

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
APRIL 09, 2019**

**COUNTY COUNCIL MEETING
April 09, 2019**

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**CACHE COUNTY COUNCIL MEETING
APRIL 09, 2019**

The Cache County Council convened in a regular session on April 09, 2019 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Director Amy Adams, Janeen Allen, Matt Anderson, Bridger Cherry, Pastor Ron Flessner, Chief Rod Hammer, Wendi Hassan, Sharon L. Hoth, Director Josh Runhaar.

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Executive Craig Buttars gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member White to approve the agenda as written. Zilles seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member White to approve the minutes of the March 26, 2019 Council meeting as written. Erickson seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

MINUTES FOLLOW-UP: None

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: There were no appointments.

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

OTHER ITEMS:

- Utah Local Governments Trust** awarded the county \$5,186.90 for completing the 2018 Trust Accountability Program (TAP). Executive Buttars commended the Human Resources office for its work as well as the offices that provided teams with safety incentives.

- **Utah Association of Counties (UAC) Conference** – Executive Buttars reminded the Council he will be gone to attend UAC for the rest of the week.

ITEMS OF SPECIAL INTEREST

- **Proclamation – 2019 National Service Recognition Day – April 12, 2019** – Executive Buttars read the proclamation.

(Attachment 1)

ACTION: Motion by Council member Zilles to accept the *Proclamation– 2019 National Service Recognition Day*. Erickson seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

- **Declaration – 2019 National Day of Prayer – May 2, 2019** – Pastor Ron Flessner read the *Declaration* and stated this year’s theme for the National Day of Prayer is “Love One Another.” He suggested the Council hold a public prayer meeting on that date in the Council Chambers supplicating for divine guidance for the nation.

(Attachment 2)

ACTION: Motion by Council member White to accept the *Declaration– 2019 National Day of Prayer*. Zilles seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

- **Local Arts Agency Designation – Wendi Hassan** indicated recent changes in the designation prompted her to report to the Council to: (1) make them aware of the Local Arts Agency’s role and (2) as the Council sees opportunities in the community, they might use the Agency as a resource. Hassan also shared survey data on the arts in Cache County.

ACTION: Motion by Council member Zilles to support the *Local Arts Agency Designation for Cache Valley Center for the Arts*. Erickson seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Zilles to convene as a Board of Equalization. White seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Exemption Requests**
 - Cache Valley Bible Evangelical Free Fellowship Church
 - Cache Valley Unitarian Universalists
 - Common Ground Outdoor Adventures
 - Corporation of the Episcopal Church – *postponed for two weeks as requested by Cache County Attorney’s Office*
 - Somebody’s Attic
 - Whittier Community Center

ACTION: Motion by Council member White to approve the property tax exemption requests except the request from the Corporation of the Episcopal Church. The vote was unanimous, 5-0. Borup & Ward absent.

ACTION: Motion by Council member Erickson to adjourn from the Board of Equalization. Zilles seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PUBLIC HEARING: April 09, 2019 at 5:30 p.m. – Resolution No. 2019-10 – Authorizing Conveyance of Real Property in Logan Canyon – Attorney Swink said this clears up an old error in county records. His office has reviewed the action and recommends approval.

Vice Chair Worthen opened the public hearing and invited public comment. There was none.

ACTION: Motion by Council member White to close the Public Hearing. Erickson seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

PENDING ACTION

- Resolution No. 2019-10 – Authorizing Conveyance of Real Property in Logan Canyon**

(Attachment 3)

ACTION: Motion by Council member White to approve Resolution No. 2019-10- Authorizing Conveyance of Real Property in Logan Canyon. Erickson seconded the motion. The vote was unanimous, 5-0. Borup & Ward absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Discussion – Hiring of New Firefighters** – Chief Rod Hammer noted the results of an analysis of the number of houses in unincorporated areas of the county revealed there are more homes in unincorporated areas in the south end of the valley than in the north. Hammer recommends placing two of the proposed four new hires in Hyrum and Mendon in order to provide the proper coverage.

Council member White asked if those individuals will be EMT certified. Hammer replied they will. Council member Erickson asked if the placing of individuals will be flexible to accommodate future needs. Hammer said that is the plan.

(Attachment 4)

- **Discussion – Administrative Assistant for County Executive** – Executive Buttars said this is an idea that has been batted around for a number of years. He posted a job announcement in Wasatch County for a deputy county manager on the Council's iPads. The duties listed reflect what he envisions the proposed County Executive administrative assistant position would entail. He/she could also have policy oversight for different county departments and work with department heads to resolve policy issues; give recommendations for long term strategic planning; assist in the development of budgets;

process department budget requests and monitor county expenditures throughout the year; prepare reports and represent the county at some functions. He will check with other counties at UAC to see how they allocate responsibilities with an assistant/deputy. Buttars said he can see a need for this position, but will not advocate for it; however, he will provide the Council information about the issue. He can envision the Executive's responsibilities being more in line with: UAC assignments and responsibilities; attending more meetings on the legislative and state level; working with our federal delegation and different organizations that the county partners with.

Attorney Swink spoke in favor of an assistant for the Executive observing that the office is managing all sorts of different programs and departments. Budgetary operations managed by the same individual from year to year makes sense. The proposed position needs flexibility depending on the skill set of any given Executive.

Council member White wants this position to be hired through the Council and not the Executive. Executive Buttars responded that under the current county statute the Council cannot hire employees.

Vice Chair Worthen asked about increased secretarial/assistant responsibilities. Buttars said the new position would require an assistant or executive secretary as well.

Executive Buttars said this needs to go through the Budget Committee and the best funding sources need to be checked. The most realistic time frame is to have the position in the 2020 budget. Buttars will work with HR to develop a job description.

OTHER BUSINESS

- ✓ **UAC Management Conference** – April 11-12, 2019 at the Utah Valley Convention Center – Buttars, Worthen and Tidwell will attend.
- ✓ **Tax Exemption Hearing** – Logan Regional Hospital – April 16, 2019 at 2:00 p.m. – Borup and Worthen will attend.
- ✓ **Tour of Children's Justice Center** – Tuesday, April 23, 2019 at 3:00 p.m. – White, Zilles, Borup & Buttars will attend.
- ✓ **Smithfield Health Days Parade** – Saturday, May 11, 2019 at 10:00 a.m. – Buttars, Erickson, Tidwell, Ward & Worthen will attend.
- ✓ **Richmond Black & White Days Parade** – Saturday, May 18, 2019 at 5:00 p.m. – Buttars, Erickson, Ward will attend and maybe Tidwell & Worthen.

COUNCIL MEMBER REPORTS

Barbara Tidwell received an email asking if a group of students can be on the agenda for the April 23, 2019 Council meeting. They want to present the results of a community survey regarding substance abuse and opioids.

The Better Days 2020 program will be at the Tabernacle on March 13, 2020.

Gina Worthen – A Fire Wise Landscaping Class will be on Saturday at 8:00 a.m. in the Council Chambers.

Vice Chair Worthen recognized Matt Anderson from Senator Romney's office. Anderson asked if there are any issues he can help with. They have helped Millville with some water/sewer issues and are helping Nibley get a post office. Council member Erickson said the relocation of the National Guard Armory needs help with funding sources. Anderson will see if Romney's office can help.

Dave Erickson reminded the Council of the Gossner Cancer Center grand opening on Friday, April 19, 2019 from 2:00 to 3:00 p.m.

Gordon Zilles asked if cloud seeding is done for the season. It is.

ADJOURNMENT

The Council meeting adjourned at 6:11 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Gina H. Worthen
Vice Chair



PROCLAMATION 2019

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's counties and cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities; they educate students for 21st century jobs, fight the opioid epidemic, respond to natural disasters, and support veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 9, 2019

THEREFORE, BE IT RESOLVED that I, Craig Buttars, County Executive for Cache County do hereby proclaim April 12, 2019, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.

A handwritten signature in black ink that reads "Craig W. Buttars". The signature is written in a cursive style and is positioned above a horizontal line.

Cache County Executive Craig Buttars



Gary Richard Herbert

Governor

Declaration

Whereas, the 68th observance of the National Day of Prayer will be held on Thursday, May 2, 2019;

Whereas, a National Day of Prayer has been part of American heritage since it was declared by the First Continental Congress in 1775 and the United States Congress approved a Joint Resolution in 1952 setting aside a day each year for prayer;

Whereas, the United States Congress, by Public Law 100-307, in 1998, as amended, affirms that it is essential for us as a nation to pray and directs the President of the United States to set aside and proclaim the first Thursday of May annually as a National Day of Prayer;

Whereas, leaders and citizens of our nation are afforded the privilege of prayer, affirming our spiritual heritage and the principles upon which our nation was founded;

Whereas, we thank those who defend our freedoms and ask for peace throughout our state, nation, and world; and,

Whereas, we unite with fellow citizens to exercise our constitutional freedom of religion by gathering in prayer, seeking guidance, provision, protection, and purpose, for the benefit of every individual;

Now, therefore, I, Gary R. Herbert, Governor of the great State of Utah, do hereby declare May 2, 2019, as a

Day of Prayer in Utah

Gary R. Herbert
Governor

**CACHE COUNTY
RESOLUTION 2019 - 10**

RESOLUTION AUTHORIZING CONVEYANCE OF REAL PROPERTY IN LOGAN CANYON

WHEREAS, Cache County owns a .17 acre parcel of real property identified by tax ID number 18-065-0006 and Cache County does not have a future interest in this real property; and

WHEREAS, Cache County has previously declared by Resolution, the property as "Surplus Property" pursuant to Cache County Ordinances 3.40.010, 3.40.020, and 3.40.040, and

WHEREAS, an interested party has submitted an acceptable bid to purchase the property; and

WHEREAS, the County Executive intends to execute a quit claim deed conveying all rights, title, and interest in the real property described in this resolution and attached as Exhibit A to the purchaser; and

WHEREAS, Utah Code Ann. Section 17-50-312 provides that the county legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of and requires the County to provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment and allow an opportunity for public comment on the proposed disposition; and

WHEREAS the Cache County Council must hold a public hearing before the Surplus Property can be disposed of by conveyance to the purchaser, A&M Cache Properties, LLC.; now


THEREFORE, the Cache County Council finds as follows:

1. That the parcel identified by tax ID number 18-065-0006 was declared "Surplus Property" by the County Council on February 26, 2019, at a public hearing, by Resolution 2019-04, and
2. That pursuant to Cache County Ordinance 3.40.020, the property is being sold for not less than fair market value to A&M Cache Properties, LLC., for \$1,800.00.

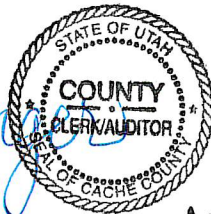
THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" has been declared surplus, and that such surplus property may be disposed of by the Cache County Executive by executing an appropriate deed to A&M Cache Properties, LLC. This resolution takes effect immediately upon adoption.

Dated this 9 day of April, 2019.


ATTESTED TO:



Jill N. Zollinger
Cache County Clerk/Auditor



CACHE COUNTY COUNCIL



Karl B. Ward *Eina H. Worthen*
Acting Council Chair

Exhibit A

18-065-0009

18-065-0014

18-065-0008

18-065-0016

18-065-0012

18-065-0013

18-065-0007

**18-065-0006
CACHE
COUNTY CORP**

18-065-0015

18-065-0010

N US 89

18-065-0006
LEG 120 RDS N OF CENTER OF SEC 36 T 14N R 3E &
TH N 20 RDS TH W 84 RDS 4 FT M/L TO W BANK OF LOGAN RIVER
TH S 11 RDS ALG W BANK OF RIVER TH E 15 RDS 6 INCHES
TO TRUE POB TH S 9 RDS TH W 50 FT TH N 9 RDS TH E 50 FT
TO TRUE POB CONT 0.17 AC

**CACHE COUNTY
RESOLUTION 2019 - 04**

**RESOLUTION DECLARING COUNTY INTEREST IN REAL PROPERTY LOCATED IN
LOGAN CANYON INCLUDING PARCEL NUMBER 18-065-0006 AS SURPLUS PROPERTY**

WHEREAS, Cache County intends to sell the County interest in real property described in Exhibit "A"; and

WHEREAS, Utah Code Ann. Section 17-50-312 provides that the county legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of; and

WHEREAS, prior to the sale of said Property, Cache County Ordinance Section 3.40.010 requires the Cache County Council to declare said property as "Surplus Property"; and

WHEREAS Cache County Ordinances Sections 3.40.020 and 3.40.040 establish the procedures and protocols that must be followed prior to declaring the property as "Surplus Property" before it can be conveyed to a purchaser; and

WHEREAS the Cache County Council must hold a public hearing pursuant to Cache County Ordinance Section 3.40.040(B) before, by motion and vote, the Cache County Council can declare the Property as "Surplus Property" so that it can be conveyed to a purchaser; now

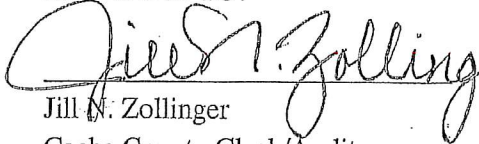
THEREFORE, the Cache County Council finds as follows:

1. That it is in the public interest that the subject real property be disposed of as surplus property. In determining whether the property shall be declared surplus, the County Council has taken into consideration:
 - a. Whether the county has, or anticipates that it will have, no practical, economical, efficient or appropriate use for the property currently or in the reasonably foreseeable future.
 - b. Whether the purpose served by the property can be better accomplished by other alternatives or property.
 - c. Whether the purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the county council.
 - d. Whether the property is so damaged, depreciated or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive or impractical.
 - e. Whether the purposes and interests of the county would be better served by the declaration of the property as surplus and the disposition of that property.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" shall be declared surplus, and that such surplus property may be disposed of by the County Executive subject to the provisions of Cache County Code Chapter 3.40. This resolution takes effect immediately upon adoption.

Dated this 26th day of February 2019.

ATTESTED TO:



Jill N. Zollinger
Cache County Clerk/Auditor



CACHE COUNTY COUNCIL



Karl B. Ward
Council Chair

Exhibit A

18-065-0009

18-065-0014

18-065-0008

18-065-0016

18-065-0012

18-065-0013

18-065-0007

**18-065-0006
CACHE
COUNTY CORP**

18-065-0015

18-065-0010

N US 89

18-065-0006
E 120 RDS N OF CENTER OF SEC 36 T 14N R 3E &
TH N 20 RDS TH W 84 RDS 4 FT M/L TO W BANK OF LOGAN RIVER
TH S 11 RDS ALG W BANK OF RIVER TH E 15 RDS 6 INCHES
TO TRUE POB TH S 9 RDS TH W 50 FT TH N 9 RDS TH E 50 FT
TO TRUE POB CONT 0.17 AC

When Recorded Mail To:
A&M Cache Properties, LLC.
209 Winding Way
Logan, Utah 84321

QUITCLAIM DEED

CACHE COUNTY, a corporation organized and existing under the laws of the State of Utah, grantor, with its principal office at **179 North Main Street, Logan, UT 84321**, of Cache County State of Utah, hereby quitclaims to A&M Cache Properties, LLC., grantee, for the sum of \$10.00 dollars, the following described tract of land in Cache County, Utah, to wit:

Parcel Number 18-065-0006, also described as

BEG 120 RDS N OF CENTER OF SEC 36 T 14N R 3E & TH N 20 RDS TH W 84 RDS 4 FT
M/L TO W BANK OF LOGAN RIVER TH S 11 RDS ALG W BANK OF RIVER TH E 15
RDS 6 INCHES TO TRUE POB TH S 9 RDS TH W 50 FT TH N 9 RDS TH E 50 FT TO
TRUE POB CONT 0.17 AC

Pursuant to Utah Code Ann. §17-20-4(3)

A quitclaim deed when executed as required by law shall have the effect of a conveyance of all rights, title, interest, and estate of the grantor in and to the premises therein described and all rights, privileges, and appurtenances thereunto belonging, at the date of the conveyance.

In witness whereof, the grantor has caused its corporate name and/or seal to be hereunto affixed by its duly authorized officers this _____ day of April, 2019.

Cache County, a Municipal Corporation

Jill N. Zollinger
Cache County Clerk / Auditor

Craig W Buttars
Cache County Executive

State of UT)
County of Cache) §

On April _____, 2019, personally appeared before me **Jill N. Zollinger** and **Craig W Buttars**, who, being duly sworn, did say that he/she is the **Cache County Clerk/Auditor** and **Cache County Executive** (respectively) of Cache County, a Municipal Corporation, and that the within foregoing instrument was signed on behalf of said Corporation by authority of a resolution of its Board of Directors or its By-Laws and who duly acknowledged to me that said Corporation executed the same.

Notary Public

PURCHASE AGREEMENT

This agreement is entered into on this ____ day of April, 2019, between Cache County, a body corporate and politic and a legal subdivision of the State of Utah, hereinafter referred to as Seller, and A&M Cache Properties, LLC., hereinafter referred to as Purchaser.

WHEREAS, Seller owns certain property located at approximately one mile south of Franklin Basin Rd on 89A, Cache County, Utah with Tax Id # 18-065-0006; also described as:

BEG 120 RDS N OF CENTER OF SEC 36 T 14N R 3E & TH N 20 RDS TH W 84 RDS 4 FT M/L TO W BANK OF LOGAN RIVER TH S 11 RDS ALG W BANK OF RIVER TH E 15 RDS 6 INCHES TO TRUE POB TH S 9 RDS TH W 50 FT TH N 9 RDS TH E 50 FT TO TRUE POB CONT 0.17 AC

WHEREAS, Purchaser desires to purchase Seller's property; and

WHEREAS, Seller is willing to sell said property under the terms set forth below,

NOW THEREFORE, the parties, in consideration of their mutual promises and covenants, agree as follows:

1. Purchaser agrees to purchase at a price of \$1,800.00, on the terms set forth in this agreement, the real estate located in Cache County, Utah with Tax Id # 18-065-0006, and more fully described as above.
2. Seller agrees to sell the described real estate property at the price and terms set forth in this agreement, and to convey or cause to be conveyed to purchaser title to the real estate property by a Quit Claim Deed.
3. The date of the closing shall be on or before April 30, 2019, and the closing shall take place at Cache County in Logan, Utah. Physical possession of the subject property shall be delivered to Purchaser within seven days of closing.
4. This contract is subject to the following additional conditions and stipulations:
 - (a) Property and general taxes and other similar items shall be prorated as of the time of the closing. Prorated taxes shall be made payable to Cache County Treasurer.
 - (b) Upon the payment of the purchase price, Seller shall deliver a deed in acceptable form.
 - (c) Time is of the essence of this contract.
 - (d) Any payments required in this contract to be made at the time of closing shall be by certified check or cashier's check, payable to Cache County.

- (e) It is understood by both parties that risk of loss is borne by the seller prior to closing and transfer of possession.
- (f) Pursuant to Utah Code Section 17-50-312 and Cache County Code 3.40.040 the Cache County Council must approve by resolution the disposition of the property as set forth in this agreement.
- (g) All notices required in this contract shall be in writing and shall be served on the parties at the addresses following their signatures. The mailing of a notice by certified mail, return receipt requested, shall be sufficient service.

6. This Agreement and the documents referred to herein, constitute the entire agreement and shall be binding upon and shall inure to the benefit of the parties, their heirs, personal representatives, successors and assigns.

In witness whereof, the parties have executed this instrument at the place and on the date first above specified.

Purchaser:

Purchaser Address for notice

Seller:

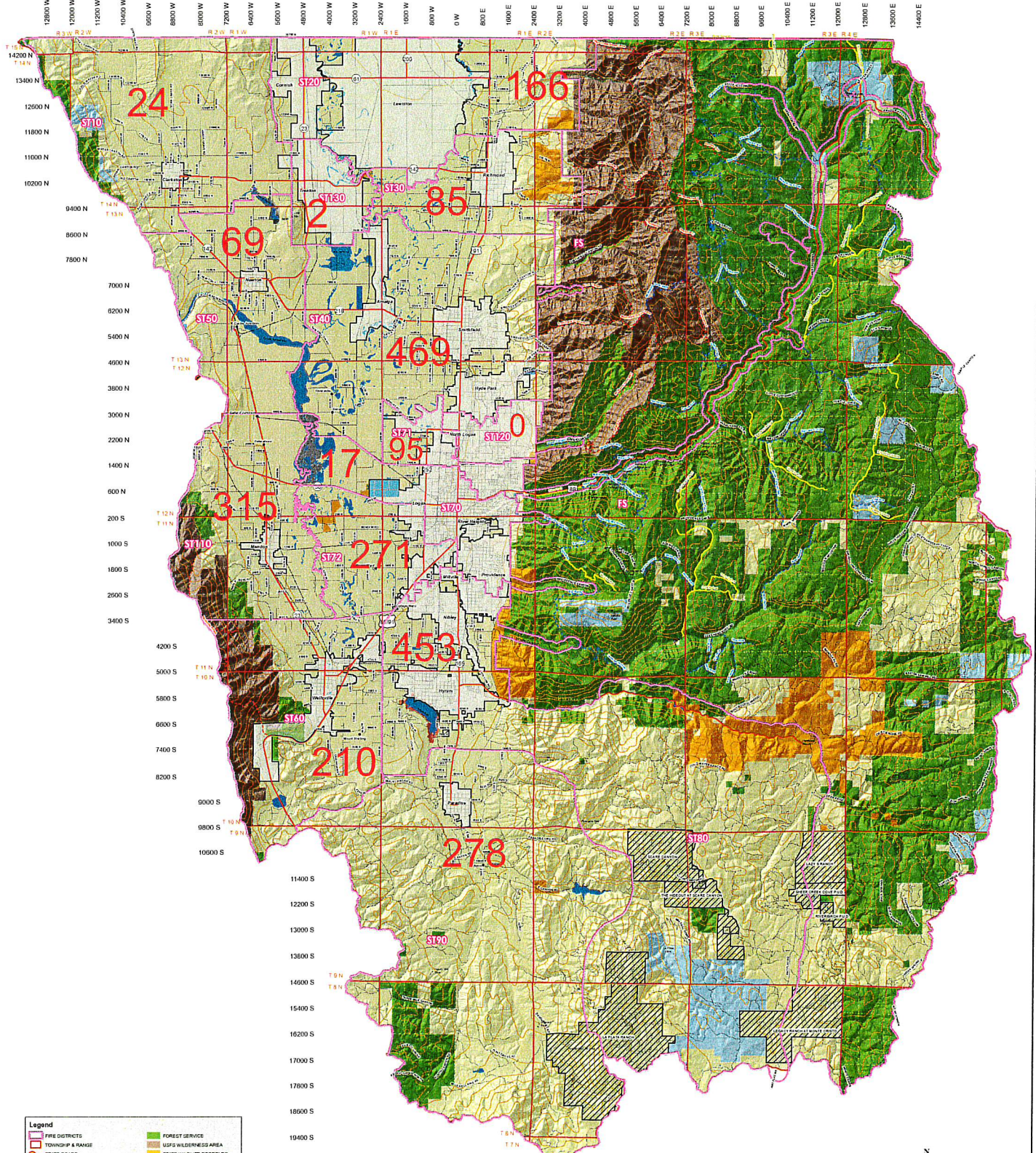
Cache County

Craig W Buttars
Cache County Executive
199 N. Main Street
Logan, Utah 84321

Attest:

Jill N. Zollinger,
County Clerk / Auditor

Cache County



- Legend**
- ▭ FIRE DISTRICTS
 - ▭ TOWNSHIP & RANGE
 - STATE ROADS
 - FOREST SERVICE MOTORIZED TRAILS
 - FOREST SERVICE NON-MOTORIZED TRAILS
 - FOREST SERVICE WILDERNESS TRAILS
 - ▭ MUNICIPAL BOUNDARY
 - 500 FT CONTOURS
 - RAILROADS
 - ▭ FOREST SERVICE
 - ▭ USFS WILDERNESS AREA
 - ▭ STATE WILDLIFE RESERVES
 - ▭ STATE TRUST
 - ▭ STATE PARK RECREATION AREA
 - ▭ SLM
 - ▭ PRIVATE

Created by: **Cache County** Development Services February 2019

