

CACHE COUNTY COUNCIL MEETING

September 28, 2004

The Cache County Council convened in a regular session on September 28, 2004, in the Cache County Council Chamber at 179 North Main, Logan, Utah. Prior to this session the Council held a **2005 Budget Workshop at 4:00 p.m.** with Auditor Stones and Sheriff Nelson in attendance.

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: Russ Akina, Troy Allen, Sonja Andersen, Randy Auman, Kevin Bingham, Shelly Bingham, Larry Brunson, Bob Burton, Dawna Campbell, Sid Carpenter, LaMar Clements, Sgt. Rick Collins, Destry Cronquist, Kim Cronquist, Robert O. Cronquist, Jr., Ronda Cronquist, Sylvia Cronquist, Terry Cronquist, Attorney George Daines, Jay Downs, Michelle Downs, Jack Draxler, Jim Gass, Mike Gleed, Tami Goodin, Lorene Greenhalgh, Pat Hansen, Brent Hoggan, Sharon L. Hoth, Dave Johnson, Arden Lauritzen, Jean Leatham, Brian Leishman, Chief Mark Meaker, Irma Moon, Lee Nelson, Sheriff Lynn Nelson, Dave Nielsen, Robert Nielsen, Pat Parker, Paul Patrick, Brian Potts, Tami Pyfer, Elaine Ricks, Don Sadler, Jim Smith, Mark Sorenson, Mark Teuscher, Glen Thornley, Mike Weibel, J. P. Yonk, Kaylene Yonk, Kyle Yonk, R. M. Yonk, Richard Yonk, Ryan Yonk, **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 Paul Cook.

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 September 14, 2004, Council meeting were approved.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: R. Curt Webb
Shane Jacob Zilles

Planning Commission
Deputy County Sheriff

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

WARRANTS: The warrants for the periods 09-10-2004 to 09-16-2004 and 09-17-2004 to 09-24-2004 were given to the Clerk for filing.

OTHER ITEMS

- **U.S. Forest Service Prescribed Burns Notice** - Lemon gave Council members copies of these notices for their information.
- **Letter from BRAG** - BRAG is purchasing the building at 170 North Main from Cache County and the first payment will be made this year with the second and final payment in 2005.

ITEMS OF SPECIAL INTEREST

- ▶ **Presentation of Proposed 2005 CCEMS Budget - Jim Gass** reviewed, through a power point presentation, the reasons for the increase in the proposed CCEMS Budget. Paul Patrick, Bureau of BMS, said he had compared CCEMS with average systems throughout the state and the revenues they generate. Patrick said the CCEMS numbers presented are right on target. Petersen expressed appreciation for the presentation and said the budget will come before the Council at a later time for formal approval.

(Attachment 1)

Council member Cook left the meeting.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARINGS SET: OCTOBER 26, 2004 - 6:00 P.M. - STEPHEN L. BRANDLEY FOR CREEKSIDE FUNDING CORP. REQUESTS THAT 120.25 ACRES IN FR-40 ZONE BE REZONED TO AGRICULTURAL 1700 E 7400 SOUTH, SOUTHEAST OF HYRUM.

OCTOBER 26, 2004 - 6:15 P.M. - ZONING BOUNDARY ADJUSTMENT BETWEEN FR-40 AND AGRICULTURAL ZONE IN THE VICINITY OF 600 WEST 11000 SOUTH, SOUTH OF PARADISE.

OCTOBER 26, 2004 - 6:20 P.M. - TROY L. ALLEN FOR ALLEN GRAVEL LLC IS REQUESTING THAT 5.08 ACRES IN THE AGRICULTURAL ZONE BE REZONED TO INDUSTRIAL/MANUFACTURING ZONE 1615 EAST 12600 NORTH, COVE.

OCTOBER 26, 2004 - 6:30 P.M. - CREATION OF AGRICULTURAL PROTECTION AREA - BERT OLSEN, ET AL 27.73 ACRES OF LAND LOCATED SOUTH OF HYRUM.

Chairman Petersen proposed the above public hearing dates.

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ACTION: Motion by Council member Yeates to approve setting the following Public Hearings -

October 26, 2004-6:00 p.m.-Stephen L. Brandley for Creekside Funding Corp. Requests that 120.25 acres in FR-40 Zone be rezoned to agricultural 1700 E 7400 S, Southeast of Hyrum;

October 26, 2004-6:15 p.m.-Zoning Boundary Adjustment between FR-40 and Agricultural Zone in the vicinity of 600 West and 11000 South, south of Paradise;

October 26, 2004-6:20 p.m. -Troy L. Allen for Allen Gravel LLC is requesting that 5.08 acres in the Agricultural Zone be rezoned to Industrial/Manufacturing Zone 1615 East 12600 North, Cove;

October 26, 2004-6:30 p.m.-Creation of Agricultural Protection Area-Bert Olsen, et al 27.73 acres of land located south of Hyrum.

Robison seconded the motion. The vote was unanimous, 6-0. (Cook absent)

Council member Cook returned to the meeting.

PUBLIC HEARING: OPEN 2004 BUDGET - Auditor Stones reviewed changes in the 2004 Budget. These are detailed in Attachment 2 Resolution No. 2004-28.

Chairman Petersen invited public comment on the budget changes. There was none.

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-28 - Adjustments to 2004 Budget**

(Attachment 2)

ACTION: Motion by Council member Gibbons to waive the rules and adopt Resolution 2004-28 - Adjustments to 2004 Budget. Hansen seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

- ◆ **Board of Equalization Progress Report - Tamra Stones** said there have been ninety-seven appeals and there are still about twenty to be acted on. Stones recommended approval of the actions of the Hearing Officers.

(Attachment 3)

ACTION: Motion by Council member Gibbons to approve the actions of the Board of Equalization Hearing Officers. Robison seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- ❑ **Update - Historical Courthouse Restoration Project** - Daines noted that furnishings should be discussed soon. Lemon said the staining of the brick should begin soon.
- ❑ **Discussion - Personnel and Policies Manual** - Lemon said he has received a call from an employee concerning the change of qualification for merit employees' benefits from twenty to thirty hours per week. Current merit employees will be grandfathered in and new merit employees will have to meet the thirty hour requirement. Sheriff Nelson said he has some comments from employees he will forward to Executive Lemon. Petersen said this will be on the agenda for October 12, 2004.
- ❑ **Resolutions No. 2004-26a and 2004-26b - Acquisition and/or Condemnation of Yonk Roadway and Acquisition and/or Condemnation of Cronquist Roadway** - Petersen noted this was not a Public Hearing, but invited public comment.

The following individuals spoke against the Resolutions:

Brent Hoggan
Kaylene Yonk
Sonja Andersen

The following individuals spoke in favor of the Resolutions:

Glen Thornley

(Attachment 4)

ACTION: Motion by Council member Gibbons to adopt Resolution No. 2004-26a - Acquisition and/or Condemnation of Yonk Roadway and Resolution No. 2004-26b - Acquisition and/or Condemnation of Cronquist Roadway. Cook seconded the motion. The motion passed, 5 aye - Yeates, Chambers, Hansen, Gibbons & Cook, 2 nay - Petersen & Robison.

- ❑ **Property Tax Hardship Requests** - Susan J. Bacon

(Attachment 5)

ACTION: Motion by Council member Gibbons to deny the Property Tax Hardship Request for Susan J. Bacon. Robison seconded the motion. The motion passed, 5 aye - Chambers, Hansen, Gibbons, Petersen & Robison, 2 nay - Yeates & Cook.

- ❑ **Property Tax Hardship Requests** - Angela K. Angel

(Attachment 6)

ACTION: Motion by Council member Gibbons to approve the Property Tax Hardship Request for Angela K. Angel. Yeates seconded the motion. The motion passed, 6 aye - Yeates, Chambers, Gibbons, Hansen, Cook & Robison, 1 nay - Petersen.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Property Tax Hardship Requests**
Audrey N. Wright
Taunya L. Roberts
Ronald Lee & Marilyn B. Mecham

(Attachment 7)

ACTION: Motion by Council member Gibbons to waive the rules and approve the Property Tax Hardship Requests for 2004 for Audrey N. Wright, Taunya L. Roberts and Ronald Lee & Marilyn B. Mecham. Robison seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Gibbons to approve the 50% abatement of back property taxes and the Blind Tax Exemption for back property taxes for Ronald Lee & Marilyn B. Mecham for a total of \$1,467.75. Cook seconded the motion. The vote was unanimous, 7-0.

- **Discussion - Willow Park Zoo Master Plan** - Russ Akina said Logan City has approved the master plan, but wanted it indicated in the Resolution that the budget projections were estimates. Petersen said the master plan will be on the agenda for the October 12, 2004, County Council meeting.
- **Discussion - Temporary Ordinance to Halt Development** - Mark Teuscher and Jack Draxler said the Planning Commission is concerned about development in the area south of Mendon City to Wellsville City west of SR23 to the boundary of the FR40 zone. There have been many requests for development in the area and the Commission and Mendon and Wellsville cities want to evaluate the transportation needs, water issues, fire protection concerns and environmental issues. This temporary ordinance will not stop construction/development of those subdivisions that have already been approved. The Council asked Teuscher and Draxler to come back to the October 12, 2004, County Council meeting with a proposed ordinance.
- **Final Plat Approval - Wildwood Estates Minor Subdivision - Unit 2 Amendment** - five-acre subdivision located on 113.96 acres in the Agricultural Zone at approximately 5400 West 3400 South, between Wellsville and Mendon.

(Attachment 8)

ACTION: Motion by Council member Gibbons to waive the rules and approve the Final Plat for Wildwood Estates Minor Subdivision - Unit 2 Amendment. Cook seconded the motion. The vote was unanimous, 7-0.

- **Final Plat Approval - Scenic View Minor Subdivision** - five-lot minor subdivision to be called Scenic View Minor Subdivision located on 40.46 acres in the Agricultural Zone at 3050 South 5750 West, between Wellsville and Mendon on Maple Rise Road.

(Attachment 9)

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ACTION: Motion by Council member Cook to waive the rules and approve the Final Plat for Scenic View Minor Subdivision. Gibbons seconded the motion. The vote was unanimous, 7-0.

COUNCIL MEMBER REPORTS

Robison handed out the BRAG Human Services Department report for the period September 14, 2003 to September 14, 2004, for the Council's information.

Yeates said he had received another letter asking the county to accept the Joe Archer road on the west side of the valley. The Council has already rejected it and are not interested in readdressing the request.

Gibbons indicated the construction on the north end of Hwy 91 will conclude for this year on December 1, 2004. Gibbons recommended a letter be sent to the construction company commending them on the flow of traffic during construction.

Petersen said a research project of a USU student had been an air quality study and he had arrived at an inexpensive way to monitor and predict temperature inversions with high levels of particulate matter. Petersen thought this might be of interest to Bear River Health and said he would give a copy of the project to Attorney Daines. Daines invited Petersen to the Board of Health meeting tomorrow, September 29, 2004, at noon at the Board of Health building.

Cook asked if anything had been found out about the complaints about the Board of Health Food Inspector. Lemon said he will check on it. Cook said he, Yeates, Daines and Lemon had met with Logan City about Willow Park.

ADJOURNMENT

The Council meeting adjourned to Executive Session at 7:28 p.m.

The Council adjourned from Executive Session at 8:02 p.m.

ATTEST: Jill N. Zollinger

APPROVAL: H. Craig Petersen