

CACHE COUNTY COUNCIL MEETING

June 22, 2004

The Cache County Council convened in a regular session on June 22, 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, Kathy Robison, Cory Yeates. **Darrel Gibbons, absent.**

County Executive: M. Lynn Lemon

County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Jay Aguilar, Jeanna Andersen, Alan C. Balls, Tammy Jo Bardwell, Terry Bardwell, Lloyd Berentzen, Kent Brenchley, Crystal Burtis, Brent Buttars, Ron Cardon, Ronald Case, Patrick Clark, Lamar Clements, David Cooley, Mae M. Coover, Mervin P. Coover, Morley Cox, Joseph E. Creech, Guy Curtis, Matt Dahl, George Daines, Newell Daines, Jack Draxler, Randy Eck, Leslie Erickson, Joe Fuhriman, Allen Gardner, Kristan Jo Gibbs, Trish Gibbs, Larry G. Gittins, Stacie Gomm, Lorene Greenhalgh, Lee Gyllenskog, Cindy Hall, Donald H. Hansen, Keith S. Hansen, Maridene Hancock, Jonathan Hardman, Jay S. Harrison, Julie Hollist, Deon Hunsaker, Suzette James, Michael Jessop, Deon Johnson, Shaylyn Johnson, Tami Johnson, Gaylene Lange, Scott Larsen, Mayor Sidney Larsen, Leslie Larson, Allen Lundgreen, JoLynne Lyon, Mayor Ruth Maughan, Susan Maughan, Travis Meikle, Nannette Miller, Sonya Miller, Stephanie Miller, Kris Monson, Irma H. Moon, Erma Naegle, Elaine, Nelson, Darin Nielsen, Dave Nielsen, Shelli Nielsen, Evan Olsen, Inez Olsen, Dell Olson, Mayor Gordon Olson, Rebecca Olson, Pat Parker, Lori Peterson, Teana Peterson, Mayor John D. Pitcher, Mayor Val Potter, LaMont Poulsen, Jeff Ricks, Cheryl Russell, Joseph Rust, Richard Sackett, Mayor Floyd Salisbury, Chris Sands, Victor Saunders, Taci Shaffer, Sarah Ann Skanchy, James Skidmore, Douglas L. Stipes, Janice Stipes, Stephen Sorenson, Mark Teuscher, Gene Thomson, Glen Thornley, Christine Wahler, Curt Webb, Dick Wells, Scott D. Wells, Charles Wheeler, Terrie Wierenga, Rod Wilhelm, Scott Wilkinson, Paul Willey, Mark Williams, David Willie, Mervyn Willie, Mayor Ray Winn, Mayor David Wood, **Media:** Jennie Christensen (KVNU), Dave Nelson, John Wright (Herald Journal).

CALL TO ORDER

Chairman Petersen called the meeting to order at 5:02 p.m.

OPENING REMARKS

The opening remarks were given by Cory Yeates.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

The minutes of the June 08, 2004, Council meeting were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: David Welker Deputy Cache County Sheriff
 Dorene Farnsworth Deputy Cache County Sheriff

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

WARRANTS: There were no warrants.

OTHER ITEMS

- **Community Send-off for National Guard** on June 29, 2004, 6:00 - 7:30 p.m. at the Logan High School Auditorium. The Council members are invited.
- **Rodeo Committee Request** to put awning costing \$3500 on rodeo stand. Lemon said this has been requested before. **Petersen said this will be on the agenda for the Budget Opening at the July 13, 2004, Council Meeting.**
- **Willow Park Advisory Board Request** that the interlocal agreement and the funding for the Willow Park be on the agenda for the August 31, 2004 workshop.
- **PILT** - Lemon reported that PILT is up about \$12,000 and there is a road up the left-hand fork of Blacksmith Fork Canyon that Hyrum and a number of citizens have asked be double-chipped. The road is in the forest area and the county may be able to use PILT money for this project.
- **Jail Reimbursement CORE Rate** will be \$43.96 beginning July 1, 2005 if the Legislature funds this rate.
- **UDOT Repaving** - June 18 through 26, SR 23 in Newton is closed for road work with a detour provided. July 23 and 24 there will be repaving in Logan Canyon near the Tony Grove area.

ITEMS OF SPECIAL INTEREST

- ▶ **Introduction of Cache County Rodeo Royalty - Trish Gibbs** thanked the Council for their support of the Fair and Rodeo and presented the Rodeo Royalty:

Kristan Jo Gibbs	Cache County Fair and Rodeo Queen
Teana Peterson	Cache County First Attendant
Tammy Jo Bardwell	Cache County Second Attendant
Crystal Anne Burtis	Cache County Junior Queen
Taci Shaffer	Cache County Princess
Shaylyn Johnson	Cache County Junior Princess

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BUDGETARY MATTERS - There were none.

PUBLIC HEARING SET: JULY 13, 2004 - 5:45 P.M. - OPEN 2004 BUDGET

PUBLIC HEARING SET: JULY 13, 2004 - 5:30 P.M. - DAVID O. & GEORGIA K. EDLUND REQUEST THAT 39.03 ACRES IN THE FR-40 ZONE BE REZONED TO AGRICULTURE - 6900 W. 1080 S., WEST OF MENDON

PUBLIC HEARING SET: JULY 13, 2004 - 5:35 P.M. - GERALDINE K. MAURER REQUEST THAT 34.06 ACRES IN THE FR-40 ZONE BE REZONED TO AGRICULTURE - 7000 W. 1080 S., WEST OF MENDON

PUBLIC HEARING SET: JULY 13, 2004 - 5:40 P.M. - LARRY ROSS KIDMAN REQUEST THAT 34.10 ACRES IN THE FR-40 ZONE BE REZONED TO AGRICULTURE - 7150 W. 1080 S., WEST OF MENDON

Chairman Petersen proposed the above public hearing dates.

ACTION: Motion by Council member Hansen to set four Public Hearings: July 13, 2004 at 5:45 p.m. to Open the 2004 Budget; July 13, 2004 at 5:30 p.m. - David O. & Georgia K. Edlund Request that 39.03 Acres in the FR-40 Zone be Rezoned to Agriculture-6900 W. 1080 S., West of Mendon; July 13, 2004 at 5:35 p.m. - Geraldine K. Maurer Request that 34.06 Acres in the FR-40 Zone be Rezoned to Agriculture-7000 W. 1080 S., West of Mendon; July 13, 2004 at 5:40 p.m. - Larry Ross Kidman Request that 34.10 Acres in the FR-40 Zone be Rezoned to Agriculture-7150 W. 1080 S., West of Mendon. Yeates seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

PENDING ACTION

- Update - Historical Courthouse Restoration Project** - Newel Daines reported that the three entrances to the Courthouse are being finished, the inside framing is continuing and electrical wiring, heating and plumbing will be started next. Daines said the exterior of the building as well as the landscaping is projected to be completed before winter so work will be able to continue on the interior through the winter months. The west parking lot is also scheduled to be completed by fall. Daines said the Building Committee recommends the different colors of brick on the exterior be stained a matching red with the original foundations left exposed as evidence of the historical progression of the building. Attorney George Daines said the Building Committee will preserve some of the old bricks with the original red stain on them for a display that will include the story of the additions to the Courthouse. This display will be located in the restored Courthouse for public viewing.

ACTION: Motion by Council member Hansen to accept the recommendation of the Building Committee to stain the bricks a uniform red and leave the original foundations exposed. Yeates seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

- Approval of RAPZ/Restaurant Tax Recommendations** - Petersen explained that at

the last Council meeting there was a motion to approve the recommendations as they stand; then there was a motion to amend that would give the Eccles Ice Arena \$30,000 over five years and this motion passed. Therefore, what the Council is now voting on is the RAPZ/Restaurant Tax recommended allocations plus the amended amount to the Eccles Ice Arena of \$30,000 over five years.

(Attachment 1)

ACTION: Motion by Council member Chambers to approve the allocations as amended with \$30,000 over five years going to the Eccles Ice Arena. Hansen seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

Discussion on the motion

Yeates said he has been contacted by the American West Heritage group to see if there was funding available from the county to put lights in the parking lot. The lights would cost about \$45,000, but American West Heritage would only need \$30,000 from the county. Lemon and Petersen pointed out that the \$22,500 allocated to the American West Heritage center was for bond payment and the Center receives another \$67,500 out of TRT funds for bond payment and these equal \$90,000 a year for bond payment plus American West Heritage made another request to help fund a deficit in their operating expenses and the county allocated \$60,000 to the center for that. The RAPZ/Restaurant Tax Committee felt that the total of \$150,000 a year American West Heritage will receive is equitable to what other entities are receiving.

Cook said the description on Providence City's allocation needs to be specific language indicating this money is for additional restrooms for the soccer area.

- Ordinance No. 2004-03 - Obray Ranch Rezone** - this item was postponed until the July 13, 2004, Council meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Final Plat Approval - Pine Canyon Minor Subdivision** - A two-lot subdivision with a remainder parcel located at 5098 West and 5070 West 4600 South, west of Wellsville.

(Attachment 2)

ACTION: Motion by Council member Hansen to waive the rules and approve. Robison seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

- **Final Plat Approval - East Meridian Minor Subdivision** - A five-lot subdivision requiring a road right-of-way dedication of 33 feet from the center of the road on 2400 West.

(Attachment 3)

ACTION: Motion by Council member Hansen to waive the rules and approve. Chambers seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

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- **Worker's Compensation Fund** - Lemon said he had met with the Workers Compensation Fund and there was a large premium increase of around \$38,000 between now and the end of the year. Lemon said he had also met with the Utah County Insurance Pool Workers Compensation and Lemon said that due to the premium increase, the county would have a savings of \$29,000 if the county moves to the Utah County Insurance Pool.

ACTION: Motion by Council member Yeates to approve Executive Lemon's recommendation to move from the Workers Compensation Fund to the Utah County Insurance Pool Workers Compensation Fund to cover Cache County employees. Cook seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

PUBLIC HEARING: 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. - JUNE 22, 2004 - 5:45 P.M.

Chairman Petersen explained there will only be a Public Hearing tonight without action on a resolution. Petersen invited public comment.

Cheryl Russell explained the location of the area and what the uses of the property will be and furnished the Council photographs of the property.

ACTION: Motion by Council member Yeates to close the Public Hearing. Hansen seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

OTHER BUSINESS

- ✓ **Lewiston City 4th of July Parade - Monday, July 5, 2004 - 8:30 a.m.** - Council member Gibbons and possibly Yeates will attend this parade.
- ✓ **Hyrum City 4th of July Parade - Monday, July 5, 2004 - 12:00 noon** - Council members Hansen and Robison will attend this parade.
- ✓ **North Logan City 24th of July Parade - Saturday, July 24, 2004 - 10:00 a.m.** - Council member Chambers will attend this parade.

COUNCIL MEMBER REPORTS

John Hansen asked about the status of the Cinnamon Creek Road as he has had citizens contact him with concerns about private property in the area.

Brian Chambers asked how many road openings/closings are left to be resolved. Daines responded there are about twelve to fourteen.

Paul Cook reported the county is considering John Jenkins of North Logan for the County Library Board.

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Kathy Robison reminded the Council of the recognition dinner for Representative Loraine Pace on Thursday, June 24, 2004, at 7:00 p.m. at the Copper Mill Restaurant. This is being sponsored by the Republican Women and Governor Olene Walker will be in attendance.

Quorums from cities necessary for the Public Hearing at 6:00 p.m. were not yet present.

The Council moved into Executive Session at 5:54 p.m. to discuss land acquisition.

The Council adjourned from Executive Session at 6:12 p.m.

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

Chairman Petersen explained this Public Hearing is to discuss the proposal to create a Mosquito Abatement District and asked Executive Lemon to review the legal requirements for attendance at this Public Hearing.

Lemon said the law says each entity signing the resolution must have a majority of their City Council in attendance. Four cities have opted not to be a part of this district: Clarkston, Lewiston, Logan and River Heights.

Petersen asked Parker to call the roll.

Amalga	0 (see page 10)
Cornish	3
Hyde Park	3
Hyrum	3
Mendon	4
Millville	2
Newton	3
Nibley	3
North Logan	3
Paradise	0
Providence	4
Richmond	3
Smithfield	3
Trenton	0
Wellsville	3

Petersen said if more city representatives arrive during the Public Hearing, they will be counted in attendance.

Lemon read the required legal statement concerning legal protests. If anyone wished to file a protest, they must do it within 60 days of this date, June 22, 2004. They can be in two different forms – one signed by owners of private real property that is located within the proposed local district, covers at least 25% of the total private land area within the applicable area and is equal in value to at least 15% of all private real property within the applicable area. These protests can either be in total or by municipality OR a protest signed by 25% of the voters who voted in the last gubernatorial election.

Chairman Petersen invited public comment.

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Lloyd Berentzen of North Logan asked if a municipality wanted to be included in the future, what is the procedure? Lemon wasn't sure, but thought they could establish an independent district that could contract with the total district. Lemon said Amalga has a program, but not a district. The advantage of a district is that it gives the authority to do mosquito abatement as outlined in the law.

Scott Larsen and Scott Wells of Nibley asked about the costs involved in the program if some cities don't participate.

Lemon said the district would generate less revenue than projected with some cities opting out.

Allan Gardner of Mendon asked what the county's participation would be.

Lemon responded the county's contribution would be the same as the cities'. The county's would be based on the unincorporated area of the county times the property tax rate.

Council member Cook left the meeting.

Jeff Ricks asked if other insect control would be conducted.

Lemon said the state has money from time to time allocated to counties to do grasshopper abatement. Lemon said the proposed abatement district will allow the county to contract with this district to do other insect control, if they decide to.

Chris Monson of Smithfield expressed concerns about damage to bees from spraying.

Lemon answered that spray times are scheduled for minimum damage to bees and mosquito abatement is aimed more at larvae control.

Mayor Ray Winn of Smithfield asked if only half of the county's communities choose to participate, will the county still pursue the formation of a district.

Petersen asked how attendees would feel if about ten cities do not participate.

Winn said Smithfield doesn't have a mosquito problem.

Wells said it would be better if communities surrounding Nibley participated.

Questions were asked about the possibility of cities not in attendance holding their own Public Hearing. Lemon said cities can hold their own Public Hearing but there would not now be time to provide proper notice and comply with the 60-day protest period as well as the 60-day notice requirement for placement on the ballot.

Mark Williams of North Logan supported moving forward with those cities now interested.

Evan Olsen of Young Ward said he is satisfied with the mosquito abatement district created in the College/Young area and would encourage communities to look at it.

Stacie Gomm of Providence asked if there are amendment possibilities for late entering communities.

Lemon said he thought they could work through an interlocal agreement with the county abatement district.

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Gordon Olson of Hyrum said those here tonight are not actually forming a mosquito abatement district, but are only recommending it be placed on the ballot for the voters to decide. Olson said he understood those cities not having a quorum in attendance would not be able to participate. Petersen said that was correct.

Charles Wheeler of Hyde Park asked how fixed is the paper work connected with the proposed district; can it be changed after being voted on?

Lemon said he believes to change the wording one would have to amend the resolution and start the process over again.

Mayor Larsen of Mendon asked if the board would still be a 20-member board if some cities don't participate.

Lemon said each city would have one board member.

Petersen said, as of now, the municipalities that were here would have this on the ballot, but if cities meet protest requirements in the next 60 days, this issue will not be on the ballot for those cities.

Deon Hunsaker asked if voting would be county-wide or by municipality.

Lemon said it would be county-wide for those municipalities adopting the resolution to form a mosquito abatement district. It would not be on the ballot in those municipalities not adopting the resolution.

Victor Saunders of Providence asked if citizens will know what the new cost per household will be with some cities dropping out or will the original figures still be in the wording?

Lemon said it has to be the amount adopted in the resolution, an average of \$6.00 on a \$150,000 home and \$11.00 on \$150,000 of property other than primary residential per year.

Saunders asked if there is a minimum number of cities required to proceed.

Lemon said there is not a minimum number.

Petersen asked if there is a provision for a municipality to rescind its decision. Lemon said he believed there was.

Val Potter of North Logan asked if approval had to be counted separately in each city or if it would be a countywide vote yes or no.

Lemon said he believes if the majority of the citizens of a municipality vote against the formation of an abatement district, then that municipality would not be a part of the district.

Wells supports going ahead with the resolution.

Ken Cardon of Benson reminded the citizens of Logan that Logan City owns 1,000 acres of mosquito breeding land in the middle of the valley at their water treatment operation and suggested Logan take a second look at opting out of the mosquito abatement resolution.

Petersen asked if there was any other public comment.

Cardon asked if the Board of Trustees will have the power to adjust budgets. Lemon said they would.

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ACTION: Motion by Council member Hansen to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 5-0. (Gibbons & Cook absent)

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

Chairman Petersen opened the Public Hearing to take public comment on the creation of an agricultural protection area for David J. Willie. Petersen invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing. Hansen seconded the motion. The vote was unanimous, 5-0. (Cook & Gibbons absent)

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-17 - Approval of Creation of Agricultural Protection Area - David J. Willie, et al - 227.67 acres of land located near Mendon, Utah**

(Attachment 4)

ACTION: Motion by Council member Hansen to waive the rules and approve 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, 5-0. (Cook & Gibbons absent)

PUBLIC HEARING: TO TAKE PUBLIC COMMENT ON PROPOSED CACHE COUNTY ZONING ORDINANCE - CHAPTERS 17.13, 17.17 AND 17.18 (MINERAL EXTRACTION AND EXCAVATION, AIRPORT OVERLAY, SENSITIVE OVERLAY) - JUNE 22, 2004 - 7:00 P.M.

Petersen explained this Public Hearing is the second of three on the Zoning Ordinance. Other sections were dealt with in a previous meeting. This Public Hearing deals with section 17.13, Mineral Extraction; 17.17, the Airport Overlay; and 17.18, the Sensitive Areas Overlay.

Petersen opened the Public Hearing and invited public comment.

Cindy Hall expressed concern that there is no reference to water recharge areas in Chapter 17.18.

Patrick Clark, representing several construction and gravel companies, said section 60 referring to minimum hours of excavation and holiday closures was too restrictive.

Council member Cook returned to the meeting.

Clark was also opposed to new restrictions on existing operations and felt enforcement will be difficult. Clark introduced Joseph Rust to speak about the proposed ordinance.

Rust also opposed the time requirements and the financial guarantee for rehabilitation. Rust said the ordinance recognizes there is mineral extraction on the land, but requires conditional use permitting. Rust

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recommends striking the section referring to hours of operation and the development and reclamation agreement portion as well as Chapter 17.03.80.

Marie Archibald owns a gravel pit in Wellsville and has problems with the contractor running the operation. Archibald welcomes help from the county in the form of the proposed ordinance.

Dick Sackett of LeGrand Johnson Construction Co. opposes restrictions on existing operations, but feels they are appropriate for new operations.

Nannette Miller and Suzette James spoke in favor of expanding operating hours and allowing holiday operations.

Travis Meikle of Smithfield expressed concerns about the contour map requirements in the ordinance.

LaMar Clements said the hours of operation section says "may" meaning it is flexible.

Morley Cox asked if there were appeal procedures provided in the ordinance.

Christine Wahler said there should be protection from extreme slopes for the property next to gravel pits.

Attorney Daines said the zone provides people with advanced notice of where operations can be so if someone buys in that area, they know that it is approved for that kind of operation. Section 13.070 says the grading and slope must meet the international building code requirements.

Petersen asked if there was any additional public comment. There was none.

ACTION: Motion by Council member Hansen to close the Public Hearing. Yeates seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

Chambers indicated the Amalga council members had arrived.

ACTION: Motion by Council member Yeates to reconsider the motion to close the Public Hearing to take Public Comment on Proposal to Create a Mosquito Abatement District - June 22, 2004 - 6:00 p.m. and reopen the Public Hearing. Cook seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

Chairman Petersen opened the Public Hearing and invited public comment.

Petersen directed that minutes reflect that two representatives from Amalga were present at the Public Hearing.

ACTION: Motion by Council member Yeates to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Recommendations of Cache County Planning/Zoning - re: Purchase Development Rights (PDR) Program** - Petersen distributed a draft of a proposed resolution and distributed it to the Council. Lemon said the bond council should review the wording of

the resolution. Petersen said a final decision will not be made tonight but asked for a sense of the Council as to whether this should be on the ballot. Petersen asked for a vote from those of the Council who would vote to put this on the ballot. All voted aye. Cook said he would really like to see it be \$60 million instead of the \$20 million. Petersen said this item will be on the agenda for the July 13, 2004, Council meeting. Petersen said the Council has received a letter from the Cache County Mayors Association which voted to put this on the ballot, 16 to 1. Chambers said everyone favors open space, but no one has proposals on how to preserve it. The county now has one and Chambers would like to see where it goes.

OTHER BUSINESS

- ✓ **Amendment to Resolution No. 2004-06(a)** - Petersen said the Council had previously passed a resolution approving the attempt to acquire and, as a last resort, condemnation, of a parcel of land on Mt. Pisgah for a television translator. It was determined that the legal description of the land needs to change somewhat. At the Executive Session the Council discussed what that would be. Petersen asked for a motion of the Council to approve the amended location, Site 2.

(Attachment 5)

ACTION: Motion by Council member Yeates to approve the amended location (Site 2) of the legal description of the parcel of land in Resolution No. 2004-06 (a) - Amending Resolution No. 2004-06 - Acquisition and/or Condemnation of Mt. Pisgah. Cook seconded the motion. The vote was unanimous, 6-0. (Gibbons absent)

ADJOURNMENT

The Council meeting adjourned at 7:53 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman