

# **CACHE COUNTY COUNCIL MEETING**

## **July 13, 2004**

The Cache County Council convened in a regular session on July 13, 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, Russ Akina, Randy Auman, Greg Barry, Bob Bayn, Gary Cadel, Lennis Christiansen, Linda Christiansen, LaMar Clements, Morley Cox, George Daines, Scott Dansie, Clair Ellis, Joe Fuhrman, Spencer Gibbons, Lorene Greenhalgh, Tom Grover, Cindy Hall, Mary Hancey, Jon Hardman, Attorney Brent Hoggan, Kathleen Howell, Issa Humad, Deon Hunsaker, Monti Jones, Douglas Jackson-Smith, Suzette James, Kathy Kidman, Larry Kidman, Jolynne Lyon, Dean Maurer, Geraldine Maurer, Jon Meikle, Junior Miller, Nannette Miller, April Mortensen, Lee Nelson, David Nielsen, Susan Owen, Mayor Kip Panter, Lane Parker, Pat Parker, Donald N. Sadler, Chris Sands, Sarah Ann Skanchy, Mark Sorensen, Auditor Tamra Stones, Zan Summers, Mark Teuscher, Mayor Doug Thompson, Mayor Mervin Thompson, Jeremy Threlfall, Brett Tolson, Heather Tolson, Mel Tolson, Malinda Tolson, Jon White, Maureen Whiteley, Mike Yancey, Kyle Yonk, Richard Yonk **Media:** Jennie Christensen (KVNU), Dave Nelson (Herald Journal).

### **CALL TO ORDER**

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

### **OPENING REMARKS**

The opening remarks were given by Brian Chambers.

### **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, **Set Public Hearing for August 10, 2004, at 6:00 p.m. to take public comment on a proposed ordinance to vacate Four-Mile Road.**

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

The minutes of the June 22, 2004, Council meeting were approved as corrected.

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

**APPOINTMENTS:** Matthew Michael Pearce Cache County Deputy Sheriff

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

**WARRANTS:** There were no warrants.

**OTHER ITEMS**

- **Cache Valley PM 2.5 Air Quality Symposium** at USU Thursday, July 15, 2004, from 9:00 a.m. To 4:00 p.m. in Room 101 of the Engineering Building. Lemon invited Council members to attend all or any portion of this meeting concerning mandatory emissions testing.

**ITEMS OF SPECIAL INTEREST**

- ▶ **Employee of the Month** award was presented by Mark Teuscher to Malinda Tolson of the Motor Vehicle division of the Cache County Assessor's office.
- ▶ **Recognition of Bill Owen, member of the Citizens Committee on Solid Waste** was presented by Issa Humad to Susan Owen, representing her husband, Bill Owen, who has resigned from the committee due to health problems.

**BUDGETARY MATTERS**

**Inter-Departmental Transfer**

Department - Jail - Transfer of \$3,000 from Miscellaneous Services to Support Services  
- Non Capitalized Equipment  
To cover balance on signage and Midwest office furniture bills.

(Attachment 1)

**ACTION:** Motion by Council member Cook to approve the inter-departmental transfer of \$3,000.00. Yeates seconded the motion. The vote was unanimous, 7-0.

**PUBLIC HEARING SET:** AUGUST 10, 2004 - 6:00 P.M. - TO TAKE PUBLIC COMMENT ON A PROPOSED ORDINANCE FOR CACHE COUNTY TO VACATE FOUR-MILE ROAD.

**PENDING ACTION**

- **Update - Historical Courthouse Restoration Project** - Executive Lemon reported the west parking lot completion is now the second priority of the Building Committee with the landscaping being the first priority. Moving the war memorial nearer the street has been discussed. Bids for the demolition of the old jail are due July 20, 2004, with demolition to begin August 1, 2004. The committee suggests using pavers in the plaza/patio area

between the Courthouse and the administration building that have historical data inscribed on them. Gary Anderson has accepted the role of chairman of a historical committee that will research the historical data to be used on the pavers.

- **T.V. Translator - Mt. Pisgah** - Attorney Daines said an alternative proposal of extending the lease on the Mt. Pisgah property for two years has been offered by Mr. Buist. The rent rate would be \$7,800 for the year and would be for one year with either party being able to cancel or renew for another year. Daines asked for the Council's approval to move forward with this proposal. **Chairman Petersen directed this item be placed on the agenda for the July 27, 2004, Council meeting.**

**PUBLIC HEARING:** 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 - 5:30 P.M.

**Chairman Petersen opened the Public Hearing and invited public comment.**

Geraldine Maurer represented her sister, Georgia Edlund, at the Public Hearing.

There was no other public comment.

**(Attachment 2)**

**ACTION: Motion by Council member Yeates to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING:** 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 - 5:35 P.M.

**Chairman Petersen opened the Public Hearing and invited public comment.**

There was no public comment.

**(Attachment 3)**

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

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

**Chairman Petersen opened the Public Hearing and invited public comment.**

Larry and Kathy Kidman indicated they were in favor of the rezone.

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**Greenhalgh** said the Planning Commission had recommended denial of this request.

**Dean Maurer** said this property is not very different from Cheryl Russell's rezone request that was approved and the Edlund and Maurer requests that were recommended for approval by the Planning Commission.

**LaMar Clements** said the Commission could not get a motion to accept all of these three rezone requests nor could the Commission get a motion to reject all of the requests. As a compromise the Commission agreed to recommend approval of the two further down the slope and deny the request on the rezone request closest to the FR-40 zone.

**Kathy Kidman** said she couldn't understand why the Edlund and Maurer requests could be recommended for approval and not their request.

**Gibbons** asked what the advantage of rezoning to agriculture would be for the Kidman's.

**Kidman** said they would like to build one home on the property for year-round family use.

**Petersen** asked if there was any other public comment. There was none.

**(Attachment 4)**

**ACTION: Motion by Council member Yeates to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- Ordinance No. 2004-03 - Obray Ranch Rezone** - Property located in Cache County, lying within Section 25 and 26 of Township 9 North, Range 1 East of the Salt Lake Base and Meridian to be rezoned Agricultural.

**(Attachment 5)**

**ACTION: Motion by Council member Chambers to approve Ordinance No. 2004-03, Gibbons seconded the motion. The vote was unanimous, 7-0.**

**Ordinance No 2004-03:** 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**

- **Ordinance No. 2004-04** - Rezone 34.04 Acres of Property from FR-40 to Agricultural - 6800 West 1000 South, Deep Canyon West of Mendon.

**(Attachment 6)**

**ACTION: Motion by Council member Gibbons to waive the rules and approve Ordinance No. 2004-04 to Rezone 34.04 Acres of Property from FR-40 to Agricultural - 6800 West 1000 South, Deep Canyon West of Mendon. Cook seconded the motion. The vote was unanimous, 7-0.**

**Ordinance No 2004-04:** 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

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

**Chairman Petersen opened the Public Hearing and invited Auditor Stones to explain the budget adjustments.**

See Attachment 7 to Resolution No. 2004-19.

Petersen asked for public comment. There was none.

**ACTION: Motion by Council member Yeates to close the Public Hearing. Chambers seconded the motion. The vote was unanimous, 7-0.**

- **Resolution No. 2004-19** - Adjustments to 2004 Budget

**(Attachment 7)**

**ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2004-19 - Adjustments to 2004 Budget. Hansen seconded the motion. The vote was unanimous, 7-0.**

- **Resolution No. 2004-20** - Fee Adjustment - 911 Dispatch - Randy Auman explained that to comply with HB 36 the fee adjustment would be increased from \$.53 to \$.65 creating a per household yearly increase of \$1.44 in the unincorporated areas of Cache County.

(Attachment 8)

**ACTION: Motion by Council member Cook to waive the rules and approve Resolution No. 2004-20 for Fee Adjustment for 911 Dispatch. Hansen seconded the motion. The vote was unanimous, 7-0.**

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

**Chairman Petersen opened the Public Hearing indicating this is the third and last of three Public Hearings held on the proposed Cache County Zoning Ordinance. Petersen declared the Public Hearing open and invited public comment.**

**Executive Lemon** said he had a request from Avon to amend the sign ordinance to allow a community sign to be larger than twelve square feet.

**Petersen** said he had given to the Council members a copy of the concerns raised about the proposed zoning ordinance.

**Nannette Miller** expressed concerns about the language in the enforcement section as well as concerns about private property rights. Miller also questioned who the County Attorney represents – the citizens who contact the office or the County.

**Morley Cox** reiterated previously voiced concerns about state water and sewage requirements and asked that language be included in the ordinance to inform citizens of possible state requirements. Lemon suggested adding the Division of Drinking Water to those already listed in 17.05.130 as agencies that property owners may have to contact.

**Suzette James** said individuals should be informed of the possibility of state requirements, but the burden should rest on the individual to investigate.

**Mayor Doug Thompson** gave Council members a copy of a letter signed by twelve Mayors in Cache County stating their concerns about the number of conditional uses allowed in the proposed zoning ordinance.

**Council member Yeates left the meeting.**

Petersen asked for further public comment. There was none.

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

**Council member Yeates returned to the meeting.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Approval of proposed Interlocal Agreement with Comcast** - Scott Dansie, Comcast Director of Franchising, said the southern part of the county is up for renewal and

Comcast is proposing combining the two franchises under the current franchise by incorporating the northern part of the county and also adding the provision that if the county chooses to, the county can go with the government access channel which many governments are doing.

- **Resolution No. 2004-22 - Authorizing Executive to Execute Interlocal Agreement with Comcast**

(Attachment 9)

**ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2004-22 - Authorizing Executive to Execute Interlocal Agreement with Comcast. Yeates seconded the motion. The vote was unanimous, 7-0.**

- **Discussion - Decision Process for proposed Cache County Zoning Ordinance** - Petersen asked the Council for suggestions on how to proceed with the decision process. Petersen and Cook both felt a workshop would be the best forum. **Petersen directed that a workshop session be conducted with the Planning and Zoning Commission on July 27, 2004, at 4:00 p.m.**
- **Presentation of Proposed Hyde Park City and North Logan City Corridor - Jay Aguilar** reviewed the public meeting processes that have taken place and citizen recommendations that have been received and considered. Out of fourteen possible solutions, five have been judged feasible. Three have been identified as the best alternatives. Comments from City Councils and the CMPO will be received as the next step. **Petersen directed this item be placed on the agenda for the July 27, 2004, Council meeting with Hyde Park and North Logan representatives being notified and invited to attend.**

(Attachment 10)

- **Proposed Fee Increases for the Logan/Cache County Fairgrounds - Russ Akina** presented the proposed increases and asked for the Council's approval.

(Attachment 11)

**ACTION: Motion by Council member Cook to waive the rules and approve the proposed fee increases for the Fairgrounds. Yeates seconded the motion. The vote was unanimous, 7-0.**

- **Resolution No. 2004-18 - Establishing the time, location, and language of an issue to be presented to the public regarding Bond sales to finance Conservation Easements** - Petersen read the proposed resolution and asked for limited public comment.

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The following individuals spoke in favor of the proposed resolution:

**Nannette Miller**  
**Jon Meikle**  
**Jon White**  
**Lane Parker**  
**Monti Jones**  
**Joe Fuhriman**  
**Maureen Whiteley**

**Brent Hoggan** asked what the mill levy would be.

**Lemon** said it is set up to bond for \$3 million each year for the first six years and \$2 million the last year for a total of \$20 million. Over a twenty-six year period, the mill levy the first year would be \$5.77 on a \$150,000 home; \$30.38 the seventh year and decrease downward to \$1.44 the last year.

**Hoggan** asked if eminent domain would be incorporated to obtain properties.

**Petersen** said the intent of the program is that it would be voluntary.

**Lee Nelson** spoke in opposition to the proposal.

**Dave Nielsen** said he didn't know if he was for or against the proposal, but could see problems with inflated property values as a possible consequence.

**Jeremy Threlfall** asked for clarification – he understands that the Council is only deciding whether this proposal will go on the ballot.

**Petersen** said that is correct.

Petersen asked for comments from the Council.

**Cook and Yeates** said they support specific language identifying the LESA as the criteria that will be used by the county for properties that request conservation easements.

**Gibbons** expressed grave concerns about putting anything on the ballot that would increase property taxes if passed and questioned if property tax is the most efficient and proper way to fund the bond.

**Chambers** favored putting it on the ballot and letting the citizens decide whether to raise property taxes through passage of this issue.

**Cook and Yeates** believe many people don't understand that this bond is really aimed at preserving agricultural land, not wildlife habitat, etc. Sixty-three percent of the LESA weighting is directly related to the agricultural production value of the land.

**Yeates** said he believes the LESA scoring should be locked in.

**Gibbons** asked if there is a guarantee that the 50% of Federal monies will be there.

**Jon Hardman** said there is not, but Senator Bennett sits on that appropriations committee and Hardman feels that will increase Cache County's chances for Federal money.



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**Lemon** said the present wording of the Resolution may leave the agricultural community wondering if this will actually be used to preserve agricultural land. Lemon also said there should be a limit on how much money would be paid for development rights.

**Sands** suggested that a LESA scoring map be included with the ballot question. Generated for the public to review.

**Attorney Daines** questioned the effectiveness of the program and said he recommends four guidelines to be specified in the Resolution:

1. Define scoring system to be used
2. Have the County get the most return on its monetary investment
3. Define the county per acre contribution
4. Define the percentage of the county contribution

**Hansen** expressed concerns about the possibility of increased property tax. Hansen said the State Legislature said sales tax could not be used for this purpose.

**Chambers** asked what date the Resolution must be approved and still be able to get the issue on the ballot.

**Zollinger and Lemon** said September 1, 2004, is the deadline to be included on the November ballot.

**Gibbons** presented a substitute Resolution and had Petersen read it.

**Cook and Robison** said this was closer to something they could live with.

**Chambers and Petersen** said they would like more time to consider the substitute Resolution.

**Petersen said this item will be on the agenda for the July 27, 2004, Council meeting.** Petersen asked Daines to send the two proposed resolutions to the AG Advisory Board and the Planning and Zoning Commission for their input at the July 27, 2004, Council meeting.

## **OTHER BUSINESS**

- ✓ **Discussion - Time on Agenda for General Public Input** - Petersen asked the Council members if they would like to have a specified time allotted at every meeting where citizens could speak to whatever issue they choose. Yeates said anyone can be put on the agenda to speak with the Council and doesn't feel a allotted time each meeting is a good idea. Petersen asked the Council to vote on whether to set aside a designated time for public input each Council meeting. The vote was 2 in favor – Chambers and Hansen; 5 against – Yeates, Gibbons, Petersen, Cook and Robison.

## **COUNCIL MEMBER REPORTS**

**Cory Yeates** said Willow Park had funding approved for two projects; however, the funding was for half of each project. Mike Twitchell and the Willow Park Advisory Board want to know if they can combine the monies from the two projects in order to finish the restrooms on the northeast side of the arena and have one completed project instead of two only half done. The bleachers project would not be completed. Lemon said cities may have to come up with additional money

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to complete projects. The Council agreed to grant the request.

**Brian Chambers** thanked the Council for its support of the Eccles Ice Center and said the ice center was able to meet the challenge grant.

**Darrel Gibbons** said he and John Hansen and Lynn Lemon had met on the new CCEMS Board and the process of applying for ambulance co-licensure is underway.

**John Hansen** said he has received a phone call from a citizen concerned about a road opening/closing and had directed them to contact the Cache County Attorney's office for information.

**Paul Cook** reported a defaced county sign near Hyrum Dam. Cook is still gathering information for the Council concerning the T.V. Translator and FCC rules.

**Kathy Robison** said the Child and Family Support Center will be starting their addition soon.

**ADJOURNMENT**

The Council meeting adjourned at 8:11 p.m.

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

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