

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
MARCH 12, 2019**

COUNTY COUNCIL MEETING
March 12, 2019

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**CACHE COUNTY COUNCIL MEETING
MARCH 12, 2019**

The Cache County Council convened in a regular session on March 12, 2019 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Karl B. Ward
Vice Chair: Gina H. Worthen
Council Members: Paul R. Borup, David L. Erickson, Jon White, & Gordon A. Zilles
Barbara Tidwell absent.
County Executive: Craig "W" Buttars
County Clerk: Jill N. Zollinger
Deputy County Attorney: Lee Edwards

The following individuals were also in attendance: Director Amy Adams, Janeen Allen, Justin Dolling, Alton Hebdon, Sharon L. Hoth, Director Bartt Nelson, Director Josh Runhaar, Matt Wilkinson, Jed Willets.

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Jon White gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

Chair Ward corrected Item 13b – Resolution 2019-09....Section X... to Resolution 2019-09....Section 8(X)....

ACTION: Motion by Vice Chair Worthen to approve the agenda as corrected. White seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Borup to approve the minutes of the February 26, 2019 Council meeting as written. White seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

MINUTES FOLLOW-UP: None

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: Nathan J. Argyle Deputy County Attorney Special Investigator

ACTION: Motion by Council member Zilles to approve the recommended appointment. Erickson seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

Craig W. Buttars	RAPZ/Restaurant Tax Committee, County Executive
David L. Erickson	RAPZ/Restaurant Tax Committee, North District
Jordy Guth	RAPZ/Restaurant Tax Committee, Logan #1
Barbara Y. Tidwell	RAPZ/Restaurant Tax Committee, Logan #2
Bruce M. Cook	RAPZ/Restaurant Tax Committee, Logan #3

Dick Whittier
Reed Baldwin

RAPZ/Restaurant Tax Committee, SE District
RAPZ/Restaurant Tax Committee, South District

ACTION: Motion by Council member Zilles to approve the recommended appointments. Borup seconded the Motion. The vote was unanimous, 6-0. Tidwell absent.

EXPENSE REPORTS: Expense reports (*formerly called warrants*) for February 2019 were submitted to the Council Chair and Clerk.

OTHER ITEMS:

- New Hires** will be introduced at a future meeting.
- HB441** – Tax changes bill was pulled.
- SB263** is a result of Cache County denying a request for property tax exemption for a nonprofit group which decision was upheld by the State Tax Commission. The requesting entity drafted a bill that has been pushed rapidly through the legislature. It allows any organization that qualifies as a 501(c)(3) under federal law to qualify for property tax exemption. This particular group does public policy advocating – basically lobbying – so this would allow any lobbying entity a tax exemption. Attorney Edwards further explained a tax exemption acts as a tax shift to property owners because the certified rate will go up by the proportion of the exemption. The bill was adopted, but due to working with UAC, the implementation date has been delayed to try to work out language/standards to soften the impact on individual property owners.

The following two items were discussed at the Budget Workshop prior to the Council meeting and referred to by Executive Buttars in the Council Meeting.

- Painting for Council Chambers** – Executive Buttars informed the Council there is a giclee print of the Minerva Teichert painting that was reclaimed by the Cache County School District to be displayed in their new offices. The print is the about the same size with an identical frame. The school district has offered it for sale to the county. The Visitors Bureau can contribute \$1,000.00 towards the purchase. Is the Council supportive of the county offering up to an additional \$2,000.00? There is money in the budget to accommodate the purchase. Council member Zilles wondered if a local artist could paint a Cache Valley scene of the same size for a similar amount. Executive Buttars said he will look into it. In the meantime, the Council is supportive of the purchase of the giclee print.
- Event Center Fundraiser Update** – Executive Buttars reported an additional \$11,000.00 in donations have been received to add to the one-time \$19,000.00 donation. The weather vane on the cupola should be done in May or June and the rest of the money will go towards the soffit completion.

ITEMS OF SPECIAL INTEREST

- o **Presentation of PILT Payment** – Justin Dolling, Utah Division of Wildlife Resources, presented the 2018 tax year payment in lieu of taxes for the 18,000+ acres the Division owns and manages in Cache County. The check is for \$9,160.57.

Dolling asked if there are any wildlife issues in the county he could address. Council member Erickson said the wild turkey population is a huge problem. Dolling stated they have moved about 600 turkeys out of the county this year. The Division is recommending an unlimited over-the-counter either sex turkey permit on private lands only. This will get more hunters out to harvest the birds before they get into the towns.

Council member White asked about the status of Hardware Ranch. Brucellosis infected elk herds in neighboring states and some Hardware elk have been collared to track any interchange from possible brucellosis areas. The state of Utah is currently brucellosis free and it has never been detected at Hardware Ranch or elsewhere in the state.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Zilles to convene as a Board of Equalization. Worthen seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Exemption Requests**
 - Assembly of God/Casa Del Alfarero
 - Bear River Head Start
 - Bridgerland Community Ice Arena, Inc.
 - Cache Employment and Training Center
 - Center for Excellence in Higher Education dba Stevens-Henager College
 - Centro de la Familia de Utah
 - Educational Media Foundation
 - Family Information and Resource Center
 - Grace Baptist Church
 - Harmony Lodge #21 Free & Accepted Masons of Utah
 - Jump the Moon Foundation (*NO ACTION TAKEN-more info requested by Council*)
 - New Life Fellowship (Formerly Cache Valley Christian Center)
 - North American Islamic Trust, Inc.
 - Roman Catholic Church
 - Stokes Nature Center
 - USU Research Foundation dba Space Dynamics Lab

Vice Chair Worthen had questions concerning sale of art through the Jump the Moon Foundation. Clerk/Auditor Zollinger will provide additional information for Council review.

ACTION: Motion by Vice Chair Worthen to approve the property tax exemption requests with the exception of Jump the Moon Foundation. White seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

ACTION: Motion by Council member Zilles to adjourn from the Board of Equalization. Erickson seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2019-09 – Amending the Cache County Corporation Personnel Policy and Procedure Manual Section 8(X) regarding Reporting Fraud or Abuse** – Attorney Edwards said this allows for reporting by employees without repercussion and is modeled after the state auditor policy.

(Attachment 1)

ACTION: Motion by Vice Chair Worthen to waive the rules and approve Resolution No. 2019-09 – Amending the Cache County Corporation Personnel Policy and Procedure Manual Section 8(X) regarding Reporting Fraud or Abuse. White seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

- **4600 West Design Exception** – County Engineer Jonathan Bingham said this request is for 2 ½ inches of hot mix asphalt rather than do a full depth replacement of the road to meet the county road standard. Staff recommends approval with the condition that the county receive a detailed set of construction plans for approval.

Vice Chair Worthen asked if this is a less expensive option. Bingham replied it is.

Council member White thought the county went with 4 inches of asphalt overlay because 2 ½ inches was not sufficient. Bingham observed there is already a one-inch layer there and the 2 ½ inches will bring it up to 3 ½ inches.

(Attachment 2)

ACTION: Motion by Vice Chair Worthen to approve 4600 West Design Exception. Erickson seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

OTHER BUSINESS

- ✓ **Council Photo** – March 26, 2019, immediately following Council meeting.
- ✓ **Tax Exemption Hearing** – Logan Regional Hospital – April 16, 2019 at 2:00 p.m. – Borup and Worthen will attend.
- ✓ **UAC Management Conference** – April 11-12, 2019 at the Utah Valley Convention Center – Buttars, Worthen and Tidwell will attend.
- ✓ **Smithfield Health Days Parade** – Saturday, May 11, 2019 at 10:00 a.m.

COUNCIL MEMBER REPORTS

Gina Worthen has scheduled a Fire Wise Landscaping presentation/training with Fire Chief Hammer on April 13, 2019 at 8:00 a.m. in the Council Chambers. Worthen will contact the radio stations for publicity and asked Council members to check with their cities to include the information on city newsletters.

EXECUTIVE SESSION

ACTION: Motion by Council member Erickson to adjourn to an Executive Session to discuss the sale of real property and pending litigation. Zilles seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

The Council adjourned to an Executive Session at 5:39 p.m.

ACTION: Motion by Vice Chair Worthen to adjourn from the Executive Session and return to the Council meeting. Erickson seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

The Council adjourned from the Executive Session and returned to the March 12, 2019 Council meeting at 6:06 p.m.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: March 12, 2019 at 6:00 p.m. – Open 2019 Budget – Director Runhaar explained this budget includes transferring a full-time employee position out of Development Services to Human Resources.

Chair Ward opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Erickson to close the Public Hearing –March 12, 2019-6:00 p.m.-Open 2019 Budget. White seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2019-08 – Amending 2019 Budget** – *(NO ACTION TAKEN)*

ADJOURNMENT

The Council meeting adjourned at 6:10 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Karl B. Ward
Chairman



CACHE COUNTY
RESOLUTION 2019 - 09

**A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION
PERSONNEL POLICY AND PROCEDURE MANUAL SECTION 8(X)
REGARDING REPORTING FRAUD OR ABUSE**

WHEREAS, the Cache County Council on Mar 12, 2019, in a regular meeting of which lawful notice had been given, considered amending Section 8(X) regarding Whistle Blowing to add policies regarding Reporting Fraud or Abuse; and

WHEREAS, the Cache County Council finds that it is necessary, appropriate, and in the best interest of the County and its personnel that the Cache County Corporation Personnel Policy and Procedure Manual be amended;

NOW THEREFORE, BE IT RESOLVED that the County Council approves the adoption of the following resolution:

- 1 **Amendments:** The Cache County Corporation Personnel Policy and Procedure Manual is hereby amended as set forth in the attached Exhibit A.
- 2 **Application:** The amendment to the Cache County Corporation Personnel Policy and Procedure Manual shall apply to all current and future county employees.
- 3 **Prior Resolution and Policies:** This Resolution and the amendments specified in Exhibit A to the Cache County Corporation Personnel Policy and Procedure Manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specified provisions of this Resolution and the attached Exhibit A.
- 4 **Effective Date:** This Resolution shall be effective immediately upon its adoption.

Adopted by the County Council of Cache County, Utah, this 12 day of MAR, 2019

CACHE COUNTY COUNCIL

By: Karl B. Ward
Karl B. Ward, Chairman

ATTEST:

By: Jill N. Zollinger
Jill N. Zollinger, County Clerk / Auditor

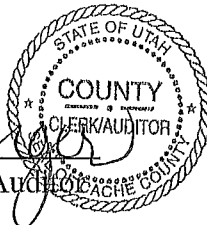




EXHIBIT A

1. Definition: "Improper governmental action" means any action by a Cache County employee:
 - a. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - b. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.
2. Reporting Fraud or Abuse
 - a. Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Cache County Executive or such other person as may be designated by the Cache County Executive to receive reports of improper governmental action.
 - b. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate department with responsibility for investigating the improper action.
 - c. The supervisor, Cache County Executive or Cache County Executive's designee shall take prompt action to assist Cache County in properly investigating the report of improper governmental action. Cache County officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
 - d. Cache County employees may report information about improper governmental action directly to the Cache County Auditor if the employee reasonably believes that an adequate investigation was not undertaken to determine whether an improper governmental action occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.
 - e. Cache County employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by Cache County in these procedures.



3. Complaints, Investigations, Review and Enforcement

- a. Any person may file a complaint alleging a violation of this policy.
- b. The complaint shall be in writing and shall, except as described in section C below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complainant shall provide the Cache County Executive with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred. The complaint shall be filed with the Cache County Executive who shall provide a copy of the complaint and all documentation to the Auditor who shall forward the complaint with a recommendation it to the Audit Committee within ten (10) days of receipt if possible. After review by the Audit Committee a copy of the complaint may be provided to the person charged with a violation.
- c. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of Cache County employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. Cache County is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under Cache County policy. A thorough investigation of complaints is Cache County's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, Cache County reserves the right to decline to investigate any complaint that is provided anonymously.
- d. If a complaint is received anonymously it shall be directed to Cache County Auditor for a recommendation on the processing of the complaint. Upon review of the complaint, the Cache County Auditor will recommend to the Audit Committee either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the Cache County Auditor's recommendation the Audit Committee shall make the final determination on whether or not to continue the investigation, end the investigation, or refer the matter to an outside entity.
- e. Within thirty (30) days after receipt of a complaint, the Cache County Auditor or another person appointed by the Audit Committee shall conduct a preliminary investigation. If the Cache County Auditor or a member of the Audit Committee or the governing board are implicated in the complaint, the Audit Committee will determine an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.
- f. If the Cache County Auditor determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Cache County Auditor



shall advise the Audit Committee to dismiss the complaint. If the Audit Committee does dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the governing board.

4. Whistleblower Protection

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.



MEMORANDUM

8 March 2019

To: County Council
Subject: Wellsville Rising Subdivision Design Exception

Description

A request has been made by Jed Willets for a Design Exception to overlay the existing roadway with 2.5 inches of hot mix asphalt rather than do a full depth replacement of the road to meet the Cache County Road Standard.

Requirements and Resolution 2015-20

The Cache County Manual of Roadway Design and Construction Standards (Road Manual) section 1.8 Authority and Design Exceptions, specifies that:

“Full justification and documentation must be provided explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.”

Exception Proposal

Mr. Willets hired a local geotechnical engineer to sample the roadway base material. This indicated that the asphalt was 1” too thin and the granular borrow layer was 5” too thin. The engineer also provided documentation that the proposed solution will be structurally equivalent to the county’s road standard (Exhibit A).

Staff Response to Proposal:

A. Considering the results of the roadway sampling and the analysis presented it is the staff’s opinion that this proposal is a viable alternative to total depth replacement of the road.

Staff Recommendation and Conclusions

Based on the submitted data The Director recommends that the Council approve this request for a Design Exception with the following conditions.

1. Detailed construction plans and specifications be provided showing how this proposed solution will be implemented on this specific site.
 - a. Plans and specifications must meet all County Standards with exception of the base material under the existing asphalt which will allow for the listed exception.

received
2/21/19

Cache County Council,

February 21, 2019

Structural Equivalent Option: The developer will have the contractor hired to work on the road follow the instructions given by the engineer. The contractor will be adding 2.5" of asphalt to the top of the existing chip seal top. The area of 4600 W (from the edge of the UDOT right of way off Hwy 23 following north to where 4600 W meets the new private lane 4100 S.) a total of 80' of road.

The contractor will follow the engineers instructions that will result in 2.76 SN with the new layer added which exceeds the Cache County Section B standard of 2.74 SN.

Please see attached Letter from A Cache Corp, in regards to this Structural Equivalent supporting data and analysis.

Regards, Jed Willets

ACache Corp.

Engineering A Firm Foundation

January 16, 2019

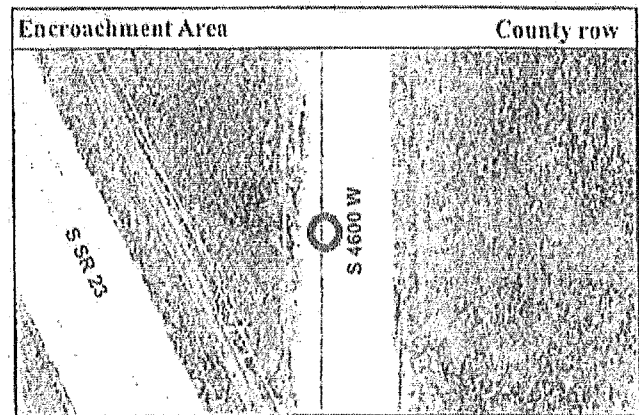
Attn. Jed Willets
3901 South 4000 West
Wellsville, Utah 84339

Subject: **Roadway observations for
4100 South 4600 West
Just north of Wellsville, Utah**

ACache Corp. Project No. 1180010

To whom it may concern:

Mr. Jed Willets requested that we obtain a soil profile of a section of roadway in a pre-marked location as shown in the image to the right. On December 6th at the pre-marked spot at 4100 South on 4600 West. The following was observed: The excavation reviled 1.5" of asphaltic material (chip and seal) over 7" of road base on top of 8 to 9 inches of sand and gravel (pit-run) that had been placed on a black soft native silt with sand.



It is our understanding that the county is requiring that this section of roadway be to a Typical Section B with 2.5" Bituminous Surface Course 6" Untreated Base Course and 14" of Granular Borrow or a section equivalent to a Typical Section B.

We conducted an analysis using the "1993 AASHTO Empirical Equation for Flexible Pavements" method because that is the method we are most familiar with. Using this method a Typical Section B was found to have a Structural Number (SN) of 2.74. The existing section using the cross-section observed had a SN of 1.66. We then evaluated it by adding 2.5 inches of asphalt on top of the existing cross section and observed that it would have a SN of 2.76 making the cross-section equivalent to a Typical Section B. I have attached a couple of tables showing our calculations. If you have questions or need more information concerning the method of analysis fill free to contact me by phone or email.

ACache Corp.

Engineering A Firm Foundation

P.O. Box 393 • 89 South 100 East • Mendon, Utah 84325 • www.acachecorp.com
Tele. (435) 760-3103 • Fax (614) 883-9419 • email: acachecorp@yahoo.com

Cache County Section B

Layer	New/Existing (1)	Thickness (in)	Layer coefficient	SN
HMA surface	E	2.5	0.2	0.5
HMA base	E	6	0.14	0.84
Subbase	E	14	0.1	1.4

2.74 SN effective

Existing cross section / with additional asphalt layover.

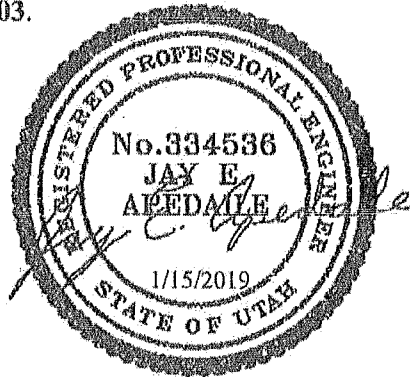
Layer	New/Existing (1)	Thickness (in)	Layer coefficient	SN
HMA surf.	N	2.5	0.44	1.1
HMA surface	E	1.5	0.1	0.15
HMA base	E	7	0.1	0.7
Subbase	E	9	0.09	0.81

1.66 SN effective (existing)

2.76 SN with new layer(s)

We appreciate the opportunity of working with you on this project and look forward to future projects with you. If you have questions regarding this project, or any other, please do not hesitate to contact us at (435)-760-3103.

Sincerely,
A Cache Corp.



Jay E. Apedaile, P.E. M.S.
President