

CACHE COUNTY COUNCIL MEETING

August 24 ,2004

The Cache County Council convened in a regular session on August 24, 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: Leo Bravo (CDBG), Captain Kim Cheshire, LaMar Clements, Attorney George Daines, Kim Datwyler (CDBG), Lorene Greenhalgh, Marilyn Hammond (CDBG), Sharon L. Hoth, Sheriff G. Lynn Nelson, David Nielsen, Pat Parker, Dr. Mick Pattinson, Craig Rasmussen, Susan Seiler, Auditor Tamra Stones, Mark Teuscher, **Media:** Jennie Christensen (KVNU), Rashae Ophus (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 John Hansen.

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 August 10, 2004, Council meeting were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Tony Johnson

Reserve Deputy County Sheriff

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

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WARRANTS: The warrants for the period 07-30-2004 to 08-05-2004 were given to the Clerk for filing.

OTHER ITEMS

- **Bio-West Request** has been received asking for input from the Council concerning the 300 South to 100 North (Providence 100/200 East Road). Council comments need to be received before September 15, 2004.
- **Bear River Mental Health Letter from Dr. Mick Pattinson** detailing the impact that changes in Medicaid procedures and funding for Bear River Mental Health are having on people serviced by their agency. These changes were effective July 1, 2004.
- **Bear River Commission** biannual report on the Bear River has been received by Executive Lemon and is available for review.
- **Budget 2005 Schedule** - Executive Lemon noted the first important dates for the Council on this schedule are September 28 and October 12 where initiatives are to be reviewed and priorities set. The budget will be presented to the Council on November 9, 2004.
- **Thank You to Jill Zollinger and Lamont Poulsen** and their staffs and volunteers for a wonderful Fair and Rodeo.

Council member Cook arrived at the meeting.

PUBLIC HEARING: FIRST COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HEARING

Executive Lemon opened the public hearing for the CDBG program at 5:10 p.m. and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2005 Community Development Block Grant Program. It was explained that the grant money needed to be spent on projects benefitting primarily low and moderate income persons. The Bear River Region in which Cache County is a member was expecting to receive approximately \$700,000 in this new program year. Projects that are likely to displace LMI individuals will not be accepted. All eligible activities which can be accomplished under this program are identified in an "eligible Grant Activities" handout which Lemon had available for the public. All of the allocated funds must meet a HUD national objective and benefit lower to moderate income individuals. Projects displacing lower to moderate income persons are not likely to receive funding. The county will adopt its Consolidated Plan by December 31, 2004. It was asked that anyone with questions, comments or suggestions throughout the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing. Lemon opened the meeting for public comment.

Kim Datwyler: My name is Kim Datwyler. I'm the Executive Director of Neighborhood Nonprofit Housing Corporation, and I'm here to request your support for a project that we just received a \$1

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million grant from the USDA. It is a new project; they call it demonstration project and we are only one of five in the nation that will be doing this and it is intended for low income families who make at least 60% of their income from agricultural work. That's not migrant, it's not seasonal, it's not farm worker housing. The USDA has determined there is a gap here and that we are not meeting the needs of all the workers. For example, Schreiber's, Cache Valley Cheese, Pepperidge Farm; anyone that works in the processing of an agricultural product. Which interestingly enough, we actually have a pool of about 3,000 that would qualify because of the small businesses that we have in the area that would employ about five or ten people that would also be eligible for this. They can't make more than about 60% of the area median income. We expect that with the funding sources we are seeking, if we are successful, we'll be able to do about eighteen 2-,3- and 4-bedroom units. So this is intended as a multi-family project. It will be located somewhere in the county. It will be in a rural area, most likely. We have looked at a couple of places, but we haven't located an ideal one at this point. That's why we are asking the county to sponsor us. We'll be asking for \$150,000.

Lemon: Kim, would Ritewood Eggs qualify? They are a processor?

Datwyler: I believe they are considered a processor. I would probably have to call D.C. to get a specific on that.

Yeates: This will be somewhere in the county?

Datwyler: It could be as far as Richmond; however, we are anticipating that because of the families' limited incomes we are going to try to keep it near a bus line.

Gibbons: These would be condo units?

Datwyler: No, right now it is designed as two buildings with a mix of 2-, 3- and 4-bedroom with a community room in one. I'll pass around, just to give you a sense of something we're anticipating. I don't know if those of you who know what we do, know about Providence Place that we did for low-income people with disabilities. This is the same architect, very similar design but we are doing this as two [buildings] because all of [Providence Place] are 2-bedroom units and we're actually intending this to be a mix with 2-, 3- and 4-bedroom. We expect more families; whereas, we tend to have more individuals with a care giver in [Providence Place].

Cook: What's the income target, Kim?

Datwyler: It's identified as 60% of the area median income. They are using IRS determinations and I don't have a chart yet, but for a family of four I would guess a little under \$30,000. It will all be below 80% of area median income. It will have to be on a sewer system and have to be within walking distance of a bus line.

Hansen: Will these folks own those units or lease them?

Datwyler: These are rentals.

Marilyn Hammond: I'm Marilyn Hammond. I represent the Family Resource Library at the Center for Persons with Disabilities at Utah State University. I would like to request \$48,000 to help us get more materials for children. We don't have very many materials targeted for children with disabilities and we feel this is a real need it will make a big difference to have toys and materials in braille for children who are blind to read. Also we would like to get more materials in Spanish with the growing Hispanic population in Cache Valley there's a real need for Hispanic

families to access resource information on the different kinds of disabilities and also children with disabilities. We need to get our material in digital format make them more electronic accessible and also to do more marketing so families know what we have available. Are there any questions.

Lemon: Do you know the total amount of the money? Will there be match money?

Hammond: The \$48,000 is the total request amount. We do have about \$20,000, roughly, from a CPD.

Leo Bravo: Last June we accomplished ten years of working at the Hispanic Center, but we do not have strong funding for the Center. We applied for the CDBG program at Logan City. They approved around \$31,000. What we ask from the County is a matching grant to fund a program of \$62,000. What do we do at the Hispanic Center? Some of you know what we do. We take every single problem that the Hispanic people have --- domestic violence, problems with the police, problems with their drivers license, their kid was abused, legal papers to send to Mexico in Spanish. Many lawyers in town are giving us a lot of pro bono hours to help us to survive. Some of the things that are more important is the drivers license and the legal system in the United States. There are things they don't understand – sometime they confuse the legal with the right. In South America what is right is more important than what is legal. Everyone, including Americans, should take this class to better understand the legal system in the United States. We help with language problems and car dealers and housing rentals.

Chambers: I noticed in the news in the Salt Lake area employers are taking advantage of Hispanic workers, dry wallers, etc. and not paying them or paying them much less than they should earn. Are you seeing that up in this area as well?

Bravo: Yes, there are some Chinese restaurants that do that. They have people work so many hours for nothing. Let me come back to the drivers license. If Hispanics have a drivers license, there is a way to locate and track them. They need a license to drive to work and they will drive no matter what; they have to go to work and feed the kids and they cannot be insured if they do not have a drivers license.

Lemon: You have \$31,000 approved from Logan City?

Bravo: Yes.

Lemon: You understand if this is funded, it will only be for residents outside of Logan City.

Bravo: Yes.

Lemon closed the Public Hearing at 5:25 p.m.

Lemon explained that after the projects are funded, a second public hearing will be held. He thanked those who attended.

ITEMS OF SPECIAL INTEREST

- ▶ **Bear River Mental Health Area Plan Report - Dr. Mick Pattinson** introduced Susan Seiler, Associate Director and Director of Clinical Services, at Bear River Mental Health. Pattinson submitted the area plan for Bear River Mental Health services within the area of Box Elder, Cache and Rich counties. Pattinson noted that a change in service

delivery priority for those county residents who are not Medicaid eligible, not SPMI or SED, and not fully funded (non-priority residents). As of July 1, 2004, these individuals, in most cases, with the exception of crisis contacts, will not receive services. In addition, existing clients who fall outside of the Center's service priority will be terminated or referred to other providers as soon as is practical and appropriate, with a goal of accomplishing this by September 1, 2004. This change will affect approximately 25% of the Center's existing clientele and an estimated 25% of the community's mental health referral population.

- ▶ **2004 Cache County Fair and Rodeo Preliminary Report - Jill Zollinger** reported rodeo ticket sales were up for every night but Friday. The Olympics opening ceremonies were that night and it is thought that may have been a factor. The carnival rides were divided this year with rides for younger children grouped together in a separate area. The carnival had good attendance. Commercial booths were sold out almost a month prior to the fair. About \$26,000 was brought in on commercial booths. Twelve communities participated in the community booths this year. The two spots that were empty are in need of repair. Zollinger said volunteers are vital to the success of the Fair. LaMont Poulsen brought in about \$20,000 of sponsorships for the rodeo. Zollinger thanked the volunteers, the Council and the County Executive for their support. Robison said the section letters and seat numbers need to be repainted and wondered if this could be an Eagle Scout project. Yeates said the carnival liked the new arrangement with more space for the children's rides and plans on having more rides next year.

BUDGETARY MATTERS

Intra-Departmental Transfers

Jail	\$6,000 transferred from Education & Training to Travel to cover travel expenses.
Roads - Class B	\$50,000 transferred from New Road Construction to Road Maintenance to cover purchase of road maintenance supplies.

(Attachment 1)

ACTION: Motion by Council member Gibbons to approve the Roads - Class B intra-departmental transfer of \$50,000.00. Robison seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Gibbons to approve the Jail intra-departmental transfer of \$6,000.00. Yeates seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- ❑ **Update - Historical Courthouse Restoration Project** - Lemon reported the Building Committee had met in the morning and approved the landscaping layout. The staining of the bricks should begin the first part of September and take about a month.

- ❑ **Discussion - Zoning Ordinance No. 2004-13, Amendment #10 - Small Business Standards in the Agricultural Zone** - Attorney Daines said this draft was reviewed by the Planning Commission at a workshop. The commission reviewed and discussed it and this amendment contains their suggestions.

(Attachment 2)

ACTION: Motion by Council member Yeates to enact Ordinance No. 2004-13 with Amendment #10: Section 17.21.010 Purpose has clerical changes, Section 17.21.030 paragraph 2 - add "7. Bed and Breakfasts" and Section 17.21.020A5 - change word "only" to "generally". Hansen seconded the motion.

ACTION: Motion to by Council member Yeates to amend the main motion to include changing the word "will" in the fifth sentence of Section 17.21.010 to the word "may" so it reads, "Recognizing the general policy described, the Planning Commission may significantly restrict and control the issuance of Conditional Use Permits for business activities under this Chapter." Robison seconded the motion. The vote was unanimous, 7-0.

Petersen called for the vote on the amended main motion.

ACTION: The motion passed, 6 aye - Yeates, Gibbons, Hansen, Petersen, Cook & Robison, 1 nay - Chambers.

Ordinance No 2004-13: The vote was 6-1

	<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	X							1
ABSTAINED								0
ABSENT								0

- ❑ **Discussion - Personnel and Policies Manual** - Petersen asked Parker to put this item on the agenda for the September 28, 2004, Council meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2004-12 - Imposing a 1% Tourism, Recreation, Cultural, and Convention Tax and Providing for the performance by the State Tax Division of all functions incident to the administration, operation and collection of the tax and for the use of the revenues from this tax.**

(Attachment 3)

ACTION: Motion by Council member Gibbons to waive the rules and approve Ordinance No. 2004-12, Imposing 1% Tourism, Recreation, Cultural, and Convention Tax and Providing for the performance by the State Tax Division of all functions incident to the administration, operation and collection of the tax and for the use of the revenues from this tax. Cook seconded the motion. The vote was unanimous, 7-0

Ordinance No 2004-12: 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

- **Resolution No. 2004-25 - Approving the allocation of revenues from the Tourism, Recreation, Cultural and Convention Tax to Logan City for application to the Ellen Eccles Theater and Bullen Center.**

(Attachment 4)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2004-25 - Approving the allocation of revenues from the Tourism, Recreation, Cultural and Convention Tax to Logan City for application to the Ellen Eccles Theater and Bullen Center. Robison seconded the motion. The vote was unanimous, 7-0.

COUNTY INITIATIVES

- Jail Resources - Captain Kim Cheshire** - Sheriff Lynn Nelson reviewed the year-to-date revenues and projected year end earnings as compared to the budgeted amounts. Their biggest area of concern is the Work Release revenue. Attorney Daines reminded the Council the original budget numbers were on an occupancy date of January 1, 2004, and the actual occupancy date was April 1, 2004, and this accounts for some of the apparent shortfall in revenues.

(Attachment 5)

- Transportation and Infrastructure Elements of Countywide Comprehensive Plan and Subdivision Ordinance/Open Space - Mark Teuscher** stated the transportation section is a little difficult simply because they are dealing with a transportation system that is managed by four different agencies - state, cities, county and U.S. Forest Service. Transportation element goals are:

Develop convenient alternative modes of transportation.

Control urban sprawl through prudent countywide land use planning.
Safety.
Develop a countywide transportation plan/system.

Teuscher will have a final draft of the transportation element by the end of the year. The infrastructure element includes Public Safety, Water, Solid Waste, Education, Public Utilities and Capital Improvements. Teuscher said it is a matter of bringing all of this information together in a unified document. The Planning Commission is working on the subdivision section. Teuscher doesn't have a projected date for the subdivision ordinance to be completed. Petersen and Teuscher both said open space issues need to be addressed in the subdivision ordinance. Cook said he would like to have a Council workshop on open space in Cache County for input on the subdivision ordinance.

OTHER BUSINESS

- ✓ **Wellsville City Founder's Day Parade - Monday, September 6, 2004 - 10:00 a.m. -**
Hansen and Robison will attend.
- ✓ **Cache County Council Summer Social** - Saturday, August 28, 2004 at 7:00 p.m. at Edgewood Hall in Providence. The Planning Commission will be in attendance also.
- ✓ **Joint Council Meeting with Logan City Council - August 31, 2004 - 5:00 p.m.** in Room 109 - Multipurpose Room. Topics to be discussed will be:
 - 1. Zoo Master Plan
 - 2. Willow Park Interlocal Agreement
 - 3. Ambulance
 - 4. Logan-Cache Airport
 - 5. Air Quality
 - 6. Downtown
- ✓ **Parks and Recreation Master Plan** by Craig Kelsey is almost done. Petersen asked that by the next Council meeting (September 14, 2004) each Council member bring:
 - 1. A list of names, addresses and phone numbers of fifteen people in each of their seven districts to serve as members of a focus group discussing parks and recreation.
 - 2. A location in each Council member's area to hold a focus group meeting.

COUNCIL MEMBER REPORTS

Chambers asked if the open space initiative is approved on the ballot, how can this be funded by sales tax? Daines said that because it is a citizens initiative, it can be funded by sales tax.

Gibbons said he had met with the Fire Board and authorized Cache County Fire Department, Logan City Fire Department and Bridgerland Applied Technology College to form a study group to look into the forming of a joint training facility.

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Cook said Matt Weston had complained to him about the Cache County Health Board. Cache County Health has told Weston he cannot prepare sausage at his facility for the breakfasts offered at their hotel/motel. Lemon will look into the matter. Cook also said the County has not yet received a copy of the signed agreement with Mt. Pisgah.

Robison met with the water policy board last week and they are starting their hydrological study. It will be funded by direct Federal appropriations.

ADJOURNMENT

The Council meeting adjourned and moved to Executive Session at 7:27 p.m. to discuss pending litigation.

The Council adjourned from Executive Session at 8:32 p.m.

ATTEST: Jill N. Zollinger

APPROVAL: H. Craig Petersen