

## **CACHE COUNTY COUNCIL MEETING May 25, 2004**

The Cache County Council convened in a regular session on May 25, 2004, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

### **ATTENDANCE:**

**Chairman:** H. Craig Petersen  
**Vice Chairman:** **John Hansen, absent**  
**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:** Mary J. Bacon, Layne Beck, Dave Bennett, Michelle Benson, Helen Buxton, Lennis Christiansen, Linda Christiansen, Lamar Clements, Bobbie Coray, Charles Engebretson, Lorene Greenhalgh, Tom Hogan, Sharon L. Hoth, Mike Kidman, Kandace McCreary, Lee Nelson, Pat Parker, Harold M. Petersen, Cheryl Russell, Donald N. Sadler, Christopher Sands, Auditor Tamra Stones, Mark Teuscher, Mike Twitchell, Rod Wilhelm **Media:** Jennie Christensen (KVNU), John Wright (Herald Journal).

**Chairman Petersen said that the reporter who has been covering the County Council meetings was promoted to City Desk Manager at the Herald Journal and will be replaced at the Council meetings by David Nelson. Petersen said Wright had done a good job of covering the meetings and had always been extremely fair and accurate.**

### **CALL TO ORDER**

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

### **OPENING REMARKS**

The opening remarks were given by Kathy Robison.

### **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 9f.2, Hardship Exemption Request - Gaines.**

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

**The minutes of the May 11, 2004, Council meeting were approved as corrected.**

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

**APPOINTMENTS:** Robert Dahle Solid Waste Citizens Advisory Board  
Avery Gene Stewart Cache County Deputy Sheriff

Election Judges/Alternates for the 2004 Primary and General elections  
(see Attachment 1)

**(Attachment 1)**

**ACTION: Motion by Council member Yeates to approve the recommended appointments. Gibbons seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

**WARRANTS:** There were none.

**OTHER ITEMS**

- Executive Lemon also presented the list of polling place locations for the 2004 Primary Election to the Council for approval.

**(Attachment 2)**

**ACTION: Motion by Council member Yeates to approve the polling place locations for the 2004 Primary Election. Gibbons seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

**ITEMS OF SPECIAL INTEREST**

- **Aging Services Update - Tom Hogan, Director Sr. Senior Citizens Center**  
May is National Older American Month and as part of Cache County's celebration a Wellness Conference was held on May 13. Kent Nielsen, from the State Division of Consumer Protection, was the keynote speaker. Three workshops were held and many booths were available to visit. The Center has partnered with the Golden Corral Restaurant selling Meals on Wheels paper medallions for \$1.00 or a \$5.00 medallion can be purchased. This has raised \$550.00 for the Center thus far. Seventy-five percent of the people who have home-delivered meals donate the cost of their meal. The Center has been approved for funding from Logan City for a CDBG request for \$62,000. This will be used to replace the roof, replace carpeting, replace a front door with a sliding electric door and will replace a commercial dishwasher. Hoggan noted that the 65 years and older population in Utah is increasing each year with possible future annual increases of 28%. Two Advisory Board members, Mary Bacon and Charles Engebretson, spoke on behalf of the service the Center renders.

Chairman Petersen said the Council echoed the sentiments of the Advisory Board members regarding the great service the Center gives.

Cache County Council  
05-25-2004

Council member Gibbons asked that a letter be sent to Logan City from the County Council expressing appreciation for Logan City approving the CDBG request for the Center. Executive Lemon said he would draft the letter.

**(Attachment 3)**

**PUBLIC HEARING SET:** JUNE 22 - 5:45 P.M. - TO TAKE PUBLIC 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.

**PUBLIC HEARING SET:** JUNE 8, 2004 - 6:00 P.M. - TO TAKE PUBLIC INPUT ON PROPOSED CACHE COUNTY ZONING ORDINANCE - CHAPTERS 17.08, 17.09 AND 17.21 (AG ZONE/SMALL BUSINESS)

**PUBLIC HEARING SET:** JUNE 22, 2004 - 7:00 P.M. - TO TAKE PUBLIC INPUT ON PROPOSED CACHE COUNTY ZONING ORDINANCE - CHAPTERS 17.13, 17.17 AND 17.18 (AIRPORT OVERLAY/GRAVEL PITS)

**PUBLIC HEARING SET:** JULY 13, 2004 - 6:00 P.M. - TO TAKE PUBLIC INPUT ON PROPOSED CACHE COUNTY ZONING ORDINANCE

Chairman Petersen proposed the above public hearing dates explaining that the July 13, 2004 Public Hearing would be an overview where other parts of the zoning ordinance could be addressed or portions addressed at the earlier public hearings could be revisited.

**ACTION: Motion by Council member Gibbons to set four Public Hearings: June 22, 2004 at 5:45 p.m. to Take Public 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; and June 8, 2004 at 6:00 p.m. to Take Public Input on Proposed Cache County Zoning Ordinance - Chapters 17.08, 17.09 and 17.21 (AG Zone/Small Business); and June 22, 2004 at 7:00 p.m. to Take Public Input on Proposed Cache County Zoning Ordinance - Chapters 17.13, 17.17 and 17.18 (Airport Overlay/Gravel Pits); and July 13, 2004 at 6:00 p.m. to Take Public Input on Proposed Cache County Zoning Ordinance. Cook seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

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

● **Tax Exemption Continuation Requests**

American West Heritage Center - Personal Property  
New Discoveries - Personal Property

**(Attachment 4)**

**ACTION: Motion by Council member Gibbons to approve the tax exemption continuation requests for American West Heritage Center personal property and New Discoveries personal property. Cook seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

- **Hardship Tax Deferral Request**

Gaines Tax Sale - Executive Lemon recommended deferring the payment of the property tax until December 31, 2004, with penalties and interest remaining.

**(Attachment 5)**

**ACTION: Motion by Council member Cook to accept Executive Lemon's recommendation to defer the payment of the Gaines property tax until December 31, 2004 with penalties and interest to remain. Gibbons seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

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

**PENDING ACTION**

- ❑ **Update- Historical Courthouse Restoration Project** - Lemon said issues are close to being resolved with Logan City concerning the County block. The sidewalk on Main Street will be redone and then work will begin on the parking lot west of the Administration Building to about the mid-section of the block. The remainder of the block will probably not be completed until next year. The date for the old jail demolition is still pending.
- ❑ **Proposed Interlocal Agreement for Countywide Ambulance Service and the Creation of the CCEMS Authority** - Chambers reported that a meeting of the ambulance committee had been called yesterday and one of the items discussed was the possibility of making the time line on the document six or eight years rather than two increments of four years each. Petersen distributed a page of possible amendments to the agreement. Amendment to Page 8, Item 10.a. - "The parties acknowledge that CCEMS shall be a component unit that shall be reported in Cache County's annual financial statements." Petersen explained that this agreement is a four-year agreement and it was set up that if the agreement was terminated by either party within or at the end of the first four years, ambulance service would be provided by Logan City and, if there was a termination during the second four-year period, there was a provision that the county might choose to operate ambulances, but that Logan City would get one-half of the revenues generated by any ambulance service in the county. Amendment to Page 11, Items 16.a. adding the words "or second", b. deleting this section and c. deleting the word "first" and replacing it with the word "second"

**(Attachment 6)**

**ACTION: Motion by Council member Gibbons to adopt the agreement as initially received. Chambers seconded the motion.**

Cook said he supported the committee's efforts and recommended approval. Lemon expressed some concerns about the termination penalty incurred by the county if the agreement is terminated in the first eight years. Gibbons pointed out that Logan City would lose the revenue stream of the county portion which is generated by the tax and there is no agreement to fund any deficit that might be created; therefore, the city would have to deal with that so there is a penalty to the city if they choose to opt out. Petersen pointed out that the City would be legally obligated to provide the ambulance service to the county at that point.

**ACTION: Motion to amend the agreement by Council member Gibbons to accept the change to 10a by adding the underlined words, Robison seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

Lemon said Auditor Stones had pointed out that CCEMS would have no bonding power; how would new equipment be purchased? Attorney Daines said Logan will provide the current equipment and CCEMS could authorize acquiring new equipment through leasing or CCEMS could securitize the asset and sell it, or there are other options for the purchase of new equipment..

**ACTION: Motion to amend the agreement by Council member Chambers to reflect the wording as written in item 16. Gibbons seconded the motion.**

Attorney Daines said he also had some concerns with the termination clause as well as the appearance that the Council would be assuming some of the administrative or executive functions in the agreement. Daines feels the County Executive should perform those functions. Petersen said the agreement was the same as the arrangement the county has with the Airport Authority.

**ACTION: Chairman Petersen called for the vote on the amendment to the main motion. The vote was unanimous, 6-0. (Hansen absent)**

Gibbons said Daines had made a good point concerning the Executive functioning in the administrative functions rather than the Council.

**ACTION: Motion by Council member Gibbons to amend page 5, No. 7, to read:  
b. "two members of the Cache County Council", c. "one member appointed by the City of Logan Municipal Council" and d. "the Cache County Executive". Cook seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

**ACTION: Chairman Petersen asked for the vote on the amended main motion. The vote was unanimous, 6-0. (Hansen absent)**

Cache County Council  
05-25-2004

- ❑ **County Representatives on the CCEMS Board** - Chambers suggested Darrel Gibbons as one of the representatives and John Hansen as the other. Paul Cook said that he would be interested in serving on the Board if Hansen cannot. Gibbons said that perhaps the Council members originally on the ambulance committee would have the background that would help the Board. Petersen asked Pat Parker to place this item on the agenda for the June 8, 2004, Council meeting.
- ❑ **Resolution No. 2004-14 - Authorizing Executive to Execute Interlocal Agreement for Countywide Ambulance Service and the Creation of the CCEMS Authority**

(Attachment 7)

**ACTION: Motion by Council member Yeates to Approve Resolution No. 2004-14 - Authorizing Executive to Execute Interlocal Agreement for Countywide Ambulance Service and the Creation of the CCEMS Authority. Robison seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

**PUBLIC HEARING: MAY 25, 2004 - 6:00 p.m. - OPEN 2004 BUDGET**

Auditor Stones recommended the following budget adjustments:

Fire

Transfer of \$4,700 from Fire Department Temporary Employees

Transfer of \$13,000 from UT-ID CO-OP Grant Expense to Grants - Other (Bag 'O' Woad) - receipt of grant money

Sheriff's Department

Transfer of \$8,600 from capitalized equipment to non-capitalized equipment to make vehicle purchase

Transfer of \$20,000 from Jail Utilities to Jail Overtime to staff jail during training of new employees

Ambulance

Transfer of \$155,346 from Appropriated Surplus to Ambulance for Ambulance Agreement (\$126,952) and deficit (\$28, 394)

Tourist Council

Transfers of \$26,684 from Appropriated Surplus to Research/Survey (\$6,100), Advertising and Promotions (\$20,584) for Visitors Survey and Niche Marketing Campaign, Internet Advertising.

Children's Juvenile Justice Center Fund

Transfers totaling \$4,309 within this fund to correct county amounts to agree with the contract with the Attorney General's office.

See Attachment 8 to Resolution No. 2004-15.

**Chairman Petersen opened the public hearing and invited public comment on the proposed adjustments to the budget.**

Auditor Stones asked about the payment due upon signing of the countywide ambulance agreement. Lemon said the agreement says the county will pay \$125,952 from July 1, 2003 to June 30, 2004. The July 1, 2004 to December 31, 2004 will be \$28,394. Lemon proposed adding two line items and appropriating from Funds Surplus, \$155,346 or the total of the two previously stated amounts.

There was no other public comment.

**ACTION: Motion by Council member Yeates to close the public hearing. Chambers seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2004-15 - Adjustments to 2004 Budget**

\_\_\_\_\_ (Attachment 8)

**ACTION: Motion by Council member Gibbons to approve Resolution No. 2004-15 - Adjustments to 2004 Budget. Yeates seconded the motion.**

**ACTION: Motion by Council member Gibbons to amend Resolution No. 2004-15 - Adjustments to 2004 Budget - to include the 2003/2004 commitment of \$125,952 that Cache County made as part of the interlocal agreement and also the payment for the period of July 1, 2004 to December 31, 2004 that will be \$28,394 for a total of \$155,346. Robison seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

**ACTION: Chairman Petersen called for the vote on the amended main motion. The vote was unanimous, 6-0. (Hansen absent)**

- **Resolution No. 2004-16 - Asking That Consideration Be Given Prior to Purchase of Land for the Landfill at Site C East of the Ridge North of the Clarkston Area -**  
Lemon and Council members have received requests from citizens that in addition to the HDR's opinion that the controversial issues concerning the site that may arise can be mitigated, the Council also obtain a statement from the State Division of Environmental Quality that these questions can be mitigated. The citizens ask that this be accomplished prior to the purchase of the property for the site. Chambers said citizens have expressed to him that they feel the county may stop pursuing out-of-county options for solid waste disposal now that a possible landfill site has been approved. Lemon said he felt the county should have the State Division of Environmental Quality visit the proposed landfill site in order to issue the requested statement. Gibbons said he and Lemon had met with Box Elder County, Weber County, Salt Lake County and Tooele County in considering the potential of another site and

have another meeting scheduled for June, 2004. The county is serious about pursuing out-of-county options. Council members asked Attorney Daines to draft possible wording for Resolution No. 2004-16 and present it at the June 8, 2004 Council meeting.

- **Resolution No. 2004-06 (a) - Amending Resolution No. 2004-06 - Acquisition and/or Condemnation of Mt. Pisgah** - Attorney Daines said he is preparing the condemnation action. The required survey for legal description has been done, but the survey includes a larger portion of land than Daines believes is necessary. Daines asked the Council to authorize up to this portion of the land or such lesser portion as deemed necessary. Petersen said this is simply amending the previously approved Resolution that authorized the condemnation.

**(Attachment 9)**

**ACTION: Motion by Council member Gibbons to waive the rules and amend Resolution No. 2004-06 to include the legal description. Yeates seconded the motion. The vote was unanimous, 6-0. (Hansen absent)**

**THE COUNCIL MOVED INTO A WORKSHOP FOR REVIEW OF THE PROPOSED CACHE COUNTY ZONING ORDINANCE**

The following people were in attendance representing the Planning and Zoning Commission:

Don N. Sadler  
LaMar Clements  
Linda Christiansen  
Lee Nelson  
Attorney George Daines

Chairman Petersen asked Lee Nelson to begin the presentation noting differences between the old and the new ordinances.

Nelson and Attorney Daines listed some of the specific points of difference in the proposed new ordinance as compared to the old ordinance:

- ▶ Fire department employees no longer check roads because county road employees have been instructed how to do that.
- ▶ Private roads do not need a 50-foot right-of-way, just a 24-foot right-of-way on a 20-foot road.
- ▶ The frontage requirement for a lot has been reduced to 90 feet.
- ▶ A section dealing with small businesses has been added and home-based businesses have been addressed.



Cache County Council  
05-25-2004

- ▶ The new ordinance also has a new numbering system that will facilitate locating desired sections and future amendments can be added easily without having to re-paginate.

The ordinance was passed unanimously by the seven-member commission. Commissioner Draxler did initially vote against some of the specific conditional uses listed in 17.21030 because he felt that some were too broad, but noting that small disagreement he did subsequently vote for the ordinance.

Daines also listed what he referred to as significant issues that are covered in the new ordinance:

- Gravel pits
- The AG zone
- Small business standards in the AG zone
- Non-interference covenants in the AG zone
- The preservation of farm or open land,
- A new enforcement system with civil penalties and notification procedures
- Notice of meetings
- Control of sexually oriented businesses

Petersen asked Nelson if there is an overall difference in philosophy between the old and the new ordinances. Nelson and Daines noted the following:

- ▶ The Commission does not recommend that the county engage in significant restriction of property rights within the county.
- ▶ The Commission feels the county will best allow preservation of farm land by allowing the farmer as many alternatives as possible to add supplemental income to his farm.
- ▶ Gravel pits should be reclaimed.
- ▶ The Commission tried to reduce regulations wherever possible unless there was a meaningful reason for the regulation.
- ▶ The discretion of the Planning Commission has been increased.

Lemon asked what control there is on large AG producer offenses. Nelson and Daines said AG is already very heavily regulated. Violation of state and federal laws and requirements would be policed by those agencies. Daines referred Lemon to Chapter 17.09, the agricultural declaration, which deals with that issue.

Gibbons asked what the criteria was for an operation to change from an agricultural operation to a commercial one.

Clements referred to Chapter 17.07, page 3, listing a definition of a concentrated feeding animal operation and then to Chapter 17.08, page 2, where there is a table indicating that type of an operation would require a conditional use permit and would have to abide by the conditions laid down for that permit. It was also noted that the USDA determines what are acceptable agricultural practices.

Cache County Council  
05-25-2004

Gibbons asked if anything had been done about the August 21, 1970 date for parcels? The Commission believes this is more of a subdivision ordinance matter.

Gibbons also asked about wording in 17.05 referring to road right-of ways saying the property owner shall deed or dedicate. Gibbons said if the property owner deeds the property, that means that one of the issues the county has had to deal with is roll-back taxes. Gibbons asked if the owner dedicates the property, would that eliminate the problem of roll-back taxes and was pleased to find it did.

Lemon asked if there wasn't a time that it would make sense to have more than one house on a lot of 10 acres. For instance, if a person wanted to build a summer cottage in addition to their home on their 10 acres.

Christiansen and Clements said that in order to get an accessory apartment allowance in the ordinance, the Commission had to give up allowing a second home on a 10-acre parcel.

Petersen asked if there was any incentive in the ordinance for clustering in building. Daines and Nelson said there may be a chapter concerning clustering in the future, but incentives will probably not be a part of it. Basically, the Commission felt that people who build in the country don't want houses close to them. Council members expressed the hope that when specific portions of this ordinance are discussed in public hearings, Commission members will be present to answer questions. The Council thanked the Commission for their efforts and for coming to the workshop.

**The Council adjourned from the Workshop for Review of the Proposed Cache County Zoning Ordinance at 7:21 p.m.**

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

- **County Planning Process** - Petersen referred to the Council's copy of a letter he proposes to send to the nineteen elected officials and department heads asking them to start the procedure of repeating the planning process they went through last year to include: description of changes, progress on present initiatives, possible modification of present initiatives and possible eliminations. This letter will go out June 1, 2004 with meetings beginning in August to modify plans.
- **Enhance Diversity in the Workplace** - Petersen reported that USU has a program that teaches language as it relates to moving into the workforce, interviewing skills and resume preparation. It has had 181 graduates and USU is asking for support from the Council for the program to continue in the form of \$15,000 annual funding. Petersen said this should be an initiative and be presented in the planning process. Gibbons said USU hadn't applied for a Community Development Block Grant and thought they should. Petersen suggested USU coordinate with Extension and its similar programs.

### **COUNTY INITIATIVES**

- **RAPZ/Restaurant Tax** - Petersen said the RAPZ/Restaurant Tax Committee met May 24, 2004 and has put together a recommendation and that will be presented to the Council at the June 8, 2004 meeting. The Committee will meet again after the Council has made its decision to review and evaluate the process.

### **OTHER BUSINESS**

- ✓ **Translator Survey** - Petersen said one of the questions on the survey was: "How do you get your signal?" Two of the options were: "directly from the station via an antenna," or "by a translator." Petersen said there are parts of the valley that can receive direct from the station with a high antenna. Petersen said he called thirteen of the nineteen people who said they received their signal direct from the station with an antenna. Eight actually received it from the translator, one received it direct from the station via his antenna, one used their TV mostly for videos, one really had cable and two numbers were disconnected. Even if half to two-thirds of this group actually get their signal from the translator, that means the portion who get it from the Cache County translator is probably about 9%. Petersen will try to contact the other six people also.
- ✓ **UAC Luncheon** - Petersen and Robison attended, but had nothing to report.

### **COUNCIL MEMBER REPORTS**

**Cory Yeates** said he has met with the Willow Park Advisory Board and the Board wonders if the Council can take the Willow Park portion of their budget and commit to that amount through a budgeting process in May. The Council feels the county has always kept the commitment it has made to the Willow Park Budget. Robison said she would like to see a whole new budgeting process to deal with the Willow Park Budget. Daines suggested a source outside of Cache County or Logan City should oversee the Willow Park Budget.

**Darrel Gibbons** said people have contacted him concerning a white-top weed. The north end of the valley has an extensive problem with this weed. Gibbons suggested Joel Merritt be made aware of the problem. Gibbons offered compliments to the Bag 'O' Woad program.

**Paul Cook** asked if it's possible to review the sales tax revenue to see if there is any surplus to be used for employee compensation. Lemon said he would have a better picture in August. Presently, revenue is close to projections.

**Kathy Robison** attended the Downtown Alliance meeting and will forward to them the information about the plans for work to begin on the west parking lot.

Cache County Council  
05-25-2004

Auditor Stones reminded the Council of the Clerk/Auditor Convention the first week of June in Cache County.

**ADJOURNMENT**

The Council meeting adjourned at 7:42 p.m.

---

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

---

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