

CACHE COUNTY COUNCIL MEETING October 26, 2004

The Cache County Council convened in a regular session on October 26, 2004, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen
Vice Chairman: **John Hansen, absent.**
Council Members: Paul Cook, Darrel Gibbons, Kathy Robison, Cory Yeates. **Brian Chambers, absent.**
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Troy Allen, Sid Carpenter, Cpt. Kim Cheshire, Attorney George Daines, Jay Downs, Lorene Greenhalgh, Sharon L. Hoth, Mark Kidman, Chief Mark Meaker, David Nelson, Mary Kaye Olsen, Pat Parker, Brian Potts, Jim Smith, Mark Teuscher, **Media:** 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 Lynn Lemon.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with Item 12c Resolution No. 2004-34 (Authorizing Executive to sign a Stipulation and Agreement between Cache County and Yonk, et al allowing public access to forest land) and Item 12d Resolution No. 2004-35 (Authorizing Executive to sign a Stipulation and Agreement between Cache County and Cronquist, et al allowing public access to forest land) removed and placed on the agenda for the next meeting at the request of the County Attorney.

REVIEW AND APPROVAL OF MINUTES

The minutes of the October 12, 2004, Council meeting were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were none.

WARRANTS: The warrants for the periods 09-30-2004 to 10-07-2004 and 10-08-2004 to 10-14-2004 were given to the Clerk for filing.

OTHER ITEMS

- **Utah Power and Light** - Lemon said UP & L will be putting a second transmission line in Cache County and they have requested a workshop with the County Council concerning this line. Petersen said UP & L should meet with the County Planning Commission first, notifying the Council of the meeting date so that Council members can attend, if possible.
- **Clarkston Gravel Pit Purchase Closing** will be Friday, October 29, 2004, at 10:00 a.m.

COMMITTEE REPORTS

- ★ **Clerk Jill N. Zollinger** reported that the Clerk's office has been extremely busy with registration and other election business. Since the first of October the Clerk's office has added 4,675 registrants. This does not include changes where someone has moved from one community to another in Cache County. Six temporary workers have been hired, as of October 25, 2004, 1,781 absentee ballots have been processed, the boxes of election supplies for the seventy-two precincts have been packed and the Official Registers are being printed for those seventy-two precincts. Zollinger said there are cities in the county that would like to pay their election judges more money, but because the County Council sets that wage, they are not able to do so. Zollinger asked that a decision be made about election judge wages so the cities will know prior to their municipal elections next year. Petersen asked Zollinger and Lemon to submit a resolution on this subject to be considered at the Council's November 9, 2004, meeting.

BUDGETARY MATTERS

◆ <u>Intra-Departmental Transfers</u> _____Emergency Management	\$87,400 transferred from Homeland Security Grant-Capitalized Equipment to Homeland Security-Non-capitalized Equipment Grant.
Information Technology Services	\$2,000 transferred from Miscellaneous Services to Travel to pay for conference registrations and travel expenses.
Roads - Class B	\$1,600 transferred from New Road Construction to Capitalized Equipment to cover purchase of wood chipper.
Extension	\$1,000 transferred from Equipment-Non-capitalized to Equipment Supplies & Maintenance to pay for Extension truck repairs.

(Attachment 1)

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ACTION: Motion by Council member Cook to approve the Intra-Departmental Transfers of \$87,000 (Emergency Management), \$2,000 (Information Technology Services), \$1,600 (roads - Class B) and \$1,000 (Extension). Robison seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

PENDING ACTION

- Historical Courthouse Restoration Project Update** - Chairman Petersen reported most of the brick has been stained and most of the windows and doors are installed. The walk on the north side and the building exterior is scheduled to be completed this fall.
- Discussion - Personnel and Policies Manual** - Petersen and Cook had questions concerning retirement incentives, the death benefit (page 63), the County Attorney's organizational chart (page 7), contributing personal leave (page 69), flex spending accounts (page 70) and recruiting and hiring procedures (page 10).
- Resolution No. 2004-29 - Adoption of Amended Cache County Personnel and Policies Manual**

(Attachment 2)

ACTION: Motion by Council member Gibbons to adopt Resolution No. 2004-29 - Adoption of Amended Cache County Personnel and Policies Manual without accepting the early retirement incentives portion and with the addition of No. 2. Application-"The Cache County Personnel Policy shall apply to all current and future County employees subject to existing contractual agreements". Yeates seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

PUBLIC HEARING: OPEN 2004 BUDGET - Auditor Stones reviewed changes in the 2004 Budget. A detailed listing appears in Attachment 3 to Resolution No. 2004-31 - Adjustments to 2004 Budget.

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

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-31 - Adjustments to 2004 Budget**

(Attachment 3)

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ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2004-31 Increasing the Budget Appropriations for Certain County Departments. Robison seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

- **Final Plat Approval - Blue Hawk Minor Subdivision** - A 5-lot minor subdivision located in the Agricultural Zone at approximately 6249 West 2000 North, Petersboro.

(Attachment 4)

ACTION: Motion by Council member Cook to waive the rules and approve the final plat for Blue Hawk Minor Subdivision. Gibbons seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

- **Approval of proposed CCEMS 2005 Budget** - Council member Gibbons said the CCEMS Board had met this day and reviewed three areas of potential revenue increases: a 7% rate increase that went into effect the first of July, 2004; method of charging for the use of supplies and paramedics; and based on first quarter comparisons increased revenues are anticipated. Based on these three areas the CCEMS Board agreed to present two figures to the County Council. The first is a very conservative figure of a potential \$100,000 increase to revenues. The second figure is considered a realistic and attainable figure of a potential \$200,000 increase to revenues.

(Attachment 5)

ACTION: Motion by Council member Gibbons to approve the CCEMS budget at the net operations figure of a negative \$494,937 which is in anticipation of at least \$200,000 in increased revenues. Cook seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

PUBLIC HEARING: 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.

Lorene Greenhalgh said the Planning Commission voted to recommend denial of this request, 4-1, because approval would encourage urban sprawl, the only access is an unimproved County road which receives an annual blading, culinary water is difficult to find in this area, agricultural use is permitted in the FR-40 zone, the construction, maintenance and snow removal of access roads would be the responsibility of the owner and a rezone does not guarantee additional County services.

Chairman Petersen opened the Public Hearing and invited comments from the public. There was none.

(Attachment 6)

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2004-15 - Stephen L. Brandley for Creekside Funding Corp. Rezone of 120.25 acres in FR-40 Zone to Agricultural Zone - 1700 E 7400 S - Southeast of Hyrum**

(Attachment 7)

ACTION: Motion by Council member Cook to table Ordinance No. 2004-15 until the November 9, 2004, County Council meeting. Yeates seconded the motion. The motion failed, 1-aye - Cook, 4-nay -Yeates, Gibbons, Petersen & Robison.

ACTION: Motion by Council member Gibbons to waive the rules and deny Ordinance No. 2004-15 - Stephen L. Brandley for Creekside Funding Corp. Rezone of 120.25 acres in FR-40 Zone to Agricultural Zone - 1700 E 7400 S - Southeast of Hyrum. Yeates seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

Ordinance No 2004-15: The vote was 5-0

	<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	5
NAY								0
ABSTAINED								0
ABSENT	X			X				2

COMMITTEE REPORTS

- ★ **Report on Inmate Population - Captain Cheshire** said there were presently 302 inmates, 121 of which are State inmates and 50 are Federal inmates. Jail capacity is 350 and 80% of capacity is the ideal inmate population.

PUBLIC HEARING: ZONING BOUNDARY ADJUSTMENT BETWEEN FR-40 AND AGRICULTURAL ZONE IN THE VICINITY OF 600 WEST 11000 SOUTH - SOUTH OF PARADISE.

Greenhalgh said this is a County Initiative that was developed when, during mapping, it was discovered this boundary is very hard to distinguish. This will tie the boundary to section lines and property boundaries.

Chairman Petersen opened the Public Hearing and invited public input. There was none.

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

PUBLIC HEARING: 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.

Chairman Petersen opened the Public Hearing and invited comment.

Troy Allen thanked the Planning and Zoning Office for all of their help, but due to delays the tentative sale fell through and time is not now an issue on this rezone.

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

(Attachment 8)

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2004-17 - Troy L. Allen for Allen Gravel LLC - 5.08 acres Rezoned from Agricultural Zone to Industrial/Manufacturing Zone - 1615 East 12600 North, Cove**

(Attachment 9)

ACTION: Motion by Council member Cook to waive the rules and approve Ordinance No. 2004-17 - Troy L. Allen for Allen Gravel LLC - 5.08 acres Rezoned from Agricultural Zone to Industrial/Manufacturing Zone - 1615 East 12600 North, Cove. Robison seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

Ordinance No 2004-17: The vote was 5-0

	<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	5
NAY								0
ABSTAINED								0
ABSENT	X			X				2

PUBLIC HEARING: CREATION OF AGRICULTURAL PROTECTION AREA - BERT OLSEN, ET AL 27.73 ACRES OF LAND LOCATED SOUTH OF HYRUM.

Chairman Petersen opened the Public Hearing and invited comment. There was none.

Cache County Council
10-26-04

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-33 - Creation of Agricultural Protection Area - Bert Olsen et al, 27.73 acres of land located south of Hyrum**

(Attachment 10)

ACTION: Motion by Council member Cook to waive the rules and approve Resolution No. 2004-33 - Creation of Agricultural Protection Area - Bert Olsen et al, 27.73 acres of land located south of Hyrum. Yeates seconded the motion. The vote was unanimous, 5-0. (Chambers & Hansen absent)

OTHER BUSINESS

- ✓ **UAC Annual Convention - St. George - November 10, 11, 12, 2004**
Parker told the Council members the reservations are made for those attending and payment needs to be turned in to the Executive's office.

COUNCIL MEMBER REPORTS

Yeates asked for direction from the Council on the Willow Park Advisory Agreement. Yeates said he had told the Willow Park Advisory Committee the Council liked having an interlocal agreement, but there are concerns on the administration of the budget. Robison said the four funds - Ambulance, Willow Park, Airport and Ice Arena - should all be independently administered. Yeates said the Committee's recommendations for the interlocal agreement will be at the joint meeting on November 30, 2004, with Logan City hosting.

ADJOURNMENT

The Council meeting adjourned and moved to Executive Session at 6:29 p.m. to discuss land acquisition.

The Council adjourned from Executive Session at 7:10 p.m.

ATTEST: Jill N. Zollinger

APPROVAL: H. Craig Petersen