

CACHE COUNTY COUNCIL MEETING

April 13, 2004

The Cache County Council convened in a regular session on April 13, 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: Russ Akina, Bob Bayn, Larry Brunson, Maggee Butterfield, Wayne Cardon, Denzel Clark, Taylor Clark, David Cooley, Attorney George Daines, Ron Daines, John Ellsworth, Cheryl Empey, Jeff Gilbert, Udell Godfrey, Miguel Gonzalez, LeRoy Goodey, Lorene Greenhalgh, Max Gyllenskog, Issa Hamud, Sue Hoffman, Sharon L. Hoth, Dean Hunsaker, Clark Israelsen, Ken Lester, Emily Malik, Kandace McCreary, Robert McCreary, Amanda Lee Mandler, David Miles, Gerald H. Miles, Heather Miles, Helen H. Miles, Lisette Miles, Elaine Moffitt, April Mortensen, Sheriff Lynn Nelson, Bill Owen, Pat Parker, Falisha Rosas, Michael Rhodes, Paul Rudnicki, Kadi Seamons, Jim Smith, JaNae Sorenson, Annette G. Summers, Richard Summers, Glen Thornley, Preston Ward, Terry Warner, Mike Weibel, Rod Wilhelm, Ann Zimmerman **Media:** Jennie Christensen (KVNU), John Wright, (Herald Journal).

CALL TO ORDER

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

OPENING REMARKS

The invocation was given by John Hansen.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Cook to move into Executive Session directly after adjournment from the Council meeting to discuss property acquisition. Yeates seconded the motion. The vote was unanimous, 7-0.

The agenda was approved with item 10d, Roads - GASB 34 - Establish Maintenance Level, Willow Park/Fairgrounds Budget, and item 11c, Worker's Compensation Plan - UCIP Proposal, moved to the agenda for the April 27, 2004 Council meeting.

REVIEW AND APPROVAL OF MINUTES

Minutes of the March 30, 2004 Council meeting were reviewed and approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS:

Jim Smith	Insurance Coordinator for Utah County Insurance Pool
Andrea Murray	Deputy County Recorder
Kimberlee Jones	Deputy County Assessor
Dixie L. Page	Deputy County Assessor

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

WARRANTS: The warrants for the period of 04-02-2004 to 04-08-2004 were given to the clerk for filing.

OTHER ITEMS

- **Cloud Seeding - North American Weather Consultant Report** - March was an exceptionally dry month. Snow water is 60% of normal and water year precipitation is 82% of normal.
- **UAC Horizons Publication** - Contains highlights of the legislative session as well as information on particular bills.
- **Governor Walker Groundbreaking for State Road 91** will be in Richmond at 2:30 p.m. tomorrow, April 14.
- **ACT System Transition Update** - Lemon said all requests for maintenance should now go through the County I. T. department instead of the County's outside contractor. Extensive training will be going on during the next week to ten days with a goal of May 3, 2004 for all maintenance and upkeep to be done by the County.
- **UAC and State Tax Commission Letters** have been received concerning UAC collecting the TRT beginning July 1, 2004. In order for Cache County to be a part of this, a decision must be made by the end of April. This item will be on the agenda for the April 27, 2004 Council meeting.
- **UAC Management Meeting - April 22 and 23, 2004** - Chairman Petersen and Executive Lemon will be doing a presentation on the morning of April 23 on the planning process used by Cache County this past year.
- **T.V. Translator Survey** - USU student, Paul Rudnicki, updated the Council on the survey being conducted under his direction as his Plan B paper for his Masters degree. The survey sample of 383 homes throughout the Cache Valley was randomly drawn from the electronic version of the Bridgerland phone book. Survey samples are made to be geographically representative of the county based on the census data that was provided. There are 282 surveys completed. There are six or seven questions regarding T. V. service, three others regarding the RAPZ tax and four demographic

questions. Preliminary results indicate most people use cable or satellite services. Many of those who use the translator service are near the Smithfield area and receive the signal from Franklin County. About 8% are using the translator service with one quarter of those using the Franklin County translator.

ITEMS OF SPECIAL INTEREST

- ▶ **Proclamation - Child Abuse Prevention Month, April 2004 - Ken Lester** - Lester, Board Member for the Child and Family Support Center in Logan, thanked the Council for their support of this proclamation and presented blue ribbon pins to the Council to wear during Child Abuse Prevention month.

(Attachment 1)

ACTION: Motion by Council member Gibbons to adopt the Proclamation - Child Abuse Prevention Month, April 2004. Robison seconded the motion. The vote was unanimous, 7-0.

- ▶ **Proclamation - National County Government Week - April 18-24, 2004**

(Attachment 2)

ACTION: Motion by Council member Yeates to adopt the Proclamation - National County Government Week, April 18-24, 2004. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Employee of the Month** was presented to Kandace McCreary of the Children's Justice Center.
- **Employee Recognition - Extension Department** - Clark Israelsen recognized Cheryl Empey and Scott Williams for their work in 4-H noting that 12,980 youth in Cache County were reached directly or indirectly through the County 4-H program last year.
- **Cache Valley Center for the Arts Quarterly Report - Lisette Miles** reported on the two quarters from July 1 to December 31, 2004. The Utah Festival Opera Company had audiences with 75% of the people from out of the county. The Ellen Eccles Presents season was very successful and well attended. The usage of the facility is steadily increasing. There are USU classes that strongly encourage their students to attend some of the Center for the Arts performances. Miles thanked the Council for Cache County's support of the Center for the Arts.

(Attachment 3)

- **Cache County Medical Reserve Corps - Mike Weibel**, Public Information Officer for Bear River Health Department, is now also working to create Utah's first Medical Reserve Corps. Typically, during disasters 85% of the people entering emergency care

facilities do not need emergency care. Weibel is seeking to create a pool of volunteers, preferably with some form of medical background though that is not absolutely necessary. These volunteers will serve at triage centers in each community in the county during any kind of disaster to evaluate patients' needs. Those requiring more sophisticated emergency care would be sent on to medical facilities while those with lesser needs could be treated at the triage site relieving the burden on medical facilities during a crisis. This Reserve Corps will have the Strategic National Stockpile available to them meaning that during any major disaster, a 747 aircraft full of medical supplies can be in our community within twelve hours. This organization will fit "like a glove" with existing operations in the county and could also be utilized for public health campaigns. Weibel said the foundation has been laid and recruitment is now beginning. An AmeriCorps volunteer is donating 100 hours of time to help with recruitment. Weibel said if the Council was interested or knew anyone who might be interested in helping, call Mike Weibel at 792-6520. They hope to have 100 volunteers recruited by October.

BUDGETARY MATTERS

Intra-Departmental Transfer

Department - Fire - \$3,000 from Non-Capitalized Equipment - LEPC Grant to Special Grant Expense

(Attachment 4)

ACTION: Motion by Council member Gibbons to approve the intra-department transfer of \$3,000. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION

- **Tax Exemption Requests** - East Birch Creek, Inc.
Somebody's Attic
Bear River Head Start
USU Research Foundation/SDL
Grace Baptist Church
Logan Church of Christ

(Attachment 5)

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

- **Findings and Determination - IHC Tax Year 2004**

(Attachment 6)

ACTION; Motion by Council member Gibbons to accept the findings of fact and determination and grant the tax exemption request for IHC Health Services, Inc. for the Logan Regional Hospital. Robison seconded the motion. The vote was unanimous, 7-0.

● **Findings and Determination - Sunshine Terrace Tax Year 2004**

(Attachment 7)

ACTION: Motion by Council member Gibbons to accept the findings of fact and determination and grant the tax exemption request for Sunshine Terrace Foundation, Inc. Yeates seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

◆ **Property Tax Hardship Request - Haskell**

(Attachment 8)

ACTION: Motion by Council member Gibbons to approve the recommendations of the County Auditor and waive penalties and interest of \$409.98 if the tax payment of \$1,535.09 is made in full by May 26, 2004; and if the party is unable to comply by that date, a full reinstatement of taxes, penalties and interest with the property being placed on tax sale for the next calendar year. Robison seconded the motion. The vote was unanimous, 7-0.

The Council moved out of the Board of Equalization.

PUBLIC HEARING: BOARD OF TRUSTEES FOR CACHE COUNTY SERVICE AREA NO. 1 - TO ACCEPT PUBLIC INPUT ON PROPOSED LANDFILL SITING AND RECOMMENDATIONS FROM THE SOLID WASTE ADVISORY BOARD.

THE COUNCIL MOVED INTO THE BOARD OF TRUSTEES FOR SPECIAL SERVICE AREA NO. 1

Chairman Petersen asked for public comment.

Udell Godfrey of Clarkston spoke in opposition of the proposed landfill site. He expressed the following concerns:

The cost for the road that will be built to utilize this site.

The Stink Creek drainage from this site drains into Idaho; has Idaho been consulted with?

Whose land will be purchased for the site and how much will it cost?

A petition opposing the location of the landfill site in Clarkston had been signed by 98% of the adult population in Clarkston.

Godfrey recommended hauling waste out-of-county for disposal.

Denzel Clark of Clarkston spoke in opposition of the proposed landfill site. Clark said the questionnaire sent to citizens was poorly designed and difficult to understand. He asked if this proposed landfill site would increase or decrease property values in the area.

LeRoy Goodey, former Mayor of Clarkston, also spoke against the proposed landfill site. He had concerns about severe winter weather creating problems of access to the site as well as people

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hauling trash through Clarkston and possibly losing some of it along the route through town. He expressed gratitude for the committees and the Council listening to his concerns.

Miguel Gonzalez of Clarkston spoke against the proposed landfill site. Gonzalez said he moved to Clarkston for the view and to enjoy the wildlife. He is worried about the possible disruption along the deer migration corridor in the area and possible harm to the sharp-tail grouse population.

Wayne Cardon of Benson also spoke against the landfill site. He wants to know the cost estimates on all the proposed sites. Cardon has visited the Box Elder landfill site and says it is very large and could handle our waste easily. He asked if the Cache Junction site is definitely off the list? **Gibbons** said it is not.

Issa Hamud, Logan City Environmental Director, said the mileage to Clarkston is six to ten miles less one-way than the Box Elder site. The Cache Junction site has a water table problem that would reduce the life of the landfill to a 30-year maximum. Wildlife issues had been considered in the proposed site.

Richard Summers of Clarkston opposed the Clarkston landfill site. He also said the questionnaire he received was difficult to understand and he recommend using the railroad to take our waste to the Promontory Point site.

Taylor Clark of Clarkston opposed the Clarkston landfill site. He questions the cost of hauling waste from the south end of Cache County to Clarkston. He is also concerned about the impact on wildlife and believes the sharp-tail grouse may be a protected species and a bluebird in the area may be an endangered species.

Annette Summers of Clarkston said she did not sign the petition opposing the landfill site because she wanted more information, but is opposed to the proposal.

Hamud said the petition was received two years ago and because of those citizens' concerns the original Site C was moved to Site C-1. The Citizens Advisory Committee had asked that the road to the landfill not go through Clarkston, so another route was developed. Hamud said Idaho has not been contacted, but would be if and when the site becomes final. The Citizens Advisory Committee will make decisions about land purchases if the resolution approving the site passes. At present, the railroad will not transport waste because of a disagreement between EC/DC and the railroad. Winter conditions were taken into consideration. The present landfill site in Logan could handle waste for indefinite time periods if the Clarkston site was unavailable because of sever weather conditions. Individuals are *not* supposed to haul waste to the Clarkston site. Individuals will still be required to haul personal solid waste to the Logan landfill. The Corps of Engineers and state agencies visited the Clarkston site and the landfill must have a quarter mile buffer zone for a wildlife refuge site. Only five acres of the site will be developed at a time and the other acreage will remain as it is until needed. The existing Logan landfill has a projected life left of eighteen years so it will be at least fifteen years before the Clarkston site would be developed. In the meantime, the county will continue to pursue the possibility of hauling waste out-of-county as well as any other developments that may arise in solid waste disposal. Having a proposed landfill site approved in Cache County gives the county bargaining power in pursuing out-of-county solid waste disposal options.

Lynn Lemon, in answer to a question, said the Cache County Council serves as the Board of Trustees for Cache County Service Area No. 1 and contracts with Logan City for solid waste disposal.

Clark asked if property can be condemned for the county to purchase.

Lemon said if the county had all the property it needed for the road to the landfill except for one piece, it could have that one piece condemned and buy it at fair market value. Lemon also said approval of the resolution for the proposed landfill site gives authorization to purchase the land, but also strongly recommends that the county continue to evaluate out-of-county disposal as an option.

April Mortensen, Chairman of the Citizens Advisory Committee, spoke in favor of the proposed resolution. Every Board member working on this has tried to make it a living resolution instead of a static resolution so that as other alternatives open up, they can be considered and/or utilized. Much public comment has been taken into consideration. She said Hamud has asked that the Citizens Advisory Committee remain intact and continue to advise so they can keep moving as things progress along.

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

Chairman Petersen thanked all who had come and offered comment.

PENDING ACTION

- ❑ **Board of Trustees - Special Service Area No. 1 - Resolution No. 2004-01 - Findings and Conclusions On a Landfill Siting Proposed by Solid Waste Advisory Board** - Because of its cost-effectiveness all of the Council members expressed support for the proposed landfill site in Clarkston with the stipulation that the county continue to actively pursue out-of-county and other options for solid waste disposal. Issa Hamud said other communities who have chosen to haul out-of-county have regretted that choice because of escalating fees and liability problems. The Council decided to have the formal vote on this resolution at the April 27, 2004 Council meeting.

The Council adjourned from the Board of Trustees for Special Service Area No. 1.

- ❑ **Willow Park/Fairgrounds Budget - Russ Akina** brought figures and descriptions for budgeted and actual expenditures for 1999 through 2003. The Council asked that Akina prepare figures and descriptions that indicate the actuals for 2002-2003 and the budgeted and actuals for 2003-2004 so that areas of increase can be readily identified. Lemon asked that revenues be included in the figures. Petersen said this item will be on the agenda for the April 27, 2004 Council meeting. Cook suggested that he and Petersen meet with Akina the Thursday before that Council meeting - April 22, 2004 - to review the budget information. Petersen said it would be good to have the 2004-2005 projected budget figures, too. Lemon suggested that Logan City and Cache County should agree between them what amount each will put towards the operations of Willow Park facilities and then agree that all of the capital projects for the zoo or other facilities will come from RAPZ or Restaurant tax.
- ❑ **Mosquito Abatement** - Lemon said the major issue this year is West Nile Virus. He attended a meeting of counties, cities, etc. with the Department of Health and the

Department of Agriculture where the criteria and process was discussed for applying for funds to help the county deal with West Nile Virus (WNV). There will be a meeting tonight at 8:00 p.m. that all the Cache County cities were invited to about how to get started on funding for WNV and whether to form a Mosquito Abatement District. The other option is to form a Cooperative Mosquito Control Area. The state would prefer the county take immediate action with the cooperative while working towards an abatement district. The state will match funds three to one - if the county gives \$25,000 towards the cooperative, the state will fund an additional \$75,000. Lemon said Cache County has all the criteria present to be a prime candidate for a WNV outbreak. Surveillance would be the main focus of the county program, but if a confirmed case of WNV occurs, then the focus would change to education of the public on prevention. April 30, 2004 is the deadline for application submissions for the state funds. Bear River Health Department is working with Rich and Box Elder counties to form a multi-county cooperative management area. Rich and Box Elder Counties have expressed support of the multi-county concept.

ACTION: Motion by Council member Gibbons expressing support of the formation of a health department multi-county cooperative management area. Cook seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-09 - Committing to the Preservation of Cache County's Heritage Assets**
Newel Daines has applied to the Preserving American Heritage Foundation for possible funding on the Cache County Historic Courthouse restoration. The Foundation replied with three criteria that would need to be met in order to make the formal application for funding. This resolution is one of the criteria.

(Attachment 9)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2004-09 - Committing to the Preservation of Cache County's Heritage Assets. Cook seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2004-10 - Adopting the Bear River District Pre-Disaster Hazard Mitigation Plan**
Gibbons said he, Yeates and Lemon have seen this plan as members of the BRAG Board and approved it.

(Attachment 10)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2004-10 - Adopting the Bear River District Pre-Disaster Hazard Mitigation Plan. Cook seconded the motion. The vote was unanimous, 7-0.

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- **American West Heritage Center Bond Refunding**
Lemon said Wells Fargo is working with the American West Heritage Center to combine a number of the Center's bonds and refund them at a better rate and are requesting the Council's approval of this action.

ACTION: Motion by Council member Cook to support the American West Heritage Center Bond Refunding. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Final Plat approval - Miles 40 Acre Minor Subdivision** - Gerald H. Miles and David W. Miles 2-lot Minor Subdivision. Attorney Daines said the current plat is not accurate because the river has eroded into the road right-of-way. Because of building time constraints on the property owners, Daines recommended allowing the property owners to use the current plat subject to executing an agreement that gives them 180 days to restore the river to its previous position at the property owners' expense. If they cannot do that within the 180 days, the owners' will agree to provide the county an amended plat which will put the roadway further into their property on the other side. The Chairman of the Planning and Zoning Committee has not yet signed the plat and Daines said he and the Council will not be asked to sign the plat until the agreement is completed and signed.

(Attachment 11)

ACTION: Motion by Council member Cook to waive the rules and approve the subdivision subject to the execution of an agreement giving adequate time for the owners to attempt to re-establish the road, failing that, the plat will be amended by the property owners. Yeates seconded the motion. The vote was unanimous, 7-0.

COUNCIL MEMBER REPORTS

Cory Yeates - Yeates said several Council members have talked with Preston Ward and Larry Brunson and been updated on the road issues and he encouraged other Council members to do the same.

Brian Chambers - Chambers asked if the NPIC meeting in May could be moved from Thursday to Wednesday, May 5, 2004. He reminded Gibbons and Petersen that they need to begin discussions on the formation of the oversight committee for the ambulance service as well as appointments. Petersen directed Parker to place this on the agenda for the April 27, 2004 Council meeting.

John Hansen - Hansen asked if it is necessary to send the Sheriff out on the road openings? Yeates said at the recommendation of the County Attorney, the county employee is accompanied by a Deputy Sheriff.

Paul Cook - Planning and Zoning wants to have a BBQ dinner with the Council this summer.

Kathy Robison - Robison said temporarily putting gravel on the lot where the old jail is being

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torn down was discussed at the Downtown Alliance meeting. Half of the lot would be for parking for employees of the county block and half would be for parking for employees of the Emporium. The Alliance also discussed using the plaza between the County Administration Building and the Historic Courthouse for an open house this summer if the plaza is done by then.

ADJOURNMENT

The Council meeting adjourned and moved to Executive Session at 7:50 p.m. to discuss acquisition of property.

The Council adjourned from Executive Session at 8:06 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman