

## **CACHE COUNTY COUNCIL MEETING September 23, 2003**

The Cache County Council convened in a regular session on September 23, 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:** Russ Akina, Linda Christiansen, LaMar Clements, Attorney George Daines, Newell Daines, Curtis Dent, Joe Fuhrman, LeRoy Goodey, Karen Goodey, Lorene Greenhalgh, Sharon Hoth, JoLynne Lyon, Jim Matsumori, Grant L. Nelson, Lee Nielsen, Pat Parker, Kelly Pitcher, Don Sadler, Sara Sinclair, Jim Smith, Auditor Tamra Stones, Laraine Swenson, Mark Teuscher **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 Paul Cook.

### **PLEDGE OF ALLEGIANCE**

Chairman Petersen lead those present in the Pledge of Allegiance.

### **REVIEW AND APPROVAL OF AGENDA**

**The agenda was approved as written.**

### **REVIEW AND APPROVAL OF MINUTES**

Minutes of the September 09, 2003 Council meeting were reviewed and approved as written.

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

<b><u>APPOINTMENTS:</u></b>	Mervin Weeks	Cache County Board of Adjustments Alternate Member
	Chad S. Carter	Deputy County Sheriff
	Cherrie Kidd	Satellite Registration Agent
	Clair Reavley	Satellite Registration Agent
	Jeff Jorgensen	Satellite Registration Agent
	Janet Soulier	Satellite Registration Agent
	Winona Perry	Satellite Registration Agent
	Fran Bair	Satellite Registration Agent
	Stephanie Frickie	Satellite Registration Agent

**ACTION: Motion by Council member Yeates to approve the recommended appointments. Robison seconded the motion. The vote was unanimous, 7-0.**

**Chairman Petersen directed that the Board of Adjustments and the number needed for a quorum be placed on the agenda for discussion at the October 14, 2003 council meeting.**

**WARRANTS:** The warrants for the periods of 08-15-2003 to 08-21-2003, 08-29-2003 to 09-04-2003 and 09-05-2003 to 09-11-2003 were given to the Clerk for filing.

**OTHER ITEMS**

- **U. S. Forest Service Payments** - a decision between the traditional payment plan or full payment plan must be submitted before September 30. Lemon recommended selecting the full payment plan because recent trends of cutting less forest reduces the amount received by the county on the traditional payment plan.

**(Attachment 1)**

**ACTION: Motion by Council member Cook to approve the selection of the full payment plan. Yeates seconded the motion. The vote was unanimous, 7-0.**

**ITEMS OF SPECIAL INTEREST:**

- ▶ **LeRoy Goodey Recognition** - Mr. Goodey was presented the Outstanding Fair Worker award and lauded for his years of service to the Cache County Fair Poultry Department. His wife, Karen Goodey, was also recognized for her dedicated support of his efforts.
- ▶ **Sunshine Terrace Annual Report** - Director Sara Sinclair submitted the annual report of the Sunshine Terrace Foundation and requested consideration for \$105,000 for

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replacement of skylights as a CDBG project. The Foundation is also requesting a total of \$50,000 from Cache County for 2004— the county has committed to \$39,000 and the Foundation is requesting an additional \$11,000.

**(Attachment 2)**

**Council member Cook left the meeting.**

**BUDGETARY MATTERS**

- ▶ **Transfer - Intra Department** - Fire Department - transfer \$5,765.00 from VFA Special Grant Expense to Capitalized Equipment to cover the purchase of 4x4 truck.
- ▶ **Transfer - Intra Department** - Building Inspection - transfer \$1,500.00 from Salaries to Equipment Supplies and Maintenance to cover vehicle expenses to year end.

**(Attachment 3)**

**ACTION: Motion by Council member Yeates to approve the budget transfers. Hansen seconded the motion. The vote was unanimous, 6-0. Cook absent.**

**PUBLIC HEARING SET: OPEN 2003 BUDGET**

The proposed date and time of the public hearing to open the 2003 Budget was set for October 14, 2003 at 6:00 p.m.

**ACTION: Motion by Council member Robison to set the public hearing to open the 2003 Budget. Yeates seconded the motion. The vote was unanimous, 6-0. Cook absent.**

**Council member Cook returned to the meeting.**

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

- **Board of Equalization Hearing** – September 24, 2003 - Council member Chambers will attend the 9:30 a.m. hearing, Council member Cook will attend the 11:30 a.m. meeting and Council member Robison will attend the 1:30 p.m. meeting.
- **Approval of Board of Equalization Hearing Officer Actions**

**(Attachment 4)**

**ACTION: Motion by Council member Cook to approve the actions of the hearing officers to date. Yeates seconded the motion. The vote was unanimous, 7-0.**

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- **John Stewart Appeal Finding** - Auditor Stones requested a finding by the council in this matter.

**ACTION: Motion by Council member Gibbons that the findings of the Council were that Mr. Stewart's comparables were not indicative of the market, county comparables were persuasive as being valid comparisons and the county had been very accommodating in terms of assisting the property owner in moving the land into green belt.**

The Council adjourned from the Board of Equalization.

#### **PENDING ACTION**

- **Final Plat Approval** - Housley Minor Subdivision - the required information has not been received.

**ACTION: Motion by Council member Cook to table this item until the October 14, 2003 meeting. Robison seconded the motion. The vote was unanimous, 7-0.**

- **Jail Update Report** - Sheriff Nelson was out of town and provided the Council a written report. Everything appears to be on schedule.

#### **(Attachment 5)**

- **Courthouse Tour** - by County Council, September 23, 2003. Chairman Petersen expressed appreciation to Newell Daines for his work. Lemon stated the county will receive about 20,000 square feet of space for a contribution of \$1million.
- **Cache County Initiatives** - first draft was given to Council members. These ninety initiatives will form the basis of the budget. Chairman Petersen will have a line-item type document available for the Council to review soon.
- **Per Diem Policy - discussion** - Auditor Stones has researched per diem rates in Utah and Lt. Von Williamson is drafting a proposal from the Sheriff's office policy for per diem reimbursement.

**ACTION: Motion by Council member Cook to table this discussion until the October 14, 2003 meeting when the Sheriff can be present. Yeates seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING:** TEFRA - IHC Health Services, Inc. - Proposed Hospital Revenue Bonds to Construct, Renovate and/or Equip Several Different Health Care Facilities Located Throughout the State

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- ✓ **Jim Matsumori**, financial advisor to IHC, stated that typically this is done through one municipal issuer and all of the facilities throughout the state are able to be financed this way as long as each participating facility enters into an inter-local agreement with the issuing entity and authorizes that entity to issue the bonds. The issuance of bonds may be as high as \$590 million over the next three years and since the majority of that is going to be used for the new facility in Murray City, Murray has agreed to be the municipal issuer of those bonds. IRS rules require this public meeting so that some of the bonds may be used in Cache County. Not more than \$15 million would be used in Cache County. These are industrial revenue bonds and any non-profit corporation can issue these bonds on a tax-exempt basis but they have to be issued through a county or a municipality.

**Chairman Petersen** asked if there was any public comment on this subject. There was none.

**ACTION: Motion by Council member Yeates to close the public hearing. Hansen seconded the motion. The vote was unanimous, 7-0.**

**PLANNING COMMISSION WORKSHOP** - Agricultural Zone Proposed Ordinance. Chairman Petersen invited Commission members to express their feelings about the questions submitted by the Commission and the County Attorney to the Council.

Question 1. What is their development philosophy for the Agricultural Zone?

The Commission supports the idea of home businesses in this zone. The Commission believed economics is what drives much of the ordinance philosophy and the ordinance should not be tied to the 1970 parcel division.

Question 2. Should development only be limited by the practical effects of roads, waste treatment, water, utilities, etc. (See Question 4)

Question 3. How significant should protection of agricultural values be? (See Question 4)

Question 4. Should there be residential development in the county if it meets the practical tests?

Water availability determines much of what can occur on a property and lot sizes would also be determined by the functionality of the soil. The general consensus of the Commission was that people do not want restrictions placed on their property and agriculture, by definition, is commercial; therefore, the types of commercial activities may not be outlined as to specifics, but they should be evaluated based on their impact such as, air, water, roads, noise, etc.

Question 5. Should the unincorporated area pay for the portion of services allocable to their particular uses?

Individuals in making those developments would be required to pay fees that would compensate the County for any expenses.

**(Attachment 6)**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- Resolution No. 2003-28 - Approving and Authorizing the Execution of the Interlocal Cooperation Agreement dated as of October 15, 2003 among Murray City, Utah, Cache County, Utah, Salt Lake County, Utah, Utah County, Washington County, Utah and Weber County, Utah; and Related Matters.**

(Attachment 7)

**ACTION: Motion by Council member Yeates to waive the rules and adopt the resolution. Robison seconded the motion. The vote was unanimous, 7-0.**

- Ordinance No. 2003-01 - Imposing a 1% Tourism, Recreation, Cultural and Convention Tax and Providing for the Performance by the State Tax Division of All Functions Incident to the Administration, Operation, and Collection of the Tax and for the Use of the Revenues from this Tax.**

(Attachment 8)

**ACTION: Motion by Council member Gibbons to waive the rules and adopt the ordinance. Yeates seconded the motion and it passed, 6-1. Cook - nay.**

- Resolution No. 2003-29 - 2004 Restaurant Tax Allocation for Eccles Theater**

(Attachment 9)

**ACTION: Motion by Council member Gibbons to waive the rules and adopt the resolution. Chambers seconded the motion. The vote was unanimous, 7-0.**

- Review of Restaurant Tax - Cache Valley Tourist Council**

**ACTION: Motion by Council member Cook to table this until the October 14, 2003 Council meeting. Robison seconded the motion. The vote was unanimous, 7-0.**

- Property Tax Hardship Requests**

**ACTION: Motion by Council member Yeates to approve the two property tax hardship requests. Cook seconded the motion. The vote was unanimous, 7-0.**

(Attachment 10)

- Discussion - Cloud Seeding 2003/2004** - The cost is \$50,000 and the state contributes 35% - 50% of that amount. The cost to Cache County will be between \$25,000 and \$34,000.

**ACTION: Motion by Council member Cook to approve Cache County's participation in the**

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cloud seeding program. Robison seconded the motion. The vote was unanimous, 7-0.

(Attachment 11)

- ☐ **Discussion - CDBG Projects - Sponsor/Prioritize** - There are four projects: English Language Center, Benson Culinary Water Improvement District, Senior Citizen Center and Sunshine Terrace. These will be discussed at the October 14, 2003 Council meeting. Cook requested a one-page summary of these projects be available at that meeting.

**OTHER BUSINESS**

- ◆ **Lunch Schedule with Elected Officials/ Department Heads** - Council members Robison, Yeates and Cook will attend a lunch meeting with elected officials on Friday, October 3, 2003.
- ◆ **Fifth Tuesday Meeting** - Since there is no business to discuss with Logan City, September 30, 2003 at 5:00 p.m. will be utilized as a meeting of the Council, including Clerk Zollinger and Auditor Stones, to prioritize the proposed initiatives from the County departments. Chairman Petersen and Pat Parker will provide a summary sheet of the initiatives prior to this meeting.

**COUNTY ATTORNEY'S REPORT ON PENDING MATTERS**

- ☐ **Mt. Pisgah Hearing with Judge Low - Leo Buist and County Council and County Executive - September 24, 2003 at 9:00 a.m.** - Cache County is making a claim of approximately \$110,000 in legal fees. This hearing will determine how much will be granted to the County.
- ☐ **Historic Courthouse - Rental Savings** - Attorney Daines quantified what rental values the County will save upon occupying the restored courthouse. There will be an immediate savings of \$58,800 in rents no longer paid for three county offices. Amortization of rents saved over a 30-year period from these three offices is \$932,000.

**ADJOURNMENT**

The Council meeting adjourned at 7:41 p.m.

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

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