

**COUNCIL MEETING
MINUTES 01/14/97**

COUNCIL MEETING MINUTES INDEX

Anhder, C. Larry: Council Vice Chairman (2)
Appointment: Israelsen, Clark to Co-wide Development Bd (2)
Appointment: Skanchy, Sarah Ann as Co. Rep. on State Reg.
Work Force Council (2)
Appointment: Speth, Darlene to Col/Young Township Board (2)
BAILEY, DR. JOHN: BEAR RIVER HEALTH DEPARTMENT REPORT (4)
BAXTERLAND MINOR SUBDIVISION-MT STERLING: SUB. APPROVAL (4)
BEAR RIVER HEALTH DEPARTMENT: BAILEY, DR JOHN (4)
BRAG BUILDING SALE (170 NORTH MAIN): DISCUSSION (5)
Council Chairman: Gibbons, Darrel L. (1)
Cloud Seeding: Lemon, M. Lynn reported on (2)
COUNCIL APPOINTMENT-BRAG AND OTHER COM.: DISCUSSION (6)
COUNCIL CHAIRMAN AND VICE CHAIRMAN: ELECTION (1)
COUNCIL VICE CHAIRMAN: C. LARRY ANHDER (1)
COUNCIL PROPOSED PROJECTS FOR 1997: DISCUSSION (7)
DIAMOND, RICHARD: ELK FARMING PROPOSAL (3)
DORIGATTI MINOR SUBDIVISION- NEAR PARADISE: SUB. APPROVAL (5)
DWR DIRECTOR COMMENTS: HASENYAGER, ROBERT (3)
ELECTION: COUNCIL CHAIRMAN & VICE CHAIRMAN (1)
ELK FARMING PROPOSAL: DIAMOND, RICHARD (3)
ELK FARMING PROPOSAL: KOHLER, EVAN COMMENTS
Gibbons, Darrel L.: Council Chairman (1)
Hasenyager, Robert: DWR Director comments (3)
Israelsen, Clark: Appointed to Co-wide Development Board (2)
Kohler, Evan: Elk Farming Proposal Comments (3)
LAND USE PLAN: DISCUSSION (6)
Lemon, M. Lynn: Reported on Cloud Seeding (2)
LYE, DR. WILLIAM: STATE CENTENNIAL PRESENTATION (3)
RESOLUTION NO. 97-01: TAX AND REVENUE ANTICIPATION NOTES (4)
RESOLUTION NO. 97-02: SUR. ROAD DONATION TO NIBLEY CITY (5)
ROADS, NARROW, COUNTY POLICY: DISCUSSION (6)
Skanchy, Sarah Ann: Appointed as County Representative on the
State Regional Work Force Council (2)
Speth, Darlene: Appointed to Col/Young Township Board (2)
STATE CENTENNIAL PRESENTATION: LYE, DR. WILLIAM (3)
SUBDIVISION APPROVAL: BAXTERLAND MIN. SUB.-MT STERLING (4)
SUBDIVISION APPROVAL: DORIGATTI MIN. SUB. NEAR PARADISE (5)
SURPLUS ROAD DONATION TO NIBLEY CITY: RES. NO. 97-02 (5)
TAX AND REVENUE ANTICIPATION NOTES: RES. NO. 97-01 (4)

**COUNCIL MEETING
MINUTES 01/14/97**

CACHE COUNTY COUNCIL MEETING MINUTES

January 14, 1997

The Cache County Council met in regular session on the 14th day of January, 1997 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

Council Chairman Sarah Ann Skanchy and Vice Chairman C. Larry Anhder were both present. Council members present were Guy Ray Pulsipher, Layne M. Beck, H. Craig Petersen, Cory Yeates and Darrel L. Gibbons.

Others present were: Cache County Executive, M. Lynn Lemon, Cache County Clerk, Stephen M. Erickson, Cache County Auditor, Tamra Stones, Cache County Attorney, Scott Wyatt, Cache County Zoning Administrator, Lorene Greenhalgh, Cache County Administrative Assistant, Michael Nilson, Bear River Health Department Director, Dr. John Bailey, State Centennial Representative, Dr. William Lye, Cache County Road Superintendent, Joe Kirby, State Wildlife Regional Director, Richard Diamond, Assistant State Division of Wildlife Resources Director, Robert Hasenyager, BRAG Director, Roger Jones, Cache County-Wide Planner, Mark Teuscher, Council Secretary, Pat Parker, Representatives from the Local News Media and other interested citizens.

CALL TO ORDER

Chairman Skanchy called the meeting to order at 5:00 p.m. and welcomed all who were in attendance. A special welcome was given to Cory Yeates as a newly elected member of the Council.

INVOCATION

The invocation for the meeting was given by Chairman Sarah Ann Skanchy.

COUNCIL CHAIRMAN AND VICE CHAIRMAN: ELECTION

Chairman Skanchy conducted the election to select a Council Chairman and Vice Chairman.

It was moved by Vice Chairman Anhder to place the name of Councilman Darrel L. Gibbons to be elected as Chairman of the Council for 1997. It was properly seconded.

**COUNCIL MEETING
MINUTES 01/14/97**

Councilman Guy Ray Pulsipher moved to suspend the rules and vote Councilman Gibbons in by acclamation. It was seconded and carried unanimously.

Councilman Pulsipher moved to place the name of Vice Chairman Anhder as Vice Chairman of the Council for 1997. It was properly seconded.

Chairman Gibbons moved to suspend the rules and vote Anhder in by acclamation. It was seconded and carried unanimously.

Seating changes for Council members then took place and Chairman Gibbons assumed the responsibility as Council Chairman for 1997.

AGENDA & MINUTES

The agenda for the meeting was reviewed, adjusted and approved.

The minutes of the last Council meeting held on December 10, 1996 were discussed, corrected and approved.

REPORT OF THE COUNTY EXECUTIVE

The County Executive M. Lynn Lemon reported on the following items.

1. Appointments:

Appointment: Speth, Darlene to Col/Young Township Board
Appointment: Israelsen, Clark to Co-wide Development Board
Appointment: Skanchy, Sarah Ann as County Representative on our Regional Workforce Services Council.

Vice Chairman Anhder moved to approve the above appointments. It was seconded and carried unanimously.

2 Cloud Seeding: Lemon reported that 25% of the Cloud seeding project has been completed. The snow amount in the Bear River Region is 205% of normal. Monitoring of the project will continue weekly and we may adjust to three months of cloud seeding instead of the projected four months.

3. UDOT Annual Meeting: The Utah Department of Transportation has scheduled their annual visit to Cache County on January 23, 1997 in the Council Chambers at 8:00 a.m..

**COUNCIL MEETING
MINUTES 01/14/97**

4. Highway Priority List: A list of proposed highway priorities was presented to the Council. Further discussion concerning the list will be on a future Council meeting agenda.

5. Representative Evan Olsen's Sales Tax Bill Draft: Representative Olsen is asking for input on a proposed sales tax bill as soon as possible. If the bill passes the County could gain as much as a million dollars annually.

6. Warrants: The warrants for the periods of 12/01/96, 12/07/96, 12/20/96, 12/27/96 and 1/01/97 was presented to the County Clerk for filing.

STATE CENTENNIAL PRESENTATION: LYE, DR. WILLIAM

Dr. William Lye, representing the State Centennial Commission expressed his appreciation to the Council for supporting the State Centennial last year. He complimented those who had work on the legacy project, the Denzel Stewart Nature Park, located on the Logan River between Logan City and River Heights. Lye paid special recognition to Pat Parker who served as the County Centennial Committee Chairman. A plaque recognizing the County's service during the Centennial year was received by Mrs. Parker.

ELK FARMING PROPOSAL: DIAMOND, RICHARD

Richard Diamond, a representative from the Northern Region of the State Department of Wildlife was present to inform the Council of proposed legislation that deals with Elk Farming in the State. Curtis Dent a local wildlife enthusiast along with Robert Hasenyager from the State Division of Wildlife Resources were also present. Diamond told the Council that proposed Elk Farming legislation is being sponsored for this years session of the State Legislature. Diamond said, that the DWR will recommend that the proposed legislation be tabled this year so that further study and public input on the issue can be made.

Hasenyager, Robert, the new Assistant Director of the State Division of Wildlife Resources encouraged the Council to use the local staff of the Division of Wildlife and to give input on any decisions that are to be made affecting the County.

Kohler, Evan, who owns and operates a large dry farm in Cornish was given a few minutes to comment on the proposed Elk farming legislation. Kohler favors Elk farming and doesn't see any disease problem between domestic and the wild Elk.

**COUNCIL MEETING
MINUTES 01/14/97**

BEAR RIVER HEALTH DEPARTMENT: BAILEY, DR. JOHN

The Director of the Bear River Health Department appeared before the Council to present their annual report that covers the period from July 1, 1995 through June 30, 1996. Bailey said that the mission of the Health Department is to prevent and control disease and disability, to protect the individual, community and environment and to promote, maintain and improve healthy lifestyles. To do this they have different programs such as the Well Child Program, a Water Lab that monitors drinking water, waste water, pools etc. They have a Bicycle Helmet Program and a Cardiovascular Disease Prevention Program. The report reflects a budget that shows an increase in case work without additional revenue.

SCOUT TROOP #60: INTRODUCED

Chairman Gibbons broke from the regular agenda to have a Scout Troop, number sixty, from Providence introduce themselves. The Scout Master is Wayne Campbell.

RESOLUTION NO. 97-01: TAX AND REVENUE ANTICIPATION NOTES

The County Attorney, Scott Wyatt, gave a brief review on reasons for using revenue anticipation notes. We will use the UAC pool for borrowing Tax Anticipation Notes in the amount of \$4,500,000. The interest rate will be 4.5%.

(See attachment #1)

A motion to wave the rules of first and second reading and adopt Resolution No. 97-01 was made by Vice Chairman Anhder. It was seconded by Councilman Skanchy. The motion carried unanimously.

SUBDIVISION APPROVAL: BAXTERLAND MINOR SUBDIVISION-MT STERLING

The County Zoning Administrator, Lorene Greenhalgh, reviewed the Baxterland Minor Subdivision request and plat. Greenhalgh said that the 5 lot subdivision meets all requirements and the Planning Commission has approved the Baxters request.

It was moved by Councilman Pulsipher to approve the Baxterland Subdivision. It was properly seconded and passed on a vote of 6 yes and one abstention. (Anhder abstained)

**COUNCIL MEETING
MINUTES 01/14/97**

SUBDIVISION APPROVAL: DORIGATTI MINOR SUBDIVISION- NEAR PARADISE

The County Zoning Administrator, Lorene Greenhalgh, reviewed the Dorigatti minor Subdivision. The subdivision request is for one additional building lot. The subdivision meets the requirements necessary for approval.

Councilman Skanchy moved to approve the Subdivision with one addition to the requirements, which is, that future property owners must be made aware that they will be subject to sights, sounds and smells associated with agriculture activity that are permitted uses in this agriculture zone. The motion was seconded and passed on 6 "Yes" to 1 "No" vote.

RESOLUTION NO. 97-02: SURPLUS ROAD DONATION TO NIBLEY CITY

The adoption of Resolution No. 97-02 will authorize a quit claim deed be executed and delivered to Nibley City. The property will be donated to Nibley City.

(See attachment #2)

Councilman Beck moved to waive the rules of first and second reading and adopt Resolution No. 97-02. It was seconded and passed on a 6 member vote. Vice Chairman Anhder abstained because the road borders his property in Nibley.

BRAG BUILDING SALE (170 NORTH MAIN): DISCUSSION

The Council continued a discussion on a request from BRAG Director, Roger Jones, to purchase the building they and the County Clerk now occupy at 170 North Main in Logan. BRAG is offering \$200,000 for the building which is the appraised value. Jones said that BRAG would remodel the building making it handi-capped accessible and more functional to do office work. They would also try to maintain the historical look of the Building. Jones reported that the remodeling could cost as much as \$250,000. A memo outlining the proposed purchase was discussed.

(See attachment #3)

A motion to approve the sale, not including the transfer of the Countys BRAG Building Improvement Fund, was made by Vice Chairman Anhder. It was properly seconded and failed on a vote of 5 "No" to 1 "Yes".

It was determined that the County Executive, M. Lynn Lemon and Mr. Jones get together to further study the proposal and then make recommendations to the Council at their next meeting.

**COUNCIL MEETING
MINUTES 01/14/97**

COMPREHENSIVE LAND USE PLAN: DISCUSSION

The Council continued discussing the proposed Comprehensive Land Use Plan with the County-Wide Planner Mark Teuscher. Vice Chairman Anhder suggested that the Council make a decision on the Plan and then invite further citizen input. Planner Teuscher, recommended that the public hearing continue to receive input, then make final decisions.

Councilman Petersen moved to continue the Land Use Public Hearing during the next Council meeting on January 28, 1997 at 6:00 p.m.. It was seconded and carried unanimously.

ROADS, NARROW, COUNTY POLICY: DISCUSSION

County Executive M. Lynn Lemon told the Council that he has received a number of calls concerning road right-of-way requirements. Citizens are complaining about giving the County the 25 feet of their property for future road expansion when they are not getting anything in return. The road Superintendent, Joe Kirby said that the 25 feet measurement starts from the center of the road which in almost all cases is less than 25 feet they have to give to the County. Some end up only giving 2 or 3 feet. Chairman Gibbons said that people seem to be more concerned about the fees & roll back tax requirements that they have to deal with. The Council will ask the County Recorder and County Assessor to come to a future Council meeting to further discuss the issue.

LOGAN CANYON SCENIC BYWAY: RANGER DISTRICT DECISION

Councilman Skanchy told the Council that the present Forest Service Ranger, Debbie Johnson is leaving the area. She has issued an opinion on the proposed Logan Canyon Highway Scenic Byway and it will continue the same direction, but with different leadership.

COUNCIL APPOINTMENT-BRAG AND OTHER COMMITTEES: DISCUSSION

The Council discussed appointments to BRAG for 1997. It was recommended that the same Councilman continue as in 1996. Chairman Gibbons, Councilman Beck and Executive Lemon will serve on the BRAG Governing Board. Councilman Yeates will replace retired Councilman Allen on the BRAG Human Resource Board. The Council also discussed a possible change of Board membership. Some suggested that representation should be based on population in the Counties.

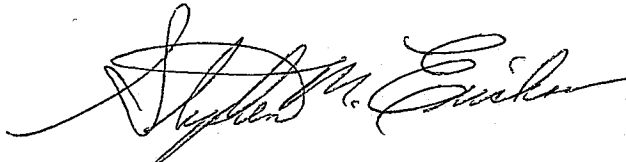
**COUNCIL MEETING
MINUTES 01/14/97**

COUNCIL PROPOSED PROJECTS FOR 1997:DISCUSSION

The Council proposed certain projects that they would like to see accomplished in 1997. Councilman Skanchy recommended that the Restaurant Tax Policy be looked at. Vice Chairman Anhder proposed the organization of a committee to study the construction of a new County Governing Complex. He also recommended that a County Water Conservancy District again be considered. Anhder mention the need for a County-Wide Library system.

ADJOURNMENT

There was no further business presented for action or consideration and Chairman Gibbons adjourned the meeting at 7:40 p.m..



**ATTEST: STEPHEN M. ERICKSON
Cache County Clerk**



**APPROVAL: DARREL L. GIBBONS
Council Chairman**

CACHE COUNTY

Logan, Utah
January 14, 1997

The County Councilmembers (the "Council") of Cache County, Utah, (the "County") met in regular session at the regular meeting place of the Council in Logan, Utah on January 14, 1997, with the following members present:

Cory Yeates	Councilmember
Sarah Ann Skanchy	Councilmember
C. Larry Anhder Anhder	Councilmember
Layne M. Beck	Councilmember
Darrel L. Gibbons	Councilmember
H. Craig Peterson	Councilmember
Guy R. Pulsipher	Councilmember

Also Present:

M. Lynn Lemon	County Executive
Stephen M. Erickson	County Clerk

Absent:

The meeting was duly called to order and upon determining that a quorum was present, the minutes of the preceding meeting were read and approved, and the County Clerk presented the Council a Certificate of Compliance with Open Meeting Law with respect to the January 14, 1997 meeting, a copy of which is attached as Exhibit "A".

The following resolution was then introduced in writing, fully discussed by the Council and pursuant to motion duly made by Councilmember C. Larry Anhder and seconded by Councilmember Sarah Ann Skanchy, adopted by the following vote:

AYE: Seven

NAY: Zero

The resolution was then signed by the Chair of the Council in open meeting and recorded by the County Clerk in the official records of Cache County, Utah. The resolution is as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF CACHE COUNTY, UTAH TAX AND REVENUE ANTICIPATION NOTES, SERIES 1997A IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,500,000, AWARDING AND CONFIRMING SALE OF THE NOTES, AND ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF THE NOTES; AND RELATED MATTERS.

WHEREAS, the County Council (the "Council") of Cache County, Utah (the "County"), has determined to sell its \$4,500,000 Tax and Revenue Anticipation Notes, Series 1997A (the "Notes") for the purpose of meeting the current expenses of the County for the fiscal year ending December 31, 1997, until the payment of taxes and receipt of other revenues for said fiscal year, and that such sum can be raised without incurring any indebtedness or liability in excess of the taxes or other revenues for the current fiscal year or exceeding any limit of debt imposed by the Constitution and statutes of the State of Utah; and

WHEREAS, the Council has determined that the proposed offer of Zions First National Bank (the "Purchaser") for the purchase of the Notes is economically beneficial and acceptable to the County, which offer proposes to purchase the Notes at the price of 100% of the principal amount thereof plus accrued interest, if any, to the date of delivery, the Notes to bear interest as hereinafter set forth; and

WHEREAS, in the opinion of the Council it is in the best interests of the County that such bid be accepted and the sale of the Notes to the Purchaser be authorized and confirmed; and

WHEREAS, there is an immediate and pressing need for raising funds in the amount of \$4,500,000 for the fiscal year commencing January 1, 1997 until the payment of taxes and receipt of other revenues for said fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Cache County, Utah, as follows:

Section 1. The offer of the Purchaser for the purchase of the \$4,500,000 Cache County, Utah Tax and Revenue Anticipation Notes, Series 1997A (the "Notes") described herein is hereby accepted and approved.

Section 2. The Notes shall be delivered to the Purchaser thereof after the adoption of this Resolution pursuant to due payment therefor in accordance with the terms of the sale.

Section 3. For the purpose of meeting the current expenses of the County for the fiscal year beginning January 1, 1997, until the payment of taxes and receipt of other revenues of said fiscal year, the County shall borrow the sum of four million five hundred thousand dollars (\$4,500,000), and for that purpose as evidence of such indebtedness, shall issue and deliver the Notes to the Purchaser, the Notes bearing interest at the rate of 4.10% per annum from the dated date until paid. The Notes shall be dated as of the date of delivery, shall be known as "Cache County, Utah Tax and Revenue Anticipation Notes, Series 1997A," and shall be due and payable on December 31, 1997, in lawful money of the United States of America at the principal corporate trust office of Zions First National Bank, Salt Lake City, Utah as paying agent. The Notes are not subject to redemption prior to maturity. The Notes shall be represented by registered notes in denominations of not less than \$100,000 each (or the total principal amount of such Note if such total amount is less than \$100,000), and shall be in substantially the following form:

CACHE COUNTY
RESOLUTION NO. 97 - 02

A RESOLUTION APPROVING THE CONVEYANCE OF DECLARED SURPLUS REAL PROPERTY TO THE CITY OF NIBLEY AND AUTHORIZING THE CACHE COUNTY EXECUTIVE AND CACHE COUNTY CLERK TO EXECUTE NECESSARY INSTRUMENTS.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the real property described in Exhibit "A" was declared surplus by the County Council on October 22, 1996, in accordance with the provisions of the County Fiscal Procedures Ordinance; that the County Executive has determined that it is in the best public interest to dispose of the real property for less than full market value, and recommends that the same be donated to the City of Nibley.

Now therefore, BE IT RESOLVED that:

SECTION 1: APPROVAL OF DONATION

The Cache County Council concurs with the Cache County Executive's determination that it is in the best public interest to dispose of the real property described in Exhibit "A" for less than full market value. The donation of the real property to the City of Nibley is approved.

SECTION 2: AUTHORIZATION

- A. The Cache County Clerk is authorized and directed to execute a quit claim deed conveying title of the real property described in the attached Exhibit "A" to the City of Nibley and to deliver the deed to the Cache County Executive.
- B. The Cache County Executive is authorized to execute any required contract or other documents relative to the transaction and to deliver the deed to the City of Nibley.

SECTION 3: EFFECTIVE DATE

This resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the 14th day of January, 1997.

CACHE COUNTY COUNCIL

By: _____

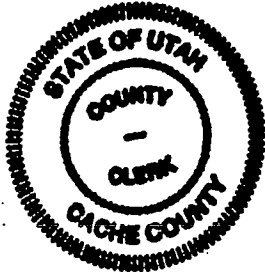
David L. Silton

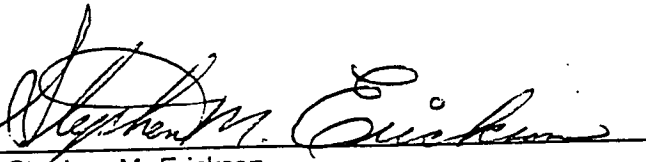
Chairman

RESOLUTION FOR SURPLUS PROPERTY
City of Nibley

2

ATTESTED



By: 
Stephen M. Erickson
Cache County Clerk

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BRAG

Bear River Association
of Governments170 N. Main • Logan, Utah 84321
(801) 752-7242
FAX (801) 752-6962

Memo

To: The Cache County Council

From: Roger C. Jones

Subject: Building Purchase

Date: January 9, 1997

Upon final approval of it's governing board, BRAG proposes to purchase from Cache County the building at 170 North Main which BRAG has leased from Cache County since 1978.

- The price is \$200,000, the appraised value.
- The target date to complete the transaction is March 15, 1997.
- The Cache County Clerk can continue to occupy space on the main floor through a lease agreement with BRAG at an agreed upon rate.
- Cache County will transfer BRAG Building Improvement Fund to BRAG upon completion of sales agreement.

The much needed repairs to the facility would begin soon after completion of the sale. All improvements to the building's exterior will, to the maximum extent possible, preserve and restore the historical value of this century-old structure which is located within Logan's historic district.

It is our goal to make this facility more accessible, functional and desirable for the staff and many clients who use it and also to create a historical asset for Logan's Main Street and all of Northern Utah.

EXECUTIVE DIRECTOR
Roger C. Jones

Governing Board

Box Elder County
Commissioner R. Lee Allen
Commissioner Jay Hardy
Commissioner Royal K. Norman
Mayor Larry Howell
Councilmember LouAnn N. Christensen

Cache County
County Executive M. Lynn Lemon
Councilman Darrel L. Gibbons
Councilman Layne M. Beck
Mayor Darla D. Clark, Vice Chair
Mayor Alma P. Moser

Rich County
Commissioner Kenneth R. Brown
Commissioner Blair R. Francis
Commissioner Dee Johnson, Chair
Mayor Kevin Kearl
Mayor Bryce R. Nielson

CHAIRMAN
Dee Johnson

3

EXHIBIT "A"

All of 300 West Street (also known as 250 West Street) in Nibley, Utah, located in the South half of the Southeast Quarter of Section 21 and the Northeast Quarter of Section 28, Township 11 North, Range 1 East, Salt Lake Base and Meridian, and more particularly described as follows:

Beginning at the Northwest Corner of Lot 8, Block 18 of J.W. Foxes Survey of Millville West Field (also known as Church Farm Survey) said beginning point also being a point where the East line of 300 West Street meets the South line of 3200 South Street and being a point 80 rods Westerly along the South side of 3200 South Street from the West side of State Highway 165, thence North 89°2'00" West along the South side of 3200 South Street 4 rods to the Northeast Corner of Lot 10, Block 17 of J.W. Foxes Survey of Millville West Field (also known as Church Farm Survey) thence Southwesterly along the East side of aforesaid Block 17, 240 rods more or less, to the South line of the Northeast Quarter of Section 28, Township 11 North, range 1, thence East along the South line of the Northeast Quarter of Section 28 a distance of 4 rods to the West side of Block 18 of J.W. Foxes Survey of Millville West Field (also know as Church Farm Survey) thence Northeasterly along the West side of aforesaid Block 18, 240 rods more or less to the Northwest Corner of Lot 8, block 18, of J.W. Foxes Survey of Millville West Field Survey (also known as Church Farm Survey) and the point of beginning.