

Council Meeting

Minutes

14 December 1999

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14 December 1999

Cache County Council Meeting Minutes 14 December 1999

The Cache County Council met in a regular session on 14 December 1999 in the Cache County Council Chamber, 120 North 100 West, Logan, Utah 84321

Attendance

Council Chairman: Darrel L. Gibbons
Council Vice-Chairman: H. Craig Petersen
Council Members: C. Larry Anhder, Guy Ray Pulsipher, Sarah Ann Skanchy, Cory Yeates
Excused: Layne M. Beck
Cache County Executive: M. Lynn Lemon
Cache County Clerk: Daryl R. Downs

The following individuals were also in attendance: Pat Parker, Tamra Stones, Lynn Nelson, Scott Wyatt, Jim Smith, Lorene Greenhalgh, Don Webb, Michael Gyllenskog, Robert DeGasser, David Wark, Mary Yancey, Marcee Cazier, Wayne Lewis, Jenny Christensen (KVNU), Mike Weible (Herald Journal), and Nancy Arnsmeier (Cache Citizen).

Call to Order

Chairman Gibbons called the meeting to order at 5:00 p.m.

Invocation

The invocation was offered by Councilman Cory Yeates.

Agenda and Minutes

Mr. Yeates moved that the Council hold an executive session at the conclusion of the regular agenda. Ms. Skanchy seconded the motion, and it passed unanimously.

Chairman Gibbons added the Restaurant Tax Ordinance as item 11c. A resolution dealing with exempt employees was added as item 11d. Item 12a was changed to a discussion of the College-Young Petition and election of the Cache County Chairman and Vice-chairman for 2000 was changed to item 12b.

The minutes of the 23 November 1999 Council Meeting were reviewed, corrected, and approved. The minutes of 7 December 1999 will be carried over to the January 2000 meeting.

Report of the Executive

Recommended Appointments

Auditor's Office

1. Earlene J. Hall, Deputy Auditor

Cache County Deputy Sheriffs' Merit System Commission

2. Chris Coray-Term expires 02/01/2001.
3. Gene Fehlman-Term expires 02/01/2003.
4. Darla Clark-Term expires 02/01/2005.

County Planning Commission

5. Grant Nelson re-appointed. He will remain until the new land-use ordinance has been presented to the County Council. Term expires 12/31/2002.
6. Lamar Clements re-appointed. Term expires 12/31/2002.
7. Grant Nelson re-appointed to the Board of Adjustments, representing the Planning Commission. Term expires 12/31/2004
8. Lamar Clements appointed to serve as an alternate on the Board of Adjustments, representing the Planning Commission. Term expires 12/31/2004
9. Louise Everton will replace Joyce Tarbet on Bear River Board of Health. The term expires 01/01/2001.
10. Ariel Thomson re-appointed to the Board of Health. Term expires 01/01/2003
11. Roger Sunada re-appointed to the Board of Health. Term expires 01/01/2004

Mr. Yeates moved that the Council approved the recommended appointments. Mr. Pulsipher seconded the motion, and it passed unanimously.

Service Awards

1. David Wark, 10 years, Senior Citizens Center

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2. Wayne Lewis, 10 years, Cache County Sheriff's Department

Mr. Lemon gave the Clerk the Warrant Register.

Cache County Y2K Update

Mr. Robert DeGasser from the sheriff's department presented the update. The department receives \$18,000.00 per year from FEMA and is required to report to the council every 6 months. Mr. DeGasser said the State of Utah in November 1999 was about 95% ready for Y2K challenges. He indicated that the state has probably closed that gap in recent weeks.

Utah Power and Light will have an employee, Rick Lungman, onsite in the emergency operations center from 31 December 1999 to 2 January 2000. The operations center has installed radios that will allow Mr. Lungman to manage his crews from within the operations center.

The telephone and computer systems have also been tested and retested. The county has spent significant money in this area of preparation. They were tested 12 December 1999 and performed up to expectations. Mr. DeGasser said radio programs were purchased about five years ago with federal grant money. A HAM radio and a computer were given to each of the outlying communities in the county. As of this weekend, all of the systems will be installed and ready to go. The radios will be used if the telephone communications system goes down. Mr. DeGasser noted that the telephone system will work at 16% to 18% usage, meaning that 16 to 18 out of 100 customers are able to get through at any one time. However, if the system is overloaded, it is anticipated that not everyone will be able to get through. The sheriff's office has asked that people listen for updates on KVNU radio. There will be four telephone lines that will be provided to update people on the current Y2K status. These telephone numbers will be listed in the Herald Journal and aired on KVNU. The telephones and radios will be manned from 5:00 p.m. on 31 December 1999 through 2 January 2000. If problems begin or persist, the officers will remain in place to serve the public.

The sheriff's office has a contingency plan with Jardine Petroleum to provide fuel, if necessary, for the generation system and with Utah State University to provide housing to those in need of temporary housing. A new Red Cross facility opened yesterday at 2nd East behind the Cache Valley Mall.

The sheriff's office will also be performing measures to protect against radical or splinter groups that may pose a risk. Mr. DeGasser felt that it would be inappropriate to discuss those plans openly. Beginning December 28, the sheriff's office will be sending FEMA's Denver office information twice each day. They tested this system on the 8th and 9th of December. This information will be sent from 28 December 1999 to 8 January 2000.

Mr. DeGasser said that Cache was second only to Salt Lake County in preparations and facilities

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for this event. He also noted that Cache County is a satellite for the State of Utah. In the event of a state failure, Governor Leavitt, his staff, the deputy commissioner of public safety, and the emergency management coordinator would go to Cache County or Richfield in Sevier County.

The four telephone operators and the three radio operators will be at the emergency operations center to assist with all calls and to provide information from Friday night, December 31st, through January 2nd.

Utah Power and Light has already set its clocks and is running on 2000 time already.

Mr. DeGasser feels that the sheriff's office is prepared, and he hopes that the new year proves uneventful.

Cache in 2000 Time Capsule

Mr. Lemon invited the council to present any appropriate items or inclusion in the time capsule. Mr. Anhder suggested a list of county employees or a budget. Ms. Skanchy suggested the History of Cache County. The capsule will be buried on the front lawn of the county courthouse.

Pending Action

Ordinance 99-04 Adoption of Elected Officials' Salaries for 2000

Ms. Skanchy moved that the council approve Ordinance 99-04 with the recommended 5.25% increase. Mr. Petersen seconded the motion.

Mr. Anhder made a motion to amend the original motion and set the county executive's salary at \$62,000.00.

Mr. Anhder noted the wages given to full-time county commissioners in Davis (\$69,000.00), Weber (\$69,000.00), Salt Lake (\$89,000.00) and Washington (32,000.00 not certain if this is a part-time position) counties. City managers of cities with comparable populations earn from \$60,000.00 to \$80,000.00. The Logan City Mayor was listed at \$62,000.00 or \$63,000.00.

Ms. Skanchy asked where the money for this raise would come from. Mr. Anhder replied that it would come from an adjustment to projected sales tax revenues, just as the money for county employees' increase was appropriated.

Mr. Yeates seconded Mr. Anhder's amendment to the original motion.

Mr. Lemon appreciated Mr. Anhder's suggestion, but he felt that such a change should occur just prior to an election so that anyone who desired to run for the position would benefit. Mr. Petersen asked Mr. Anhder to restate the information from Mr. Smith's handout, which compared elected officials' salaries with the market. Mr. Anhder noted that with the 5.25% increase, all the elected officials are paid at least 90% of current market value. One official is paid 99%, and one is paid 101% of market value.

Chairman Gibbons asked Mr. Lemon when the council would need to increase the pay if the council wanted to increase the pay prior to the next election. Mr. Lemon said the change would need to occur in late 2001 for the year 2002. Mr. Lemon said this would give anyone who wanted to run for the position the option of the increased money. Mr. Lemon said that he was uncomfortable with the amendment. He also said that he feels the perception would be that the elected officials are getting more than the employees.

Chairman Gibbons said that it would need to be very clear that the council had increased Mr. Lemon's pay.

Mr. Petersen is also concerned about other elected officials who are paid less than their city counterparts. He used the sheriff as an example. Mr. Petersen also said he is in favor of paying elected officials well because he thinks you increase the quality of the individuals who are willing to run for office.

Ms. Skanchy thinks it could create some difficulties for the executive with other employees or other elected officials. She is comfortable with the original recommendation and had mentioned earlier in the discussion the use of the new car as an additional benefit for Mr. Lemon.

Sheriff Nelson said that this discussion has been going on for two years now. He accepts that an elected official agrees to work for the current pay when they run for election, but thinks that the gap will only widen each year if no action is taken. He said that historically the elected officials' raises have been less than those given to the employees. He suggested that the burden of increasing the elected officials' salaries will only grow larger.

Mr. Anhder amendment to Ms. Skanchy's motion, which would increase Mr. Lemon's pay to \$62,000.00, passed 5-1. Ms. Skanchy voted against, and Mr. Beck was absent.

The council then voted on Ms. Skanchy's original motion to approve Ordinance 99-04. The motion passed 5-1. Ms. Skanchy voted against, and Mr. Beck was absent.

Attachment #1

**Ordinance 99-05
Adoption of Council members' Salaries for 2000**

The current salary for a county council member is \$2,600.00. Mr. Pulsipher asked which members of the council are eligible for the insurance stipend. The stipend is paid to individuals who select single coverage or no coverage instead of the two-party or family coverage.

Mr. Anhder said that it is appropriate to increase the salaries incrementally instead of increasing them less often and by larger amounts.

Mr. Yeates moved that the council adopt Ordinance 99-05 with a 3% increase.

This motion failed for lack of a second.

Mr. Petersen moved that the council adopt Ordinance 99-05 with no increase. Mr. Yeates seconded the motion, and it passed 6-0. Mr. Beck was absent.

Attachment #2

Public Hearing

Open 1999 Budget

Ms. Stones, the Cache County Auditor, presented the adjustments to the 1999 budget. The adjustments to the budget are reflected in Resolution 99-28, 1999 Budget Adjustments. This resolution was adopted later in the meeting.

Ms. Skanchy asked about the TV translator lease site. Mr. Lemon explained that this money had been set aside for a lease of the Little Mountain site. To date, this site has not been approved by the FCC.

Mr. Yeates moved that the council close the public hearing on the 1999 Budget Opening. Ms. Skanchy seconded the motion, and it passed unanimously.

Initial Proposal for Consideration of Action

**Resolution 99-28
1999 Budget Adjustments**

Mr. Anhder moved that the council waive the rules and adopt resolution 99-28. Mr. Yeates seconded the motion, and it passed unanimously.

Attachment #3

Final Plat Approval

Jensen Minor Subdivision

Ms. Lorene Greenhalgh presented the Jensen Minor Subdivision to the county council members for their approval. The subdivision will receive its culinary water from Mendon. It has been presented and reviewed by all appropriate parties and is ready for approval.

Mr. Pulsipher moved that the council approve the final plat of the Jensen Minor Subdivision. Mr. Petersen seconded the motion, and it passed 4-2. Mr. Anhder and Mr. Yeates abstained from voting.

Ordinance 99-06

Ordinance imposing a 1% Tourism, Recreation, Cultural, and Convention Tax.

Mr. Anhder moved that the council waive the rules and adopt the ordinance. Mr. Petersen seconded the motion, and it passed 6-0. Mr. Beck was absent.

Attachment #4

Resolution 99-29 Exempt Employees Designated

Mr. Wyatt, the county attorney, asked the council to change the status of Linda Evans to that of an exempt employee. The resolution to be adopted designated a number of positions in county government as (1) Non-covered (2) Exempt (3) Professional.

Mr. Anhder moved that the council waive the rules and approve Resolution 99-29. Mr. Yeates seconded the motion and it passed 6-0. Mr. Beck was absent.

Attachment #5

College-Young Incorporation Petition Update

Mr. Lemon led the discussion on the current status of the College-Young Petition. Mr. Lemon has met on two occasions with a group comprising Logan City, Nibley City, and the petitioners. Mr. Lemon thinks that a resolution is possible. The attorney has recommended that the county continue to move forward with the feasibility study. Mr. Lemon would like to table the issue until it can be resolved, but he is aware of the advice of the attorney, and he recognizes that the county is likely to be criticized by some party regardless of its actions. Chairman Gibbons agreed that the county ought to proceed if that is the county attorney's opinion.

Mr. Anhder asked what the consequences would be if the county did not appoint a committee. The attorney responded that there are two consequences. First, the process will be delayed. This locks the land in the proposed area indefinitely. Second, the College-Young sponsors would have the right to sue the council. Mr. Wyatt thinks that any delay hurts the citizens.

Mr. Anhder said that there is another side to the issue. Mr. Anhder's understanding of the law is that, if the feasibility passes and the election succeeds, some individuals who are opposed to the petition will be required to become members of the community against their will. Mr. Anhder also said that the county attorney has indicated, due to Mr. Anhder's position on the council and with Nibley City, that Mr. Anhder may have a conflict of interest. Mr. Anhder does not agree, but he will not be voting on any matters related to this issue. He will involve himself actively in the discussions.

In response to Ms. Skanchy's similar question, Mr. Wyatt said someone would probably file a lawsuit and have a judge require the council to move forward with the process.

Mr. Anhder also suggested that a new line might be drawn that would remove the property of landowners and cities which did not want to be within the incorporated area. Mr. Lemon responded that no one knows if that is even allowable. Resubmitting a new petition would cause the petitioners to lose their standing, according to the attorney. The attorney also indicated that it is the sponsors' decision to choose the size of the incorporation area.

Mr. Lemon also wanted to table the petition because Representative Olsen is going to be introducing new legislation that would give townships boundary authority again. Mr. Lemon admitted that he is uncertain if this would resolve the issue. Mr. Lemon also admits that it may be advantageous to move forward and find out if it is feasible.

Chairman Gibbons asked if all parties benefit by having the conflict resolved or if the petitioners best interest is in being immovable. The attorney said he has told the petitioners that their odds of finding success increase with a smaller boundary.

Vice-chairman Petersen wanted to know what costs are able to be recovered. Mr. Lemon said

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Deputy Attorney Pat Nolan told him that the feasibility study costs are not able to be recovered. Mr. Yeates was rather upset about the attitude and the process that the residents have used to get their map and a survey. Mr. Yeates is willing to wait and see what happens.

Chairman Gibbons thinks that the committee should meet and select a consultant. Then if the council wanted to wait on the study, they could do so. Mr. Petersen asked if a list of consultants exists or if the committee would need to do that work. None of the three committee members has served on this type of committee before.

The county attorney said that the consultant will answer the questions about the feasibility of the proposal. Mr. Petersen thinks that the council should have the proposal completely nailed down before hiring the consultant. Mr. Lemon thinks that there may have been individuals who signed the petition thinking that they could opt out if they desired to.

Mr Wyatt suggested that the committee could determine who the best consultant would be and then wait to hire the consultant until the council member on the committee reports to the council members at the first meeting in January. This would allow for some additional negotiations during the next few weeks.

Other Business

Election of the Cache County Council Chairman and Vice-chairman for 2000.

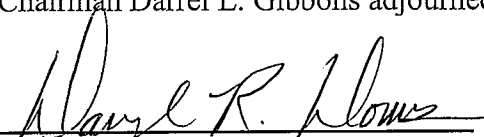
Ms. Skanchy moved that the council re-elect Darrel Gibbons as the Chairman and Craig Petersen as the Vice-chairman. Mr. Yeates seconded the motion, and it passed 6-0. Mr. Beck was absent.

Executive Session

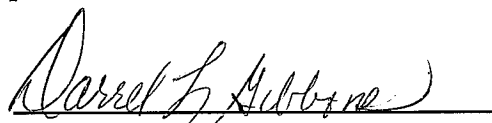
The council held an executive session as approved at the beginning of the council meeting. The meeting convened at 6:40 p.m. and ended at 6:50 p.m.

Adjournment

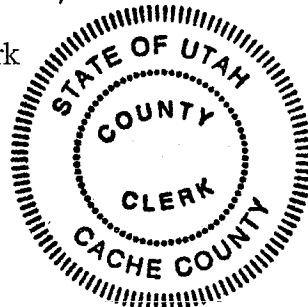
Chairman Darrel L. Gibbons adjourned the meeting at 6:55 p.m.



Daryl R. Downs
Cache County Clerk



Darrel L. Gibbons
Chairman, Cache County Council



CACHE COUNTY
ORDINANCE NO. 99- 04

AN ORDINANCE PROVIDING FOR CHANGES OF SALARIES FOR CACHE COUNTY OFFICERS FOR 2000 AND SUPERSEDING PRIOR RESOLUTIONS AND ORDINANCES.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that a public hearing regarding the proposed county budget for 2000 including the change of salaries for the Cache County Officers for 2000 was conducted on November 23, 1999, in accordance with Section 17-16-14, *Utah Code Annotated*, upon lawful notice; that the *Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984*, authorizes the modification of the salaries for all elected county officers by ordinance; that the budget for Cache County officers has been adopted by the Cache County Council in accordance with the applicable law; and that an ordinance providing for a salary change for the elected county officers is appropriate for carrying into effect the approved salary changes.

Now therefore, the Cache County Council **ORDAINS** as follows:

SECTION 1: OFFICER'S SALARIES

The salaries for county officers for the period January 1, 2000 through December 31, 2000 shall be as follows:

County Executive/Surveyor	\$ 62,000.00
County Assessor	\$ 46,689.65
County Attorney	\$ 71,674.41
County Auditor	\$ 46,689.65
County Clerk	\$ 46,689.65
County Recorder	\$ 46,689.65
County Sheriff	\$ 55,540.00
County Treasurer	\$ 46,689.65
Insurance Stipend if eligible of	\$ 540.00

SECTION 2: REPEALER

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with this ordinance, are hereby repealed and superseded by this ordinance to the extent of such conflict. Otherwise such resolutions and ordinances shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon approval and publication in the manner by law.

ORDINANCE ACTION = ORDINANCE NUMBER 99-04

PRESENTATION TO THE COUNTY EXECUTIVE:

Ordinance number 99-04, adopted by the Cache County Council on the 14th day of December, 1999, is herewith presented to the Cache County Executive for approval or disapproval. The County Executive shall notify the County Clerk of his approval or disapproval on or before the 29th day of December, 1999. If the County Executive disapproves, he shall submit a written statement of his objections with the notice of disapproval.

Submitted this 17th day of December, 1999.

Daryl R. Downs
Daryl R. Downs
Cache County Clerk



Action of County Executive:

Ordinance number 99-04 is hereby

Approved
 Disapproved (written statement of objection attached)

Dated this 23 day of December, 1999.

M. Lynn Lemon
M. Lynn Lemon
Cache County Executive

Notice of Non-action:

Ordinance number 99-04 was presented to the Cache County Executive on the _____ day of _____, 1999, and was neither approved nor disapproved by him within 15 days after adoption by the Cache County Council. Therefore, the ordinance has been recorded, published, and is in full force and effect as of this _____ day of _____, 1999.

Daryl R. Downs
Cache County Clerk

Ordinance History:

Date adopted by County Council _____
Date presented to the County Executive _____
Date approved/disapproved by County Executive _____

Action by Council upon return:

_____ Disapproval overridden _____
_____ Disapproval sustained _____

Date 15 day period ended _____
Date of publication or notice _____
Effective date of ordinance _____
Date filed in County Clerk's office _____

CACHE COUNTY
ORDINANCE NO. 99 - 05

AN ORDINANCE PROVIDING FOR SALARIES FOR MEMBERS OF THE CACHE COUNTY COUNCIL FOR 2000.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that a public hearing regarding the establishment and change of salaries for members of the Cache County Council was conducted on November 23, 1999, in accordance with *Section 17-16-14, Utah Code Annotated*, upon lawful notice; that the *Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984*, authorizes the modification of the salaries of the members of the Cache County Council only by ordinance; and that the County Council deems it appropriate and reasonable to establish salaries for members of the Cache County Council for the period commencing January 1, 2000 and ending December 31, 2000.

Now therefore, the Cache County Council ORDAINS as follows:

SECTION 1: COUNTY COUNCIL SALARIES

The salaries earned for members of Cache County Council for the period January 1, 2000 through December 31, 2000 shall be as follows:

COUNCIL MEMBER - Regular salary for each member	\$ 2,600.00
	\$ 2,600.00
	\$ 2,600.00
	\$ 2,600.00
	\$ 2,600.00
	\$ 2,600.00
	\$ 2,600.00
	\$ 2,600.00
COUNCIL MEMBER - Insurance stipend for each member if eligible of	\$ 540.00
COUNCIL CHAIRMAN (in addition to regular salary)	\$1,082.00

SECTION 2: REPEALER

The salary provisions of all ordinances or resolutions, or any parts thereof, in conflict with this ordinance, are hereby repealed and superseded by this ordinance to the extent of such conflict.

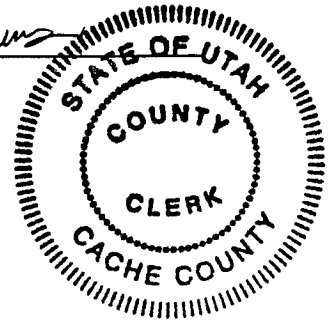
ORDINANCE ACTION = ORDINANCE NUMBER 99-05

PRESENTATION TO THE COUNTY EXECUTIVE:

Ordinance number 99-05, adopted by the Cache County Council on the 14th day of December, 1999, is herewith presented to the Cache County Executive for approval or disapproval. The County Executive shall notify the County Clerk of his approval or disapproval on or before the 29th day of December, 1999. If the County Executive disapproves, he shall submit a written statement of his objections with the notice of disapproval.

Submitted this 17th day of December, 1999.

Daryl R. Downs
Daryl R. Downs
Cache County Clerk



Action of County Executive:

Ordinance number 99-05 is hereby

Approved
 Disapproved (written statement of objection attached)

Dated this 20 day of December, 1999.

M. Lynn Lemon
M. Lynn Lemon
Cache County Executive

Notice of Non-action:

Ordinance number 99-05 was presented to the Cache County Executive on the _____ day of _____, 1999, and was neither approved nor disapproved by him within 15 days after presentation to him. Therefore, the ordinance has been recorded, published, and is in full force and effect as of this _____ day of _____, 1999.

Daryl R. Downs
Cache County Clerk

Ordinance History:

Date adopted by County Council _____
Date presented to the County Executive _____
Date approved/disapproved by County Executive _____

Action by Council upon return:

_____ Disapproval overridden _____
_____ Disapproval sustained _____

Date 15 day period ended _____
Date of publication or notice _____
Effective date of ordinance _____
Date filed in County Clerk's office _____

RESOLUTION NO. 99- 28

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 1999 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 1999 budget for Cache County:

see attached

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

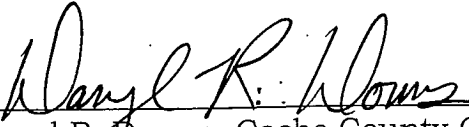
Section 3.

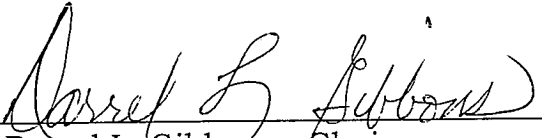
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

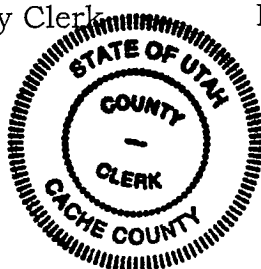
This resolution was duly adopted by the Cache County Council on the 14th day of December, 1999.

ATTESTED TO:

CACHE COUNTY COUNCIL


Daryl R. Downs, Cache County Clerk


Darrel L. Gibbons, Chairman



FUND 10 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
34-19100	Other Revenue - Atty Fees	(4,000)		(1,545)	(5,545)	Adj to meet current reven
36-70000	County Fair Fees	(39,000)	4,510		(34,490)	Adj to meet current reven
	TOTAL REVENUES		<u>4,510</u>	<u>(1,545)</u>	<u>2,965</u>	

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
10-4136-115	Data Processing - overtime	19,426	10,000		29,426	Adj to meet current expense
10-4136-130	Data Processing - benefits	30,166	3,500		33,666	Adj to meet current expense
10-4143-310	Treasurer - professional & tech	1,826		(1,826)	-	Adj to meet current expense
10-4143-740	Treasurer - equipment	3,674	1,826		5,500	Adj to meet current expense
10-4145-280	Attorney - telephone	7,000	1,545		8,545	Adj to meet current expense
10-4160-120	Bldg & Grds - Temp Employees	17,401	4,500		21,901	Adj to meet current expense
10-4160-620	Bldg & Grds - Misc Services	19,956		(4,500)	15,456	Adj to meet current expense
10-4170-115	Election - overtime	400	50		450	Adj to meet current expense
10-4170-120	Election - temp employees	8,892	1,100		9,992	Adj to meet current expense
10-4170-200	Election - mat supply & serv			(1,150)	(1,150)	Adj to meet current expense
10-4191-200	Advertizing & Promotion	9,000	2,000		11,000	Adj to meet current expense
10-4560-291	T V Translator -lease sit	14,400		(14,400)	-	Adj to meet current expense
10-4620-290	Co Fair - prize money	27,000		(4,510)	22,490	Adj to meet current expense
10-4960-600	Sundry Expense	65,151		(1,100)	64,051	Adj to meet current expense
	TOTAL expenditures		<u>24,521</u>	<u>(27,486)</u>	<u>(2,965)</u>	

FUND 20 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			decrease DEBIT	increase CREDIT		
38-90000	Appropriated Surplus	-		(6,700)	(6,700)	to cover garbage delinq
	Totals			<u>(6,700)</u>		
	Net adjustment				<u>(6,700)</u>	

FUND 20 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
20-4423-200	Solid Waste Collection Costs	19,400	6,500		25,900	adj to cover total costs
20-4253-200	Animal Control - materials & service	2,500	200		2,700	adj to cover total costs
	Totals		<u>6,700</u>			
	Net adjustment				<u>6,700</u>	

FUND 77 Logan-Cache Airport Authority (Component Unit) Fund Revenues

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DEBIT	Increase CREDIT		
77-38-95000	Loan Proceeds	-		(200,000)	(200,000)	from Logan City for land acc
	Totals			<u>(200,000)</u>		
	Net adjustment				<u>(200,000)</u>	

FUND 77 Logan-Cache Airport Authority (Component Unit) Fund Expenditures

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
77-4460-910	Airport - Loan repayment	-	200,000		200,000	
	Totals		<u>200,000</u>			
	Net adjustment				<u>200,000</u>	

CACHE COUNTY, UTAH
ORDINANCE NO. 99 - 06

AN ORDINANCE IMPOSING A 1% TOURISM, RECREATION, CULTURAL, AND CONVENTION TAX AND PROVIDING FOR THE PERFORMANCE BY THE STATE TAX DIVISION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION, AND COLLECTION OF THE TAX AND FOR THE USE OF THE REVENUES FROM THIS TAX.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that Section 59-12-603, Utah Code Annotated, 1953 as amended, enables the County Council, as the legislative body of Cache County, to impose a tourism, recreation, cultural, and convention tax not to exceed 1% of all sales of prepared foods and beverages that are sold by restaurants and to apply the revenue therefrom, in whole or in part, to tourism promotion and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined in Section 59-12-602, Utah Code Annotated, 1953 as amended. The County Council finds that it is in the best interest of Cache County and its citizens that a tourism, recreation, cultural and convention tax be imposed.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL FOR CACHE COUNTY, UTAH, AS FOLLOWS:

SECTION 1: TITLE

This ordinance shall be known as the "Tourism, Recreation, Cultural, and Convention Tax Ordinance of Cache County."

SECTION 2: PURPOSE

It is the purpose of this ordinance to impose a tourism, recreation, cultural, and convention tax for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined in Section 59-12-602, Utah Code Annotated, 1953 as amended.

SECTION 3: DEFINITIONS

As used in this ordinance:

- (1) "CONVENTION FACILITY" means any publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.
- (2) "CULTURAL FACILITY" means any publicly-owned or operated museum, theater, art center, music hall, or other cultural or arts facility.
- (3) "RECREATION FACILITY" or "TOURIST FACILITY" means any publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism-related facility.
- (4) "RESTAURANT" includes any coffee shop, cafeteria, luncheonette, soda fountain, or fast-food service where food is prepared for immediate consumption. In accordance with the provisions of Tax Bulletin No. 8-91, effective July 1,

1991, as promulgated by the Utah State Tax Commission, a "restaurant" is any retail establishment whose primary business is the sale of foods and beverages prepared for immediate consumption. Examples include full-service restaurants, fast-food restaurants, and their drive-in windows, concession stands at malls or fairs, and employee or school cafeterias.

SECTION 4: IMPOSITION OF TAX

There is hereby levied for collection a tourism, recreation, cultural, and convention tax on all restaurants, as defined herein, in Cache County, Utah, at the rate of 1% on all sales of prepared foods and beverages that are sold by restaurants for the period October 1, 1999 to September 30, 2000.

SECTION 5: USE OF REVENUES

The revenues received from the tourism, recreation, cultural, and convention tax shall be used solely for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined herein.

SECTION 6: COLLECTION

All taxes collected hereunder shall be collected by the Utah State Tax Commission pursuant to Chapter 12, Title 59, Utah Code Annotated, 1953 as amended, as and in the manner for other state and local sales and use taxes. The County Executive is authorized and directed to negotiate with the Utah State Tax Commission for and to execute the necessary contracts for the provision of such services by the Utah State Tax Commission. Taxes imposed under this ordinance shall be levied at the same time and collected in the same manner as provided for other state and local sales and use taxes in Chapter 12, Title 59, Utah Code Annotated, 1953 as amended.

SECTION 7: LICENSURE

All persons, companies, corporations or other similar persons, groups, or organizations engaged in or doing business as a restaurant or restaurants shall obtain from the Utah State Tax Commission a tourism, recreation, cultural or convention tax license; provided however, that no such additional license shall be required if the person, company, corporation, group, or organization has already obtained and maintains a license pursuant to Section 59-12-106, Utah Code Annotated, 1953 as amended.

SECTION 8: ADVISORY BOARD

The Cache County Executive may establish an advisory board for the purposes of making recommendations for the allocation and application of revenues derived from the tourism, recreation, cultural, and convention tax. The board shall be advisory in nature only. The County Executive shall determine the composition of the advisory board; provided, however, that all appointments to that board shall be upon and with the advice and consent of the Cache County Council.

SECTION 9: ALLOCATION AND APPLICATION OF REVENUES

The Cache County Executive shall submit recommendations to the Cache County Council for the allocation and application of the revenues derived from the tourism, recreation, cultural, and convention tax. Acting upon such recommendations, the Cache County Council then, by resolution, shall approve the allocation and application of such revenues.

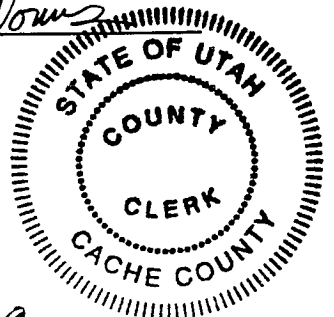
ORDINANCE ACTION = ORDINANCE NUMBER 99-06

PRESENTATION TO THE COUNTY EXECUTIVE:

Ordinance number 99-06, adopted by the Cache County Council on the 14th day of December, 1999, is herewith presented to the Cache County Executive for approval or disapproval. The County Executive shall notify the County Clerk of his approval or disapproval on or before the 29th day of December, 1999. If the County Executive disapproves, he shall submit a written statement of his objections with the notice of disapproval.

Submitted this 16th day of December, 1999.

Daryl R. Downs
Daryl R. Downs
Cache County Clerk



Action of County Executive:

Ordinance number 99-06 is hereby

Approved
 Disapproved (written statement of objection attached)

Dated this 16th day of December, 1999.

M. Lynn Lemon
M. Lynn Lemon
Cache County Executive

Notice of Non-action:

Ordinance number 99-06 was presented to the Cache County Executive on the _____ day of _____, 1999, and was neither approved nor disapproved by him within 15 days after presentation to him. Therefore, the ordinance has been recorded, published, and is in full force and effect as of this _____ day of _____, 1999.

Daryl R. Downs
Cache County Clerk

Ordinance History:

Date adopted by County Council _____
Date presented to the County Executive _____
Date approved/disapproved by County Executive _____

Action by Council upon return:

_____ Disapproval overridden _____

_____ Disapproval sustained _____

Date 15 day period ended _____
Date of publication or notice _____
Effective date of ordinance _____
Date filed in County Clerk's office _____

SECTION 10: EFFECTIVE DATE

This ordinance shall become effective upon approval and publication in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 14th day of December, 1999, upon the following vote:

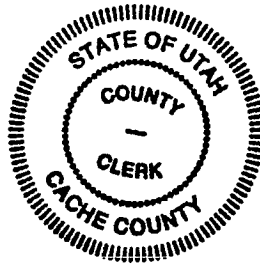
	IN FAVOR	AGAINST	ABSTAINED	ABSENT
YEATES	x			
ANHDER	x			
BECK				x
GIBBONS	x			
PETERSEN	x			
PULSIPHER	x			
SKANCHY	x			
TOTAL	6			1

CACHE COUNTY COUNCIL

By: Darrel L. Gibbons
Darrel L. Gibbons, Chairman

ATTESTED BY:

Daryl R. Downs
Daryl R. Downs
Cache County Clerk



Publication Date: 12/28/1999

CACHE COUNTY

RESOLUTION NO. 99-29

A RESOLUTION DESIGNATING EXEMPT EMPLOYEES AND NON-COVERED EMPLOYEES UNDER THE FAIR LABOR STANDARD ACT.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is appropriate and necessary for the county to designate by resolution those positions which shall be deemed exempt and those which shall be deemed non-covered pursuant to the Fair Labor Standards Act.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that

Section 1: Non-Covered Employees

The following positions, each of which is an elected position, shall be deemed as non-covered under the Fair Labor Standards Act:

County Assessor
County Attorney
County Auditor
County Clerk
County Council Members (7)
County Executive/Surveyor
County Recorder
County Sheriff
County Treasurer

Section 2: Exempt Employees

The following positions shall be deemed exempt under the Fair Labor Standards Act:

A. Executive (pursuant to the Long or Short Test)

Director of Buildings & Safety
Road/Weed Superintendent
Director of Senior Citizens Center

B. Administrative (pursuant to the Long or Short Test)

Administrative Assistant to the County Executive
County Fire Chief
Countywide Planner
Chief Deputy Surveyor
Chief Deputy Sheriff
Sheriff Captain
Sheriff Lieutenant - Criminal
Sheriff Lieutenant - Jail

Victim Advocate Coordinator
Zoning Administrator
Office Manager, Attorney Office

C. Professional (pursuant to the Long or Short Test)

Deputy County Attorney - Full Time
Deputy County Attorney - Full Time
Deputy County Attorney - Full Time

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 December,
1999.

CACHE COUNTY COUNCIL

By: Darrel L. Gibbons
Darrel L. Gibbons, Chairman

ATTEST TO:

Daryl R. Downs
Daryl R. Downs
Cache County Clerk

