

CACHE COUNTY COUNCIL MEETING
September 24, 2002

The Cache County Council convened in a regular session on 24 September 2002 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

Chairman: C. Larry Anhder
Vice Chairman: Layne M. Beck
Council Members: Darrel Gibbons, John Hansen, H. Craig Petersen, Kathy Robison,
Cory Yeates
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance:

(See Attachment No. 1 - Attendance Roster)

CALL TO ORDER:

Chairman Anhder called the meeting to order at 5:05 p.m. welcoming those present.

INVOCATION:

The invocation was given by Pastor Tojo Fairman, Logan Lighthouse Ministry.

REVIEW AND APPROVAL OF AGENDA:

Proposed adjustments to the agenda: 1) Board of Equalization items to be approved under 8e. 2) Cache Valley Travel Region Report, Item 6b, removed from agenda. 3) Executive Session added to end of agenda to discuss a personnel matter.

Council member Yeates moved to approve the agenda as amended. Council member Robison seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES:

Minutes of County Council meeting of September 10, 2002, were discussed, corrected and approved.

Council member Petersen moved to approve the minutes. Council member Gibbons seconded the motion. The vote was unanimous, 7-0.

REPORT OF COUNTY EXECUTIVE: M. LYNN LEMON

County Executive Lemon reported on the following items:

Appointments: Darrell Erickson - Road Department Manager

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Council member Gibbons moved to approve the recommended appointment. Council member Petersen seconded the motion. The vote was unanimous, 7-0.

There was some discussion about the possibility of having a Public Works department with the Road manager position. Executive Lemon explained that based on input he had received, it had been decided not to do that. The County will contract for engineering services and at a later date deal with the Public Works Director position.

Appointments: Matthew Edward Lloyd - Deputy County Attorney
Jason McIntyer Latimer - Reserve Deputy Sheriff
Carl Ken Wright - Reserve Deputy Sheriff
David Oler Welker - Reserve Deputy County

Council member Yeates moved to approve the appointments. Robison seconded the motion. The vote was unanimous, 7-0.

Warrants: The Warrants for the periods of 08-30-2002 to 09-05-2002 and 09-06-2002 to 09-12-2002 were given to the Clerk for filing.

Other Items:

1. Ribbon Cutting 10th East project. The ribbon cutting for the 10TH East project will be on Friday, September 28, 2002, at 3:00 p.m. The event will be held at 600 South and 1000 East in River Heights.
2. Dan Jones Survey. Executive Lemon gave the Council members a copy of a Dan Jones survey. Lemon encouraged the Council to look at the response of the community to those issues surveyed.

SUNSHINE TERRACE FOUNDATION ANNUAL REPORT: SARAH SINCLAIR, CHIEF EXECUTIVE OFFICER

Sarah Sinclair introduced Robert Saxton who is the President Elect on the Board of Directors for the Sunshine Terrace Foundation and who is active on the building and grounds committee. Brent Sandberg, who is also a Board member and very active on the finance and budget committee, was also introduced.

Mission Statement of the Foundation: "Wellness, independence, dignity, and quality of life for those we serve." Ms. Sinclair noted that the people served were their clients, their families and their staff. There is a new video about the Sunshine Terrace Foundation that is available now and was given to Executive Lemon.

The intended purpose of Ms. Sinclair's report was to hopefully have the Foundation put as a line

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item to the Cache County's budgeting process as had been done in the past. The same amount was being requested as last year, \$42,000.00. This amount was used to cover uncompensated care. **Thanks was given for \$37,000.00 given last year and also for picking the Sunshine Foundation as the Council's first choice for the CDBG Grant.**

A disabled accessible van was purchased last year. It is more cost efficient than using one of the big busses to take one or two people to the doctor and it is used every single day. If we didn't have your contribution, we wouldn't have it.

Another use of \$14,000.00 was for uncompensated care for the Adult Daycare Center. This uncompensated care is going up each year. By using a State formula, it was up to 1.104 Million in 2001. In 2000 it was \$962,464.00; in 1999 it was \$786,303.00. Ms Sinclair explained that was figured on the difference of what the actual cost was and what medicaid pays. Even with the medicaid increase, there was still about \$14 a day off per patient of what it actually costs. Depending on the census that month, 60-63% are medicaid clients. Also, the Foundation was caring for one person that has no source of income. This individual was from South America; he does not have a green card; he cannot get on medicaid and yet he needs medical treatment, which is being given through the Foundation.

In Terrace Grove there are three apartments that are on a sliding scale. As little as 25% of the normal charges were coming in on one of those. At the Adult Day Center, as much as 25% of what is done there is uncompensated because the people need the care, but they can't pay for it for one reason or another.

The Foundation was also working on another capital project. The objective of this project was to bring their skilled nursing facility into the 21st Century so that it meets the needs and expectations of people in this century. Their goal is to change the atmosphere of Sunshine Terrace in the future from the hospital type institution to a more homelike environment. This will change the feel of the good medical care given. Infra structure such as boilers, windows, and lights were their starting place; Their drive should be completed by 2005. It will be then finished up with donations from individuals, corporations and foundations.

The Foundation was at 52,922 hours of volunteer work last year. Community people were very involved on their councils and committees. At least 55-60 community volunteers were on their Advisory Councils and Boards alone. The foundation is in its 55th year of service in this community.

Satisfaction is necessary for the good of the business. Every year with the help of an objective third party, Dr. Terry Peak from USU, co-ordinates satisfaction questionnaires and focus groups. These results were posted in the facility for the clients, their families, and the staff to see. More than 95% of respondents are satisfied. Employees have commented that they need more pay. There is ongoing training on leadership skill. Dietary wants, desires and regulations were being looked into. The Staff indicated that 96% liked their job, 95% know what their job is and 97% are committed to the clients.

A "Work Life Award" was presented from the Department of Workforce Services. It was one of 10 given in the State. The Foundation is a family-friendly company. Their regulatory

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compliance survey was not perfect; Although, out of 454 deficiencies, only four were given to the Foundation and those were all low-level. So, they were fixed before the State people even left. The Sunshine Terrace Foundation was fully accredited in the year 2000; the next accreditation is coming up in the year 2003.

4-H 100 YEARS: CHERYL EMPEY

Cheryl Empey, 4-H Agent assistant, wanted to include the County Council in their 100-Years' Celebration of 4-H by bringing to the Council meeting a small portion of the youth that are impacted by 4-H here in Cache County. She introduced the following Dairy Ambassadors: Erin Roberts, Kaylee Elwood, DeeDee Nelson, Megan Jessop, Danielle Robison, and Elsa Miller.

Erin Roberts told the Council that in the early 1900's 4-H programs were established throughout the country in response to young people and their need for better agricultural education. Boys and Girls Clubs were established to meet this need. The community club motto is "***Learning by Doing***". Now 100 years later, more than 6,000,000 youth throughout the United States are continuing to learn and grow through the 4-H program. The 4-H pledge focuses on four areas for members to develop: "Head, Heart, Hand, and Health." As current members and representatives of the 4-H Cache County program, the Dairy Ambassadors shared some of their personal experiences with 4-H and how it has helped them live up to the 4-H motto: To make the best better.

Ms. Empey stated that these young ladies were just a small portion of the public impact that the County is helping to support in positive youth development. She thanked the Council for their time.

FOREST PLAN UPDATE: ROB CRUZ, LOGAN FIRE RANGER

Mr. Cruz reported to the Council on the Forest Revision plan. There were several meetings in the local community of which were the most heavily attended out of all the meetings on the Wasatch-Cache. There had been 3,700 responses from the participants in the meetings and from surveys. The Forest Planning Team were going through those comments and were making adjustments to the Forest plan. The final revision plan is hoped to be accomplished by December of this year.

Mr. Cruz commented on concerns of the people: **1) Watershed health** and what was going to be done to maintain the health of the watersheds that are found along the Wasatch/Cache National Forest. The Forest Service does want to make sure that the watershed here in Logan will be maintained. **2) Fowl diversity and variability in management with wildlife species** were a big concern. Some people felt that the Forest Service should preserve wildlife-habitat corridors; others felt that a lot of activities they were currently involved in would be negatively affected. **3) Road and access management** was a big issue. With the building of homes up next to the forest, access to the National Forest has become a big issue for a lot of folks. The forest service wants to make sure that they maintain access to the forest, for the various recreational opportunities that people are involved in. Public interest was shown in upgrading and maintaining the roads. **4) Motorized trails expanded**. Representative Hansen has proposed the Shoshone

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ATV Trail for example. This project is aside from the Forest plan but might be brought into the plan if it is passed by Congress in the next couple of months. **5) Recreation management** is a big point of emphasis. There is a lot of conflict between motorized-use, Summertime ATV and with 4-wheel drives, The Forest plan will also be trying to deal with this. Also, Winter recreational conflicts need to be dealt with such as; with snowmobilers and back-country skiers, and people on snowshoes and those types of folks. **6) Wilderness management**. There are some people that want the Forest Service to preserve roadless area. There have been proposals of possibly turning the roadless into additional wilderness areas. On-the-other-hand, there are those that are opposed to more roadless areas and the designations of roadless areas because it does impact other opportunities, for example: Snowmobile, OHV and ATV opportunities. **7) Timber stands** on the National forest and whether management is just to provide logs to the mills or to provide for the health of the National forest. **8) Range management issues**. Some people felt it is time to remove the cattle from the National forest. From the environmental and social-economic standpoint, it may be important to continue that activity. **9) Fire management** will be looked at quite heavily on what was to be done with the eco systems and how vegetation would be managed to minimize destructive fires both nationally and locally that have a great impact on a lot of communities across the Western United States.

INTRA-DEPARTMENT TRANSFER:

An intra-departmental budget transfer was requested for the Assessor's Office. The amount to be transferred was \$10,400.00 Funds transferred were to meet telephone expenses and to replace twelve computer monitors.

(See Attachment No. 2.)

Council member Robison moved to approve the transfer of funds. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: NATURAL BARRIER DETERMINATION DEFINITION

The public hearing on the Natural Barrier Determination Definition was set for 6:00 p.m. on October 22, 2002.

Council member Gibbons moved to set the public hearing. Hansen seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION

BOARD OF EQUALIZATION APPROVALS: TAMRA STONES

The current year list of parcels to be approved thru the Board of Equalization was presented to the Council by Auditor Tamra Stones. Excluding McIntosh Development Corp. approval until further information was received.

(See Attachment No. 3.)

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Vice Chairman Beck moved to approve all parcels on the Auditor's list with exception of McIntosh Development Corp. Robison seconded the motion. The vote was unanimous, 7-0.

Council member Hansen commented that the Hearing Officer who sat with the Council during the Board of Equalization Hearing was very efficient and made the meeting more productive. Council member Gibbons felt that the Council ought to find the money to have him sit in on all of the BOE Hearings and only have one Council member attend rather than two.

COUNCIL ADJOURNED FROM BOARD OF EQUALIZATION.

PUBLIC HEARING: SIERRA HEIGHTS MINOR SUBDIVISION - AMENDMENT

Lorene Greenhalgh stated that it was a requirement of the County's new subdivision ordinance that a public hearing must be held. This subdivision was a 4-lot subdivision where Lot-1 was being requested to be divided to make a new L-5. The Planning Commission reviewed the request and their findings were as follows: 1) The request meets the requirements of the County Subdivision Ordinance and the County Land-use Ordinance. 2) Subdivisions are allowed in the agricultural zoning in which this property is located. 3) Approval of this request will not be detrimental to the essential character of the agricultural zone. 4) Approval of the request will not be unduly detrimental to or cause injury to property or truants of the immediate vicinity. 5) No structures will be constructed on any critical or sensitive lands as defined by the Land-Use Ordinance. 6) Approval of the request will not be detrimental to the health, safety and welfare of the citizens of Cache County. The plat was ready for the Chairman to sign if the Council approves.

Public Comments were requested from the audience. There were no public comments or Council comments rendered. Public Hearing was closed.

Chairman Anhder added the item to Pending action on the agenda because it had been anticipated that the Council would move on the amendment at this time.

SIERRA HEIGHTS MINOR SUBDIVISION - AMENDMENT:

Council member Gibbons moved to approve the Sierra Heights Minor Subdivision. Hansen seconded the motion. The vote was 5-2. Anhder and Yeates abstained.

(See Attachment No. 4)

ADMINISTRATION BUILDING UPDATE: M. LYNN LEMON

Since the last County Council meeting, the Administration building committee had met with Department Heads again as far as discussion on the interior of the building. There was a

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general consensus on the colors and the furnishings. They (construction workers) have started bricking the building. They plan to do the roof probably in the next four or five days. They hope to have the building enclosed within the next month.

The Council agreed that a tour of the Administration building should be arranged. They will meet before the next Council meeting at 4:00 p.m. to tour the building.

CACHE COUNTY JAIL UPDATE: SHERIFF LYNN NELSON

Sheriff Nelson commented that the County Jail was on the same schedule as was made at the very beginning. It is thirty days for the "Findings of No Significant Impact" to be published and then it goes back to Washington for the final draft which takes a week to 10 days.

Executive Lemon stated that work will be started on the road outside of the area. As soon as permission to start construction on the building was given, the County would begin. Groundbreaking at this point was anticipated for the 15th of October 2002.

REVIEW OF RESOLUTION NO. 2002-13 DISCUSSION: USING 1/64 SALES TAX WHICH WAS USED FOR OLYMPIC VENUES TO RETIRE A PORTION OF THE BOND USED TO CONSTRUCT THE BRIDGERLAND COMMUNITY ICE ARENA

This sales tax reimbursement which was pledged to paid to the NPIC for the purpose of retiring the sales tax portion of the bond used in constructing the Bridgerland Community Ice Arena was on for reconsideration of the Council. It was unfortunate the resolution was not on the agenda back in February because the other entities would have been able to better support it. Council member Beck explained that there was a discussion about this in the NPIC meeting. Both North Logan and Logan informed him that it would be a futile effort for the County to ask them to allocate resources that they had already spent elsewhere.

Council member Gibbons moved to rescind Resolution 2002-13. Petersen seconded the motion. The vote was unanimous, 7-0. (The reason for the decision for reversal was because the other communities chose not to participate.)

PUBLIC HEARING: OPEN 2002 BUDGET

Auditor Tamra Stones presented the budget appropriation changes:

GENERAL FUND: From Search and Rescue \$10,802.00 was received. The Council was asked to commit that amount for a Mobile Command Center project. There were two grants from the Utah Commission of Criminal Division of Juvenile Justice (UCCJJ), one for \$5, 000.00 and one for \$6,750.00. One was to be used in emerging technology implementation and the other for equipment. It was also requested to increase the Recorder's fee, the Fire Chief's overtime pay reimbursement. From a car accident in an insurance claim \$9,051 of Sundry Revenue was also

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recognized.

MUNICIPAL SERVICES: Most of the items would be to support the "Services Fund," the "Emergency Management Fund" and the "Fire Department." It was suggested to put \$3,792.00 in the line item for the TV Translator. Under the insurance claim \$10,000 was listed. There were also some small transfers to cover a \$3,800.00 stairway for the Rodeo chute because of a safety requirement for this year's rodeo.

The over all increase in the "General Fund" was \$56,644.00. It was requested to add \$50,000.00 to the "Class-B Road" allocation for road work being done in the cities and towns that is being reimbursed by the cities and towns.

FUND 27, "Cache Planning & Development Fund": There was \$15,000.00 of revenue recognized from the Ag. Protection Grant and Access management grant was reclassified to a line item of it's own.

FUND 29, "Children's Juvenile Justice Fund": Requested \$5,000.00 to cover salaries, benefits and conference travel.

There were no public comments and the Public Hearing was declared closed.

RESOLUTION NO. 2002-29: ADJUSTMENTS TO 2002 BUDGET

(See Attachment No. 5)

Council member Petersen moved to waive the rules and approve Resolution 2002-29. Yeates seconded the motion. The vote was unanimous, 7-0.

HARDSHIP REQUESTS:

Previous Year Applicants: Geraldine Thomas, James & Susan Flaherty, Shauna Parker, Thelma Layne, Rieta Leatham, Ted R. Nielson, and Carolyn E. Tribe.

(See Attachment No. 6)

Council member Gibbons moved to approve all previous applicants. Petersen seconded the motion. The vote was unanimous, 7-0.

NEW APPLICANTS FOR HARDSHIP REQUESTS:

Ruth H. Wilson - 05-017-0023 (Logan) 55 years old.

(See Attachment No. 7)

Discussion:

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Kathy Robison: Did she say what medical problems that she has and why she is not able to go with Wells Fargo anymore?

Lynn Lemon: She just says that it is a change from Wells Fargo to First Security Bank.

Layne Beck: Apparently the merger between First Security and Zions and Wells Fargo caused her to lose her job.

Robison: She hasn't been able to find another job then almost in two years?

Cory Yeates: She says that now due to medical problems, she is unable to secure employment.

Robison: What medical problems? Do you have any idea of what they were, Tamra?

Tamra Stones: She didn't give me a medical statement. She just indicated that she was taking care of her father who did have medical problems but he died. Then she said that she has had nothing but problems. She didn't submit any kind of medical documentation.

Robison: I would suggest that we require some sort of medical authorization or at least some verification that what she is telling us is true. Not that I want to doubt her.

Council member Petersen moved to table Ruth Wilson's application pending further medical information. Robison seconded the motion. The vote was unanimous, 7-0.

Leslie & Michael Kunz - 01-034-008 (Hyrum) 23 & 26 years old.

(See Attachment. No. 8)

Discussion:

Kathy Robison: Is Mr. Kunz not able to secure a better-paying job?

Tamra Stones: I don't know what his problem is but I'll tell you this is only land. Generally, we don't give assistance for land. A home is being built on this piece of property but I don't think they are in it yet.

Larry Anhder: He is building a home on \$8,000.00 income?

Stones: They are building a home on this piece of property.

Anhder: The chair will accept a motion not to approve this one.

Layne Beck: How is it they are able to build a home on an \$8,000 income?

Stones: All I can tell you is that the land is the issue and the home will be on there for next year.

Council member Robison moved to deny this request for hardship. It was properly seconded. The vote was unanimous, 7-0.

Kimberly C. Doney - 09-158-0035 (Smithfield) 43 years old.

(See Attachment No. 9)

Discussion:

Kathy Robison: Would it be possible to have her set up some kind of payment schedule with this lady that she might be able to make at least some effort toward this? I know she is applying for unemployment.

Tamra Stones: We can always give her a coupon book.

Robison: She is making some money. I understand that she has a hardship but even maybe \$50.00 a month?

Stones: We can do that, yes.

Darrel Gibbons: I suggest you give her the (tax) abatement and let her have a coupon book.

Cory Yeates: She has a steady income.

Layne Beck: Why would her ex-husband have the right to cover child support in half?

Yeates: They can do it.

Beck: If they don't pay it then the State Division of Child Services will go after it.

Larry Anhder: Sometime if their income changes, they can go back (to court).

Council member Gibbons moved to approve the full amount of the tax abatement of \$387.20. Yeates seconded the motion. The vote was 6-1. (Petersen voted "No.")

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Angela K. Angel - 02-018-0012 (Logan) 41 year's old.

(See Attachment No. 10)

Discussion:

Cory Yeates: Angela Angel is not a new applicant.

Tamra Stones: I think we denied her last year.

Yeates: We denied her three-years-ago; then she did not apply. She applied last year and we approved it.

Stones: Did we?

Yeates: Yes.

Anhder: So, is this a new application?

Stones: I have it listed as a new applicant; I didn't think it was part of the previous year.

Lynn Lemon: Cory, do you remember for sure we approved it last year?

Yeates: It was approved last year because of income.

Council member Gibbons moved to approve under previous applicants. Yeates seconded the motion. The vote was 7-0.

CLOUD-SEEDING DISCUSSION: SEASON 2002/2003

Executive Lemon introduced a letter, a copy of which was included in the Council member packets, from the State concerning the County's participation in Cloud seeding. The State needed a response by October 15th, 2002.

Council member Yeates moved to waive the rules and approve cloud seeding for 2002/2003 season. Hansen seconded the motion. The vote was unanimous, 7-0.

**PROPOSAL OF REORGANIZATION OF CACHE COUNTY SHERIFF'S OFFICE DISCUSSION:
SHERIFF G. LYNN NELSON**

Sheriff Nelson told the Council that with the retirement of Chief Deputy Mike Stauffer he would like to fill that position with Lt. Bob DeGasser. To fill DeGasser's position it was proposed to create two sergeant positions. One of these sergeants would go into Support Services for Emergency management and handle what DeGasser has been handling at a Sergeant's level. The second sergeant would be under the Patrol Division to be an Administrative Sergeant to help out with the day-to-day operations. This would take the one Captain position and make two Sergeants' positions which would be a cost-saving measure and would also give an additional body to the staff.

The Sheriff's Office has been struggling with an increase of inmates and trying to maintain personnel. The biggest effect of this is that there is a substantial delay every time someone gets hired because it takes six months of the training requirements before they are able to work alone. With the new jail coming on line, Sheriff Nelson is trying to have the transition team put together to help move into the new facility and more staff had become necessary. Next year he had planned to bring eight new Deputies to staffing; However, he requested bringing five new deputies into the Office now. Sheriff Nelson noted that he had spoken with the County Executive

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and with the County Auditor. Executive Lemon seemed to be in favor of this and there was money in the salary line item in this year's budget, to cover new hires.

Discussion:

Chairman Anhder asked about the completion of the jail. Sheriff Nelson replied that estimated completion would be in January of 2004. Sheriff Nelson felt that because of moving his people into the transition team there had been a great impact on staffing the office. Currently there were five people in training status. The idea was to hire four of those bodies as control room people who need to be trained on line. That would free-up on weekends regular deputies to move in and to cover the shifts, etc.

Chairman Anhder asked how many corrections (deputies) had been lost in the last 12 months. Jim Smith responded between six and eight and that included civilians. Chairman Anhder surmised that out of 45 people the Office had lost 20%. It was concluded that this was a turnover rate that was very alarming and did impact the shift coverage by running at minimum staffing all the time.

Chairman Anhder asked if many people came on post pre-certified. The response was that very few do and even if they come with a law enforcement certification, it is still five weeks at the academy instead of twelve.

Council member Gibbons asked about the budget being maxed-out already this year and how much more cost was anticipated for the remainder of the year. The response was somewhere in the excess of \$250,000. The cost of hiring the proposed personnel would be around \$12,000, which would include 1/4 of their annual salaries and benefits for those positions.

Chairman Anhder asked Jim Smith about exit interviewing and how many of the seven or eight employees who left indicated that it was because of conditions over which the County has control, such as: salary, benefits, scheduling, hours, etc. The response was that four employees went for better opportunities, one retired and a couple of them were released for a probationary period. So, about half of them moved on for better opportunities.

Council member Robison wanted to know where the County was going to come up with the extra \$200,000 when there was no money to pay for housing prisoners outside of the County? She did not see where this increase of funds could be justified when there was already an outstanding bill for prisoners that the County is finding a hard time covering.

The Sheriff commented that his budget request last year was for \$650,000.00 and it was only approved at \$440,000.00. The situation was becoming bad and the solution would not be easy. Every day the frustration of demands on staff was being seen. Executive Lemon noted that everybody was squeezed even the State; there were no funds; and that was the challenge.

It was brought out that Attorney Don Linton had been working on a pay-for-stay program where the inmates would be assessed up to \$1,000.00 for staying within the facility once they are convicted. The judges have now started imposing that. The first \$1,000.00 check had been received this week.

This item was on for first reading and would be scheduled on the next agenda. In addition Auditor Stones was to help the Council understand where the money could possibly come from to help make up the shortfall needed in housing prisoners so that both actions would then be considered. Chairman Anhder basically wanted to look at the Sheriff's whole budget from now to the end of the year. With no opposition from the Council, the

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proposed staff shifts for the Chief Deputy with the two sergeants was agreed upon. Also needed to be considered along with next year's budget was what it was going to cost to house prisoners and to make the bond payment plus hire eight employees next year.

ORDINANCE NO. 2002-13: AMENDING THE CACHE COUNTY ZONING ORDINANCE TO ALLOW FOR 3,580 ACRES OF PROPERTY IN THE FOREST RECREATION (FR-40) ZONE ADJACENT TO THE WEBER COUNTY LINE AT POWDER MOUNTAIN TO BE REZONED TO THE NEWLY CREATED RESORT-RECREATION (RR) ZONE.

Council member Yeates reported that he had heard from a few of the people from the South end of the valley and appreciated their input. Because the Ordinance itself was not on the agenda in the last County Council meeting, he requested that this item be considered as a first reading in order to gain more feedback.

Chairman Anhder noted that the normal process was to review items two times, the first time as they come up with the initial proposal and second time they are on the agenda as a pending action. This item was felt to be of great concern and more deliberation was felt to be necessary. The meeting was then opened to the Council only for discussion.

Council's Discussion:

Kathy Robison made the comment to the public that the road was not being built. Most of the calls she had received had been about the road.

(Council member Gibbons left the meeting at 6:45 p.m.)

Mark Teuscher was asked to comment about the progress of following unresolved issues:

Water Issue:

Cory Yeates asked 1) Whether or not Mr. Ferrin indeed has the water? 2) If he is forced to drill a well, what impact is that going to have on the downstream users?

Teuscher: I'll take the last part first. If he has to drill a well, it will have to be approved by the State Engineer's Office. The RR Zone requires that all services be provided as a public system. My understanding is that he has three or four options to get water. I know that he has been negotiating to acquire water within Cache County. Any water rights acquired will have to go through the State Engineer's Office to do so. There is available water through Weber Water Improvement District. To provide services into Cache, they would have to expand their district boundaries. They indicated that they would do that if there was a willingness on the part of the County Council to allow that to happen. So, it would be up to Cache County to allow Weber Water to expand their conservancy boundaries to take in that portion of Powder Mountain. At this point there is discussion as to what he (Mr. Ferrin) wants to do but the reality really comes down to what methodology he uses. There is available water; he can acquire it. It will take him time and money. We won't give him master plan approval on the project until he shows he has available water rights. Any subdivision that he does, he has to have water available and existing. He has to do it as a public system. He cannot do it with independent wells and septic systems, etc.

Kathy Robison: Would that verification, Mark, have to be through the State Water Engineer's office? Would he receive verification that way or how would we know?

Teuscher: The State Engineer would indicate he has water rights. Like on a subdivision, we now require that they have an approved water right, meaning the State Engineer has approved that water right exists. Now that's if he drills a new well. If he is transferring water, he has to go through that process. There is an appeal process. All down-water users go through that process but it is part of the State requirements.

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Larry Anhder: He will have to prove to us that he has done that.

Teuscher: Before he gets master plan approval of anything, he would have to have that in hand saying: "I have water." At this point, does he have all of his water? Well it is hard to know. He doesn't have zoning yet. In a zoning issue, we typically don't demand that he have water rights in hand; we haven't given approval to the project yet. It is hard to know but he has shown that there are a number of available sources to provide that water to the development that meets the needs of that project. We have the letter from (**SONAS?**) indicating that there is available water for mountain-wide services.

Anhder: Mark, the current area is zone?

Teuscher: FR-40.

Anhder: So, if the Council does not re-zone this, what are the property owners' options?

Teuscher: There are two pieces of this project. The year-round living components of this project would not be able to go forward. Seasonal cabins would be allowed; so, they would proceed under that density. The ski area and the adjoining commercial components like a ski shop with a ski area would be allowed. Independent commercial uses like a restaurant or something like that may require him to come back and apply for commercial zoning on part of the property. Other options would be, he could actually petition to re-zone part of it agricultural, which is technically our residential zone; and put residential uses in there. He could proceed with about 80% of the project under the current zone; I would assume.

Anhder: Instead of clustered in one area, it would be scattered out over the whole 30-acres of the project.

Teuscher: Under the cluster's clause, there is not mandatory requirement to cluster. There is no incentive to really put it into a cluster other than State land. Everything would be done on well and septic; there would be no requirement to do environmental. There would be no requirement to do anything under the current code.

Anhder: That is the way I've understood it too. Are there other questions?

Yeates: One other thing that was brought up in a conversation today with a lady was concern over the County providing services, specifically law-enforcement, Mark.

Lynn Lemon: Cory, have you seen the Sheriff's letter?

Yeates: No.

Layne Beck: It is the letter in the packet. He has worked with Sheriff Slater in Weber County and they have already indicated that they will work together. (Speaking to Sheriff Nelson:) Cory has some questions regarding your concerns with law enforcement issues at Powder Mountain.

Yeates: The issue has been brought up about the County providing services particularly law enforcement up there; especially where there really is not adequate access from the Cache County side. What kind of liability is that going to put on the county?

Sheriff Nelson: I have met with the Weber County Sheriff and we have discussed this and feel like a solution can be worked out. Any situations can be resolved there; so, I don't perceive that as an issue.

No action was taken. Ordinance No. 2002-13 would appear on the next agenda, October 8, 2002, for an anticipated vote.

Mr. Ferrin let it be known that if there was any additional information needed from him, he would be happy to make sure that it would be available if the Council would let him know what was needed. Chairman Anhder affirmed that he would be contacted if necessary.

UTAH STATE UNIVERSITY HOMECOMING PARADE:

Utah State University Homecoming Parade was set for October 19, 2002. Three Council members would be representing the Council in the parade.

COUNCIL MEMBER REPORTS:

There were no Council member reports.

County Council Meeting
September 24, 2002

EXECUTIVE SESSION:

The Council adjourned at 7:00 p.m. to an Executive Session to discuss a personnel issue.

ADJOURNMENT:

Council meeting was adjourned at 7:30 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: C. Larry Anhder
Council Chairman