

CACHE COUNTY COUNCIL MEETING

April 27, 2004

The Cache County Council convened in a regular session on April 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: Russ Akina, C. R. Batten, Bob Bayn, Bill Berge, Britta Berge, Ilda Berge, Larry Brunson, Attorney George Daines, Jay Downs, Thad Erickson, Tojo W. Fairman, Spencer Gibbons, Issa Hamud, Maridene Hancock, Jess M. Harris, Heidi Hodgson, Jim Hodgson, L. Brent Hoggan, Sharon L. Hoth, Lloyd Jenson, Carol R. Milligan, Dave Nielsen, Evan Olsen, Herm Olsen, Inez Olsen, Michael Olsen, Pat Parker, Ann Peralta, Val Rasmussen, Jeff Ricks, Mark Ricks, Logan City Attorney Mark Sorensen, Auditor Tamra Stones, Zan Summers, Mayor Doug Thompson, Randy Thompson, Glen Thornley, Ben Toone, Preston Ward, Rod Wilhelm, James P. Yonk, Kyle Yonk, Reed Yonk, Ryan M. Yonk, Bill Young **Media:** Jennie Christensen (KVNU), John Wright, (Herald Journal).

CALL TO ORDER

Chairman Petersen called the meeting to order at 5:00 p.m. Executive Lemon informed the Council that Lt. Von Williamson of the Sheriff's Department had passed away suddenly. Petersen expressed concern for Williamson's family.

OPENING REMARKS

The invocation was given by Craig Petersen.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with a request from Jeff Gittins for a letter of support for his conservation easement added to item 11d - Request to Sponsor Conservation Easement/Jess Harris - and the addition to item 9a, Board of Equalization, of item No. 2 - Mobile Homes. Petersen said a brief Executive Session will be held following the Council meeting.

REVIEW AND APPROVAL OF MINUTES

Minutes of the April 13, 2004 Council meeting were reviewed and approved as written.

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REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were none.

WARRANTS: The warrants for the period of 04-09-2004 to 04-15-2004 and 04-16-2004 to 04-22-2004 were given to the clerk for filing.

OTHER ITEMS

- **Demolition of Jail Building** - Lemon said the American West Heritage Center has asked the county to donate the kitchen equipment from the old jail to the Heritage Center.

ACTION: Motion by Council member Gibbons to donate the kitchen equipment from the old jail to the American West Heritage Center. Cook seconded the motion. The vote was unanimous, 7-0.

- **Area Plan for Newton and Hyrum Reservoirs** - Lemon said there are four options in the proposals. One is no action, one is resource conservation emphasis, one is multi-purpose emphasis and one is recreation emphasis. There will be meetings concerning this plan on May 11, 2004, at the Newton Town Hall and May 12, 2004, at the Hyrum City Offices. The entire environmental assessment is available for the Council to review in Lemon's office.

ITEMS OF SPECIAL INTEREST

- ▶ **Cache County Tourist Council Report - Maridene Hancock** said the total Transient Room Tax collected for 2003 was \$226,206 and 2002 was \$244,770. Hancock said keeping in mind that 2002 was the Olympics year, Cache County tourism has stayed fairly constant. A visitor survey program will begin the week of April 26, 2004, and Council members were given copies of the survey. The Tourist office is working with David Clyde on his Eagle Scout Project to develop word searches and children's games for a booklet concerning the Logan Canyon Scenic Byway. The tourism conference held April 22-23, 2004, was very successful. The presentation concluded with a video of the Cache Valley advertisements that are airing on KSL-TV, Channel 5.
- ▶ **Develop Plan for Underground Water Usage - Evan Olsen/Ann Peralta** each expressed serious concerns about the water situation in Cache County and asked the Council's approval to explore the feasibility and appropriateness of some kind of institutional structure to address water concerns such as: a special services district, a water department or a water authority like the airport authority. Funding of an additional \$10,000 to \$20,000 will be needed for this entity.

BUDGETARY MATTERS

Intra-Departmental Transfer

Department - Jail - Transfer \$9,447.00 from Capitalized Equipment to Non-Capitalized Equipment to cover equipment purchases under \$5,000.

(Attachment 1)

ACTION: Motion by Council member Cook to approve the intra-departmental transfer of \$9,447.00. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION

- ▶ **Tax Exemption Requests -**
Logan Lighthouse Ministry
Bridgerland Community Ice Arena, Inc.
Cache County Children's Justice Center
American Red Cross Cache County Chapter
Thomas Edison Charter School

(Attachment 2)

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

- ▶ **Mobile Homes Valuation Change Requests -**
Dan L. Pope
Marisol Norales-Castro
Rodrigo E. Toledo
Raymundo Estrada
Gilberto Trejo
Roberto Estrada

(Attachment 3)

ACTION: Motion by Council member Gibbons to approve the decision of the Hearing Board (Lynn Lemon, Hearing Officer; Tamra Stones, Clerk; Kathleen Howell, Assessor's Office) to equalize the values of these mobile homes with the other mobile homes in the county. Robison seconded the motion. The vote was unanimous, 7-0.

The Council moved out of the Board of Equalization.

PENDING ACTION

- **Update - Historical Courthouse Restoration Project** - Attorney Daines reported on the paint removal being done on the Courthouse. The brick is in better condition than anticipated and the decision to leave the brick as is or to stain it all the same color can be made now or at a later date in the project.

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

- ❑ **Resolution No. 2004-01(Special Service Area No. 1) - Findings and Conclusions on a Landfill Siting Proposed by Solid Waste Advisory Board** - Council member Yeates felt the wording of the resolution was inconsistent and felt the Council had not discussed the issue sufficiently. Robison asked to postpone the Council's decision until updated information could be received concerning the most current bid prices for out-of-county disposal. Gibbons said the Council should approve the resolution because it will give the county better bargaining power with those bidding on out-of-county disposal.

(Attachment 4)

ACTION: Motion by Council member Gibbons to adopt Resolution No. 2004-01(Special Service Area No. 1) - Findings and Conclusions on a Landfill Siting Proposed by Solid Waste Advisory Board. Cook seconded the motion. The motion passed, 5 aye - Chambers, Gibbons, Hansen, Petersen & Cook, 2 nay - Yeates & Robison.

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

- ❑ **Willow Park/Fairgrounds Budget - Russ Akina** returned to the Council with a handout showing Expenditures and Revenues for years 2002-03 and 2003-04, both actual and projected amounts. Several Council members had questions about the figures.

(Attachment 5)

ACTION: Motion by Council member Gibbons to decline the request for the Willow Park/Fairgrounds Budget. The motion failed for lack of a second.

ACTION: Motion by Council member Yeates for Auditor Stones, Chairman Petersen and Council member Cook to meet with the financial personnel from Logan City to obtain the figures needed by the Council to make a decision on the Willow Park/Fairgrounds Budget request. Chambers seconded the motion. The motion passed, 5 aye - Yeates, Chambers, Hansen, Cook & Robison, 2 - nay, Gibbons & Petersen.

- ❑ **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.**

(Attachment 6)

Ordinance No 2004-01: The vote was 7-0

	<u>CHAMBERS</u>	<u>COOK</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-12 - Authorizing Executive to Execute Agreement for Transient Room Tax Collection with Utah Association of Counties**

(Attachment 7)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No 2004-12 - Authorizing Executive to Execute Agreement for Transient Room Tax Collection with Utah Association of Counties. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2004-11 - Proposing the Creation of the Cache Mosquito Abatement District for the Purpose of Providing Mosquito Abatement Services to the Municipalities and Unincorporated Areas of Cache County and Providing That A Public Hearing and An Election Be Held on the Question of Whether the District Should Be Created**

(Attachment 8)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2004-11 - Proposing the Creation of the Cache Mosquito Abatement District for the Purpose of Providing Mosquito Abatement Services to the Municipalities and Unincorporated Areas of Cache County and Providing That A Public Hearing and An Election Be Held on the Question of Whether the District Should Be Created. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2004-13 - Authorizing Executive to Execute Lease Agreement for a Triangular Parcel of Property between Cache County and the City of Hyrum, Utah**

(Attachment 9)

ACTION: Motion by Council member Hansen to waive the rules and approve Resolution No. 2004-13 - Authorizing Executive to Execute Lease Agreement for a Triangular Parcel of Property between Cache County and the City of Hyrum, Utah. Yeates seconded the motion. The vote was unanimous, 7-0.

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- **Request to Sponsor Conservation Easement/Jess Harris** - This is a 10-acre parcel between 4200 and 4600 North on 800 West remaining from an original 25 acres. Fifteen acres have been sold and developed. Harris is asking that the remaining 10 acres be retained as agricultural land. Harris said the county's obligation as a sponsor would be to monitor the property on an annual basis to make sure its use is agricultural.

ACTION: Motion by Council member Cook to approve the request for Cache County to sponsor the Jess Harris Conservation Easement. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Request for Letter of Support for Conservation Easement/Jeff Gittins** - This is an 88.88-acre parcel north of 4600 North. Gittins is applying to the Department of Agriculture for a conservation easement.

ACTION: Motion by Council member Cook to give a letter of support to Jeff Gittins for a conservation easement. Robison seconded the motion. The motion passed, 6 aye - Yeates, Chambers, Hansen, Petersen, Cook & Robison, 1 abstention - Gibbons.

COUNTY INITIATIVES

- T.V. Translator Survey** - Chairman Petersen said the survey is completed and he will present the Council with the results soon.
- RAPZ/Restaurant Tax Allocation** - Petersen said sixty-nine applications have been received by the committee for a total request of \$3.2 million. There is approximately \$650,000 collected and with commitments already made there will be about \$432,000 of Restaurant Tax money that can be allocated this year.

Based on \$781,000 collected so far this year in RAPZ tax money, the committee made the decision that will allocate taxes up to December 31, 2004 as follows:

RAPZ/Restaurant Tax Coordinator	\$ 9,000
Zoo	\$ 77,000
Cultural arts	\$347,000
Master plan	\$ 25,000
Allocation to cities based on population	\$107,000
Allocation to cities based on projects -recreation	\$215,000

The committee will meet on May 10, 2004. A recommendation to the Council is expected to be ready by June 8, 2004.

- Roads - GASB 34 - Establish Maintenance Level** - Lemon recommended keeping all asphalt and double chipped county roads at a rating of between 6 and 4, with at least 80% of the roads being kept above a 4 rating.

(Attachment 10)

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ACTION: Motion by Council member Hansen to maintain at least 80% of county asphalt and double chipped roads at a 4 rating or above. Gibbons seconded the motion. The vote was unanimous, 7-0.

- Public Roads Access** - Attorney Daines updated the Council on the procedures and methods of the Roads Committee and their progress thus far.

(Attachment 11)

COUNCIL MEMBER REPORTS

Darrel Gibbons - Gibbons said David Spatafore from the Promontory Landfill has contacted him and asked that a meeting be set up to discuss landfill fees.

ADJOURNMENT

The Council meeting adjourned and moved to Executive Session at 8:23 p.m. to discuss the jail.

The Council adjourned from Executive Session at 8:50 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman