

## **CACHE COUNTY COUNCIL MEETING May 13, 2003**

The Cache County Council convened in a regular session on May 13, 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:** Paul Cook, John Hansen and Kathy Robison  
**Brian Chambers and Darrel L. Gibbons excused.**  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger

**The following individuals were also in attendance:** Sandy Akhavan, Rebekah Alpisa, Russ Akina, Janet Borg, Mark Brenchley, Del Ray Campbell, Darren Cox, Janna Custer, Attorney George Daines, Joe Fuhriman, Kim Gardner, Lila Geddes, Pamela L. Gee, Lorene Greenhalgh, Wendi Hassan, Patrick Hunter, Elmer Kingsford, Brooke Lambert, Valerie B. Larsen, Lisette Miles, Sheriff Lynn Nelson, Dave Nielsen, Loraine Pace, Evelyn Palmer, Pat Parker, Kelly Pitcher, Tamra Stones, Malinda Tolson, Ronda Thompson, Valerie Larsen, Lt. Governor Olene Walker, **Logan River Combined Scout Troop 354:** Layne Andrews, David Brilliant, Aaron Burns, Nate Collings, Joshua Gay., Ashtyn Hodges, Kyler Hodges, Tom Myers, Chris Stapp, John Stapp, Aaron Tolley.  
**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 Vice Chairman Yeates.

### **PLEDGE OF ALLEGIANCE:**

Chairman Petersen lead those present in the Pledge of Allegiance.

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

#### **Changes to the agenda:**

1. **Item 13-a** - TV Translator Update: Postponed at the request of Vice Chairman Yeates.
2. **Item 6-c.2** - Reorganization of Certain County Departments: This item would be discussed at the end of the meeting in an Executive session.

**The agenda was approved as amended.**

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

**Minutes of the Council meeting for April 22, 2003 were reviewed and approved as written.**

**Council Meeting  
May 13, 2003**

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

**APPOINTMENTS:**      Brandy Jo Trygstad                      Deputy Auditor  
                                 George Daines                              County Adm. Bldg. Arts Committee  
                                 Sue Fuhriman                              County Adm. Bldg. Arts Committee  
                                 Karen Jeppesen                              County Adm. Bldg. Arts Committee

**ACTION: Motion by Vice Chairman Yeates to approve the recommended appointments. Council member Hansen seconded the motion. All members present voted in favor. (Chambers & Gibbons absent)**

**WARRANTS:**                      The warrants for the periods of 04-11-03 to 04-17-03; 04-18-03 to 04-24-03; 04-25-03 to 05-01-03 and 05-02-03 to 05-08-03 were given to the Clerk for filing.

**OTHER ITEMS:**

1.      **Executive Order 2003-02 - Closing Certain County Offices.** Cache County offices, with the exception of the Sheriff's Office, Road Department, Weed Department, Senior Citizen Center and Travel Council Office will be closed on the following dates and times: Half a day closures on Wednesday, May 28, Thursday, June 5, Thursday, June 12, and Monday, June 16. All day closure on Friday, June 13, 2003 to accommodate the move to the new Administration building.

**(SEE ATTACHMENT NO. 1)**

2.      **UDOT Annual Meeting.** The Utah Department of Transportation (UDOT) will hold their annual meeting in Cache County, on May 14, 2003, at 1:00 p.m. in the Nibley City office building. Executive Lemon invited interested Council members to attend this meeting to review the State Transportation Improvement Plan.

3.      **Surplus Furniture List.** The furniture that the County will surplus from County departments, would be offered to other County departments first. A minimum bid would then be established and items would be offered to the Cities and Towns in the County. Any items remaining would then go to a Public Auction.

**EMPLOYEE OF THE MONTH: REBEKAH ALPISA**

MALINDA TOLSON: Rebekah Alpisa has been selected as Cache County Employee of the Month for May. Rebekah's first position with the County was as an intern, who under the leadership of the County Attorney established a new victim's assistance program. She created and evaluated the County Attorney's Office protocol, policies and forms. In March of 1996 Rebekah became a full-time employee of the County as its Victim's Assistance Coordinator. Last fall at the request of the County, Rebekah took on the additional duties and responsibilities of directing the affairs of the local Children's Justice Center (CJC). She currently oversees the daily operations in both Victim Services and CJC along with the

**Council Meeting  
May 13, 2003**

training and supervision of all paid and volunteer staff. Ms. Alpisa is a faculty member at the Utah Victim's Assistance Academy. The United States Department of Justice found our Cache County Victim's Services Program to be one of the top five Victims' Assistance programs in the Nation. It was profiled as a model program before Congress in 1999. Much of this State and National recognition can be attributed to the many long hours of time and effort put forth by Rebekah.

Rebekah graduated Summa Cum Laude, with a degree in Social Work and Political Science Pre-Law, from Utah State University in 1996. Happily married to Alex Alpisa, they have two children in College. In nominating Rebekah for this honor, one of her peers wrote: "She does great work for everyone especially the County." Congratulations, Rebekah, for being selected Cache County Employee of the Month for May.

**County Executive Lemon and County Attorney Daines presented Ms. Alpisa with her award certificate and gift along with their appreciation for a job well done.**

**FEDERAL ELECTION LEGISLATION: LT. GOVERNOR, OLENE WALKER**

**Lt. Governor Olene Walker** spoke to the Council about the federal "Help America Vote Act" (HAVA) signed by President Bush on October 29, 2002 which required each state to submit a State Plan which would be a guiding document for all changes to the elections process over the next several years. It shifts far greater responsibility to the State level than had previously been there: **1)** The State is accountable for all the federal money that flows. **2)** It does have certain things added to improve the access to the election's process especially for the visually impaired and **3)** After 2006 any machine that is purchased will need to be ADA accessible. The new computerized machines (DRE's) have this capability. (If the State did not choose to go along with the buy-in of these machines, it would still get \$5,000,000.00. However, Lt. Governor Walker noted that the State of Utah had one of the greatest percentage of punch-card machines in the United State and it has opted to "buy in" to changing to the new DRE's and would be required to submit a State Plan.

**Lt. Governor Olene Walker introduced the State's election plan, which may have changes still forthcoming and which was established by the Utah State Plan Committee on Election Reform under her direction:**

**(See Attachment No. 2)**

It is anticipated that the State Plan will be revised several times as the State works toward improving elections. Most of the items included in the plan are based on the assumption that the Help America Vote Act (HAVA) will be fully funded by Congress over the next three years.

**RAPZ TAX APPLICATION & ALLOCATION: RUSS AKINA**

**History Review:** There had been a recommendation by the Recreation, Arts, Parks and Zoos (RAPZ) Coalition as to how they would suggest the allocations of the RAPZ Tax be administered. They were asked by the Council to look at their proposal again and make a

**Council Meeting  
May 13, 2003**

revised presentation. The Council requested the County Attorney to review the RAPZ Tax issues.

**(SEE ATTACHMENT NO. 3: Attorney’s Letter - RAPZ Tax Issues)**

**RAPZ Tax Matrix.**

	<u>Parks and Recreation</u>	<u>Cultural and Botanical</u>	<u>Zoological Facilities (Not State Agencies or Educational Institutions)</u>	<u>Zoological Organizations</u>
<b>Operating Money</b>	Yes	Yes	Yes	Yes
<b>Capital</b>	Yes	No	Yes	No
<b>Proposed Advisory Committee</b>	After study considering to propose	5-member Committee	Willow Park Advisory Board	None
<b>Proposed Allocation process</b>	Inter-local Agreement based on population	Based on budgets of qualifying expenditures	Initially Willow Park Zoo only.	None

\*The definitions for Zoo Organizations change as to whether it is in a County of the First Class or not. Also, no advisory committees are required.

**(SEE ATTACHMENT NO. 4)**

**RUSS AKINA:** I'm going to speak to the Recreation and Park element of the Coalition. What you have in your packet were revisions to the first meeting that the Council had and the questions in regards to that scenario. ***We are of the opinion at this time that we need to do a little bit more research into this but what we would like to propose is that the distribution of funds be considered upon agency population.*** What I mean by that is the population of every city and town in Cache County. Part of the reason for that is because under the legislation for recreation and parks, those funds are directed back to publicly owned and /or operated agencies. That being the case, it is our thought that we provide a little bit more equity. In fact perhaps even to better manage what we originally proposed, some consideration ought to be given to that.

Some of the questions it raises within the Recreation and Parks Coalition is that there would need to be some language put together perhaps in the form of an ***inter-local agreement***. This would be between cities and towns and the County with regards to their participation with that so that the items are related in the legislation funding through cities and towns reflect that legislation and that they would be willing to agree to that.

We might also address in regards to advisory boards: If it were based upon population then there might not be a necessity or a need for having an advisory board because essentially what we would have within that inter-local agreement would be the criteria that a city or town would need to meet. If they could provide that, back at the end of the year that report is given back to the County directly.

In the case of Zoo Facilities and of course one that seems obvious is Willow Park Zoo. If allocations follow the same kind of format in that the Willow Park Advisory Board would need to take the role of reviewing it's expenditures or its improvements based on the allocation that it received and an annual report given back (to the County) in kind of the same fashion, realizing that the advisory board that is already in place as opposed to creating one in recreation and parks.

## **Council Meeting May 13, 2003**

**RONDA THOMPSON:** This has been tough for us because we have wanted to see everyone that falls underneath as qualifying organizations benefit whether they are large or small. Keep in mind it is the law that defines organizations and how they qualify, it wasn't with the coalition. As we looked at the process that organizations would have to go through, what we tried to come up with was a fair way to allow a process to happen for that money to be distributed.

One of the things we proposed is that in order for organizations to meet those qualifications which are really what the purpose of that advisory council would be for, it would go through each of those organizations to make sure they qualify. According to the law, they must be a nonprofit foundation. There are procedures that each organization has to go through to make sure they are in status of that 501-C3 nonprofit status. The way we have set it up is that they would go through a process to make sure that they qualify for that. The Advisory Council would then review those applications and simply make sure that those organizations qualify to be able to have money allocated to them.

The only way that we felt was fair was to look at their budget; so, it is based on budget. We chose expenditures because every organization has to be out fund raising and having some expenditures. We are basing it on the past budget not the proposed budget so that have to show the last year and what their budget was, that it was approved by their Board and that it goes through that whole process.

### **Discussion:**

**George Daines:** The term used in the statute of Counties of the First Class is average annual operating expense that is determined by subsection three and that is a three-year average. It's audited statements for the large organizations but the smaller organizations, and the County Council can waive the requirement of audited, financial statements; so, it is only for the large organizations. Potentially, you are using the format that is in the statute for Counties of the First Class.

**Council member Petersen:** One of the changes you made was to reduce the requirements for financial information for the small organizations consistent with what George (Daines) was just saying.

**Ronda Thompson:** What we said was \$100,000.00 and below on their budget have to at least have a review or have good financial information, but not an audit.

**Council member Robison:** I am still having a lot of problems on Page 2 where you are having them establish a publicly identified office with staff and programs. Most of the small music groups in Cache Valley don't do that. What is your basis for that?

**Thompson:** We interpret staff as either paid or volunteers. The reason for that is to make sure that people from Cache Valley are applying for this and not organizations outside of Cache Valley. It is important that they have at least an office that they can show.

**Daines:** A nonprofit corporation has to designate an office. You want to make sure that office is a Cache County office so that we don't have an organization that is based in Brigham City for example coming in and saying we are entitled some of these monies.

**Thompson:** Especially if they were trying to have an Event here but their office is out of the area and they just want to come in for an Event, They would be disqualified because they don't operate here.

**Robison:** How many of our small organizations here actually have applied for nonprofit status?

**Thompson:** I don't know but that is the law that says that. It is not the Coalition that has defined it. It has to be a nonprofit status; We can't change that.

**Daines:** The definition of nonprofit organizations is very broad. For example the Cache Civic Ballet and all of those kinds of organizations are typically nonprofit. And there are a huge number of them.

**Robison:** Even if they haven't applied for 501-C.3 or whatever.

**Daines:** That's right. Nonprofit did not mean that they are in that category.

**Robison:** Basically you are saying by mutual understanding, we realize they are nonprofit.

**Daines:** I would be very surprised that there are very many organizations who do these kinds of things who are not a nonprofit corporation.

**Thompson:** They are there because of the love and (we're) just trying to make sure that these things are still going for us.

**Robison:** I'm just trying and make it easier for those small organizations to apply for the money. I have heard complaints from people.

## **Council Meeting May 13, 2003**

**Thompson:** I think, Kathy, in all fairness with that, the reason that we did was because of the responsibility that this is tax dollars. It needs to be spent correctly and wisely and that there is accountability for it.

**Robison:** I understand all that but could we streamline this a little bit so that groups of 50 children or less wouldn't have to go through this big process. I have been hearing from organizations that are not happy with this process.

**Thompson:** Again, let me just tell you, as we opened this whole Coalition to whoever would come and participate and we have had good information coming from (organizations). We believe that there are opportunities for everyone to be able to benefit from all this. We certainly are not trying to make it exclusive. We are certainly open and are even to the point of saying: "Let's reserve a certain percentage so that the County has that discretion that they can then award an amount to some of these groups that they feel have merit. We are not against that. We're just trying to make it beneficial for everyone but at the same time the Legislature has defined it.

**Petersen:** George (Daines) has performed a useful service in clarifying what types of expenditures qualify. In terms of the proposal of the coalition, it seems like the major changes you have made over the two-week period have made it a little easier for smaller organizations to qualify in terms of financial information required and also in terms of what they have to be. Are those the two major areas of change?

**Thompson:** I think so.

**Mark Brenchley:** Craig, when they came to our last Coalition meeting, there were a lot of misgivings and concerns as to admission because all of them have gone through the application process through the State's Art Council and they had to perform the same requirements. They had to have an office; they had to have a 501-C3 status. They have to have a bit of accountability. Once they realized that we are kind of streamlining, all of those who were there at the last meeting felt really good. They were no longer as suspicious or leery as they were two weeks ago because they realize that this is a standard process that they have been going through for years.

**Chairman Petersen** commented that the Coalition had performed an important service. He suggested scheduling a public hearing on the proposal to receive public comment and some extended discussion between the Council.

**Attorney George Daines** raised the question as to the Recreational side of this item. If the Council were to disburse money to the cities, would there be an understanding that any of the facilities that receive RAPZ money would be open on an equal basis to all residents of the County irregardless of what city they belonged to. In response, **Mr. Akina** said the Coalition might like to look at that. He felt it would be fair to not charge a nonresident fee. However, cities and towns my want to look at a non County fee because of out of County visitors.

**ACTION: Motion by Council member Cook to set a public hearing to discuss RAPZ TAX disbursement at 6:15 p.m. on May 27, 2003. Yeates seconded the motion. The vote was 5-0. (Chambers & Gibbons absent)**

### **BUDGET TRANSFERS:**

1. Preston Ward from the Surveyor's Department requested a transfer of funds in the amount of \$5,500.00 from Equipment to Maintenance and Operations to conform with the Capital Equipment policy.
2. A transfer of funds was requested from the Surveyor's Department of \$2,000.00 from Equipment to Temporary Employees to hire an additional employee.
3. Clark Israelsen from the Extension Department requested a transfer of funds in the amount of \$8,168.00 from Equipment over \$5,000.00, to Equipment under \$5,000.00, for the purchase of computers and equipment under \$5,000.00.

**Council Meeting  
May 13, 2003**

**(See Attachment No. 5)**

**(Council member Cook left the chamber at 6:20 p.m.)**

**MOTION: Motion by Council member Robison to approve the Intra-Departmental budget transfer requests. Hansen seconded the motion. The vote was 4-0. (Chambers, Cook, and Gibbons absent)**

**PUBLIC HEARING SET: OPEN 2003 BUDGET**

It was proposed to set a public hearing on May 27, 2003 at 6:00 p.m. to open the 2003 budget.

**ACTION: Motion by Vice Chairman Yeates to set the public hearing. Hansen seconded the motion. The vote was 4-0. (Chambers, Cook and Gibbons absent)**

**THE COUNCIL MOVED INTO BOARD OF EQUALIZATION**

**TAX EXEMPTION REQUEST: AMERICAN WEST HERITAGE CENTER**

**AUDITOR TAMRA STONES:** The American West Heritage Center made application for tax exemption. They filed all the proper paperwork. I don't believe they own the property; they were under the name of the university; so, it is on personal property only. I would recommend you accept their application.

**(See Attachment No. 6)**

**ACTION: Motion by Vice Chairman Yeates for approval of the tax exemption. Hansen seconded the motion. The vote was 4-0. (Chambers, Cook, and Gibbons absent.)**

**Council member Cook returned to the Council Chamber at 6:25 p.m.**

**TAX EXEMPTION REQUEST: JERRY AND JAN KERSEY**

**(See Attachment No. 7)**

**EXECUTIVE LYNN LEMON:** Three brothers had received the property from their parents. They are in the process of borrowing the money and have paid \$50.00 down. They are trying to sell the property and have agreed that in a month or two they will have the taxes paid. We are not waiving any penalty or interest. If it doesn't get paid, it would go up for tax sale next year. The amount requested for the extension is about \$1,200.00 including penalty and interest.

**ACTION: Motion by Council Member Hansen to grant the extension for 60 days. Yeates seconded the motion. The vote was 4-1. (Cook voted "no.") (Chambers & Gibbons absent)**

**Council Meeting  
May 13, 2003**

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

**ADMINISTRATION BUILDING UPDATE: M. LYNN LEMON**

**Executive Lemon** proposed that the employees move their personal and essential records but everything else was to be left behind. There will be bulletin boards to put articles on display. He also noted that the County would use County inmates, Professional movers as well as Volunteer groups to move the County departments on June 12, 2003.

**Schedule Open House/Ribbon Cutting.** Executive Lemon suggested setting the Open House and Ribbon cutting for the 24<sup>th</sup> of June 2003. The Council was in agreement.

**Council/Court Building.** Executive Lemon noted that the Courts would be moved out of the Council/Court Building by the end of May and the building will then be demolished by July 1, 2003. The next goal would be to finish the parking lot.

**COUNTY JAIL UPDATE: SHERIFF LYNN NELSON**

**(SEE ATTACHMENT NO. 8)**

**Sheriff Nelson** reported that things were going well. Most issues were being resolved; however, there were a couple nagging issues. The contractors were laying down most of the steel decking. The door and window frames were here and being moved into the building. Everything was still on schedule.

**The "Shootout."** Tomorrow the people who are putting the glazing in the secure part of the complex are putting on a national show and producing a video to be used nationwide. They will show the strength of their window panes. It will be a major event. The second of it's kind. It will be held at the Hunter Education Center from 11:00 a.m. to 1:00 p.m. There will be no cost to the County for this and no charge to get in. The Council was invited to attend.

**Law Enforcement Week.** The Law Enforcement awards banquet will be held this Wednesday evening at 6:00 p.m. at the Copper Mill Restaurant. The Council was invited to attend.

**DISCUSSION: STRATEGIC PLANNING FOR CACHE COUNTY**

**(See Attachment No. 9)**

The initial part of the strategic planning effort was to set out some basic goals for county government as discussed in the last Council Meeting. The goals adopted by the Council and the County Executive were to be used in the planning process. Chairman Petersen divided it into two categories: "Core Values" and "Day-to-Day Operations"

Core Values:

1. Preserve the county's natural environment and the lifestyle of its citizens

**Council Meeting  
May 13, 2003**

2. Promote beneficial economic development
3. Improve public health and safety

Day-to-Day Operations

1. Increase patron satisfaction of those who use county services
2. Use county resources more efficiently

The Council members agreed with the suggested plan. Executive Lemon suggested adding under Day-to-Day Operations #2 *Consistent with available funding* we use county resources more efficiently.

The next step in this process would be to hold a meeting with the Department Heads and Elected Officials and explain the process to them and get them started working on their individual plans and initiatives.

**AMBULANCE COMMITTEE MEMBERS SELECTED:**

It was decided to select three members to be on the ambulance committee with Logan City. The feeling was that a small group would accomplish the task faster. This committee would meet and come to a consensus on the issues; then representatives would report back to the full Council.

**Ambulance Committee members: Council members' Chambers, Gibbons and Chairman Petersen.**

**MAY TAX SALE REPORT: AUDITOR, TAMRA STONES**

**(SEE ATTACHMENT NO. 10)**

**TAMRA STONES:** There were 14 parcels that were delinquent this year for the Tax Sale that the Treasurer transmitted to me. We have resolved those issues down to two parcels that have been advertised. The two that were advertised both have mortgage holders; so, we are expecting the lien holders to step up and pay the taxes. Basically I had one Bankruptcy, seven parcels that were either presented to the Council for a hardship or a referral. The rest of them have paid or will pay within the next weeks. We may not actually have to go to sale.

The May Tax Sale was scheduled to be held on the 5<sup>th</sup> day of June 2003, at 10:00 a.m., at the County Council Chambers. The two properties properly advertised for sale are located in the County and delinquent for the amount of taxes, interest, penalty and administrative fees. These properties will be offered at the public auction and sold to the highest bidder for cash.

**RESOLUTION NO. 2003-13: APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA - DEL RAY CAMPBELL TRUST, STEVEN A. RUSSELL, H. J. FUHRIMAN LLC**

**(SEE ATTACHMENT NO. 11)**

**Council Meeting  
May 13, 2003**

Lawful notice of public meeting had been given and the legal requirements for the creation of an agricultural protection area requested by Del Ray Campbell Trust and Steven A Russell, H.J. Fuhriman LLC had been met; therefore, the proposal was recommended for approval

**ACTION: Motion by Council member Hansen to waive the rules and approve Resolution No. 2003-13. Yeates seconded the motion. The vote was unanimous, 5-0 (Chambers and Gibbons absent)**

**RESOLUTION NO. 2003-14: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT WITH US BANK TO ESTABLISH A VISA CARD ACCOUNT FOR CACHE COUNTY CORPORATION**

**(See Attachment No. 12)**

**Auditor Tamra Stones:** Basically a lot of vendors in the County will accept a VISA purchase card. There are some that won't. This is to make small-item purchases or you could use it for big items like utility payments, telephone payments, etc. The advantage of using this is that we would set it up so that the payment when it comes due, it would automatically debit our bank account and pay it so that we will not have interest accrual. We will get major rebates at the end of our purchase year and that savings is passed on to the departments in the County.

We would have total control of what can be purchased. We make each department (a) user that has to have an application. There are some reconciliation steps that are involved and the County must adopt a policy on the use. Generally it is not used for travel. We may have to make some concessions on that. (Travel seems to be one of the most abused areas.) The other protections are that you can have a daily-card limit use, a budgetary-card limited use for an annual or monthly (period of) time. It consolidates all those purchases and makes less paperwork for the Auditor's office. At least for the payment and the saving on the interest, each cardholder would have some reconciliation and monthly receipt packets; they would have to submit that to the Auditor's office

Each cardholder would have some reconciliation and monthly receipt packets that they would have to submit back to the Auditor's Office. If you fail to comply, there would be some steps you could take to perhaps give someone a warning or block their use or discontinue their card.

**The total number of cards requested would be eight or nine.**

**Discussion:**

**Executive Lemon** expressed a couple of reasons for the cards: **1) A *finance charge*** is often attached to the bill if the process of billing is not complete and sent in by the due date. **2) We** wouldn't be paying for ***sales tax charged***.

**Paul Cook** felt that the number one abuse in government at all levels was through credit cards. He would prefer to work out an agreement with establishments than to have the cards.

**Ms. Stones** responded that we did have agreements with stores but the problem seems to be that almost everybody is on a revolving credit account, not a charge account and you must have a card to purchase. With Staples, with whom there is a credit account set up, the Auditor has three cards that must be signed out for each department purchase.

**Council Meeting  
May 13, 2003**

**Executive Lemon** noted that a credit line must be established for every credit card and by the time they (the departments) get a statement in and it gets allocated to everybody and the statement gets over to Tamra and gets paid, a finance charge is fined. Another problem was that because of the hassle with the cards, people would just make the purchase with a personal credit card. They would then get charged sales tax and the Auditor deducts the sales tax from them so they wouldn't get the total amount back.

The travel was the biggest problem for **Auditor Stones**. She felt there would still be problems unless the County's policy was changed.

**The top problems the County was trying to solve:** **1)** The ability of people to charge purchases to a business; **2)** Tax exempt problem for reimbursement; **3)** Travel reimbursements; **4)** Emergencies.

The statements on the uses of the cards would go directly to the Auditor and there was also a liability policy with some strict rules for misuse of the account. If there was misuse of the card disciplinary action would be taken: **1)** Issue a warning; **2)** Put a hold on card; **3)** Card taken away.

**Sheriff Nelson** commented that his Department had used credit cards for years with no problems and he was in favor of setting up a County revolving credit card account.

**No action was taken. There were some concerns from the Council expressed. This resolution will appear on the next Council agenda.**

**RESOLUTION NO. 2003-15:** DECLARING SURPLUS PROPERTY - 100 WEST 100 NORTH, LOGAN, UTAH

**(SEE ATTACHMENT NO. 13)**

Attorney George Daines mentioned there might be a few minor changes in the draft of Resolution No. 2003-15 and that it would authorize Executive Lemon to finalize the paperwork and declare a public auction for the property.

**ACTION: Motion by Council member Paul Cook to suspend the rules and pass Resolution No. 2003-15 on the first reading. Robison seconded the motion.**

**Discussion:**

**Council member Robison:** George, could you recap the purpose for us doing this?

**Attorney Daines:** Because the County wants money. The whole reason we are doing this is because we have an asset that we really don't have a use for that other people want and they will pay us for it. We want to do it fairly. By making it surplus we identify, it is not in our future plans to use that land.

**Robison:** Should it be though? As we have been talking our strategic planning are we looking at this 10, 15, or 20 years down the road? Are we going to need that?

**Daines:** We have had quite a lengthy discussion about that. I'd point out (on) the northwest corner, we haven't made any decisions about (it) at this point and it is still available.

## **Council Meeting May 13, 2003**

**Council member Yeates:** Kathy, just to go along with what you are saying, as I have thought about that and our discussions over several meetings and as I read over the motion, it says that: "We have no practical, economical or efficient appropriate usages for the property currently or in the foreseeable future. In "Statement B" it also says that: "The County would be better served by declaring the property surplus. I have some real reservations about giving up the property. There have been plans of turning Logan City's block and this block into a kind of a County-City thing and I hesitate to give the parcel(s).

**Executive Lemon:** I did spend quite a bit of time talking to Karen (Jeppesen) today because she is really opposed to the idea of us selling that property also. We do have a number of things that we are dealing with that we are going to need funding. I think our reserve balance right now is probably 1.5 Million and it has been much higher than that before we got into these building projects. So, I'm frankly concerned about that. We are continuing to get requests for needs that we have. I just don't think that we ought to be the ones to be in the building business.

**Chairman Petersen:** You said to me once that Karen (Jeppesen) thought perhaps what we ought to do is simply a lease.

**Lemon:** She said that there were people that would be willing to lease the land and build a building on it but I personally don't think the County should be in the building business; I think it that is something that should be left to private developers. Let's look at the alternate. If we said, let's develop it ourselves so that we could have it for future use and we build a building.

**Yeates:** What if we don't build a building? What if we just hold on to that asset for now? We hold on to that asset.

**Cook:** Build a parking lot.

**Yeates:** Just leave it open. You can say How much value is that? But just the fact that we still own the property and we still own it. I just wonder if we are being just a little bit short-sighted. There is always going to be a need for additional revenues. In the past we have been very good at saying "no" to a lot of things or Tamra has also been very creative in finding ways to fund really needed things. I am just really nervous about chopping up our county portion here and letting somebody else build another building. What if down the road, we need another facility for county government?

**Lemon:** I think what you have to do is look at the arguments on both sides and make a decision about it.

**Yeates:** I'm not proposing that we be in the real estate business. We are building our (new) building because we need a place to live basically.

**Lemon:** My interest is really in keeping the county block a nice facility but (also in) keeping downtown Logan nice too. As I weigh all the arguments, I think in long terms, we are better off having a building there than to just have it vacant as a parking lot.

**Council member Hansen:** My feelings would be that if we need the money to survive, that is one thing; if that is absolutely necessary and I'm not so sure that we are absolutely sure about that. If we don't, to own the property still and to lease the property and to have this income comes in, it seems to me like that is a better way to make money.

**Daines:** Talking of an investment of a building being there of something like three or four Million dollars, what they will pay you to lease a piece of land where they don't have the right to control that, when you look at the depreciation time-period on a building, John, you would get very little money on a lease hold simply because nobody wants to put their four Million dollars on a piece your leased land when they can go across the street and build a building. You wouldn't build your home on a leased piece of land.

**Hansen:** If I could get the lease for a longer period of time, would that make a difference?

**Daines:** You could lease it out for 90 years, building lease lands are in that range of 60-70 years, by the time you factor in a rental rate, you are probably looking at a 3- or 4-Hundred Thousand dollar value annually for that corner lot. That invested revenue would generate more money than a rental off it for long-term. Just remember, you spent \$300,000 to buy the Wilkinson place. So, you talk about recovering that money by selling another footprint. Lands are bought and sold. The idea of keeping a piece of land that is nonrevenue earning for you is a very negative financial decision. If you don't have projected use in 10 or 12 years, you generally don't hold land in a non-economic return kind of fashion.

**Yeates:** We're talking about \$300,000.00 for the property?

**Daines:** I don't know what the bid would be. I suspect that Lynn (Lemon) will set a floor at least what we think it is worth and then let them bid by that.

**Yeates:** So we take this one-time infusion of cash but yet we have lost this possible future asset that we could use.

**Daines:** You are right; you have lost that asset but on the other hand you spent \$300,000 to buy one footprint. You can accumulate footprints if you want to, but normally you don't though.

**Yeates:** In this block though?

## **Council Meeting May 13, 2003**

**Daines:** You bet. If you want to buy more footprints, buildings can be bought in this block. This is not a precious commodity that cannot be replaced. Our current forecast for the County is we have facilities for 20 years. At that point you may say we need a new facility where shall we put it; we'll have to go out and buy a piece of land. If that land has sat as parking for 20 years, you didn't make a dime in 20 years. If you take \$300,000 and drop into even the State fund, you should have enough money by definition to buy another footprint somewhere else.

**Yeates:** My understanding is for that \$300,000.00 there are needs for that; so, it will be gone. It isn't like we are going to be putting it in a fund where we are going to accumulate interest. My thinking is that if 25-years if we need a footprint that size and we try to secure one here, it is going to cost us double of what this one is.

**Daines:** I would hope it would cost double because that is what your money is worth. Whether you use your money in interest or not, you have a big debt; so, your cost of money is a cost. You can always make at least a return on your money by just simply paying debts that you have. You have a budget debt of at least 4%; so, that is the minimum you would earn on any money you have to avoid that much more debt.

**Petersen:** I favor this. Another element of this is the economic development aspect. That is to have anyone put up a structure here that would be a significant commercial business for which you would get tax revenues and pay us taxes plus generate business for other businesses.

**Tamra Stones:** It is in the redevelopment area agency of the Logan City taxes. They will not pay us until it is out of the redevelopment series.

**Lemon:** It does help the downtown area.

**Yeates:** This just occurred to me. What about the juvenile court building?

**Lemon:** The committee has debated this a long time.

**Cook:** The building committee's recommendation?

**Petersen:** Long ago we resolved this issue amongst ourselves.

**Cook:** Refresh us, who are on the building committee?

**Petersen:** George and I and Lynn and George assumed Scott (Wyatt's) position.

**Cook:** What is the County Attorney's position?

**Daines:** I think it is a wise financial decision, Cory. I think we have got buildings that will last 20 years. It is too far to see in advance to hold a corner like that giving no revenue positions. If you try and build a building, you are going to be in an awful mess trying to compete with other landlords. If you try and do a leasehold there, it will be out further than twenty years. This corner is just about as hot a corner as you can envision right now. It's not something that someone has to have a lot of imagination to see what they can do with it. If I were going to invest in land, I don't think that is the one I would choose. I'd rather go buy a farm! I could see more gain in a different piece of property. That one is really prime right now because it is right across from a brand-new court complex. It is a clean corner; it's got parking. I can't see the situation for that land being a lot better except under just a general inflation of all values.

**Yeates:** When the first proposal came forward to build the county offices where they are being built now, the Needham's, the Everton's, and some of the other property owners in the block were concerned about parking and what was going to happen to parking. Have they been made aware of this particular proposed building?

**Daines:** At infinite. We have had hours and hours of discussion. Are they all happy? No. I know that there is concern for parking but I think of our going from 200 parking stalls to 500 and the Courts who have been using 130 of these parking stalls are going to have 130 across the street.

**The vote on the motion was 2 "yes" 3 "no" (Hansen, Robison and Yeates voted "no.") (Chambers & Gibbons absent). This resolution will be brought back for Council consideration on May 27, 2003.**

### **RESOLUTION NO. 2003-16: CACHE MOSQUITO CONTROL DISTRICT PROPOSAL:**

#### **Discussion:**

**Executive Lemon** explained that it would not be advantageous to put this on the ballot at this time because the County would have to hold a special election. The last count of the Cities, was that seven had passed the resolution, two had it on their agenda and the others had not done anything or voted "no" and that means that half of the cities are not going to be supportive.

**Council Meeting  
May 13, 2003**

**Executive Lemon:** To me it really doesn't make sense to have a mosquito abatement district for the whole County if half of the cities are not going to participate. The deadline passes on May 15. Wellsville, Hyrum, Nibley, North Logan and Richmond had approved it. Mayor Thompson did talk to me today and said that they would be supportive of the County passing a property tax to have a mosquito abatement program.

**Elmer Kingsford:** I agree with what Lynn is saying. If we haven't got the support of the largest communities to go in with this, I think we have lost the efficiency that we were trying to gain.

**Executive Lemon** said the County could still form a district but that it made more sense to do it during a general election rather a special election.

**Kingsford:** You would have a dependant program, which is what Logan City is, but you would not have a district. Federal government had made several million dollars available in grant money to do what we are talking about doing, forming a district, and we are eligible for these grants.

**Paul Cook:** Even if Logan doesn't participate and we do, we are still eligible for these grants?

Kingsford: Yes.

**Cook:** What kind of funding level would we be looking at?

**Kingsford:** The last I heard was that we would be eligible one-time for approximately \$100,000.

**ACTION: Motion by Council member Cook to TABLE Resolution 2003-16. Robison seconded the motion. The vote was 5-0. (Chambers and Gibbons absent.)**

**CITIZENS FOR FAMILIES: KATHY ROBISON**

**Kathy Robison** would like the County Attorney to prepare a sexually-oriented business ordinance to be included in Cache County's Land-Use Ordinance.

**(SEE ATTACHMENT NO. 14)**

The Council was in agreement and asked that the Attorney prepare an ordinance.

**COUNCIL MEMBER REPORTS:**

**Kathy Robison:** I went to the last Jail meeting on May 1<sup>st</sup> and I am concerned that the Team approach appears to be a little more strained than when I started in March. There have been a lot of delays. Sahara's implied cost increases do to a lack of formal authorization of some projects. Procedures waiting for finalized drawings. I just have some issues with that. I want us to be aware that there are some things that we need to keep our eye on. I know there are some disputes not settled by the County Attorney yet. The Sheriff seems to think that things are proceeding; I just have some issues with some of the major things that are **not** being decided.

**ADJOURNMENT:**

The regular meeting of the Council was adjourned to go into the Executive Session at 7:38 p.m.

**EXECUTIVE SESSION:**

The Executive session was held to discuss sensitive personnel issues. The Executive session adjourned at 7:50 p.m.

**Council Meeting  
May 13, 2003**

---

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

---

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