

Council meeting  
minutes 05/26/98

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## **CACHE COUNTY COUNCIL MEETING MINUTES**

May 26, 1998

The Cache County Council met in a regular session on May 26, 1998 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

### **ATTENDANCE**

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

Others present were: County Executive, M. Lynn Lemon, County Clerk, Stephen M. Erickson, County Attorney, Scott Wyatt, County Sheriff, Lynn Nelson, County Zoning Administrator, Lorene Greenhalgh, Sue Patterson, representing the County-Wide Planning Office, Monte Jones, representing the Committee for Better Growth Planning in the State of Utah, members of the local news media and other interested citizens.

### **CALL TO ORDER**

Chairman Gibbons called the meeting to order at 5:08 p.m. and welcomed all who were in attendance. The meeting started late due to an earlier scheduled Restaurant Tax workshop.

### **INVOCATION**

The meeting began with the invocation given by the County Attorney, Scott Wyatt.

### **AGENDA & MINUTES**

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

The minutes of the regular Council meeting held on May 12, 1998 were discussed, corrected and approved.

### **REPORT OF THE COUNTY EXECUTIVE**

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

1. Transportation Element Plan-Open Houses: Lemon informed the Council that the open houses regarding comments on the County-Wide Transportation Element have been completed.

Council members were invited to visit with the County-Wide Planner, Mark Teuscher if they would like to comment on the plan.

2. BRAG, CDBG New Rating and Ranking Proposal: BRAG has added a few changes to their rating and ranking of CDBG project requirements. Council members were asked to review the changes and make their recommendations available to BRAG. Lemon reviewed the changes and said that he is not in favor of the changes and will vote against the proposal. Councilman Anhder recommended that Cities & Towns receive a higher priority when applying for CDBG funding. There was only one city application approved last year.

3. Warrants: The County Warrants for the periods of May 5 to May 15 and May 16 to May 21, 1998 were presented to the County Clerk for filing.

4. Executive Administrative Assistant: Lemon reported that he is still in the process of choosing an Administrative Assistant but hopes to have the decision made soon.

**BUDGET MATTERS: INTRA-DEPARTMENT TRANSFERS**

The following Intra-Departmental budget transfers were considered by the Council:

1. Weed Department: \$565.00

(See attachment #1)

**A motion to approve the Weed Department transfer was made by Councilman Anhder. It was seconded and carried unanimously.**

2. Jail Department: \$5,000.00

(See attachment #2)

**It was moved by Council member Skanchy to approve the Jail request. It was properly seconded and carried unanimously.**

**PUBLIC HEARING SET: BUDGET OPENING-1998**

Chairman Gibbons told the Council that the 1998 budget needs to be adjusted and a Public Hearing is required to open the budget.

**Vice Chairman Yeates moved to set the Public Hearing on the 9<sup>th</sup> day of June 1998 at 6:00 p.m.. It was seconded and carried unanimously.**

**UTAH GROWTH: JONES, MONTE**

Monte Jones, who works with a group of citizens in the area that promotes correct growth in the State of Utah, appeared before the Council to review a recent Deseret News paper publication on the growth in Utah. Jones, pointed out certain growth patterns in other States and the changes happening in the Salt Lake City area. She thanked the Council for adopting the County-Wide Land Use Plan and expressed a desire to keep open space and protect agriculture land in Cache County. Jones said, that the State Legislature has trouble with the Federal Government telling them what to do, but they don't seem to care about what they are telling the counties and cities what to do and how to spend their money.

**RESOLUTION NO. 98-18: UAC BUILDING FUND**

The adoption of Resolution No. 98-18 will give as part of the UAC building project authority, along with all other Counties in the State, to permit funding of the debt service requirements.

(See attachment #3)

**Councilman Anhder moved to waive the rules of first and second reading and adopt Resolution No. 98-18. Vice Chairman Yeates seconded the motion. All Council members voted in favor of the Resolution.**

**SUBDIVISION FINAL PLAT APPROVAL-RACCOON RIDGE: ANDERSON, TODD E.**

The County Zoning Administrator, Lorene Greenhalgh, presented a final plat for the Raccoon Ridge minor three lot Subdivision. Greenhalgh, reviewed the plat and requirements put on the subdivision. The College/Young Township Planning District and the County Planning Commission have approved the subdivision. The Council reviewed the location of the subdivision and discussed the requirements. The Subdivision is near the Nibley Industrial Park.

**A motion to wave the rules of first and second reading and approve the Subdivision was made by Vice Chairman Yeates. It was seconded and passed on a vote of 6 "Yes" with Councilman Anhder abstaining.**

**CITIZEN PLANNER RECOGNITION: LEMON, LYNN**

Executive Lemon, recognized and awarded certificates of accomplishment to members of the City and County Planning Commissions for completing a training course early this year. The following individuals were recognized and were given certificates:

Jenson, Judy Lynne: Planning Training Completion Certificate  
Nielson, Michelle: Planning Training Completion Certificate  
Stewart, Lynn: Planning Training Completion Certificate  
Patterson, Susan: Planning Training Completion Certificate

Lemon expressed appreciation to those who completed the training program.

#### **AGRICULTURE PROTECTION AREA PROCEDURE: DISCUSSION**

Executive Lemon, reported to the Council that his office has received an application for an Agriculture Protection Area, from Greg Richman, wanting to put 10 acres of his property into an Agriculture Protection Area. His property is South of Hyrum in the unincorporated area of the county. The County has previously adopted an Ordinance (No. 96-06) establishing a procedure to create an Agriculture Protection Area in the county. Lemon, advised the Council of their responsibility as part of the procedures and asked them to support the procedures.

(See attachment #4)

**Councilman Petersen moved to support the Agriculture Protection Area procedures. It was seconded and carried unanimously.**

#### **COURTHOUSE RE-ROOFING PROJECT: DISCUSSION**

Executive Lemon, told the Council that the roof on the Court House (179 N Main) needs to be replaced. Lemon said, that we have been trying to patch the roof for a number of years and it continues to leak whenever it storms. He is recommending that a new roof be installed and asked for council approval.

**A motion to approve re-roofing the Court House was made by Councilman Pulsipher. It was seconded and carried unanimously.**

#### **PARADE: LOGAN CITY PIONEER DAY-JULY 24, 1998**

The Council has been invited to ride in the Logan City Pioneer Day parade on July 24, 1998.

#### **SMITHFIELD CITY LETTER: DISCUSSION**

The Administration has received a letter from Smithfield City's Mayor, Kent Ward regarding a complaint they have concerning a recent meeting with the County Planning Commission.

(See attachment #5)

Councilman Anhder, reviewed the letter from the Mayor of Smithfield, Kent Ward. Anhder said, that the Cities should be treated as number one when we are trying to work together to solve a lot of the same problems. Anhder further stated, that what happened at the Planning Commission meeting sends a terrible message to other Cities and Towns. The letter brings up a lot of issues that should be addressed in a future Council meeting. Councilman Pulsipher, who represents the Council on the Planning Commission said that all county employees should treat the public with a smile and sometimes we may have to bit our tongues as we serve the public. Councilman Beck said, that Mayor Ward had visited with him and he said that they were completely ignored during the meeting. Pulsipher, who was at the meeting, didn't seem to think that Smithfield City representatives were ignored, but that the Vice Chairman did get a little firm at times. The Zoning Administrator, Lorene Greenhalgh, commented on the issue and has drafted a letter to the Administration concerning the matter.

(See attachment #6)

Executive Lemon, said that he has visited with Grant Nelson the Planning Commission Chairman and has encouraged him to work with the Commission to better serve the citizens and especially officials from our Cities and Towns. Lemon, also said that the Commission has to deal with an increasing number of complex issues and their work load becomes harder all the time. Pulsipher, said that we have good members on the Planning Commission and they are for the most part, doing an outstanding job. Chairman Gibbons asked Pulsipher, that when he attends the next Planning Commission meeting to relay the consensus of the Council about working with citizens as has been discussed tonight. The Zoning Administrator, Lorene Greenhalgh will give some time to Pulsipher at the next meeting and she will also try to encourage better public relations.

Councilman Anhder, said that elected officials from the cities are put in difficult positions. They have to deal with issues that relate to decisions that we make in the County and we should somehow work together.

#### **RESTAURANT TAX ALLOCATIONS: DISCUSSION**

Chairman Gibbons, suggested that the Council come to a decision tonight regarding the proposed Restaurant Tax allocations because two members of the Council will be absent at the next Council meeting.

**Council member Skanchy moved to approve the suggested recommendations presented by the County Executive with the addition of \$4,000.00 to be given to Amalga and to delete the \$60,000.00 for the Ice Arena with the intent of future funding on the proposed bond. It was properly seconded.**

Skanchy stated that the money deleted from the ice arena would be saved to deal with long term projects that may come along in the future.

**Councilman Anhder moved to amend the motion to also delete the \$45,000.00 for the American West Welcome Center and add \$25,000.00 to the Willow Park Complex for a new roof on the 4H building at the Fairgrounds and spread the other \$20,000.00 to Cities requesting allocations. It was seconded.**

Councilman Pulsipher, said that he doesn't want to take from the Ice Arena, if it will hurt them as they try to obtain other funding. The County Attorney was asked if it was legal to use Restaurant Tax on the Ice Arena without first being properly organized as a public unit. Wyatt said that the only legal thing that the Restaurant Tax could be used for is to help pay off a bond as stated in the adopted resolution. Chairman Gibbons said, that we shouldn't take every thing from the Welcome Center and he suggested that we give them half of the \$45,000 and have them apply for Transient Room Tax for the other half. Councilman Petersen, recommended that the American West Welcome Center shouldn't be left out. Anhder is concerned that we have spent so little time discussing the Welcome Center request and now we are proposing to support them.

**The question on the Anhder amendment was called for and the amendment failed on a vote of 4 "no" to 3 "yes." Petersen, Pulsipher, Gibbons & Skanchy voted no.**

**Vice Chairman Yeates moved to amend the original motion to reduce the American West allocation by \$22,500.00 and give \$22,500.00 to the Willow Park Complex for roof replacement. It was seconded and passed on a vote of 4 :yes" to 3 "no" vote. Skanchy, Gibbons and Beck voted no.**

Council member Skanchy, expressed concern that we are allocating funding to the Willow Park Complex for a new roof when they didn't even apply for funding. Anhder who represents the Council on the Willow Park Advisory Board said that they intended to apply.

**Councilman Beck moved to amend the original motion to restore the \$60,000 to the Ice Arena and allocate the money to Cache County for future bonding pay back. It was seconded.**

Council member Skanchy said that she has a problem with funding an unorganized entity and it is against State law to do so. Scott Wyatt, the County Attorney, said that it would be legal to fund repayment of the proposed bond with Restaurant Tax allocation, as it has been adopted in the Resolution. Chairman Gibbons, suggested that it may be better to just hold the \$60,000 until it is needed to pay for bonding. Vice Chairman Yeates, is in favor of allocating the \$60,000 thinking that it would send a message to others who may be willing to financially support the Ice Arena.

The question on the amendment was called for and it passed on a vote of 5 "Yes" to 2 "No.". Skanchy and Gibbons voted no.

After further, discussion Vice Chairman Yeates suggested withdrawing his amendment. He feels like we maybe doing something illegal by allocating Restaurant Tax to something that wasn't applied for.

Vice Chairman Yeates then moved to increase the Willow Park Rodeo Arena allocation by \$22,500.00. It was seconded and passed on a vote of 5 "Yes" to 2 "No". Gibbons and Skanchy voted no.

Councilman Petersen, recommended that the Council support the American West in an effort to get additional funding from the Transient Room Tax. To discuss this proposal it is necessary to table the Restaurant Tax discussion.

Councilman Petersen, moved to table the discussion of the Restaurant Tax and open a discussion on the Transient Room Tax proposal. It was seconded and carried unanimously.

Petersen then moved, that the Council go on record to allocate at least \$22,500 from the Transient Room Tax for the American West Welcome Center. It was seconded and the motion passed on a vote 5 "Yes" to 2 "No". Gibbons & Skanchy voted no.

Petersen then made a motion to return to the regular discussion on the Restaurant Tax. It was seconded and carried unanimously.

Councilman Anhder, moved to add an amendment to the original motion stating that the intent of the allocation of \$60,000 to the Ice Arena be used for bond repayment after the financing has been organized. It was seconded and passed on a vote of 5 "Yes" to 2 "No". Skanchy and Gibbons voted no.

The vote on the amended original motion was then called for. It passed on a vote of 5 "Yes" to 2 "No". Skanchy & Gibbons voting no.

(See attachment #7)

### **COUNCIL MEMBER REPORTS**

Chairman Gibbons, told the Council of an experience he had last weekend trying to dispose of a dead animal from his dairy in Lewiston. It was a long weekend because of the holiday. When he took the animal to the By Products Company, that the county is subsidizing, he

found out that they wouldn't accept the animal, because they didn't work on weekends or holidays. So he loaded the thing onto his truck and proceeded to take it to the landfill. At the landfill he was told that because of the law, the equipment couldn't be used to help him unload the dead animal. The separate hole that is suppose to be for dead animals was merely part of the landfill. Gibbons is concerned that we subsidize the Cache Valley By-Products and can't get help. Also we have been told that the landfill will accommodate dumping dead animals. Gibbons said it is no wonder citizens are concerned about the landfill. It cost \$25.00 to dump the dead animal. Cache Valley By-Products will be advised of Gibbons concerns.

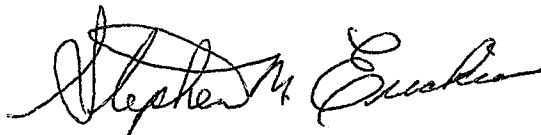
Councilman Beck: Beck is suggesting that a member of the Council serve on a committee to help organize the proposed Ice Arena organization. After some discussion it was determined that the organizing group who wants the Ice Arena draft the necessary documents with Executive Lemon representing the County and bring to the Council for approval.

Councilman Pulsipher: A letter has been received from the County Building Inspector concerning problems with some subdivisions. Executive Lemon, will review the issue and report back to the Council at the next meeting.

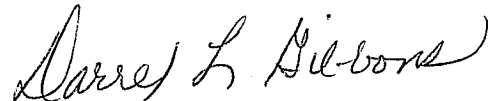
Councilman Anhder: Willow Park Advisory Board needs another member. Anhder is recommending that another Council member serve on the Board.

**ADJOURNMENT**

Chairman Gibbons adjourned the meeting at 7:15 p.m..



**ATTEST: Stephen M. Erickson**  
Cache County Clerk



**APPROVAL: Darrel L. Gibbons**  
Council Chairman

# REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

Department: WEED  
Date: 5/18/98

Amount to be transferred --- (rounded to the nearest dollar) \$ 565.00

Transfer from ---

Line Item No. 10 -4450-290

Fund Designation: Chemical

Original Budget: \$ \_\_\_\_\_

\$ 38,000.00

Current Budget: \$ \_\_\_\_\_

\$ 38,000.00

Expenditures to date \$ \_\_\_\_\_

\$ 5,225.00

Balance before transfer \$ \_\_\_\_\_

\$ 32,775.00

Balance after transfer \$ \_\_\_\_\_

\$ 32,195.00

Transfer to ---

Line Item No. 10 -4450-740

Fund Designation: New Equip

Original Budget: \$ \_\_\_\_\_

\$ 6000.00

Current Budget: \$ \_\_\_\_\_

\$ 6000.00

Expenditures to date \$ \_\_\_\_\_

\$ 5929.00

Balance before transfer \$ \_\_\_\_\_

\$ 71.00

Balance after transfer \$ \_\_\_\_\_

\$ 636.00

Description of needs and purpose of transfer ---

Global Positioning unit will make accurate mapping of weed infestations possible.

E. Gordon Kirby  
Department Head

Recommendation: ☒ Approval ☐ Disapproval  
Comments:

Date: 5/20/98

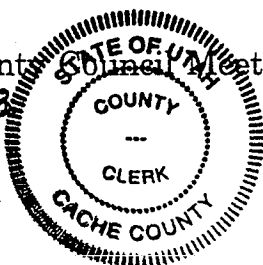
Jamie Stones  
Cache County Auditor

Recommendation: ☒ Approval ☐ Disapproval  
Comments:

Date: 5/20/98

M. K. Henderson  
Cache County Executive

Consented by the Cache County Board of Commissioners Meeting in regular session on the 26th day of May, 1998



John M. Erickson  
Cache County Clerk

# REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Jail  
DATE: 8-May-97

Amount to be transferred -- (rounded to the nearest dollar) \$5,000.00

Transfer From ---  
Line Item No. : 10-4230-255  
Fund Designation: Prisoner supplies - Work Release

Original Budget:	<u>\$28,000.00</u>
Current Budget:	<u>\$28,000.00</u>
Expenditures to date:	<u>\$1,131.10</u>
Balance before transfer:	<u>\$26,868.90</u>
Balance after Transfer:	<u>\$21,868.90</u>

Transfer To ---  
Line Item No. : 10-4230-741  
Fund Designation: Equipment - Work Release

Original Budget:	<u>\$4,500.00</u>
Current Budget:	<u>\$4,500.00</u>
Expenditures to date:	<u>\$4,500.00</u>
Balance before transfer:	<u>\$0.00</u>
Balance after Transfer:	<u>\$5,000.00</u>

Description of needs and purpose of transfer ---  
To pay for a MultiSync LT80 Ultra-Portable Projector to be used for educational purposes for the prisoners  
The commissary account funds will be used to reimburse the county for this expense.  
All expenses must run thru a county budget and can't be directly purchased from commissary acct.

Recommendation: [☒] Approval [☐] Disapproval  
Comments:

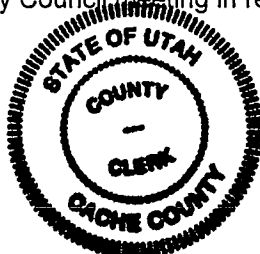
Date: 5/8/98 James Stones  
Cache County Auditor

Recommendation: [☒] Approval [☐] Disapproval  
Comments:

Date: \_\_\_\_\_ Cache County Executive

Consented by the Cache County Council meeting in regular session on the 26th day of

May, 1998.



Steve Enos  
Cache County Clerk

RESOLUTION NO. 98-18

A RESOLUTION OF THE COUNTY COUNCIL OF Cache COUNTY, UTAH (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION BY THE UTAH ASSOCIATION OF COUNTIES (THE "ASSOCIATION") OF AMENDMENTS TO A LEASE/PURCHASE AGREEMENT, DATED AS OF MAY 15, 1997 (THE "ORIGINAL LEASE"), BY AND BETWEEN THE ASSOCIATION. AS LESSEE, AND ZIONS FIRST NATIONAL BANK, AS LESSOR (THE "TRUSTEE"), AN INDENTURE OF TRUST AND PLEDGE AND OTHER DOCUMENTS PREVIOUSLY EXECUTED BY THE ASSOCIATION IN CONNECTION WITH THE ISSUANCE AND SALE BY THE TRUSTEE OF CERTIFICATES OF PARTICIPATION, SERIES 1997 (THE "CERTIFICATES"), FOR THE PURPOSE OF FUNDING THE DEBT SERVICE RESERVE REQUIREMENT FOR THE CERTIFICATES WITH A LETTER OF CREDIT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the Utah Association of Counties (the "Association") has been duly and regularly created, established and is organized and validly existing as a non-profit corporation under and by virtue of the provisions of the Constitution and laws of the State of Utah, including, in particular, the provisions of the Utah Nonprofit Corporation and Co-operative Association Act, Title 16, Chapter 6, Utah Code Annotated 1953, as amended (the "Nonprofit Corporation Act"); and

WHEREAS, the Association is a nonprofit organization operated exclusively for the benefit of its membership, the membership of which is comprised solely of counties of the State of Utah (the "Members"); and

WHEREAS, under the Articles of Incorporation of the Association (the "Articles") the objects and purposes for which the Association has been founded and incorporated are to provide services to its Members within the constraints of the Association's budget and available resources in order to promote better county government through cooperative and mutual efforts; and

WHEREAS, the Association has previously entered into a Lease/Purchase Agreement dated as of May 15, 1997 (the "Original Lease"), by and between the Association and Zions First National Bank (the "Trustee"), under which the Trustee has leased to the Association a certain parcel of land (the "Property") and a facility and

certain improvements constructed thereon (the "Facility", and together with the Property, the "Project") for use by the Association's Members for county purposes; and

WHEREAS, the Property has been previously leased by the Association to the Trustee pursuant to a Ground Lease Agreement dated as of May 15, 1997 (the "Ground Lease"), by and between the Association, as lessor, and the Trustee, as lessee; and

WHEREAS, Certificates of Participation (the "Certificates"), which evidence assignments of proportionate interests in rights to receive certain payments under the Original Lease, have been executed and delivered pursuant to an Indenture of Trust and Pledge dated as of May 15, 1997 (the "General Indenture"), by and between the Association and the Trustee; and

WHEREAS, due to an unanticipated increase in construction costs of the Project, the Association desires to fund the debt service reserve requirement for the Certificates with a letter of credit to be issued by Zions First National Bank (the "Letter of Credit Bank"), and thereby release the moneys on deposit in the debt service reserve fund for use in the construction of the Project; and

WHEREAS, (i) Sections 11.2 and 12.2 of the General Indenture and (ii) Section 15.6 of the Original Lease permit the amendment of the General Indenture and the Original Lease, respectively, with the consent of the Owners (as defined in the General Indenture) of not less than 51% in aggregate principal amount of the Certificates and the Trustee, as applicable; and

WHEREAS, Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch"), as sole owner of the Certificates, and the Trustee each consents to a First Supplemental Indenture dated as of May 1, 1998 (the "First Supplemental Indenture", and together with the General Indenture, the "Indenture") and a First Amendment to Lease/Purchase Agreement dated as of May 1, 1998 (the "First Amendment to Lease", and together with the Original Lease, the "Lease") in substantially the forms attached hereto as Exhibits "B" and "C" for the purpose of amending applicable provisions in the General Indenture and the Original Lease to permit the funding of the debt service reserve requirement with a letter of credit; and

WHEREAS, Cache County, Utah (the "County") is a body corporate and politic duly and regularly created, established, organized and existing under and by virtue of the Constitution and laws of the State of Utah; and

WHEREAS, the County, as a Member of the Association, desires to authorize certain actions to be taken by the Association, in acting on behalf of the County, in connection with the execution and delivery of the above referenced First Supplemental Indenture and First Amendment to Lease.

NOW. THEREFORE. BE IT RESOLVED BY THE COUNTY COUNCIL OF  
Cache COUNTY, UTAH AS FOLLOWS:

Section 1. All action heretofore taken, not inconsistent with the provisions of this Resolution, by the Council and by the officers of the County directed toward the execution and delivery of the First Supplemental Indenture and the First Amendment to Lease by the Association and the issuance of a letter of credit by the Letter of Credit Bank are hereby ratified, approved and confirmed.

Section 2. The First Amendment to Lease and the First Supplemental Indenture, in the forms presented to this meeting and attached hereto as Exhibits "B" and "C", respectively, are in all respects approved, authorized and confirmed and the President of the Association and Secretary-Treasurer are authorized to execute and deliver the First Amendment to Lease and the First Supplemental Indenture in the forms and with substantially the same content as set forth in Exhibits "B" and "C", respectively, for and on behalf of the Association.

Section 3. The appropriate officials of the Association are authorized to take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated thereby and are authorized to take all action necessary to acquire a letter of credit for the purpose of funding the debt service reserve requirement for the Certificates, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the execution and delivery of the First Amendment to Lease and the First Supplemental Indenture.

Section 4. The appropriate officials of the County are authorized to take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by the First Supplemental Indenture and the First Amendment to Lease and are authorized to take all action necessary to acquire a letter of credit for the purpose of funding the debt service reserve requirement for the Certificates, including without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the execution and delivery of the First Amendment to Lease and the First Supplemental Indenture.

Section 5. No provision of this Resolution, the First Amendment to Lease, the First Supplemental Indenture or any other instrument, shall be construed as creating a general obligation of the Members, or as incurring or creating a charge upon the general credit of the Members or against their taxing powers.

Section 6. The appropriate officials of the Association are hereby authorized to make any alterations, changes or additions in the First Supplemental Indenture, the First Amendment to Lease or related documents herein approved and authorized necessary to correct errors or omissions therein, to remove ambiguities therefrom, or to conform the same to other provisions of such instruments, to the provisions of this Resolution or the provisions of the laws of the State of Utah or the United States.

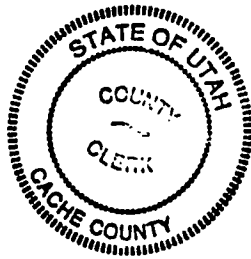
Section 7. If any provisions of this Resolution (including the exhibits attached hereto) should be held invalid, the invalidity of such provisions shall not affect any of the other provisions of this Resolution or the Exhibits.

Section 8. The Secretary-Treasurer of the Association is hereby authorized to attest to all signatures and acts of any proper official of the Association, and to place the seal of the Association on the First Amendment to Lease, the First Supplemental Indenture and related documents. The President of the Association and other proper officials of the Association and each of them are hereby authorized to execute and deliver for and on behalf of the Association any and all additional certificates, documents and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

Section 9. All bylaws and resolutions of the County or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 10. This Resolution shall become effective immediately upon adoption by the Council.

PASSED BY THE COUNTY COUNCIL OF Cache COUNTY.  
UTAH THIS 26th DAY OF May, 1998.



(S E A L)

Garret L. Simmons  
Chair

ATTEST:

Stephen M. Erickson  
County Clerk

A motion to adopt the foregoing resolution was then duly made by Councilmember Anhder, duly seconded by Councilmember Yeates, and was put to a vote and carried, the vote being as follows:

Those Voting Aye:

Beck  
Pulsipher  
Petersen  
Yeates  
Gibbons  
Skanchy  
Anhder

Those voting Nay:

None

Those Absent:

None

After the conduct of other business not pertinent to the foregoing, the meeting was adjourned.

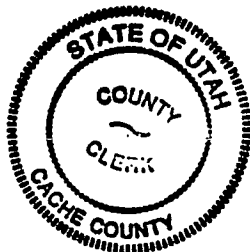
Cache COUNTY, UTAH

Harriet L. Subers  
Chair

Attest:

Stephen M. Euchen  
County Clerk

(SEAL)



## PROCEDURES TO CREATE AGRICULTURE PROTECTION AREAS

1. Complete proposal including: owner(s); owner(s) address; parcel number(s); legal description; number of acres; and present and proposed agricultural production use.
2. Attach plat map(s) identifying parcel(s) and tax notice(s) identifying owner(s) and legal description.
3. Submit proposal, plat map(s), tax notice(s) and \$200.00 acceptance and processing fee to County Executive Office.
4. County Executive Office prepares and forwards legal notice for publication and posting.
5. County Executive Office holds proposal for 15 days following publication and posting for public inspection and accepts written objections or modification requests.
6. County Executive Office refers proposal, objections and proposed modifications following 15 day legal notice period to the Agriculture Protection Area Advisory Board and County Planning Commission for review, comments and recommendations.
7. Agriculture Protection Advisory Board and County Planning Commission submits written reports to the County Council within 45 days of receipt of proposal, objections, and proposed modifications.
8. County Council schedules, provides notice of, and convenes public hearing to take verbal or written testimony from interested persons.
9. County Council approves, modifies and approves or rejects proposal within 120 days of the submission of proposal or if the County Council does not take any action the proposal becomes an agriculture protection area.
10. County Executive Office submits executed document(s) on agriculture protection area to the County Records Office, Planning Commission, and any affected planning district board.
11. County Records Office records the agriculture protection area documents and returns the documents to the County Executive Office.
12. County Executive Office sends written notification to the commissioner of agriculture.

# SMITHFIELD CITY CORPORATION

69 North Main Street - P.O. Box 96

Smithfield, Utah 84335

Phone 563-6226

FAX 563-6228

## OFFICIALS

KENT F. WARD

MAYOR

MARY ANN H. BARKDULL

RECORDER

VALOY B. PACKER

TREASURER

JAMES P. GASS, P.E.

CITY MANAGER

TERRY K. MOORE

COURT JUSTICE

## COUNCILMEMBERS

DAVID F. BUYS

O. DEAN CLEGG

DUANE ERICKSON

LAUNA LUNDBERG

PRESTON WATTS

May 15, 1998

Lynn Lemon, County Executive  
120 North 100 West  
Logan, UT 84321

Dear Lynn:

On behalf of myself, the City Council, and the residents of Smithfield I wish to discuss our concerns regarding the direction being taken by certain members of the Cache County Planning and Zoning Commission.

As representatives of a city of 7500 residents, we have the responsibility of safe guarding the public interest and safety. We have ordinances and laws, which have been established over the years, that assist us in performing this vital function. With regularity, our City Council and Planning Commission review requests from groups and individuals who propose activities which have varying effects on existing residents and businesses. As you know, the enabling act which has given cities and counties the power to regulate growth and development through zoning, allows for the issuance of conditional use permits. These permits are typically reserved for uses which traditionally have adverse impacts on existing uses.

Within our city limits we are able to take advantage of the opportunity to safeguard the well being of our community. However, there have been cases when uses with detrimental impacts have been proposed in areas of the county immediately outside our city limits. In such instances, those being adversely affected are the residents and businesses of Smithfield, yet as a city officials we are powerless in our ability to control them. We must rely on the cooperation of the Cache County Planning Commission to safeguard the city's interest. Unfortunately, it has been our recent experience with two gravel pit requests that the legitimate concerns of Smithfield City have been ignored. The chairman of the commission has allowed our City Manager to make pleas but that same chairman was not willing to give serious consideration to the concerns expressed. In addition, despite an effort by Commissioner Lynn Davis to convince the Chairman to allow me the opportunity to address the Commission, the Chairman refused, saying he knew how Smithfield City felt. Other members of our council have sat through these meetings and there is no question that the Chairman and Vice-Chairman are ignoring our concerns.

In a recent appeal to the Board of Adjustments on another gravel pit conditional use, it was pointed out by the City that many of the required steps, notifications, and comments were either

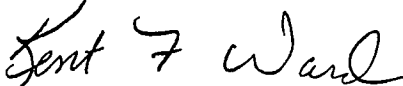
not received or were ignored by the Planning Commission. Proper procedures were not followed and Smithfield City and several private citizens were requesting the decision of the Commission be overturned and be sent back for further study. Had the Board of Adjustments been acting in their proper role they would have done just that. The Commission failed to follow their own ordinance and should have been required to review their decision with all of the required information. Unfortunately, the Vice-Chairman of the Planning Commission also sits on the Board of Adjustments and he led the charge to reject the appeal. When a City Council member and our City Manager approached members of the Board and the Zoning Administrator after the meeting to express their opinion that whereas the Commission failed to follow their ordinance in granting the permit, the Board of Adjustments should have sent it back. To which the Zoning Administrator said, "so what are you going to do, sue.us". Throughout these meetings we have questioned Lorene Greenhalghs unbiased approach.

On a related manner, during the meeting of May 4<sup>th</sup>, a representative of an agency of the State Utah appeared before the Commission for the purpose of providing the Commission with information useful on an item under consideration. It was obvious that the Chairman and Vice-Chairman were uncomfortable with the information being presented. Before the discussion was completed, the Vice-Chairman told the gentleman if he was appearing before the commission as a representative of a state agency he was not welcome. In fact he told him never to come again unless he came as a private citizen with a private citizen concern. His actions were shocking, uncalled for and embarrassing.

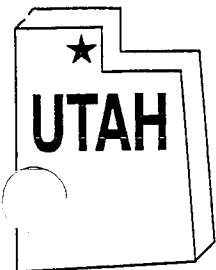
As a city we are concerned that the leadership of the Planning Commission appears to be unwilling to consider issues brought before them by this city, other cities, public representatives, and private citizens. We encourage you, as County Executive, to monitor their activities and the manner in which they represent Cache County and its citizens. We also wish to thank Commissioners Davis, Pulsipher, and Stewart for their sincerely willingness to consider all of the issues and concerns before making their decisions. All we ask is that our concerns and those of others be given serious consideration and that the welfare of those citizens being impacted be protected through the establishment of reasonable conditions in the conditional use process.

In closing, we would urge the County Council to consider using the services of the Countywide Planner, Mark Tuescher. In this day of rapid change, when critical issues are being considered, we feel its important for the Commission to receive the benefit of a qualified professional planner. Mark certainly fills this role.

Sincerely,  
SMITHFIELD CITY CORPORATION

  
Kent F. Ward  
Mayor

cc: Planning and Zoning Commissioners  
Cache County Council



# Cache County Corporation

LORENE GREENHALGH  
Zoning Administrator  
752-8327

179 North Main, Room 210  
Logan, Utah 84321  
May 22, 1998

Lynn Lemon, County Executive  
120 North 100 West  
Logan, UT 84321

Dear Lynn:

I wish to respond to the letter signed by Kent F. Ward, Mayor of Smithfield concerning actions of the Planning Commission at a recent meeting. It appears that the letter was drafted by Jim Gass, as his statements and concerns are the main body of the letter. This is of no real concern. The reference to the Planning Commission ignoring the concerns of Smithfield City is not true. At the April meeting, the Planning Commission were impressed that the applicant had met the requirements of the Ordinance but tabled the request until a meeting could be held with Smithfield City and concerned citizens to see if an agreement could be reached. In this particular reference, the applicant was not present because he had been recently married and was on his honeymoon. His grandfather was to represent him at the meeting but was not present. The Chairman indicated that it would not be in the best interest of all concerned to allow comments to be made when the applicant was not present. No action was taken on the request and the item was tabled until the applicant could be present to hear the concerns of all interested parties.

The Board of Adjustment followed their procedure and upheld the Planning Commission decision on the item referred to. Because the Smithfield City manager was part of the appeal, he seems to be grasping at straws in an effort to control that board. It is a requirement of the Ordinance that the chairman of the Planning Commission sit on the Board of Adjustment. When the Chairman is unable to be present the vice chairman has authority to sit in his place. This is not "unfortunate" as the letter indicated but is proper procedure.

The quote from the Zoning Administrator was taken out of context. The conversation with Jim Gass was that the Zoning Administrator ought to have more control over the board and cause them to vote more in keeping with the desires of the City officials. I indicated that I did not wish to control their vote nor was it my intention to do so at any time. He indicated that there would be much trouble associated with this appeal and that is when it was explained to Mr. Gass that his next step in the appeal process would be through the court system. His reference to my "unbiased approach" was inappropriate. I believe the Mayor has been to only one meeting since taking office and would have no way of knowing what my intentions are except as passed on to him by Jim Gass who clearly has an aversion to me in this position. I provide information to the board and will continue to do so. It is not my intent to influence their vote, only to keep them within the confines of the Ordinance.

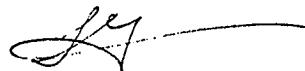
Mr. Gass recently dropped my name from the list of the Cache Transportation Advisory Committee appointed to that board by Seth Allen, as County Executive, and to date have received no word the

been relieved of that duty except from Mr. Gass, who told me that I was being replace by Mark Teuscher at the request of the County Executive. My conversations with you have not revealed this to be the case. My name has not been put back on that list. In any event, Mark Teuscher has no authority to represent the County as a voting member of that committee and clearly has a conflict of interest and should not do so. His assignment is for advisory purposes only. He has no authority to vote on the CTAC committee and no authority to tell the Planning Commission how to vote. For Mr. Gass to request that he be assigned to direct the Planning Commission in their vote is not reasonable.

The reference to the State representative was not, in my opinion, accurate. The person was Doug Cone and he was acting as an authority over the Board of Health. The Vice Chairman of the Planning Commission became irritated with his usurping the authority of that board and asked him to keep his comments on a level with his authority and not to try to convince the board that he has more authority than his position gives him. He was invited to make comments on that plain or as a private citizen, but not as an authority over other agencies.

It is obvious that those people involved with City development have concerns for their cities, which is appropriate. It is also appropriate for the County Planning Commission to have concern for the private citizen and their rights when they own property in the unincorporated area. It seems to be a conflict for Smithfield City to take gravel out of areas in the county for their use even though no permits have been issued, but to complain when they discover that they no longer have exclusive rights to the gravel. They used city streets to haul gravel into their city but now do not want others to use those streets to take gravel from the same pit. The Planning Commission has a responsibility for private property rights. Gravel pits are conditional uses in the unincorporated area. You must take gravel where gravel is located. It is impossible to take gravel out of a marsh even though the area has less effect on residents. Gravel supplies will not last indefinitely. When the supply is gone the ground should be reclaimed for other uses. The dust and inconvenience to surrounding areas is obvious. If we stop building roads and homes we may not need the gravel. What type of ramifications would be felt if Government Officials stopped all types of development requiring gravel?

Sincerely,



Lorene Greenhalgh  
Zoning Administrator

LG:

pc: Planning Commission  
Kent F. Ward, Mayor  
County Council

RESTAURANT TAX FUNDS REQUESTED, RECOMMENDED & ALLOCATED  
1998

Entity	Request	Recomm.	Allocated	Prior Allo.
Logan Town				
Utility Shed	12,300	4,000		18,000
Cache Community Theatre				
Production Costs	5,000			
Cache County				
Promotion-Fair & Rodeo	3,000	3,000		4,000
Bridgerland Ice Arena, Inc. *	1,000,000	60,000	TO CACHE COFOR BOND REPAYMENT	
*See Table 4 Attached				
Cache County/Logan City				
Willow Park Complex	102,000	50,000 + \$22,500		466,775
Cache Valley Cruising				
Promotion-1998 Car Show	20,000	5,000		9,000
Capitol Arts Alliance				
Advertise 98/99 Season	15,000	7,500		25,100
Chamber of Commerce				
Tourist Promotion	52,000	36,000		192,785
Cornish Town				
Picnic Table & Swing Set	2,000	2,000		9,665
Hyrum City				
Gazebo on City Square	25,000	20,000		56,000
Playground Equip. A.J. Park	5,000			
Logan City				
Eccles Theatre P.C.I.B. Bonds	90,268	90,268		431,915
Mendon City				
Playground Safety Improv.	10,000			65,000
Softball Bleachers	6,800	6,800		
Millville City				
City Park Improvements	69,250	17,500		27,000
Newton Town				
Park & Pavilion Improvements	5,400	5,400		16,000
Providence City				
Pavilion	5,200	5,200		65,943
Richmond & Lewiston Cities				
Cub River Sports Complex	75,000	35,000		154,425
River Heights City				
City Park Improvements	20,000	8,900		58,900
Smithfield City				
Birch Creek Parking Lot	18,300	18,300		63,756
Utah Festival Opera Company				
1998 Season Promotion	50,000	12,500		67,715
Utah State University				
AWHC-Welcome Center**	900,000	45,000 - \$22,500		112,000
**90,000/year for 10 years				
Lyric Theatre***	100,000			
***50,000/year 1998 & 1999				
Wellsville City				
Wellsville Foundation	30,000	15,000		74,000
TOTAL	2,621,518	443,368 447,368		1,917,979