

CACHE COUNTY COUNCIL MEETING

July 27, 2004

The Cache County Council convened in a regular session on July 27, 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: Glen Busch, Wyatt Christensen, LaMar Clements, Terry Cronquist, Matt Dahl, Attorney George Daines, Jay Downs, Jack Draxler, Lisa Duskin-Goede, Ron Goede, Clair Ellis, Joe Fuhrman, Jon Hardman, Lanny Herron, Darrell E. Hyde, Kathy Hyde, Clark Israelsen, Doug Jackson-Smith, Ronald Jenkins, S. Bruce Karren, Kathy Kidman, Larry Kidman, JoLynne Lyon, Dean Maurer, Geraldine Maurer, Candice McClury, Garr Morrison, Lee Nelson, Pat Parker, Roy Parkinson, Dave Rayfield, Dick Sackett, Chris Sands, Michael Stauffer, Auditor Tamra Stones, Mark Teuscher, Ron Vance, **Media:** Jennie Christensen (KVNU), John Wright (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 Craig Petersen.

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 an Executive Session immediately following the Council Meeting to discuss pending litigation.

REVIEW AND APPROVAL OF MINUTES

The minutes of the July 13, 2004, Council meeting were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: The warrants for the periods 06-18-2004 to 06-24-2004, 06-25-2004 to 07-01-2004 and 07-02-2004 to 07-08-2004 were given to the Clerk for filing.

OTHER ITEMS

- **UDOT Chip/Seal** road work will be during July 26 - 29 from the mouth of Logan Canyon to Tony Grove. Council member Yeates said work on the three bridges in Logan Canyon will be done simultaneously; and the road work from the summit to Garden City is scheduled for next year.

ITEMS OF SPECIAL INTEREST

- ▶ **Annual Report - Children's Justice Center - Michael Stauffer**, Director, reviewed the 2003 statistics and 2004 statistics through July 1, 2004. Council member Hansen asked where the revenues are derived for the Center. Stauffer replied they receive \$90,000 annually from the State Attorney General's Office; \$7,000 - \$8,000 of in-kind services, primarily payroll and accounting; and additional monies come from the Friends Board. Stauffer said Albertson's has also partnered with the Children's Justice Center for fund-raising.

(Attachment 1)

BUDGETARY MATTERS - There were none.

PUBLIC HEARING SET: AUGUST 10, 2004 - 5:50 P.M. - TO OPEN THE 2004 BUDGET.

ACTION: Motion by Council member Yeates to set the Public Hearing for August 10, 2004, at 5:50 p.m. to open the 2004 Budget. Hansen seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **Update - Historical Courthouse Restoration Project** - Executive Lemon said the staining of the brick will begin almost immediately, perhaps this week, and should be finished by the end of August or first part of September. Bids received for the jail demolition indicate the county can save about \$15,000 by waiting until November so the Building Committee opted to wait until then for demolition. Daines said Gary Anderson, the chair of the committee for gathering historical data for the pavers, has nominated individuals to serve on that committee. Sue Fuhrman will be choosing artwork for the restored courthouse.
- **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 gave the Council a handout with possible variations on the wording for the Resolution.

(Attachment 2)

Cache County Council
07-27-04

ACTION: Motion by Council member Gibbons to reject 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. Cook seconded the motion. The motion failed, 2 aye - Cook & Gibbons, 5 nay - Petersen, Yeates, Chambers, Hansen & Robison.

ACTION: Motion by Council member Robison to approve 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. Chambers seconded the motion.

Cook said he supports the Ag Board's proposed alternate wording for the Resolution. Yeates questioned the meaning of the term "open space" in the Resolution. Gibbons asked if the language on the ballot will impose restrictions on the use of money. Daines answered the language should adequately reflect what the voter is approving. Lemon objected to the wording and said it should be focused on preservation of agricultural land.

ACTION: Motion by Council member Yeates to amend the language of Resolution No. 2004-18 by deleting the words, "wildlife habitat, lands that preserve water quality, scenic landscapes and vistas, and open space." Gibbons seconded the motion. The motion passed, 5 aye - Yeates, Chambers, Gibbons, Hansen & Robison, 2 nay - Petersen & Cook.

Petersen asked the Council to consider further provisions to the Resolution. Council members had no objection to **Provision #1** - "All expenditures will be based on recommendations from a citizens advisory board, approved by the County Council, and subject to an annual independent audit."

ACTION: Motion by Council member Gibbons to amend Resolution No. 2004-18 by adding Provision #2 - "The county will not contribute more than 25% of the total purchase price of the land." Yeates seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Cook to amend Resolution No. 2004-18 by adding Provision #3 - "Agricultural lands will be evaluated by the use of the LESA scoring system and percentage weights as presently constituted and agricultural lands will additionally be prioritized by comparing the LESA evaluation score with the county monetary contribution to the price of the development rights and/or conservation easements." Gibbons seconded the motion. The motion passed, 6 aye - Yeates, Chambers, Gibbons, Hansen, Cook & Robison, 1 nay - Petersen.

ACTION: Motion by Council member Gibbons to amend Resolution No. 2004-18 by adding Provision #4 - "Cache County will not contribute more than \$750 per acre towards the purchase of development rights and/or conservation easements." The motion failed for lack of a second.

Petersen said the last provision becomes **Provision #5** - "Other provisions as deemed necessary by the Council to meet the requirements of law and to implement the program."

Cache County Council
07-27-04

ACTION: Motion by Council member Cook to amend Resolution No. 2004-18 to include the ballot language - "To vote in favor of this bond issue, punch where indicated after the words, For the Issuance of General Obligation Bonds" and "To vote against this bond issue, punch where indicated after the words, Against the Issuance of General Obligation Bonds." Hansen seconded the motion. The vote was unanimous, 7-0.

Gibbons stated he will vote nay on the motion to approve Resolution No. 2004-18 because of the debt load already placed on Cache County residents as well as concerns over agricultural land values. Gibbons said all members of the Planning Commission except one had voted not to approve this Resolution.

Cook said he will vote nay on the motion because of the present debt load as well.

Petersen said he will vote nay on the motion because of the amended language.

ACTION: Petersen called for a vote on the amended main motion - Resolution No. 2004-18. The motion failed, 3 aye - Chambers, Hansen & Robison, 4 nay - Yeates, Gibbons, Petersen & Cook.

- ❑ **Proposed Hyde Park City/North Logan City Corridor** - Lemon said he understood that North Logan and Hyde Park supported Option #5. Lemon also said the county prefers Option #5.

(Attachment 3)

ACTION: Motion by Council member Gibbons to support Option #5 of the proposed Hyde Park City/North Logan City Corridor. Hansen seconded the motion. The vote was unanimous, 7-0.

- ❑ **Everton Genealogy Library** - Petersen said this collection was donated to Logan City and the Council had informally talked of providing support for this donation. The level of support that had been discussed was \$25,000 to assist with the move, purchase of boxes, trucks and assistance with cataloging, restoration, shelving and computer equipment. Petersen said indications are that this will be a significant tourist draw so Restaurant Tax funds can be used.

ACTION: Motion by Council member Chambers to approve the \$25,000 level of support for the Everton Genealogy Library collection. Gibbons seconded the motion.

Yeates asked about the request from the American West Heritage Center for funds for lighting. If the Everton request is granted, will the American West Heritage Center still be able to obtain finances for their lighting needs?

Cache County Council
07-27-04

ACTION: Motion by Council member Cook to amend the motion to include that first priority be given for any remaining funds from the Restaurant tax that are unallocated by year-end be considered for the light project at the American West Heritage Center. Yeates seconded the motion. The motion failed, 2 aye - Cook & Yeates, 5 nay- Chambers, Gibbons, Hansen, Petersen & Robison.

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

- Cache County Zoning Ordinance** - Petersen invited input from the Council on the ordinance and the workshop with the Planning Commission prior to the Council meeting. Petersen said he felt there was still work to be done with Section 17.21 and Section 17.08 as it refers to 17.21. Chambers also had reservations about Section 17.21. Daines suggested approving the Ordinance except for Sections 17.21 and 17.08. Petersen said this item will be on the agenda for the August 10, 2004, Council meeting.

Council member Yeates left the meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2004-05 - Cache County Library** - An Ordinance of Cache County Granting Certain Responsibilities to the Cache County Library Board and Establishing Certain Policies and Procedures - Lemon said the state and the Library Board have reviewed and approved this ordinance.

(Attachment 4)

ACTION: Motion by council member Gibbons to waive the rules and approve Ordinance No. 2004-05 - An Ordinance of Cache County Granting Certain Responsibilities to the Cache County Library Board and Establishing Certain Policies and Procedures. Cook seconded the motion. The vote was unanimous, 6-0. (Yeates absent)

Ordinance No 2004-05: The vote was 6-0

	<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		6
NAY								0
ABSTAINED								0
ABSENT							X	1

- **Ordinance No. 2004-06** - Rezone 39.03 acres in the FR-40 Zone to Agricultural located at approximately 6900 W. 1080 S. West of Mendon - David O. And Georgia K. Edlund.

(Attachment 5)

ACTION: Motion by Council member Hansen to waive the rules and approve Ordinance No. 2004-06 - Rezone 39.03 acres in the FR-40 Zone to Agricultural located at approximately 6900 W. 1080 S, West of Mendon - David O. & Georgia K. Edlund. Cook seconded the motion. The vote was unanimous, 6-0. (Yeates absent)

Ordinance No 2004-06: The vote was 6-0

	<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		6
NAY								0
ABSTAINED								0
ABSENT							X	1

- **Ordinance No. 2004-07** - Rezone 34.06 acres in the FR-40 Zone to Agricultural located at approximately 7000 W. 1080 S., West of Mendon - Geraldine K. Maurer.

(Attachment 6)

ACTION: Motion by Council member Gibbons to waive the rules and approve Ordinance No. 2004-07 - Rezone 34.06 acres in the FR-40 Zone to Agricultural located at approximately 7000 W. 1080 S., West of Mendon - Geraldine K. Maurer. Cook seconded the motion. The vote was unanimous, 6-0. (Yeates absent)

Ordinance No 2004-07: The vote was 6-0

	<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		6
NAY								0
ABSTAINED								0
ABSENT							X	1

- **Ordinance No. 2004-08** - Rezone 34.10 acres in the FR-40 Zone to Agricultural located at approximately 7150 W. 1080 S., West of Mendon - Larry R. Kidman.

Lee Nelson of the Planning Commission said the owners have indicated a willingness to divide off the agricultural land from the forest/recreation land and come back with another request.

No action was taken on this Ordinance.

- **Voting District Boundaries** - Robison asked the Council to consider re-allocating some of the Voting Precincts in her Council District as well as Petersen's and Yeates' Council

Districts to more evenly distribute population. Petersen asked Clerk Zollinger to review the request and offer recommendations at an appropriate future date.

COUNTY INITIATIVES

- **T.V. Translator Update - Cook** - Daines said there is no objection to KJZZ and KBYU, or perhaps more, stations at the translator. Cook suggested he, Robison, Yeates, Lemon and one of the commercial T.V. providers meet as the Translator Committee and discuss options that might be available. Petersen recommended Rick Hughes from USU as a member of the committee also.

Petersen said an item to discuss entering into a renewed lease for the Translator and an appropriation for \$7,800 will be on the agenda for the August 10, 2004, Council meeting.

- **RAPZ/Restaurant Tax - Petersen** - The Council had previously commissioned a master plan for the RAPZ/Restaurant tax. Petersen met with the individual doing the master plan last week. The master plan is on time and will include an inventory of all the recreational facilities in the valley. A survey of elected officials is planned as well as a series of focus groups. Petersen thinks this will be money well spent and will produce an extremely useful document.
- **Countywide Justice Court - G. Daines** - Daines has met with two interested cities and their law enforcement people, but does not have anything definite to report.

OTHER BUSINESS

- ✓ **5th Tuesday - August** - Petersen said a joint meeting with Logan City is scheduled for August 31, 2004 at 5:00 p.m. in the Cache County Administration Multi-purpose Room. Items to be discussed include: ambulance, downtown projects that relate to the city and county, air quality concerns and a proposed Willow Park Resolution. Cook said he would like to discuss the airport also.

Petersen directed this joint meeting be on the agenda for discussion at the August 10, 2004, Council meeting.

- ✓ **Council Summer Social** - Cook said he and Yeates would like to go to Beaver Mountain and look over the facilities. This should be in August. Cook said Planning and Zoning would like to meet with the Council in August. A dinner on August 28, 2004, was suggested for the meeting with Planning and Zoning.
- ✓ **Council Attendance at Rodeo/Dinner** –
Thursday, August 12 - Petersen, Hansen, Chambers, Lemon
Friday, August 13 - Gibbons, Yeates, Cook
Saturday, August 14 - Kathy Robison (Rodeo only)

COUNCIL MEMBER REPORTS

Darrel Gibbons said the Ambulance Committee has met and organized sub-committee groups and made assignments with regard to audit and budget and education and promotion. Gibbons and Lemon warned the Council that revenue projections from Logan City were not accurate and the budget is almost double the projected amount.

John Hansen said he received a letter from Joe Archer asking the county to accept maintenance of his road in Mendon. Lemon said this road goes to a subdivision, not any public land, and the county will not maintain private roads. Lemon said he will call Archer.

Kathy Robison said there is going to be a 211 National Program Line where people can call for community and health information. It will be housed at the Volunteer Center. Robison will be developing an initiative dealing with this.

ADJOURNMENT

The Council meeting adjourned and moved to Executive Session at 7:03 p.m. to discuss pending litigation.

The Council adjourned from Executive Session at 7:46 p.m.

ATTEST: Jill N. Zollinger

APPROVAL: H. Craig Petersen