

**CACHE COUNTY COUNCIL MEETING**  
**August 26, 2003**

The Cache County Council convened in a regular session on August 26, 2003, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** H. Craig Petersen

**Vice Chairman:** Cory Yeates

**Council Members:** Brian Chambers, Paul Cook, Darrel Gibbons, John Hansen,  
Kathy Robison.

**County Executive:** M. Lynn Lemon

**County Clerk:** Jill N. Zollinger

**The following individuals were also in attendance:** Attorney George Daines, Max Delgado, Jay Downs, Stephen Eliason, Darrell Erickson, Joe Furhiman, Nick Galloway, Lorene Greenhalgh, Tom Hogan, Sharon Hoth, N. M. Housley, Assessor Kathleen Howell, Katie Jensen, Jon Keller, Rhonda Kingsford, Pat Parker, Kelly Pitcher, Debora Seiter, Greg Skabelund, Shelley Black Skabelund, Jim Smith, Rob Stewart, Willy Stewart, Ray Thorson, Jeff Wengreen **Media:** Jennie Christensen (KVNU), Joe Rowley (Herald Journal).

**CALL TO ORDER:**

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

**INVOCATION:**

The invocation was given by Darrel Gibbons.

**PLEDGE OF ALLEGIANCE:**

Chairman Petersen lead those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA:**

The agenda was approved with item 11f, **Final Plat Approval - Housley Minor Subdivision**, removed from the agenda.

**REVIEW AND APPROVAL OF MINUTES:**

Minutes of the August 12, 2003 Council meeting were reviewed and approved as corrected.

**REPORT OF THE COUNTY EXECUTIVE:** M. LYNN LEMON

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**FIRST CDBG PUBLIC HEARING:** Executive Lemon read the HUD prescribed outline for the hearing. The hearing must be held exactly as described. The purpose is to gain citizen input as to their needs and potential CDBG projects. Input will be considered by the city or county's elected officials to determine which projects will be identified in the jurisdiction's capital improvement plan. Those in attendance specifically for the public hearing must sign an attendance roll that includes name, address and phone number. Approximately \$700,000 is expected to be available in the Bear River region for CDBG projects. All of the allocated funds must meet a HUD national objective and benefit low/moderate income individuals. A list of eligible activities was distributed to persons present for this purpose.

#### **PUBLIC HEARING OPENED**

- ✓ **Rhonda Kingsford and Katie Jensen of the English Language Center of Cache Valley** requested approximately \$100,000 to expand their program. They have met with Clark Israelsen of Cache County Extension about a possible partnership in offering this service. Their enrollment has doubled since beginning in 1999.
- ✓ **Nick Galloway of the Benson Culinary Water Improvement District** requested approximately \$60,000 to fund one-half of the costs of extending the Benson existing water line to service the Riverside system of twenty-five homes between Benson and Amalga. The present system servicing these homes has inadequate pressure and was built in the 40's.
- ✓ **Chairman Petersen** representing Cache County Extension submitted their office as a potential applicant to work with the English Language Center.
- ✓ **Executive Lemon** spoke on behalf of the Senior Citizens Center. They may need funds to repair the roof and do other remodeling.

**Chairman Petersen asked if anyone else wished to speak during the public hearing. No one responded and the hearing closed at 5:22 p.m.**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** The warrants for the periods of 08-01-2003 to 08-07-2003 and 08-08-2003 to 08-14-2003 were given to the clerk for filing.

#### **OTHER ITEMS:**

- **Cloud Seeding** notice from the state has been received and the county must determine by October 15, 2003 if it wants to participate in the cloud seeding project for the next year.

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**ITEMS OF SPECIAL INTEREST:**

- **Proclamation - Declaring September 22, 2003 as "FAMILY DAY"**

(Attachment 1)

**ACTION: Motion by Council member Yeates to adopt the Proclamation. Hansen seconded the motion and it passed unanimously, 7-0.**

**BUDGETARY MATTERS:** There were no budgetary matters.

**THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION**

- ▶ **Set Board of Equalization Hearing Dates**

**ACTION: Motion by Council member Gibbons to set September 3, 2003 as the first Board of Equalization Hearing date. Yeates seconded the motion and it passed unanimously, 7-0.**

- ▶ **John Stewart Appeal Hearing**

A 4.7 acre parcel of land in River Heights that is being used as horse pasture was re-valued in 2002 from \$21,000 to \$141,000 with a substantial increase in tax. It was placed in green belt for the 2003 tax year, but was not in green belt for 2002. Robert Stewart represented his father, John Stewart at the appeal.

**ACTION: Motion by Council member Gibbons to deny the appeal and uphold Cache County's assessed value. Yeates seconded the motion and it passed, 5 aye - Gibbons, Hansen, Yeates, Petersen, Cook, 1 nay - Chambers, 1 abstention - Robison.**

- ▶ **Roll Back Tax on Road Right-of-Ways**

Executive Lemon stated that about two years ago the county made the decision to pay the roll back tax if the county required property owners to dedicate their land to the county for a road. In 1994 the county instituted a road standard of a 20-foot road and a 50-foot right-of-way and required that any new construction would dedicate a portion of the land for a road. Lemon questioned whether the county should be paying the roll back tax in all circumstances. Assessor Howell said Cache County is the only community that pays these taxes for the developer. Under state law land cannot pass to the government if there's a lien of roll-back-tax money. She recommended the zoning

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office indicate to the person wanting to develop the property that the roll back needs to be paid and they need to show clearance of that tax before that land can be dedicated to the county. Eminent domain is a different situation and the government does pay the tax in that instance. Gibbons stated that the circumstance that precipitated the county's decision to pay the tax was that a county road already existed from some period of time and in order to grant a home site, the county said the person wanting to build had to expand the right-of-way. Lemon will contact other counties to see what their policies are on this subject.

**This item will be placed on a future agenda.**

**The council adjourned from the Board of Equalization.**

**PUBLIC HEARING: OPEN 2003 BUDGET**

**Open 2003 Budget** - Executive Lemon reported to the Council on the 2003 Budget and reasons for changes. The budget changes are noted in Resolution No. 2003-24.

Chairman Petersen declared the public meeting on the 2003 Budget open for comments from the audience.

Tom Hogan, Council on Aging, stated the Voice Male benefit concert for the Meals on Wheels program is scheduled for Saturday, September 6, 2003 at the Cache County Fairgrounds and asked for \$6,000 additional monies. The concert will generate about that much revenue with possible expenditures of \$1,200 and the remaining \$4,800 going for Meals on Wheels.

**ACTION: Motion by Council member Yeates to close the public hearing. Cook seconded the motion and it passed unanimously, 7-0.**

**PENDING ACTION**

- **Discussion - County Strategic Planning Process** - Chairman Petersen indicated meetings have been held with all eighteen units and all are in the process of revising plans to be completed by the end of the week. Pat Parker will put together a composite of these plans. Council member Robison and Executive Lemon also had county-wide initiatives to be included.
- **Discussion - Questions for Cache County Planning Commission** - Ag Preservation \$20 Million Bond Request

**(Attachment 2)**

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- **Discussion - Allocation of Restaurant Tax Funds to Zoo** - Lemon said there were sufficient funds available to fund the zoo's education building out of this tax if the council decides to do so. Petersen requested previous council meeting minutes regarding allocation of these funds be available at the next council meeting as well as a much clearer presentation of the Willow Park budget reviewing the last five years of Logan City's contributions, Cache County's contributions and the restaurant tax.

#### **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2003-24 - 2003 Budget Adjustments**

(Attachment 3)

**ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2003-24. Cook seconded the motion and it passed unanimously, 7-0.**

**ACTION: Motion by Council member Gibbons to amend the main motion to include the request by Tom Hogan to expend \$1,200 for the Council on Aging and a request for \$13,000 for a Haz-Mat trailer from Kelly Pitcher. Yeates seconded the motion and it passed unanimously, 7-0.**

- **Resolution No. 2003-25 - Adopting Final Tax Rates and Budget Report 800**

(Attachment 4)

**ACTION: Motion by Council member Cook to waive the rules and approve Resolution No. 2003-25. Yeates seconded the motion and it passed unanimously, 7-0.**

- **Resolution No. 2003-26 - Appointing Two Cache County Representatives to Serve on the Taxing Entity Committee for all Redevelopment, Economic Development and Education Housing Development Project Areas in the City of Logan:** Executive Lynn Lemon and Auditor Tamra Stones are the proposed representatives with Chairman Petersen as the alternate.

(Attachment 5)

**ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2003-26. Hansen seconded the motion and it passed unanimously, 7-0.**

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- ❑ **Final Plat Approval** - Rose Hill Subdivision - A two-lot farm subdivision on 11.48 acres in the Agricultural Zone with a remainder parcel of 9.05 acres not eligible for residential development.

**(Attachment 6)**

**ACTION: Motion by Council member Gibbons to waive the rules and approve. Hansen seconded the motion and it passed unanimously, 7-0.**

- ❑ **Final Plat Approval** - Wengreen Two-Lot Farm Subdivision - A two-lot farm subdivision on 55.82 acres in the Agricultural Zone with a remainder parcel of 42.23 acres not eligible for residential or commercial development.

**(Attachment 7)**

**Due to a dispute concerning a stipulation to widen a portion of the road two feet, the council left this on the agenda for the September 9 meeting in order to obtain additional information.**

- ❑ **Final Plat Approval** - Tall Grass Gap Minor Subdivision - A four-lot minor subdivision on 44.85 acres in the Agricultural Zone.

**(Attachment 8)**

**ACTION: Motion by Council member Hansen to waive the rules and approve. Robison seconded the motion and it passed unanimously, 7-0.**

- ❑ **Final Plat approval** - Black Bird Estates Minor Subdivision - A four-lot minor subdivision on 14.15 acres in the Agricultural Zone.

**(Attachment 9)**

**ACTION: Motion by Council member Gibbons to waive the rules and approve. Hansen seconded the motion and it passed unanimously, 7-0.**

- ❑ **Discussion - 3700 North Road Issue** - Lemon stated the county visited the road to examine routes and distances. The county will meet with property owners on the south side of 800 West. The cost will probably be \$125,000 to \$130,000 — this includes material at market value and labor and equipment at the market value.

**Chairman Petersen directed Pat Parker to place this item on the September 9 meeting agenda.**

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**OTHER BUSINESS**

- ☐ **Wellsville City Founders Parade** - September 1, 2003 – 10:00 a.m. The county vehicle will be provided. The county's number is 29 and check-in is at 200 East between Main Street and 100 North. Line-up is at 9:15.

**COUNCIL MEMBER REPORTS:**

**Kathy Robison** attended the August 14 jail meeting and had no concerns.

**Paul Cook** announced the county website is up at [www.cachecounty.org](http://www.cachecounty.org). He wants to form a Blue Ribbon commission to meet with Jim Smith and discuss services and value as it relates to the citizens of the community.

**Cory Yeates** stated some progress has been made with the TV translator. He expressed concern that everything be resolved in a timely fashion in the event a move from Mt. Pisgah must occur.

**John Hansen** received a call from a citizen wanting to know if the council has changed its position on the Powder Mountain issue. Yeates suggested that perhaps the planning commission should be fine-tuning the FR-40 or the resort recreation zone now. The council's position has not changed.

**Attorney Daines** recommended the membership in the Countywide Planning Board be adjusted. There are currently seven on the board. Because the county provides one-half of the funding he recommends having greater representation by the county with nine members as follows: One mayor from the north, one mayor from the south, the mayor of Logan, the County Executive, three additional members selected by the previous four and two additional members selected by the County Council. Petersen said this would be put on the September 9 agenda to be formally considered.

**ADJOURNMENT**

The Council meeting adjourned and moved to Executive Session at 7:16 p.m.

The Council adjourned from Executive Session at 7:38 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** H. Craig Petersen  
Council Chairman