

**CACHE COUNTY COUNCIL MEETING  
October 14, 2003**

The Cache County Council convened in a regular session on October 14, 2003, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** H. Craig Petersen

**Vice Chairman:** **Cory Yeates, absent.**

**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:** Rebecca Alpisa, Ralph Binns, Mark Brenchley, Bartell W. Cardon, Lt. Kim Cheshire, Attorney George Daines, Lorene Greenhalgh, Maridene Hancock, Sharon Hoth, Joel Merritt, John Nelson, David Nielsen, Pamela Nielson, Evan Olsen, Inez Olsen, Pat Parker, Dr. Mick Pattinson, Kolby Rowser, Brad Shumway, Mark Teuscher, Marilyn Wagner, H. Roscoe Weston, Herbert R. Weston, Myrtle Weston **Media:** Jennie Christensen (KVNU), Joe Rowley (Herald Journal).

**CALL TO ORDER**

Chairman Petersen called the meeting to order at 5:07 p.m.

**INVOCATION**

The invocation was given by Darrel L. Gibbons

**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 23, 2003 Council meeting were reviewed and approved as written.

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

**Council member Cook left the meeting.**

<b><u>APPOINTMENTS:</u></b>	Gordon Zilles	Cache County Board of Adjustments
	Irene Einzinger	Children's Justice Center Board
	Jeanlee Carver	Children's Justice Center Board

**ACTION: Motion by Council member Hansen to approve the recommended appointments. Robison seconded the motion. The vote was unanimous, 5-0. Yeates and Cook absent.**

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

**The issue of the number needed on the Board of Adjustments for a quorum was referred to Attorney George Daines for a decision.**

**WARRANTS:** The warrants for the periods of 09-12-2003 to 09-18-2003, and 09-26-2003 to 10-02-2003 were given to the Clerk for filing.

**OTHER ITEMS**

- **Cloud Seeding** - Box Elder County and the Bear River Water Conservancy District voted to join Cache County in the cloud seeding program for the coming year. This will reduce the county's cost and produce better coverage.
- **Waiver on Phase II Storm Water Permitting Requirements** has been received by the county.
- **Logan Canyon Highway Public Meeting** is in Garden City on October 28, 2003 discussing the next phase of construction from the summit to Garden City.
- **Revenue and Taxation Committee** has a proposal before it to have bond elections during municipal or general elections.
- **TV Translator** - The judgement rendered by the judge was in Cache County's favor and the county was awarded attorney's fees. This will be a future agenda item.
- **State Building Board Meeting** - Cache County met with the board and received some indication of a favorable response to the state putting a regional office on the Cache County Administration block that would consolidate all state agencies into one building. Speaker Marty Stephens assured Cache County that a favorable response by the state is very likely. The board will send a recommendation to the state legislature by October 16, 2003.

**ITEMS OF SPECIAL INTEREST:**

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- ▶ **Employee of the Month** was presented to Deputy Herb Weston of the Cache County Sheriff's Department.
- ▶ **Proclamation - Declaring the Month of November as Faith Exchange Welcome Weeks** - Cache Community Council Chairman Bartell Cardon expressed support for the proclamation and hopes it will help foster understanding among county residents.

**(Attachment 1)**

**ACTION: Motion by Council member Gibbons to accept the proclamation. Cook seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

**Council members Cook and Chambers suggested clergy from various faiths be invited to offer invocations at future Council meetings. Chairman Petersen directed Pat Parker to invite these clergy to one of the council's two monthly meetings beginning in November.**

- ▶ **Cache Valley Tourist Council Report** by Maridene Hancock. In 2002 \$244,000 was collected in room tax. This year \$111,000 has been collected so far. Room tax collected for the summer months will be received in the fall and reported in November. Revenue is down from last year at this time by \$7,000. This is attributed to the Olympics last year. Tourism is definitely down statewide. Cache Valley ads on billboards and in magazines were shown to the Council.

**(Attachment 2)**

- ▶ **Utah Festival Opera Report on Past Summer Season** - Ralph Binns stated that Utah Festival Opera is a separate entity from the Eccles Theater or Cache Valley Center for the Arts. These latter two are Logan City entities. UFO is a non-profit organization. Evan Olsen spoke about the community outreach program, Opera by Children. Mark Brenchley reported on the season's results and finances. UFO attendance was up 8% this season and local attendance was up 35%. In the next five years they project having 50,000 patrons.

**(Attachment 3)**

**PUBLIC HEARING: OPEN 2003 BUDGET**

**Open 2003 Budget** - Joel Merritt from Cache County Weed Department asked that a \$7,500 item be incorporated into the budget. This is a grant from the Utah/Idaho Cooperative Weed Management Area. Executive Lemon indicated he will include this in the 2003 Budget Opening.

**ACTION: Motion by Council member Hansen to close the public hearing. Cook seconded the motion and it passed unanimously, 6-0. Yeates absent.**

- ▶ **Bear River Mental Health Report** by Dr. Mick Pattinson. The more comprehensive

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area plan is required for the local mental health authority to receive its contract for mental health services. Bear River Mental Health implemented several new training programs and organizational changes. They continue to have staffing needs for which there is not adequate funding at the current time. They had a 13% increase in the number of Medicaid clients served this year. Their office space in Tremonton has been expanded and they plan on breaking ground in July 2003 for a Brigham City office expansion. The 9,000 square foot Logan office addition is complete.

### **BUDGETARY MATTERS**

- ▶ **Transfer-Intra Department** - Jail - \$2,000 from Temporary Employees to Office Supplies to cover purchase of office supplies.
- ▶ **Transfer-Intra Department** - Jail - Work Release - \$10,100 from Equipment to Prisoners Supplies to cover purchase of supplies for inmates.
- ▶ **Transfer-Intra Department** - Surveyor - \$4,000 from Non Capitalized Equipment to Office Expense to cover overages and to purchase office supplies.

**(Attachment 4)**

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

**PUBLIC HEARING SET: PROPOSAL FOR AGRICULTURAL PROTECTION AREA FOR GREGORY WAYNE AND PHYLLIS ANN RICHMAN AND DWAYNE N. RICHMAN TRUST.**

The proposed date and time of the public hearing for the proposal for an agricultural protection area was set for October 28, 2003 at 6:00 p.m.

**ACTION: Motion by Council member Hansen to set the public hearing for the proposal. Cook seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

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

- **Approval of Board of Equalization Hearing Officer Actions**

**(Attachment 5)**

**ACTION: Motion by Council member Gibbons to approve the actions of the hearing officers. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

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

**PENDING ACTION**

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- **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 28, 2003 meeting. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Update Report - Cache County Jail/Administration Building** - Attorney Daines and Executive Lemon reported that the jail is still on schedule with a proposed opening on December 22, 2003. There is some tension between the contractor and the county right now.
- The final payment on the new county administration building will be made in the next few weeks.
- The courthouse construction removal continues. The entire second floor has been removed, the basement floor will also be removed and the architects are re-working the design. This will facilitate building walls, etc. as the work progresses.

**(Attachment 6)**

- **Review Restaurant Tax - Cache Valley Tourist Council** submitted five initiatives. The Tourist Council usually receives about \$32,000 from the Utah Travel Council, but that will not be coming this year. Executive Lemon stated the county will receive about \$20,000 more in restaurant tax than allocated this year.

**ACTION: Motion by Council member Cook to allocate an additional \$20,000 to the Cache Valley Tourist Council to be used to pursue the initiatives submitted by the Tourist Council. Robison seconded the motion. It passed unanimously, 6-0. Yeates absent.**

- **CDBG Projects - Prioritization** - There are four projects: English Language Institute, Benson Water Improvement District, Senior Citizens, Sunshine Terrace Foundation.

**(Attachment 7)**

**Motion by Council member Chambers to rank the Senior Citizens project as No. 1 and the other three ranked next equally. Robison seconded the motion. After discussion, the motion was withdrawn.**

**ACTION: Motion by Council member Gibbons to support all the projects but not rank them, and to give discretion to Executive Lemon to rank them, if needed, during the review process. Cook seconded the motion. It passed unanimously, 6-0. Yeates absent.**

- **David Bigelow Road Right-of-way** - The party had intended to deed only the right-of-way to Cache County rather than the land and now asks the land be conveyed back to them with the county retaining the road right-of-way.

**(Attachment 8)**

**ACTION: Motion by Council member Gibbons to authorize Executive Lemon to execute a quit claim deed to deed back the Bigelow property while retaining the right-of-way.**

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**Robison seconded the motion. It passed unanimously, 6-0. Yeates absent.**

- **RAPZ Tax Discussion** - Chairman Petersen proposed setting a workshop for this discussion for October 28, 2003 at 4:00 p.m. He passed out a summary of legal requirements, allocation percentages and possible allocation criteria along with some recommendations relating to this issue.

(Attachment 9)

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2003-30 - Adjustments to the 2003 Budget**

(Attachment 10)

**ACTION: Motion by Council member Cook to waive the rules and adopt Resolution No. 2003-30 and increase the revenue coming to the Tourist Council from restaurant tax by \$20,000 in a line item for advertising. Gibbons seconded the motion. It passed unanimously, 6-0. Yeates absent.**

- **Ordinance No. 2003-02 - Utah Association of Counties Transient Room Tax Collection Proposal** to have UAC collect the Room Tax instead of the state tax commission as at present. Auditor Stones has expressed a concern that there would be no audit authority under this proposal. Maridene Hancock has concerns about policing issues. Council member Cook has concerns about UAC's cost of administering the program.

(Attachment 11)

**ACTION: Motion by Council member Cook to reject the proposed ordinance. Gibbons seconded the motion. It passed unanimously, 6-0. Yeates absent.**

- **Property Tax Hardship Requests**

(Attachment 12)

**ACTION: Motion by Council member Gibbons to approve the two property tax hardship requests. Cook seconded the motion. It passed unanimously, 6-0. Yeates absent.**

**OTHER BUSINESS**

- ◆ **Box Elder County Landfill** has asked Cache County to consider using their landfill after its opening instead of the Logan landfill.
- ◆ **AG Advisory Board** wants to return to the Council to present their full proposal to preserve agricultural land sometime in November or December and have a workshop with the council in January or February.

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- ◆ **I. T. Committee** - Council member Cook asked to expand this committee to include Assessor Howell and Clerk Zollinger They will meet Fridays at 9:30 a.m.

**Council member Cook left the meeting.**

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

There were none.

**COUNCIL MEMBER REPORTS**

**Brian Chambers** asked the council to recognize that Jennie Christensen had been the Grand Marshall of the Utah State University Homecoming Parade. He also asked the council to invite Jay Downs, EMS Coordinator, to attend a council meeting to update them on his position.

**Kathy Robison** attended the jail meeting last Thursday and shares some of the County Attorney's concerns about the contractor's allegation that the county has delayed the project. The completion date has been changed from December 1, 2003 to December 22, 2003.

**ADJOURNMENT**

The Council meeting adjourned at 8:04 p.m.

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

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