

CACHE COUNTY COUNCIL MEETING January 27, 2004

The Cache County Council convened in a regular session on January 27, 2004, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen
Vice Chairman: John Hansen
Council Members: Brian Chambers, Paul Cook, Darrel Gibbons, Kathy Robison, Cory Yeates.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Anis Aoude, Cindy Atkin, Will Atkin, Don Briel, Billie W. Curtis, David L. Curtis, Attorney George Daines, Newell Daines, Kevin Dustin, Darrell Erickson, Blake Flinn, Paul Flinn, Scott Flinn, Susan Flinn, Lorene Greenhalgh, Dale Hansen, Bob Hasenyager, Elo Dean Herzog, Tom Hoggan, Sharon L. Hoth, Richard C. Jensen, Shelley V. Jensen, John P. Nelson, Norma Lloyd, Kathleen Martin, Patricia Northenor, Steve Norton, Mel Parkes, Pat Parker, Jim Smith, Auditor Tamra Stones, Steven Taylor, Glen Jay Thornley, John Willis, Gary A. Wootton, Renee P. Wootton
Media: Jennie Christensen (KVNU), John Wright, (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 with Item 11d, Approval of Proposed Cache County Board of Education School Board Precinct Options, moved up directly after Item 8, Budgetary Matters.

REVIEW AND APPROVAL OF MINUTES

Minutes of the January 13, 2004 Council meeting were reviewed and approved as corrected.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

INTRODUCTION OF NEW HEAD OF I. T. DEPARTMENT: Executive Lemon introduced newly hired I. T. Department Head, Don Briel, to the Council.

<u>APPOINTMENTS:</u>	Lynn Payne	Cache County RAPZ Committee
	Judy Allen	Cache County RAPZ Committee
	Brent D. Mortensen	Cache County RAPZ Committee
	Scott Huskinson	Cache County RAPZ Committee
	Craig Petersen	Cache County RAPZ Committee
	Randy Simmons	Cache County RAPZ Committee
	John Hansen	Cache County RAPZ Committee
	M. Lynn Lemon	Cache County RAPZ Committee
	Brian Chambers	Logan-Cache Airport Authority Board
	Noble Erickson (Reappt)	Roads Special Service District Board
	E. Gordon Kirby(Reappt)	Roads Special Service District Board
	Jim Watterson (Reappt)	Water Policy Advisory Board
	Clark Israelsen	Willow Park Advisory Board
	Jim Smith	Willow Park Advisory Board
	Cory Yeates	Willow Park Advisory Board

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

WARRANTS: The warrants for the periods of 12-02-2003 to 12-02-2003, 12-03-2003 to 12-03-2003, 12-29-2003 to 12-29-2003, 01-08-2004 to 01-08-2004 and 01-16-2004 to 01-22-2004 were given to the Clerk for filing.

OTHER ITEMS

- **County Officials Day at the Legislature - February 6, 2004** - Executive Lemon reminded the Council members who are going to attend to contact Pat Parker for registration.
- **UAC legislative committee meeting broadcast at Bear River Health Department** went well and Lemon encouraged Council members' attendance at these meeting broadcasts every Thursday at 9:00 a.m.
- **Sale of 170 North Main property to BRAG** - Lemon stated that because BRAG made a significant improvement in the building the county rents to them, in 1997 Cache County agreed in principle with BRAG that if BRAG came up with the funding, Cache County would sell BRAG the building at the appraised value less whatever improvements BRAG had made to it. BRAG has had an appraisal done and has asked to pay the county one-half the amount agreed on by the county this year and one-half next year. This item will be on a subsequent agenda.

ITEMS OF SPECIAL INTEREST:

- ▶ **Recognition of Cache County Logo Winners** - Chairman Petersen introduced Paul Flinn as the creator of the winning entry, gave him his award of \$200.00 and asked him to explain a little about his design. Flinn said he chose the color gold in association with the word “Cache”, the green for the crops that are grown in the county and the willow branch representing the valley’s first name, Willow Valley. Chairman Petersen noted that two runners-up were also selected and each received a \$50.00 prize – Matthew Welch, a student from Mountain Crest and Ian Ashcroft, a student from Sky View.

- ▶ **Presentation of PILT Check** - Chairman Petersen explained that PILT stands for Payment in Lieu of Taxes. Bob Hasenyager of the Division of Wildlife Resources presented a check to Cache County for a little over \$9,000.00 representing 50 cents an acre for each acre the Division of Wildlife Resources has acquired for preservation and a letter from Director Conway expressing the Division’s appreciation of Cache County’s continued support.

BUDGETARY MATTERS

There were none.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- ☐ **Approval of Proposed Cache County Board of Education School Board Precinct Options** - Superintendent Steve Norton presented three possible school board precinct options and recommended Option C because of its population equity. Cache County School District has had five school board precincts, but due to population growth, the district will now have seven.

(Attachment 1)

ACTION: Motion by Council member Hansen to accept Option C as proposed. Yeates seconded the motion. The motion passed, 7-0.

PUBLIC HEARING: RECEIVE PUBLIC INPUT ON CHOICE OF TV CHANNELS TO BE PLACED ON TV TRANSLATOR

Chairman Petersen asked Executive Lemon to explain the purpose of the discussion.

Executive Lemon: We have determined that there is not a lot of use with Channel 9 and wondered about whether we ought to replace Channel 9 with either KJZZ Channel 14 or KBYU Channel 11. We’ve had more requests over the years that we add KJZZ and KBYU to our television translator system than any others. Mike Braegger contacted us several months ago and asked us about this. We decided we would have a public hearing and garner as much input as we could and then make a decision. We don’t have the ability on Mt. Pisgah, and if and when we move to a new site, and I think we will move to a new site within six months, we will have the option to have both of them up. This may be a temporary decision.

Chairman Petersen asked for public comment.

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Those speaking in favor of KBYU were: Patricia Northenor - North Logan
John Nelson - Trenton
Shelley Jensen - Young Ward
Cindy Atkin - College Ward

Those speaking in favor of KJZZ were: Kevin Dustin - USU
Renee Wootton - Logan

Norma Lloyd and Mel Parkes, employees of KJZZ, spoke in favor of KJZZ even it's only for the six months till both channels could be put on the translator.

Petersen asked if there was any possibility of KJZZ providing some assistance with the equipment.

Lloyd deferred to Parkes for the answer. Parkes said he had put money in the budget each year for the last five years to purchase a new translator, but because of the unsettled nature of the Mt. Pisgah agreement, he had been told by Executive Lemon to wait. He has again submitted a request for this money, but this year's budget has not been approved yet. He feels there is a possibility there might be some funds approved. Parkes reminded the Council that KJZZ has always wanted to be on Mt. Pisgah and has addressed that concern to Lemon many times. KJZZ is the only broadcaster that has been paying money out of their own pockets to support the equipment and the funds for the site. All the other broadcasters are paid by county funds. If they are put on Mt. Pisgah, there would be some financial benefit KJZZ would derive from it and Parkes believes he could convince management, at least for the first year or two, to pass that on to the county. Parkes indicated that KJZZ enjoys providing their service to Cache County and they will continue to do so no matter what the decision is, but they would like to be part of the Mt. Pisgah group.

Lemon confirmed that KJZZ has been trying to get on Pisgah since before 1994 and the county has, literally, not been able to do it because of all that they've gone through trying to get the issues resolved at that site.

Petersen asked if the county is making a mistake to invest in fixed-site translator locations? Is there another technology that is going to leapfrog that?

Parkes said that what has happened in the state of Utah is new digital format has been so widely received that all of the translators in most of the southern part of the state have initially taken that digital signal, because it is far superior quality to what they have, and they receive that first and then convert it back to analog because they get a much better quality picture. That's what Cache County is doing. The FCC has given a drop dead date for all broadcasters nationwide of the end of 2006, but everyone believes it's going to get extended out. A lot of people are embracing satellite, but a lot of people don't want to pay that money to cable or satellite. Parkes believes there will always be a broadcast medium that will come in for free. Cache County has supported a free television media to the people who watch that. According to the Nielsen rating information Cache County has what is called a cable penetration of about 60%. That means 60% of the viewers in Cache County are watching television off of subscription service, both cable and satellite. About 40% are watching at homes just with an antenna. They are happy to receive it that way. Parkes said he could easily get the county a copy of the Nielsen rating guide just for Cache County – it lists the number of television households and what percent of those households are getting cable/satellite.

Petersen said that would be wonderful information for the council to have that they've never had before.

Lemon said that 40% is a lot larger than previously thought.

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Chairman Petersen asked if there was any additional public comment. Lemon indicated he had a list of persons who had called his office to voice their opinions on the channel issue and he will compile this information as well as the KJZZ information on market penetrations and present it at the next meeting.

ACTION: Motion by Council member Gibbons to close the public meeting. Yeates seconded the motion. The motion passed, 7-0.

PUBLIC HEARING: AGRICULTURAL PROTECTION AREA DAVID L. AND BILLIE W. CURTIS

David Curtis said this land is a farm next to Paradise in an area called McMurdie Hollow. There are 357 acres of farm land they have owned since 1945.

Chairman Petersen opened the public hearing and asked for comment.

Lemon said both the AG Preservation Advisory Board and the Planning Commission have recommended approval.

Petersen directed Pat Parker to put this on the February 10, 2004 Council meeting agenda for a decision.

(Attachment 2)

ACTION: Motion by Council member Cook to close the public hearing. Robison seconded the motion. The motion passed, 7-0.

PENDING ACTION

- ◆ **Update - Cache County Jail/Administration Building** - Sheriff Nelson has indicated the county will take ownership of the new jail on March 18, 2004 and transfers of prisoners will begin on April 1, 2004.
- ◆ **Update - Cache County Courthouse Restoration** - Newell Daines said the demolition and framing are taking place simultaneously and the east third of the courthouse is framed as well as the northwest corner with the council chamber and the attorneys' above it. They have a proposal to bid the electrical and mechanical including heating, air conditioning, plumbing and fire sprinklers. Advertising will begin on Friday, January 29, 2004 and bids are to be returned by February 17, 2004. Soon after this they want to bid the exterior paint removal. Daines said they are hoping to have the demolition of the old jail completed prior to May 1, 2004 so the county can save a substantial amount of money by beating the "asphalt season." Daines said he will wait until March 1, 2004 to advertise for demolition bids on the old jail.
- ◆ **Ordinance No. 2004-01 - An Ordinance Imposing a Transient Room Tax for Cache County Utah, Identifying the Purposes for which the Tax is Imposed, Providing**

Definitions, Providing Collection and remittance Procedures, Providing Appeal Procedures and Providing an Effective Date.

Lemon said this is a revised ordinance that UAC is submitting with collection on a monthly basis, not on a quarterly basis. UAC's cost is approximately the same as the State Tax Commission's, but UAC includes \$31,000 for audit fees. The State Tax Commission has not been doing audits. Lemon and Auditor Stones recommend approval.

The Council referred the ordinance to County Attorney Daines for review and recommendation and Chairman Petersen directed this item be placed on the agenda for the February 10, 2004 Council meeting.

◆ **Discussion - Recommendations for RAPZ Advisory Committee** - See Attachment 1 to Appointments.

Jim Smith said advertising for the RAPZ administrator position will begin January 28, 2004 and applications are due by February 6, 2004.

Application forms for the RAPZ tax allocations will be available March 15, 2004 to be returned by May 15, 2004.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- ❑ **Final Plat Approval - Riverside Estates Minor Subdivision** - A 5-lot minor subdivision on 21.24 acres in the Agricultural Zone located at 3623-3767 West 3700 South, north of Wellsville. This was first reviewed in November and county concerns have been resolved by the property owner. The Planning Commission recommends approval.

(Attachment 3)

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

- ❑ **Discussion - Life Insurance Option for County Council Members** - Jim Smith said a Council member had approached him with a question about additional life insurance. Smith said that the county currently provides \$18,000 of life insurance to county employees and the county pays 80% of the premium. This can be offered to Council members as well. Additional coverage can be purchased with increased personal contributions.

ACTION: Motion by Council member Cook to approve that the county provide minimum life insurance coverage for County Council members. Robison seconded the motion. The motion passed, 7-0.

- ❑ **Amend Ordinance 2004-02 - Establishing Voting Precinct Boundaries** - Clerk Zollinger explained the need to realign the boundaries between Paradise and Hyrum and between Hyrum and Wellsville. People living in these areas affiliate with certain cities and after meeting with the Paradise Mayor and the Recorder for Hyrum City, minor changes in the boundaries are recommended.

(Attachment 4)

ACTION: Motion by Council member Gibbons to waive the rules and adopt Ordinance 2004-02 - Establishing Voting Precinct Boundaries. Yeates seconded the motion. The motion passed unanimously, 7-0.

REVIEW OF COUNTY INITIATIVES - HUMAN RESOURCES

- Implement a self-funded dental program for county employees** - Jim Smith said he does not recommend proceeding with this initiative after research into dental coverage plans.

(Attachment 5)

- Implement a health and wellness program for county employees** - Jim Smith said a wellness program is currently available through Healthy Utah and PEHP and the county will develop its program working with Healthy Utah.

(Attachment 6)

- Implement a revised early retirement program** - Smith said the early retirement information was not available from the Sheriff's Department. He believes early retirement health coverage would drive up health costs for all county employees. Petersen asked Smith to investigate early retirement possibilities for the county and have that information available for the Council in two to three months.

(Attachment 7)

- Update and Adopt Personnel Policies and Procedures Manual** - Lemon said he could have this information by the Council meeting in May.
- Bring county employees' salaries more in line with fair market value salaries** - Council member Cook reminded the Council that this issue will be reviewed in July, 2004.

(Attachment 8)

OTHER BUSINESS

- Acquisition of 660-acre Murray Farm by the Trust for Public Lands** - Council member Yeates proposed that the Council submit a letter of support for the purchase of the Murray Farm with notification of the Council's letter of support going to the offices of both of Utah's U. S. Senators and Utah's U. S. Representative.

(Attachment 9)

ACTION: Motion by Council member Yeates to send a letter supporting the acquisition of the Murray land as proposed. Gibbons seconded the motion. The motion passed unanimously, 7-0.

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Chairman Petersen asked Council member Yeates to draft the letter for the Council's signature.

- ✓ **Report to Cache County Council on the Progress of Opening County Roads That Have Been Closed by Private Citizens** - Yeates said he has met with the County Road Commission several times. Forty-eight roads with closure problems have been identified thus far. The Road Commission has met with property owners and thirty-four of these roads are now open. Fourteen are gated. The Commission will be moving on two more roads on February 1, 2004. Because of occasional temporary problems such as wildlife feeding in heavy winters, emergency temporary restrictive motorized access may be implemented on some roads.

(Attachment 10)

COUNTY ATTORNEY'S REPORT ON PENDING MATTERS

There were none.

COUNCIL MEMBER REPORTS

Brian Chambers - Chambers asked about having people other than Council members offer the prayer at Council meetings. Chairman Petersen directed Pat Parker to assign other parties the prayer on the first Council meeting of each month.

Darrel Gibbons - Gibbons asked Attorney Daines if he had responded to Alan Burris' concerns. Attorney Daines said he will provide a copy of his response to the Council.

John Hansen - Hansen asked who owned the road around Porcupine Reservoir to the property called Cinnamon Creek owned by the LDS Church and can that road be improved. The county maintains the road up to the gate to the church's property. The county has a public right-of-way by use, but to improve the road the county would need a dedicated right-of-way.

Paul Cook - The Sheriff's Department's new I.T. person will start sometime between February 9 and February 14, 2004 as soon as the background check is completed.

Kathy Robison - Robison has met with the Volunteer Center Advisory Board and met their new director. The Governor's Silver Bowl Volunteer Awards are coming up and if the Council has any organizations that would like to nominate a volunteer, the forms will be available at the Volunteer Center in Smith's.

Lynn Lemon - Lemon gave the Council copies of the amendment to the interlocal agreement about the change in the countywide planning board. The proposal is to have the County Executive, County Council member, one other person designated annually by the Council, mayor from the north, mayor from the south, Logan City mayor — these six will choose three

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private sector representatives; one north, one south and one from Logan. Cache County Mayors will receive copies of the proposal.

ADJOURNMENT

The Council meeting adjourned at 7:55 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman