logan, Utah 84321-4525

Dear Lynn:


We recently published a technical paper in the Weather Modification Association's Journal of Weather Modification. The title of the paper was "30+ Winter Seasons of Operational Cloud Seeding in Utah." Since your organization is a sponsor of one of these programs, I have enclosed a copy of this paper for your information.

We have also recently prepared some double mass plots of data from two of the longer-term cloud seeding programs in Utah; the northern program (higher terrain in Eastern Box Elder and Cache Counties) and the Central/Southern program that encompasses the higher terrain in twelve different counties. These plots are of seasonal precipitation; December through February (the most frequently seeded period) for the Northern program and December through March (the most frequently seeded period for Central/Southern Utah. Double mass plotting is an engineering tool that allows the comparison of two variables. Changes in the relationship between two variables can be detected by this technique. In this case the comparison is between the average seasonal precipitation in the control areas versus the average seasonal precipitation in the target areas. The plots are cumulative values for each historical not seeded season then for each seeded season. A black line has been drawn through the years in which the relationship was stable. The interesting thing about both these plots is that they indicate an increase in precipitation in the respective target areas that begins near the time that the seeding programs began in each area as evidenced by a break upward in the plots from the black straight line. This is a nice graphical presentation that supports the statistical analysis in the paper that indicates increases in precipitation in both areas during the seeded seasons. The average increases estimated in the paper were +17% and +14% for the Northern and Central/Southern target areas, respectively.

Additional copies of this paper may be obtained from our web site at: www.nawcinc.com. Click on publications. The paper may be found under the heading: Winter Cloud Seeding Programs.

Please call or e-mail me if you have any questions or comments.

Sincerely,


Don A. Griffith
801-942-9005
dgriffith@nawcinc.com

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: CPDO
 DATE: 6/11/2009

Amount to be transferred -- (rounded to the nearest dollar) \$2,188.00

Transfer From ---

Line Item No. : 27-4181-484
 Fund Designation: Quality Growth Grant

Original Budget:	<u>\$0.00</u>
Current Budget:	<u>\$2,188.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$2,188.00</u>
Balance after Transfer:	<u>\$0.00</u>

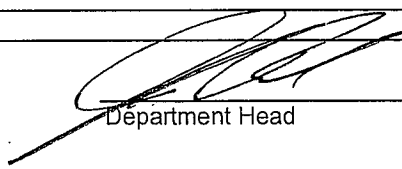
Transfer To ---

Line Item No. : 27-4181-487
 Fund Designation: Envision Cache Valley Project

Original Budget:	<u>\$0.00</u>
Current Budget:	<u>\$70,000.00</u>
Expenditures to date:	<u>\$35,704.00</u>
Balance before transfer:	<u>\$34,296.00</u>
Balance after Transfer:	<u>\$36,484.00</u>

Description of needs and purpose of transfer ---


Transfer remainder of Quality Growth Funding to Envision Cache Valley project to meet expenses for services.


 Department Head


Recommendation: Approval Disapproval
 Comments:
 Date: 6/11/2009


 Cache County Auditor

Recommendation: Approval Disapproval
 Comments:
 Date: 6/29/09


 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 23rd day of June, 2009.


 Cache County Clerk

CACHE COUNTY
ORDINANCE NO. 2009-04

AN ORDINANCE AMENDING THE CACHE COUNTY CODE, SECTION 2.12.060C,
COUNCIL DISTRICTS.

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that it is in the best interest of the citizens of Cache County to enact the following:

WHEREAS the county has determined that subsection 2.12.060C is outdated and is in need of being updated.

NOW, THEREFORE, BE IT ENACTED BY THE CACHE COUNTY COUNCIL THAT:
Subsection 2.12.060C is repealed and replaced with the following:

- C. The council districts shall be based upon the voting districts as follows:
1. Northeast Council District: This district shall include the following voting districts: Hyde Park 1-2, North Logan 1-6 and Smithfield 4-5.
 2. North Council District: This district shall include the following voting districts: Amalga, Benson, Clarkston, Cornish, Cove, Lewiston 1-2, Newton, Richmond 1-2, Smithfield 1,2,3,6 & 7 and Trenton.
 3. South Council District: This district shall include the following voting districts: Hyrum 1-5, Mendon 1-2, Paradise, and Wellsville 1-4.
 4. Southeast Council District: This district shall include the following voting districts: College-Young, Millville 1-2, Nibley 1-2, Providence 1-5, and River Heights 1-2.
 5. Logan Council District No. 1: This district shall include the following voting districts within Logan City: 1, 7, 8, 9, 10, 14, 15, 16, 22, 24, 29 and 32.
 6. Logan Council District No. 2: This district shall include the following voting districts within Logan City: 2, 3, 4, 5, 6, 17, 25, 27, 30, 31, and 33.
 7. Logan Council District No. 3: This district shall include the following voting districts within Logan City: 11, 12, 13, 18, 19, 20, 21, 23, 26 and 28.

Effective Date: This Ordinance takes effect (15) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

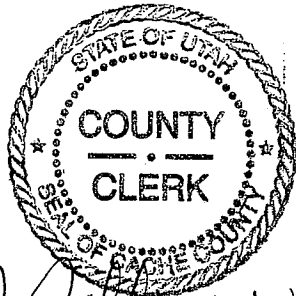
APPROVED AND ADOPTED this 23rd day of June, 2009

	<u>BUTTARS</u>	<u>CHAMBERS</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>ZILLES</u>	<u>YEATES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

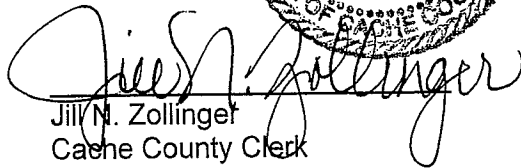
CACHE COUNTY COUNCIL



H. Craig Petersen
Council Chairman



ATTEST:



Jill N. Zollinger
Cache County Clerk

Publication Date: July 8th, 2009

COMMITTEE FINDINGS OF FACT

1. The Utah Festival Opera Company is important to Cache Valley. The summer opera series promotes tourism and has a positive effect on the perceived image of the valley. Educational programs conducted by UFOC expose thousands of students to the arts in a meaningful way and are very popular with both children and parents. It is important that UFOC operations continue.

2. Using the same methodology as a 2001 UFOC-commissioned economic impact study, UFOC's economic impact on Cache Valley in 2008 was determined to be as shown below. It is important to note that these numbers do not include impacts of Summer Citizens, USU students, or other groups whose decisions to come to Cache Valley may be positively affected by the presence of UFOC.

- a. Total direct and indirect economic impact: \$4,536,000
- b. Total local sales taxes attributable to UFOC: \$80,117.

3. UFOC has already been allocated \$255,000 of RAPZ/Restaurant tax funds during 2009. This amount is:

- a. 11.9% of total RAPZ/Restaurant funds allocated in 2009.
- b. 11.0% of UFOC's 2009 budgeted expenses.

4. If the recommended \$150,000 in additional funding is approved, a total of:

- a. 18.9% of RAPZ/Restaurant funds will be allocated to UFOC.
- b. 17.4% of UFOC's 2009 budgeted expenses will be funded by RAPZ/Restaurant taxes.

5. As shown below, UFOC's expenses have exceeded its income for the last five years. Except for 2007, actual expenses have not differed greatly from budgeted expenses, but actual income has been substantially less than budgeted income. Consequently, the differences between actual income and actual expenses have been much greater than the budgeted differences. This pattern of finance is not sustainable.

	FISCAL YEAR				
	2005	2006	2007	2008	2009
Budgeted Expenses	2,008,977	2,162,559	2,441,530	2,570,152	2,327,354
Actual Expenses	2,030,037	2,183,798	2,550,078	2,609,854	Not Avail
Difference (Actual minus Budgeted)	\$21,060	\$21,239	\$108,548	\$39,702	
Budgeted Income	1,988,977	2,075,500	2,241,530	2,295,152	1,883,000
Actual Income	1,431,976	1,750,121	2,098,462	2,094,968	Not Avail
Difference (Actual minus Budgeted)	-\$557,001	-\$325,379	-\$143,068	-\$200,184	
Budgeted Income minus Budgeted Expenses	-20,000	-87,059	-87,438	-275,000	-444,354
Actual Income Minus Actual Expenses	-577,001	-412,438	-343,068	-475,184	Not Avail
Difference (Actual minus Budgeted)	-\$557,001	-\$325,379	-\$255,630	-\$200,184	

6. As shown below, UFOC's budgeting practices have required the organization to substantially reduce its investment fund over the last five years. Recent economic conditions have further reduced this fund.

Investments Balance (As of 9/30, except 6/1 for 2009)	\$1,957,488	\$2,058,338	\$1,775,389	\$1,210,389	\$827,280
Withdrawals From Investments Account	\$410,000	\$400,000	\$498,000	\$565,000	NA

7. Additional RAPZ/Restaurant funding allocated to UFOC will not require a tax increase and will not reduce the previously-approved allocations to other RAPZ/Restaurant Tax applicants.

COMMITTEE RECOMMENDATION

\$150,000 be allocated to UFOC in 2009 by the County Council from the Restaurant Tax balance with the following stipulations:

1. This is a one-time appropriation to meet a budget crisis and it will not be approved in future years. However, to the extent possible, the Council will continue to fund UFOC's marketing and operations support applications as it has in the past.
2. UFOC's Board of Directors will be expanded to include one voting member designated by the County Council and approved by the current UFOC Board in accordance with UFOC's by-laws. In addition, current board members will assume a more active role in monitoring UFOC finances, including any expansion of operations.
3. Prior to disbursement of the \$150,000, UFOC will provide the Council with a viable long-term financial plan (based on balanced budgets) that will not require additional support from county funds. As part of this plan, it is recommended that UFOC establish a legally-restricted endowment fund to enhance long-term financial stability.
4. UFOC will work with the Cache Valley Center for the Arts to determine how costs can be reduced by greater coordination of efforts, including but not limited to consolidation of box office services, technical support, and marketing. The two organizations will provide their findings to the Council by January 1, 2010.