

## **CACHE COUNTY COUNCIL MEETING**

### **May 11, 2004**

The Cache County Council convened in a regular session on May 11, 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, Jacob Bach, Joseph Bach, Sid Carpenter, Blake Christensen, Attorney George Daines, Jay Downs, Jack Draxler, Timothy Ermish (KSTU), Don Fulton, Jim Gass, Lorene Greenhalgh, Ben Horsley, Bonnie Hoth, Sharon L. Hoth, Logan City Attorney Kymber Housley, Greg James (KSL-TV), Vicki Jo Jensen, Treasurer Karen Jeppesen, Dave Johnson, Suzanne Jones, Gary C. Joy, Scott Larsen, Brian Leifson (KBVU), Brian Leishman, Mayor Ruth Maughan, Chief Mark Meaker, Joe Needham, Lee Nelson, Cardell Nielsen, Vernon Parent, Marcene Parker, Pat Parker, Mel Parks (KJZZ), David W. Phillips (KUTV), Tami Pyfer, Brent Robinson (KSL-TV), Tammy Rodeback, Cheryl Russell, Don Sadler, Al Schultz (KSTU), Jim Smith, Logan City Attorney Mark Sorenson, Kathryn Sparks, Ed Stephens, Auditor Tamra Stones, Laraine Swensen, Steven Taylor, Mayor Doug Thompson, Philip Titus (KUED), Mike Weibel, Charles Wheeler, Terrie Wierenga, Rod Wilhelm, Mayor Ray Winn **Media:** Jennie Christensen (KVNU), John Wright, (Herald Journal), Dave Nelson (Herald Journal).

#### **CALL TO ORDER**

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

#### **OPENING REMARKS**

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 the addition of item 7b, Proclamation designating May 15, 2004 as Peace Officers' Memorial Day and the week of May 15, 2004, as National Law Enforcement Week, and item 12a, T.V. Translator Survey, moved directly after item 10c, Division of Wildlife's Request for Temporary Closure of Ant Flat Road to Cinnamon Creek.

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

Minutes of the April 27, 2004 Council meeting were reviewed and approved as written.

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

<b><u>APPOINTMENTS:</u></b>	Lee Edwards	Special Deputy County Attorney
	Judy Green	Satellite Registration Agent
	Sue Anne Thompson	Satellite Registration Agent
	Kristie Cooley	Satellite Registration Agent
	Marsha Israelsen	Satellite Registration Agent
	Dean Clegg	Satellite Registration Agent
	Lora Lee Wise	Satellite Registration Agent
	Stephanie Fricke	Satellite Registration Agent
	Fran Bair	Satellite Registration Agent

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

**WARRANTS:** The warrants for the period of 04-23-2004 to 04-29-2004 were given to the clerk for filing.

**OTHER ITEMS**

- **UAC Visit** is scheduled for Wednesday, May 12, 2004, at 11:00 a.m. at the Copper Mill restaurant in Logan. Auditor Stones and Council members Robison and Petersen said they could attend.
- **Ogden/Logan Ranger Districts** will be conducting prescribed burns this year. The plan is available for review and comment.

**ITEMS OF SPECIAL INTEREST**

- ▶ **Employee of the Month** award was presented by Jim Smith to Kathryn Sparks of the Treasurer's Office.
- ▶ **Proclamation - Law Enforcement Week - week of May 15, 2004 and Peace Officers' Memorial Day - May 15, 2004**

(Attachment 1)

**ACTION: Motion by Council member Cook to adopt the Proclamation designating May 15, 2004, as Peace Officers' Memorial Day and the week of May 15, 2004, as National Law Enforcement Week. Robison seconded the motion. The vote was unanimous, 7-0.**

**BUDGETARY MATTERS** - There were none.

**PUBLIC HEARING SET:** OPEN 2004 BUDGET - MAY 25, 2004 AT 6:00 P.M.

Chairman Petersen proposed setting the public hearing to open the 2004 Budget for May 25, 2004 at 6:00 p.m.

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**ACTION: Motion by Council member Gibbons to set a Public Hearing for May 25, 2004 at 6:00 p.m. to open the 2004 Budget. Yeates seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: MAY 25, 2004 AT 6:15 P.M. TO TAKE COMMENT ON THE REQUEST TO REZONE 34.04 ACRES OF PROPERTY FROM FR-40 TO AGRICULTURAL - 6800 WEST 1000 SOUTH, DEEP CANYON WEST OF MENDON.**

Chairman Petersen proposed setting the public hearing to take comment on the request to rezone 34.04 acres of property from FR-40 to agricultural - 6800 West 1000 South, Deep Canyon west of Mendon for May 25, 2004 at 6:15 p.m.

**ACTION: Motion by Council member Gibbons to set a Public Hearing for May 25, 2004 at 6:16 p.m. To Take Comment on the Request to Rezone 34.04 Acres of Property from FR-40 to Agricultural - 6800 West 1000 South, Deep Canyon West of Mendon. Hansen seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: JUNE 22, 2004 AT 6:00 P.M. TO TAKE PUBLIC COMMENT ON THE PROPOSAL TO CREATE A MOSQUITO ABATEMENT DISTRICT.**

Chairman Petersen proposed setting the public hearing to take public comment on the proposal to create a mosquito abatement district for June 22, 2004 at 6:00 p.m.

**ACTION: Motion by Council member Hansen to set the Public Hearing for June 22, 2004 at 6:00 p.m. To Take Public Comment on the Proposal to Create a Mosquito Abatement District. Yeates seconded the motion. The vote was unanimous, 7-0.**

#### **THE COUNCIL CONVENED AS THE BOARD OF EQUALIZATION**

- **Hardship Property Tax Deferral Request** - Phillips

(Attachment 2)

**ACTION: Motion by Council member Hansen to accept Executive Lemons's recommendation to defer the tax payment of Joseph and Karen Phillips until December 31, 2004 with interest and penalties included until paid in full. Chambers seconded the motion. The motion passed, 5 aye - Yeates, Chambers, Gibbons, Hansen & Robison, 2 nay - Petersen & Cook.**

The Council moved out of the Board of Equalization.

#### **PENDING ACTION**

- **Update - Historical Courthouse Restoration Project**  
A completion date in January is still expected.

- **2003/2004 Willow Park/Fairgrounds Budget - Russ Akina**  
Auditor Stones reported on her meeting with Russ Akina and Don Fulton to review past and proposed budgets. Council members expressed concerns about the deficit carry over from previous years, the status of projects funded with Restaurant Tax monies and the mixing of operations expense and capital projects on the sheet presented to them by Akina. Akina and Don Fulton, from Logan City, answered Council members' questions. Council member Cook stated he feels the questions of why there is an increase of \$82,000 in the projected budget and why there is a request for an additional \$34,000 from Cache County have not yet been answered satisfactorily. Lemon said he believes the majority of the problem lies in the way the Restaurant Tax accounting is handled.

**(Attachment 3)**

**ACTION: Motion by Council member Gibbons to deny the request for additional funding for the 2003/2204 Willow Park/Fairgrounds Budget. Hansen seconded the motion. The vote was 6 aye - Chambers, Gibbons, Hansen, Petersen, Cook & Robison, 1 nay - Yeates.**

- **Division of Wildlife's Request for Temporary Closure of Ant Flat Road to Cinnamon Creek**  
The Division of Wildlife has requested temporary closure of the road between March 15 and May 30 each year to alleviate degradation of the road. Yeates recommended that this be a temporary restriction that must be requested by the Division of Wildlife Resources each year.

**ACTION: Motion by Council member Yeates to grant the Division of Wildlife Resources a temporary motorized restriction on the Ant Flat Road to Cinnamon Creek from March 15, 2004 to May 30, 2004. Cook seconded the motion. The vote was unanimous, 7-0.**

**COUNTY INITIATIVES**

- **T.V. Translator Survey**  
Petersen said the survey that was completed in the county indicated about 6% of Cache County residents receive their signal from the translator service. Attorney Daines said the county would have to invest substantial funds to stay on the current site or to relocate to another site. He said the county is trying to gauge the interest in having the service at all. Lemon said an alternate site west of Logan, called the Bangerter site, will not reach portions of southern Cache County. He estimated \$40,000 as the cost to move to a new site. Lemon said he understands that satellites cannot carry High Definition TV (HDTV) and cable companies will not be able to offer local channels on HDTV without using the translator. Representatives attending and their channels were as follows:

Greg James	KSL-TV, Channel 5 and Bonneville Satellite
Brent Robinson	KSL-TV, Channel 5
Philip Titus	KUED, Channel 7
Al Schultz	KSTU, Fox 13
Tim Ermish	KSTU, Fox 13
David Phillips	KUTV, Channel 2
Mel Parks	KJZZ, Channel 14
Brian Leifson	KBYU, Channel 12

James, Titus, Ermish and Phillips each spoke. James said there is a danger in eliminating free T.V. because those charging for their signals can charge more when there is no alternative. There are band width constraints on satellites. Lemon asked if someone was getting the signal through satellite now and KSL started broadcasting HDTV, would that party not get HDTV for KSL? James said that was correct and, in addition, the FCC is trying to get everyone to give up broadcasting analog and go to strictly HDTV. May of 2006 or when 85% of the population is penetrated by a digital signal are the two target dates that the FCC is aiming for. Titus said the FCC defines translators as an uninterrupted signal. Translators are part of the Emergency Alert System to the radios. Satellites are not part of that Emergency Alert System. Ermish said television stations together pay Nielsen Rating Services millions of dollars per year in Salt Lake City so they can get their data and every quarter there's a rating book with penetration numbers down to the county. The cable penetration in Salt Lake City now ranks 206<sup>th</sup> — it's the lowest cable penetration in the country at 44% penetration. The satellite penetration is 28% and these two equal 72%. So there is 28% in the Salt Lake City DMA that get T.V. over the air free. Phillips said five years ago cable penetration in Salt Lake was 51% and is now 44%. The trend is down. More people are relying on over-the-air free T.V. Ermish said many people have multiple T.V.'s in their homes and one may be connected to cable or satellite, but the others rely on the translator for their signal. Titus said he or any of the other representatives would always be available to offer information to the Council if they request it. Citizen Bonnie Hoth expressed concerns that the county needs more than one technology in the event of emergency. She asked that the county take steps to provide emergency capability so the translator can be used to disseminate critical information during emergencies such as generator back-up in case of loss of electricity, etc.

#### **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Final Plat Approval - Wildwood Estates Minor Subdivision - Unit 1, Unit 2 & Unit 3**  
Three 5-lot minor subdivisions located on the south side of 3400 South (Maple Rise Road). Unit 1 includes 39.87 acres; Unit 2 includes 123.87 acres and Unit 3 includes 61.80 acres.

**(Attachment 4)**

**ACTION: Motion by Council member Cook to waive the rules and approve the request for the Wildwood Estates Minor Subdivision - Unit 1, Unit 2 & Unit 3. Hansen seconded the motion. The vote was unanimous, 7-0.**

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**THE COUNCIL MOVED INTO A WORKSHOP FOR A PROPOSED INTER-LOCAL AGREEMENT FOR COUNTYWIDE AMBULANCE SERVICE**

Chairman Petersen and Jay Downs gave a power point presentation about the purposes and provisions of the proposed inter-local agreement. The name of the service is Cache County Emergency Medical Services (CCEMS). The purpose is to establish a jointly owned, separate entity to provide emergency medical service in Cache County. It provides for licenses for ambulance services to be jointly held by Cache County and Logan City. The agreement sets up a CCEMS Board consisting of seven voting members and six non-voting advisory members. Powers of the CCEMS Board are outlined in the agreement as well as operations, services, funding and termination conditions.

Representatives from cities in Cache County attended and aired concerns and questions. Those speaking included:

Charles Wheeler	Hyde Park
Ruth Maughan	Wellsville
Laraine Swensen	Logan
Jim Gass	Smithfield
Scott Larsen	Nibley
Kymber Housley	Logan
Chief Mark Meaker	Logan
Tami Pyfer	Logan

The Board is to be formed in July, 2004, and the System would begin operations January 1, 2005. Logan City would continue to operate ambulance service between July 1, 2004, and December 31, 2004. Petersen noted that property tax funding will be used to pay only for enhancements or upgrades to the present system.

Petersen thanked those attending.

**The Council adjourned from the Workshop for the Proposed Inter-local Agreement for Countywide Ambulance Service at 7:25 p.m.**

- **May Tax Sale Report - Tamra Stones** - A public auction of nine properties will be held May 27, 2004, at 10:00 a.m. in the multi-purpose room of the County Administration Building at 179 North Main, Logan, Utah.

**(Attachment 5)**

- **Presentation of 2004/2005 Willow Park/Fairgrounds Budget - Russ Akina**  
Akina said this budget has been presented to the Logan City Council and they will be deliberating it this month. Lemon said the Willow Park Advisory Board has approved this budget and he concurs.

**(Attachment 6)**

**ACTION: Motion by Council member Cook to waive the rules and approve the 2004/2005 Willow Park/Fairgrounds Budget. Yeates seconded the motion. The vote was unanimous, 7-0.**

- **Process to Review Proposed Cache County Zoning Ordinance - Lee Nelson**  
Petersen proposed the Council take two weeks to review the ordinance and place this on the May 25 Council meeting agenda for discussion with a public hearing on the first meeting in June and a vote at the second meeting in June. Daines recommended holding separate public hearings dealing with specific portions of the ordinance. The initial discussion would still be at the May 25, 2004 Council meeting, one public hearing would be at the June 8, 2004 Council meeting, a second public hearing would be at the June 22, 2004 Council meeting and a third public hearing on the July 8, 2004 Council meeting with a vote at the July 22, 2004 Council meeting.

**Chairman Petersen** asked Nelson to come to the May 25, 2004 Council meeting with a copy of the old ordinance and copies of the new portions of the proposed ordinance and to be prepared to compare the differences of philosophy between the old and the new ordinances. Petersen also asked Daines to make a recommendation on the topics of the three public hearings.

### **COUNTY INITIATIVES**

- **Airport** - Chambers said Fred Davis, who was hired to look at the feasibility of having a commuter line here, had to postpone and will come to report in about a month. Lemon said the Airport Development Task Force is submitting a new small development airport grant. What is needed now is a master plan and a way to fund the plan.
- **Restaurant Tax/RAPZ** - Petersen said three questions were asked about the RAPZ/Restaurant Tax on the T.V. Translator Survey and he handed out the responses. The RAPZ/Restaurant Tax Committee met Monday, May 10, 2004. They are reviewing sixty-seven applications and will need another meeting to finalize their report which will probably come to the Council at the June 8, 2004, Council meeting.
- **Ag Land Protection** - Petersen said the Ag Protection Advisory Committee has met once with the Planning and Zoning Committee on the questions that were raised by the Council about the AG Protection Bond. Daines said the report on these questions will be given by the June 8, 2004 Council meeting.

Yeates said Jeff Gittins appreciated the letter of support the Council approved and Gittins asked if the County could offer matching funds for his conservation easement, which he believed would be paid back by Federal monies. Lemon said the property owner must come up with 25% of the monies, Federal monies will pay for 50%, and the property owner must find someone else for the remaining 25%. Lemon said the money put up by the County would not be paid back from Federal money.

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- **Library Board Member Replacement** - Petersen said Robison cannot fulfill her appointment to the Library Board due to conflicts and asked who could fill that position. The meetings are quarterly on Wednesdays at 7:30 p.m. for 1 ½ hours. Cook said he would fill that position.

### **COUNCIL MEMBER REPORTS**

**Brian Chambers** asked when the appointments to the CCEMS will be made. Petersen said that will take place when the agreement is signed.

**Darrel Gibbons** said he has had many calls in opposition concerning the resolution on the landfill siting which was passed. Most people felt the language urging out-of-county solutions was not strong enough. He and Lemon met with people from Promontory and they have another meeting scheduled for May 17, 2004, in Ogden.

**Attorney Daines** asked if he should continue to pursue the T.V. Translator/Beus process. Lemon said the lease expires June 23, 2004 and Petersen said Daines should continue to pursue this issue.

**Paul Cook** said that Planning and Zoning really do want to have a joint party. The Council suggested some time in the first two weeks of June.

**Cory Yeates** asked the Council which week in August he should schedule a get together at Beaver Mountain.

### **ADJOURNMENT**

The Council meeting adjourned at 8:10 p.m.

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

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

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