

COUNCIL MEETING
MINUTES 7/22/97

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CACHE COUNTY COUNCIL MEETING MINUTES

July 22, 1997

The Cache County Council met in regular session on July 22, 1997 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

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

Others present were: County Executive, M. Lynn Lemon, County Clerk, Stephen M. Erickson, County Attorney, Scott Wyatt, County Auditor, Tamra Stones, Executive Administrative Assistant Michael Nilson, County Zoning Administrator, Lorene Greenhalgh, County Water Policy Coordinator, Thad Erickson, Bridgerland Travel Region Director, Maridene Alexander. Representatives from the local news media and other interested citizens.

CALL TO ORDER

Chairman Darrel L. Gibbons called the meeting to order at 5:00 p.m. and welcomed all who were in attendance.

INVOCATION

The invocation was given by Vice Chairman, C. Larry Anhder.

AGENDA & MINUTES

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

The minutes of the regular Council meeting held on July 8, 1997 were discussed, corrected and approved.

COUNTY EXECUTIVE REPORT

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

1. Service Awards: Executive Lemon presented two service awards for 10 years of county service. Council members, Sarah Ann Skanchy and Darrel L. Gibbons were thanked by Executive Lemon. They were both presented a plaque to honor them for their work. Both

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Council members are part of the original Council when the County Government was changed.

2. State Water Engineer Report: The State Water Engineer, Robert Morgan has sent a letter to Executive Lemon telling him that the comment period extension that the County had asked for has been denied. Morgan thanked the County Water Policy Board for their input. Lemon reported that there is still time to make additional input if we desire. Thad Erickson, the County Water policy Coordinator, has sent Council members a report on the activities of the County Water Policy Advisory Board and what took place during a recent State Water Commission meeting.

(See attachment #1)

3. Solid Waste Advisory Board: The County Solid Waste Advisory Board is recommending that the fee to drop off dead animals by the Cache Valley By-Products Company be waived for another year. A feasibility study of a proposed materials recovering process will begin in January 1998.

4. Sherwood Hills Olympic Venue Bid: Sherwood Hills attempt to gain part of the 2002 Winter Olympics for this area is looking good. A meeting in mid August will be held to involve the public. Council members will be invited to attend that meeting.

5. A History of Cache County Book: The history of Cache County has now been published in book form. The County has purchase 1000 copies. The Book is on sale for \$19.96 from the Executives Office. The book was written by Dr. Ross Peterson who is employed at Utah State University.

6. Childrens Justice Center Agreement: The inter local agreement between the County and the proposed Childrens Justice Center has been drafted. The draft has been approved by CJC and others but is not final yet. It will be presented for Council review and approval in a future Council meeting.

7. Sheriff's Employee Probation Period Extension Request: The County Sheriff is requesting approval of an extension in their employee probation period from six months to one year. The Executive was asked to bring this proposed change as well as other changes in the personnel policy, that may be proposed, to a future Council meeting for discussion and approval.

8. Warrants: The Warrants for the periods of July 3, to July 10 and July 11 to the 17th, 1997 were presented to the County Clerk for filing.

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BRIDGERLAND TRAVEL REGION REPORT: ALEXANDER, MARIDENE

The Director of the Bridgerland Travel Region, Maridene Alexander, appeared before the Council to review that organizations passed quarters activities and budget. Alexander told the Council that the Hotel/Motel occupancy rate has increased 16.97% in Cache County and 16% in Rich County. There are presently 800 rooms available for occupancy. The effort to promote the area for conferences has been paying off. People have a different opinion of this area once they have visited here. Color advertisements and bulletins were distributed to Council members.

RESOLUTION NO. 97-18: BUDGET-1997 ADJUSTMENTS

The County Auditor, Tamra Stones, presented to the Council Resolution No. 97-18 that will adjust the County's 1997 budget.

(See attachment #2)

It was moved by Vice Chairman Anhder to waive the rule of first and second reading and adopt Res. No. 97-18. It was seconded and carried unanimously.

COUNCILMAN CORY YEATES ARRIVES: 5:40 P.M.

PUBLIC HEARING SET: SURPLUS PROPERTY-CACHE JUNCTION

Executive Lemon reported that some platted but never developed roads in the Cache Junction area need to be declared surplus and sold to interested property owners in that area. A public hearing needs to be held to receive public input on the matter.

Vice Chairman Anhder moved to set a public hearing on August 26, 1997 at 5:30 p.m.. It was seconded and carried unanimously.

PUBLIC HEARING SET: BUDGET-1997 ADJUSTMENT-CDBG AMENDMENTS

The Council reviewed the need to adjust the 1997 County budget to allow adjustments for CDBG funding. A public hearing is necessary before proper budget adjustments are made.

It was moved by Councilman Pulsipher to set a public hearing, to receive public input on adjusting the 1997 budget, on August 12, 1997 at the Hyrum City Offices in Hyrum, Utah at 5:30 p.m.. It was seconded and carried unanimously.

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ROBERTSON SUBDIVISION: FINAL PLAT APPROVAL

The County Zoning Administrator, Lorene Greenhalgh, reviewed the request for a minor subdivision North of Richmond in the Cove area. The questions from the last Council meeting regarding the subdivision have now been answered. Greenhalgh mentioned that the subdivision has met all the necessary requirements and has been approved by the County Planning Commission.

A motion to approve the final subdivision plat was made by Councilman Beck. It was seconded and passed on a vote of 5 "Yes" to 2 "No" vote. Councilmen Yeates and Anhder abstained.

HULME SUBDIVISION PLAT-FINAL:DISCUSSION

Lorene Greenhalgh, the County Zoning Administrator, reviewed a proposed subdivision that has been approved by the Planning Commission. A memo from Greenhalgh concerning the proposed subdivision had been sent to Council members.

(See attachment #4)

Concern over the dollar amount for sidewalk bonding and water for fire protection was discussed. It was determined to table any action on the Hulme Subdivision until those two issues are addressed.

PUBLIC HEARING: SALES TAX & USE TAX PROPOSAL

Chairman Gibbons convened a scheduled Public Hearing at 6:00 p.m.. The public was advised of the purpose of the hearing. The Council is proposing to impose a 1/4 cent sales tax in exchange for a reduction in the same amount of property tax. Executive Lemon was asked to review the sales and property tax proposal. Lemon figured that on \$150,000 home the property tax would be reduced \$95.00. Gibbons then asked for comments from the audience.

Stones, Tamra: Stones believes that the sales tax proposal is what we need. She said that diversification in tax collections would be good for the County.

Ellis, Clark: Favors taking away all the property tax that the Council can take. He supports the sales tax concept.

Clements, LaMar: Supports the sales tax concept and believes that sales tax is the fairest tax of all taxes.

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The Council discussed the possible distribution of the proposed sales tax. Auditor Stones told the Council that if all Counties in the State adopt the sale tax option, the money from point of sale will be distributed evenly among all the counties. If they don't the money will be distributed on point of sale.

A motion to close the public hearing was made by Councilman Petersen. It was seconded and carried unanimously.

Vice Chairman Anhder made a motion that it is the intent of the Council to support the proposed 1/4 cent sales tax option for property tax. The motion was seconded by Councilman Petersen and it carried unanimously.

Executive Lemon will notify the State Commission that the intent of the County will be to adopt the sales tax option.

CERTIFIED TAX RATE: DISCUSSION

The County Auditor, Tamra Stones, was asked to review the certified tax rate for 1997. Stones said that she has calculated the proposed certified tax for the general fund to be .002168. The health fund is calculated at .000183. The County-wide assessing & collecting rate is .000131. The average tax rate will be .002738. Stones said that she has been visiting some of the cities to explain how the tax rate is determined. New growth is estimated to be around \$302,000 this year.

HISTORY BOOK-CACHE COUNTY CENTENNIAL: DISCUSSION

Council member Skanchy reported that it has been a long process, but the book on the history of the County has now been published and an effort should be made to promote and sell the book. The book sells for \$19.96 and the county has purchased 1000 for resell.

EMPLOYEE PICNIC-WILLOW PARK: DISCUSSION

The County Employee picnic will be held on July 29, 1997 at 6:30 p.m. at Willow Park. Council members were invited to attend.

PARADE: WELLSVILLE FOUNDER'S DAY

The Council has been asked to ride in the Wellsville Founder's Day Parade. The parade will begin at 10:00 am on September 1, 1997.

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LAND USE ORDINANCE: DISCUSSION

The Council had held a one hour workshop with the County Planning Commission before the regular council meeting began trying to solve different issues on the proposed new Land Use Plan. Chairman Gibbons suggested that the Council continue discussing the proposed ordinance during the regular Council meeting. It was the consensus of all Council members that the discussion continue.

Council member Skanchy said that she feels like the Planning Commission want to have Council input and that the Council should continue to meet with them to try and solve the issues. Chairman Gibbons suggested that the new Ordinance be written so that the average citizen could read and understand what it says. Gibbons further stated that he feels that the Commission feels comfortable with most of what the draft contains but they would like to make some minor changes. Executive Lemon feels that the proposed Plan is too broad and some of the problems are caused by individual interpretation. Lemon is concerned that the proposal is hard to draft because it has to deal with cities as well as the unincorporated area of the county. Lemon is recommending that more time be taken to solve the issues and that we should all work together to come up with a good Ordinance. Councilman Petersen said that the plan wasn't done well initially and he recommends that we should start over. Petersen suggested that plans from other counties be looked at and evaluated to see what they have done. Chairman Gibbons suggested that the council meet again with the Planning Commission and have the Zoning Administrator, Lorene Greenhalgh and County-Wide Planner, Mark Teuscher present to help come together on proposed changes in the Ordinance.


Future workshops will be scheduled by Chairman Gibbons.

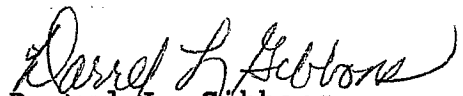
COUNCIL MEMBER REPORTS:

Councilman Beck: Beck expressed concern that there wasn't going to be council representation in the July 24th Sesquicentennial parade.

ADJOURNMENT

No further business as presented and Chairman Gibbons adjourned the meeting at 7:05 p.m..


ATTEST: Stephen M. Erickson
County Clerk


APPROVAL: Darrel L. Gibbons
Council Chairman

PERIODIC REPORT Prepared by Thad Erickson

TO: Council/Executive, Board Members, Others

State Water Development Commission meeting, 17 July

Several agenda items from this meeting will serve to relate what is going on with water issues that are important to our county.

Ron Thompson talked about Washington County Water Conservancy District activities. The Sand Hollow Reservoir (an appendage of Quail Creek) is being constructed as an eventual terminal facility for Lake Powell water. New growth projections for the St. George area are outstripping all earlier predictions. The important contrast to our situation is that down there they have lots of reservoir sites with little water, here we have few potential reservoir sites with a comparatively abundant supply of water. This is an important consideration for Bear River storage as I hope to show later.

Allyson Grandy, Division of Water Rights, talked about their plan to place conditions on new appropriations in Cache Valley. The State Engineer's reply to our request for extension of the public comment period dated 14 July has been circulated separately. It agrees to review comments if received by 14 Aug. 97. Allyson shed some additional light on the issue here. In early September they have a public meeting planned. They have programmed a three year period for fine tuning their new procedure before it becomes final. She said they are going into new territory on this thing. It was evident from the comments by board members from around the state that this policy development of the State Engineer has statewide import. They are doing a similar thing in Sevier County. The conjunctive idea (relating surface and groundwater) is somewhat new and other states are grappling with the issue as well. (I found out from other sources that Idaho's state engineer is being petitioned by UP&L and Bear River Water Users to develop a groundwater/surface water management plan for the Bear River). It is apparent that we have had some impact on the State Engineer's consideration of timing/delay and depletion issues. It is important that we continue to use the technical water research resources of this region in supporting water policy development. It's easy to get bogged down in legal detail. The State Engineer's objective is to make maximum use of the resource without impairing prior rights. I think we are supporting that objective.

Bear River Field Trip

Natalie Gochnour, (the ch is pronounced like a k) Governor's Office of Planning and Budget provided an assessment of the June 25th Blackhawk helicopter tour for the governor and his staff of potential sites for development of the Bear River. Attached is a

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list of attendees for this tour. Nobody backed out, there were no cancellations. The weather was perfect.

I was an eye witness to the interaction of a senior, water development minded senator and a young, charismatic chief executive and the effect that it can have on history. No, this was not only Holmgren/Leavitt in 1997, but Senator Robert S. Kerr and John F. Kennedy some 35 years ago. I was stationed at Tinker AFB in Oklahoma City. Senator Kerr from Oklahoma was called the Uncrowned King of the Senate. He held hearings around the country that led to the establishment of water research facilities in every state. It was said jokingly that given enough time, he would have diked and flooded the entire state of Oklahoma. He was successful in getting the Arkansas River dredged to allow Tulsa to become a sea port. Oklahoma has no natural lakes, but take a look at the map and you will see, especially in the eastern part of the state, a profusion of reservoirs. Part of this is a legacy of the dustbowl. Those people knew what drought meant and never wanted to experience it again. Senator Kerr died suddenly while still in office and the President came in Air Force One to Tinker to attend the funeral. Our headquarters building was right at the main gate where the president was sure to pass by. Many Oklahomans said they wouldn't even look out the window to see John Kennedy, but they all did when the time came. Governor Leavitt, is, as was President Kennedy, an innovative and creative thinker. So is Senator John Holmgren. My bet is that when the Governor decides to push Bear River development it will happen, just as we had the Apollo program, or when we combined multiple state employment and welfare services into a new Workforce Services department. This last action defied the wishes of many of those that I heard speak at a local public hearing. Cost benefit analysis will not be the sole determining factor in this process just as in the past.

So, what was the reaction of the governor and staff as viewed by Natalie? The governor just got back from China so she had a very brief chance to gage the reaction. The news media were reporting that China, in addition to trying to influence U.S. elections, had been courting some up and coming state and local government officials in the U.S. in recent times, which I found to be an interesting coincidence. Natalie's opinion was that the tour had a significant effect on Governor Leavitt and his staff. They consider water to be the ultimate stealth issue or growth issue challenge. It is not visible or perceived as a problem, hidden issue to the people. Staff appreciated the view. The Governor considers the state to be a partner (an approximate figure of 20% was used as a possible state share in new development). Significant state dollars will be needed for water in the next decade. The Bear River--most important current issue now and for the next decade. Seeing things first hand makes a difference. Larry Miller and the Governor are co-chairs of the newly created Public/Private Quality Growth Partnership. Its purpose is to analyze future directions for the state. Water will be a big component of the partnership's interest.

Bear River Development--Where next? Potential Effects on Cache? Quality Dimension? Effect on Water Rights Values?

Some time ago Senator Holmgren put forward some new ideas on an off stream reservoir option for Bear River storage. I have called this the Holmgren Barrens Option (HBO) for convenience. In simplest terms this would be a Willard Bay type reservoir which would have the attractive feature of being filled with higher quality water from the West Cache Canal and east side Cache steams. Ivan Flint, Weber Basin WCD, says that new stored water must have at least as high a quality as Willard Bay or it won't work. If the HBO were built large enough to hold the entire 220,000 ac.ft planned for the Bear River it would need be the only reservoir built. The Bird Refuge needs could be met and critical support for environmental and ecological concerns obtained. Such a reservoir would likely have greatly enhanced year round recreational potential. There are a host of other issues involved, but let me just mention two. The first is what would this do to water rights values? Much spring water is available during the winter which could then be stored. Through some purchase of these and other summer rights this water could be used to greatly increase the yield of the reservoir. The effects of these possibilities on market conditions for Cache water rights could be profound. Also on the quality side, the question has always been asked as to why protect the quality of springs if the use is just irrigation? The answer now would be that it has become drinking water for the politically powerful Wasatch Front.

What effect could this have on the State Engineers new policy? I think that the three year fine tuning period may have to do more than just fine tune. The construction of a large reservoir in the valley would mean more than just a tweak, it would be a paradigm shift. Relating back to the Washington County experience, it's becoming more clear that the Cache contribution to Bear River storage may be for a variety of reasons a reservoir site, as well as the water to store.

Engineering Review of New State Engineer Policy

Jay Bagley, as the water engineering member of the board, has facilitated three meetings with technical people to attempt to provide useful comment on the proposed policy. The last of the three meetings was held today, and a written comment is expected to be forwarded to the State Engineer prior to the new 14 Aug. 97 deadline. The comments will be put in a positive framework designed to be helpful in dealing with a complex issue that is likely to have statewide import. Paul Riley, Frank Haws, and Trevor Hughes will assist Jay in preparing the comments. These will address hydrologic validity and modeling as applied to Cache Valley. A second area of focus will be on policy and the role of the State Engineer. Recommendations as to what they feel the State Engineer should be doing are being crafted.

LIST OF ATTENDEES
GOVERNOR LEAVITT'S TOUR OF PROPOSED BEAR RIVER PROJECT

The Honorable Michael Leavitt
Governor
State of Utah
210 State Capitol
Salt Lake City, UT 84114

Mr. Lane Beattie
President
Utah State Senate
319 State Capitol
Salt Lake City, UT 84114

Mr. Craig Buttars
House of Representatives
540 South 1600 West
Lewiston, UT 84320

Mr. Thad Erickson
Cache Valley Water Committee
115 West Golf Course Road
Logan, UT 84321

Ms. Lynn Koga
Director of Operations,
Planning and Budget
State Capitol
Salt Lake City, UT 84114

Mr. Alan Workman
Security
Governor's Office
210 State Capitol
Salt Lake City, UT 84114

Dr. M. Karlynn Hinman
Chairman
Board of Water Resources
Boston Building, Suite 1000
9 Exchange Place
Salt Lake City, UT 84111-7243

Mr. Ivan Flint
General Manager
Weber Basin Water Cons. Dist.
2837 East Highway 193
Layton, UT 84040

Mr. David Ovard
General Manager
Salt Lake County Water
Conservancy District
P.O. Box 70
West Jordan, UT 84088

Mr. Frank Nishiguchi
General Manager
Bear River Water Cons. Dist.
102 West Forest Street
Brigham City, UT 84302

Mr. Charlie Johnson
Chief of Staff
210 State Capitol
Salt Lake City, UT 84114

Mr. John P. Holmgren
Utah State Senate
P.O. Box 208
Bear River City, UT 84301

Lieutenant Colonel Peter K. Wilson
Utah National Guard
12953 South Minuteman Drive
Draper, UT 84020

Ms. Natalie Gochnour
Utah State Planning & Budget
116 State Capitol
Salt Lake City, UT 84114

Mr. Brad Barber
State Land Planner
210 State Capitol
Salt Lake City, UT 84114

Mr. Ted Stewart
Director
Utah Department of Natural Resources
1636 West North Temple
Salt Lake City, UT 84116

Mr. Larry Anderson
Director
Utah Division of Water Resources
1636 West North Temple
Salt Lake City, UT 84116

Mr. Stephen Osguthorpe
President
Weber Basin Water Cons. Dist.
2837 East Highway 193
Layton, UT 84040

Mr. Gerald Maloney
Chairman
Salt Lake County Water
Conservancy District
P.O. Box 70
West Jordan, UT 84088

Mr. Clinton Burt
Chairman
Bear River Water Cons. Dist.
3550 West 5600 North
Brigham City, UT 84302

INTRA- DEPARTMENT BUDGET TRANSFER

RESOLUTION NO. 97-18.

A RESOLUTION TRANSFERRING OF UNEXPENDED APPROPRIATION BALANCE BY GOVERNING BODY.

The Cache county Council, in a duly convened meeting, pursuant to Section 17-36-23, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 1997 are reasonable and necessary; that the said budget as been reviewed by the county Auditor with all affected department heads; that the County Council has given due consideration to matters discussed at the public meeting 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 1997 budget for Cache County:

see attached schedule

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.

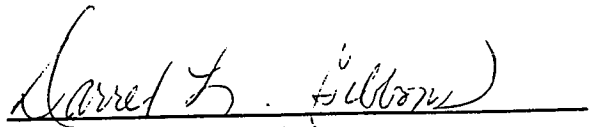
This resolution was duly adopted by the Cache County Council on the 22nd day of July, 1997.

ATTESTED TO:

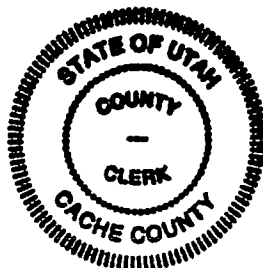
CACHE COUNTY COUNCIL



Stephen M. Erickson,
Cache County Clerk



Darrel L. Gibbons, Chairman

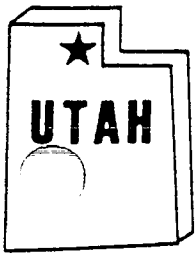


FUND 10 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Recommended		Reason for Change
		Current Budget	Increase DEBIT CREDIT	
10-31-10000	Current General fund Taxes	(\$4,401,316)	(\$247,097)	New growth value increase \$264,898
10-31-60000	Multi-County A & C levy	(\$547,020)	(\$13,787)	
10-31-65000	County Assess & Collecting	(\$267,090)	(\$4,014)	
10-31-70000	Fee-in-Lieu - County	(\$850,000)	\$247,097	
10-31-71000	Fee-in-Lieu - Multi-Co A&C	(\$102,000)	\$4,014	
10-31-72000	Fee-in-Lieu - A&C	(\$51,500)	\$13,787	
	TOTAL REVENUES		\$264,898 (\$264,898)	\$0

FUND 21 HEALTH FUND REVENUES

ACCOUNT	DESCRIPTION	Recommended		Reason for Change
		Current Budget	Increase DEBIT CREDIT	
21-31-11000	Current Health fund Taxes	(\$354,442)	(\$37,929)	New growth value increase \$37,929
10-31-70000	Fee-in-Lieu - County	(\$73,487)	\$37,929	
	TOTAL REVENUES		\$37,929 (\$37,929)	\$0



Cache County Corporation

LORENE GREENHALGH
Zoning Administrator
752-8327

179 North Main, Room 210
Logan, Utah 84321

MEMORANDUM

TO: Cache County Council

FROM: Lorene Greenhalgh, Zoning Administrator *LG*

DATE: July 9, 1997

SUBJECT: Hulme Subdivision

Lynn Hulme is requesting Council approval of an 8-lot subdivision in the Agricultural Zone to be called the Hulme Subdivision for the construction of 8 single family dwellings to be located at 10760 through 10970 South 800 East, Avon. This proposed subdivision has been reviewed by the Planning Commission on four different occasions and was given preliminary plat approval on 2 June 1997 with final plat approval being given on 7 July 1997. There can be no further division of the lots; road right-of-way has been dedicated and the road must be completed prior to any zoning clearance being issued for a building permit. Fire protection storage has been required and must be in place prior to homes being constructed. There will be adequate culinary water provided by wells to the subdivision. The applicant must improve the county road with chip and seal to the 20-foot required width and must place a 4-foot sidewalk from the last home of the subdivision to the school bus stop which is to be completed at the time the homes are constructed. There will be an escrow agreement with Cache County with \$500.00 per lot being held for the completion of the sidewalk.