

CACHE COUNTY COUNCIL MEETING

June 08, 2004

The Cache County Council convened in a regular session on June 08, 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: Jay Aguilar, Robert Barlow, Bob Bayn, Janet Beck, Layne Beck, Alex Bilodeau, Brenda Bilodeau, Kaleb Bilodeau, Matt Bilodeau, Janet Borg, Allen Burris, Glen Busch, Wayne R. Cardon, Richard Cheney, LaMar Clements, Mae Coover, Mervin Coover, Morley Cox, Janna Custer, Matt Dahl, Attorney George Daines, Jay Downs, Jack Draxler, LaVern Drollette, Robert Drollette, Joe Fuhrman, Lorene Greenhalgh, Doug Griffin, Nolan Gunnell, Cindy Hall, Issa Hamud, Sharon L. Hoth, Colleen Howe, Zan Longstroth, JoLynne Lyon, Mike McCulloch, Junior Miller, Nannette Miller, Irma Moon, Lee Nelson, Sheriff Lynn Nelson, Bonnie Nielsen, Jack Nixon, Evan Olsen, Pat Parker, Mayor Val Potter, Brendan Pratt, Ross Price, Jeannie Simmonds, Randy Simmonds, Jim Smith, Mark Teuscher, Tamara Tharpe, Rhonda Thompson, Jeremy Threlfall, Janet Wallace, **Media:** Jennie Christensen (KVNU), Dave Nelson (Herald Journal).

CALL TO ORDER

Chairman Petersen called the meeting to order at 5:04 p.m.

OPENING REMARKS

The opening remarks were given by Lynn Lemon.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with item 11a, Discussion - Everton Genealogy Collection, being deferred until the June 22, 2004 Council meeting.

REVIEW AND APPROVAL OF MINUTES

The minutes of the May 25, 2004, Council meeting were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were none.

WARRANTS: The warrants for the periods 05-14-2004 to 05-20-2004, 05-21-2004 to 05-27-2004 and 05-28-2004 to 06-03-2004 were given to the Clerk for filing.

OTHER ITEMS

- **Restaurant Tax - Logan City request** to use leftover restaurant tax amounts from 1997 in the amount of \$9,633.70 and \$18,805 from the year 2000 to complete projects at Willow Park. Lemon said he had approved the request.
- **Executive Order - Friday, June 11, 2004** is designated as a national day of mourning for Cache County employees in memory of President Ronald W. Reagan as declared by the President of the United States, President George W. Bush. With the exception of emergency services, all county offices will be closed.
- **Utah County Insurance Pool Workers Compensation Fund** - Lemon said the decision to join this fund has not been made; however, consideration may be given to joining when the present policy expires at the end of June. There is a savings of approximately \$20,000. Jim Smith and Lemon are going to meet with the Workers Compensation Fund Representative, Blake Green, on June 16, 2004, and later with Lester Nixon with the Utah County Insurance Pool. Lemon will bring back a recommendation to the Council at the June 22, 2004 Council meeting.
- **County Personnel Policy and Procedures Manual** will have a change with reference to the status of the health insurance of an employee who dies. This item will be on a July Council meeting.
- **TRT Ordinance** changing the collection from the Utah State Tax Commission to the Utah Association of Counties. The State Tax Commission still has a number of issues to be resolved so the effective date has been changed to October 1, 2004.
- **SR 165 Resurfacing** will begin June 10, 2004, from the "Y" in Logan to Nibley. Traffic will be limited to one lane.
- **Housing of County Vehicles** - In March of 2002 county employees were asked to house county vehicles at their homes because of construction of the new building. Lemon said he has sent letters to employees asking them to discontinue housing county vehicles at home. He has received two letters of request to continue housing vehicles at home – one from the County Extension Agent and one from the Buildings and Grounds Supervisor. Lemon asked if the Council would consider allowing these two individuals to continue housing vehicles at home.

Cache County Council
06-08-04

ACTION: Motion by Council member Cook to approve allowing the County Extension Agent and the County Buildings and Grounds Supervisor to house County vehicles at their homes. Robison seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- ▶ **Employee of the Month** award was presented by Jim Smith to Lt. Matt Bilodeau of the Sheriff's Department.

BUDGETARY MATTERS - There were none.

PUBLIC HEARING SET: CREATION OF AGRICULTURAL PROTECTION AREA - DAVID J. WILLIE, ET AL - 227.67 ACRES OF LAND LOCATED NEAR MENDON, UTAH - JUNE 22, 2004 AT 6:50 P.M.

Chairman Petersen proposed setting the public hearing for the creation of an Agricultural Protection Area - David J. Willie, et al on 227.67 acres of land located near Mendon, Utah for June 22, 2004, at 6:50 p.m.

ACTION: Motion by Council member Hansen to set the Public Hearing for June 22, 2004 at 6:50 p.m. for the Creation of Agricultural protection Area - David J. Willie, et al - 227.67 Acres of Land Located Near Mendon, Utah. Yeates seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- ❑ **Update - Historical Courthouse Restoration Project**
Attorney George Daines said the project is progressing on schedule and the cupola has been straightened.
- ❑ **County Representatives on the CCEMS Board**
The Cache County Council previously passed the interlocal agreement establishing the CCEMS Board with two amendments. Logan City passed the agreement with these two amendments. Logan City has signed the agreement and sent it to Executive Lemon. Lemon said it will now go to Attorney Daines for review prior to signing by Cache County. Petersen opened the discussion about who will be the Council representatives on the CCEMS Board.

ACTION: Motion by Council member Chambers that Council members Darrel Gibbons and John Hansen be the Council representatives on the CCEMS Board. Yeates seconded the motion. The vote was unanimous, 7-0.

- ❑ **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**

(Attachment 1)

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

Lemon said Issa Hamud of Logan City had not been aware of some of the issues raised by citizens concerning water issues on the proposed landfill site. Petersen invited Hamud to speak. Hamud said he has not found any known water sources on the site and he will continue verifying water information at the landfill site. Lemon asked about the supposed springs in that area. Gibbons asked if the site could be a natural recharge area for any communities. Hamud said all drinking water sources in the valley have been mapped and none show this area as a source; however, the original site on the west side did have some potential impact on the east end of the creek. That is why the site was relocated to the northeast.

Chambers and Petersen asked why there is nothing about the continued pursuit of out-of-county solid waste disposal options in this resolution. Hamud said this was addressed in the original resolution and he continues to meet with representatives for out-of-county disposal. After review of the original resolution's language, the Council determined that the Citizens Solid waste Advisory Board was comfortable with that wording and the Council felt an additional resolution would be redundant.

Hamud also reported on the curb recycling program indicating more communities have expressed interest in participating in the program.

COUNTY INITIATIVES

- Employee Dental Plan Recommendation** - Jim Smith reported on the possibility of a self-funded dental plan. A self-funded dental plan under a voluntary approach is problematic and he does not recommend it. At a future date, Smith said the Council may decide to participate and help supplement the premiums.
- Early Retirement Recommendation** - Smith reported on requirements for early retirement in the State retirement program and numbers of Cache County employees who would qualify. Smith said purchasing years of service could cost an average of \$8,000 to \$12,000 a year. Smith asked if the Council might prefer retirement incentives for the county. Lemon said this is not considered a high priority unless there is a surge of interest. Chambers said he believes a lot of people are staying on the job longer than they want to because of a need for medical insurance coverage. Lemon suggested the county's focus should be to find a way to offer extended medical insurance to retirees and recommended the County wait to see what the State legislature and Utah Retirement System do with their retirement options.

Council members Cook and Yeates left the meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Approval of May Tax Sale Report** - Lemon and Zollinger reported that this was a sale of one parcel a road within a development.

(Attachment 2)

ACTION: Motion by Council member Gibbons to approve the May Tax Sale Report from the Auditor's office. Robison seconded the motion. The vote was unanimous, 5-0. (Cook and Yeates absent)

PUBLIC HEARING: TO TAKE PUBLIC COMMENT ON PROPOSED CACHE COUNTY ZONING ORDINANCE - CHAPTERS 17.08, 17.09 AND 17.21 (AG ZONE/SMALL BUSINESS) - JUNE 08, 2004 - 6:00 P.M.

Chairman Petersen explained this hearing will only deal with Chapters 17.08 (Schedule of Zoning Uses), 17.09 (Agricultural Zone) and 17.21 (Small Business Standards in the Agricultural Zone) of the proposed ordinance. Petersen invited public comment.

Nannette Miller (Richmond) spoke in support of the Planning Commission's proposal.

Council members Cook and Yeates returned to the meeting.

Chris Sands (AG Advisory Board) referred to a letter the Ag Advisory Board sent to the Council containing the Board's recommendations for the proposed ordinance including:

Support of Chapter 17.08.

Partial support of Chapter 17.21 - with Section 17.21.030 being deleted.

Concerns about conditional uses allowed

Deletion of Section 17.21.020.B.10 because it is too arbitrary.

Petersen and Lemon questioned the deletion of 17.21.020.B.10 because they feel it helps protect agricultural land. Attorney Daines said that another chapter addresses Sands concerns about conditional uses allowed.

Janet Wallace - Richmond expressed concerns about the waste and composting site for Ritewood Eggs and hoped the new ordinance will address those issues. Petersen said she should meet with Executive Lemon about this specific issue. Attorney Daines stated that he believes Section 35 of the new ordinance covers this situation.

Tamara Tharpe asked how long it will be before the new ordinance is passed. Petersen said probably no later than the end of July. Tharpe said the Department of Water and Air Quality will be visiting the Ritewood site for testing next week.

Cindy Hall, BRAG Economic Development Director, said they are supportive of Chapter 17.09. Hall said BRAG is not supportive of Section 17.21.030 and asked that it be deleted. BRAG also opposes some of the conditional use allowances in the agricultural zone.

Bonnie Nielsen asked if the ordinance applies to pre-existing activities or approved uses. Daines said there is a state law involving non-conforming uses that would apply.

Cache County Council
06-08-04

Morley Cox of Logan suggested the County be aware that water supplies to home based businesses may have requirements imposed.

Mae Coover of Providence stated concerns about traffic and air quality being affected by increased allowance of commercial and industrial businesses in agricultural zones.

Jeremy Threlfall of Richmond supports the proposed ordinance allowing farmers to have other sources of income.

Wayne Cardon of Benson spoke in support of home business permits in the agricultural zone.

Jay Aguilar of the CMPO spoke about the possible impact on transportation corridors. Aguilar said the new ordinance makes the AG zone less restrictive and he would argue for a more restrictive ordinance. Aguilar said rural roads were not intended for intensive commercial uses.

Petersen asked if anyone else wished to speak. There was no response.

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

Chairman Petersen explained that there will be another public hearing on June 22, 2004 on different specific sections of the zoning ordinance and on July 13, 2004 there will be a third public hearing where comments on any section of the ordinance will be entertained.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

• **Recommendations of RAPZ/Restaurant Recommendations - Randy Simmons**

Simmons said members of the RAPZ/Restaurant Tax Advisory Committee were:

Craig Petersen - Cache County Council

John Hansen - Cache County Council

Brent Mortensen - Logan

Lou Payne - Trenton

Judy Allen - Hyde Park

Scott Huskinson - Logan

Lynn Lemon - Cache County Executive

Randy Simmons - Providence

The committee recommended allocating monies through December 31, 2003, so the next allocation will come from all four quarters of the current year. Each member read the proposals individually and scored them from one to ten. These were submitted and a composite score was arrived at for each proposal. The highest score could have been 80. The actual highest was 69. There was a significant break at the score of 40 so the committee decided to look at everything above 40 points, unless any member felt strongly about a proposal that had received a composite score below 40. That member could then argue for consideration of that proposal. The committee identified a cultural arts fund, a parks and recreation fund and a tourism fund and then separated the proposals based on which category they fit in. The first round of allocations almost equaled the amount available. There were two multi-year allocations – Cache County Courthouse restoration project and the Eccles Ice Center. The existing multi-year

commitments were taken out of the total amount to be allocated as was the salary for the RAPZ/Restaurant Tax Administrator and the percentage of money based on population.

(Attachment 3)

ACTION: Motion by Council member Cook to approve the recommendations of the RAPZ/Restaurant Tax Advisory Committee for allocations of RAPZ/Restaurant Tax monies from the period of April, 2003 to December 31, 2003. Gibbons seconded the motion. *(Since this item is on for Initial Consideration and the rules were not suspended, this item will come before the Council at the next Council meeting.)*

ACTION: Motion by Council member Chambers to amend the amount allocated to the Eccles Ice Arena from \$30,000 for three years to \$30,000 for the first year and \$60,000 for the next two years in order for the Eccles Ice Arena to be eligible for matching funds. Yeates seconded the motion.

ACTION: Motion by Council member Cook to amend the amendment to allocate the Eccles Ice Arena \$30,000 each year for the next five years. The motion passed, 5 aye - Gibbons, Hansen, Petersen, Cook & Robison, 2 nay - Yeates and Chambers.

Attorney Daines said the ordinance suggests a multi-year commitment of RAPZ/Restaurant Tax monies needs a document showing the specifics of what the funds will be used for and the terms of the commitment. Daines suggested publishing the allocation list prior to final approval of the allocation recommendations. The Council agreed.

ACTION: Chairman Petersen called for the vote on the main motion. The vote was unanimous, 7-0.

Petersen said this motion would be tabled and be on the agenda for the June 22, 2004, Council meeting.

OTHER BUSINESS

- ✓ **Recommendations of Cache County Planning/Zoning - re: Purchase Development Rights Program** was moved to the June 22, 2004, Council agenda.

COUNCIL MEMBER REPORTS

Cory Yeates said that there seems to be a lot of confusion regarding the funding of the Willow Park Complex. Yeates asked the Council to consider new approaches to the funding procedure. Petersen told Yeates to talk to Pat Parker about getting this issue on the agenda for a Council meeting approximately six weeks from now. Lemon suggested leaving the process as it is for a year and then revisit it to see if there needs to be some adjustments.

Cache County Council
06-08-04

Darrel Gibbons asked the Council if it was appropriate for Gibbons and John Hansen to contact the Logan City representatives of the Ambulance Committee to set up a meeting. Petersen advised him to proceed.

John Hansen has received calls regarding the closing of public roads. Roy MacDonald is concerned about the Porcupine area road. Lemon said there is approximately one square mile of public land in the interior of that area. The Ant Flat Road is a better access to the public land and Lemon suggested closing access on the Porcupine side. Gibbons said Commissioner Scott Hansen of Box Elder County called about closing the Jensen Road. Gibbons assured Hansen the Jensen Road was a state highway (as determined by a Federal Judge) and referred Hansen to the County Attorney.

Craig Petersen said he wrote an article for the County News on Cache County's planning process. The article is in the May 24, 2004, issue and is good national recognition for Cache County.

Kathy Robison said she would be happy to take on another committee assignment since she is no longer on the Jail Committee.

ADJOURNMENT

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

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman