

CACHE COUNTY COUNCIL MEETING November 23, 2004

The Cache County Council convened in a regular session on November 23, 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: Charlot Archibald, Scott Aston, Susan Aston, Steve Baker, John Booth, LaMar Clements, Shirley Clements, Morley Cox, Andy Crosby, Attorney George Daines, Connor Erickson, Brent Greenhalgh, Bryce Greenhalgh, Lorene Greenhalgh, Maridene Hancock, Matt Hedin, McKay Hedin, Loren Hewitt, Daniel Hogan, Tom Hogan, Rob Hopkins, Bonnie Hoth, Paul Hoth, Sharon L. Hoth, Chad Jensen, Tom Jensen, Bob Marcolese, Robert A. McFadden, Tamara McFadden, Michael Morgan, Walt Morrell, Sheriff Lynn Nelson, Kevin Nielsen, Herm Olsen, Pat Parker, Curtis Roberts, Ron Saville, Jim Smith, Auditor Tamra Stones, Scott Swensen, Mark Teuscher, Thomas A. Walbridge, Kelley Warby, Matthew Warby, Mike Weibel, Preston Whitely, Jon Wright, Sidney Zollinger
Media: Rashae Ophus (Herald Journal), Jennie Christensen (KVNU), Arrin Brunson (Salt Lake Tribune).

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 10d - Set Public Hearings - Road Special District - December 7, 2004 - 8:00 p.m. & Mosquito Abatement District Tax - December 14, 2004 - 8:00 p.m.

REVIEW AND APPROVAL OF MINUTES

The minutes of the November 23, 2004, Council meeting were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were none.

WARRANTS: The warrants for the period 11-17-2004 were given to the Clerk for filing.

OTHER ITEMS

- **Mosquito Abatement** - Lemon explained that the Mosquito Abatement District was approved county-wide as well as in all the municipalities that participated in the county and the vote was certified on November 16, 2004. By law within thirty days of the vote certification both the county and each of the municipalities need to appoint a board member to that district. Lemon said a recommendation for the Cache County appointee will be brought before the Council on December 7, 2004. The Abatement District must be organized by December 14, 2004, and a public hearing must be held by that date in order to have funding for the next year.
- **County Block Corner Lots Development** - The county is advertising for interested parties to submit proposals for potential development on the two corner lots of the county block. Lemon said the county needs to know by mid-December of any proposals for these corner lots.
- **National Children's Study Program** is a twenty-one year program for which Cache County has been designated as one of ninety-six locations nationwide. There is a teleconference explaining the program on December 15, 2004, at noon.
- **Utah County Insurance Pool Annual Meeting** is December 2, 2004, at Thanksgiving Point beginning at 2:00 p.m. with a dinner that evening.

COMMITTEE REPORTS

- ★ **Volunteer Center Report/2-1-1 - Andy Crosby** explained that 2-1-1 is the national abbreviated dialing code for free access to health and human services information and referral. It is available seven days a week and 24 hours a day. Crosby invited Mike Weibel, Bear River Health Department, to give the Council additional information regarding 2-1-1. Weibel used the example of flu shots as a situation where the 2-1-1 service would be valuable. The information could be given to 2-1-1 and the Health Department would be relieved of responding to all those calls and would only administer the shots. Weibel said 2-1-1 would be wonderful with Emergency Services in the county in the event of a disaster. Weibel said he has received a reimbursement grant of \$5,000 for the 2-1-1 service.

ITEMS OF SPECIAL INTEREST

- ▶ **External Audit Report - Curtis Roberts** of Jones Simkins P.C. reviewed the audit report and specific accounting recommendations with the Council.

(Attachment 1)

- ▶ **Downtown Conference Center - Maridene Hancock/John Booth** of the Travel Council and The Copper Mill Restaurant, respectively, informed the Council of plans for a possible addition to the restaurant that will function as a conference center meeting

and dining area. There is a pending agreement between Booth and Logan City of a land swap to facilitate the addition to the restaurant. Hancock said groups have chosen not to come to Cache Valley because of the lack of a sufficient sized conference center. Booth and Hancock asked that the restaurant tax request through the Tourist Council be a pass-through to The Copper Mill Restaurant in an amount equal to the tax generated by the restaurant - about \$20,000 to \$25,000 presently with an expected increase to \$50,000 after the conference center is completed. Hancock indicated this has been done in the past for the Utah Festival Opera and the Cache Valley Cruise-in.

PUBLIC HEARING: CREATION OF AGRICULTURAL PROTECTION AREA - ARDEN LARSEN AND SHIRLEY M. BODRERO TRUST - 42 ACRES WELLSVILLE, UTAH.

Chairman Petersen opened the Public Hearing and asked for public comment. There was none.

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

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**

Jail	\$54,400 transferred from Capitalized equipment (\$5,100), Meals (\$47,300) & Telephones (\$2,100) to Overtime (\$16,000), Subscriptions (\$300), Non-capitalized Equipment (\$3,100), Utilities (\$30,000) & Prisoner supplies-work release (\$5,100) to cover necessary expenses to end of year.
Jail	\$6,200 transferred from Meals to Non-capitalized Equipment to cover costs of radios for new jail officers just hired.
Assessor	\$21,000 transferred from Professional & Technical to Capitalized Equipment to purchase new vehicle.
Building & Grounds	\$1,100 transferred from Utilities to Building & Grounds (\$1,000) & Telephone (\$100) to cover necessary expense to end of year.
County Council	\$2,000 transferred from Miscellaneous Services to Travel to cover necessary expenses to end of year.
Senior Citizens	\$14,449 transferred from Nutrition-salary (\$8,150) & Nutrition-benefits (\$6,299) to Center-salary (\$4,837), Center-benefits (\$2,588), Access-salary (\$4,837) & Access-benefits (\$2,187) to cover necessary expenses to end of year.

(Attachment 2)

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ACTION: Motion by Council member Cook to approve the intra-departmental budget transfers of \$54,400, \$6,200, \$21,000, \$1,100, \$2,000 & \$14,449. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: DECEMBER 7, 2004 - 6:00 P.M. - 2005 BUDGET/CERTIFIED TAX RATE (To Be Determined at Hearing).

PUBLIC HEARING SET: DECEMBER 7, 2004 - 8:00 P.M. - ROADS SPECIAL SERVICE DISTRICT.

PUBLIC HEARING SET: DECEMBER 14, 2004 - 6:00 P.M. - OPEN 2004 BUDGET.

PUBLIC HEARING SET: DECEMBER 14, 2004 - 8:00 P.M. - MOSQUITO ABATEMENT DISTRICT

ACTION: Motion by Council member Cook to set The Public Hearings for December 7, 2004 at 6:00 p.m. - 2005 Budget/Certified Tax Rate (To Be Determined at Hearing); December 7, 2004 at 8:00 p.m. - Roads Special Service District; December 14, 2004 at 6:00 p.m. - Open 2004 Budget & December 14, 2004 at 8:00 p.m. - Mosquito Abatement District. Gibbons seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **Update - Historical Courthouse Restoration Project** - Petersen reported that the Council had toured the courthouse prior to the Council meeting and that work was progressing. The demolition of the jail will begin November 29, 2004.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-38 - Authorizing Executive to Execute Agreement for Severance and Consultation** - Attorney Daines explained that Lorene Greenhalgh will be retiring from the Zoning Department in 2005 after over twenty years of service. This resolution will allow her to retire and remain as a consultant for the county in matters pertaining to zoning for three years.

(Attachment 3)

ACTION: Motion by Council member Cook to waive the rules and adopt Resolution No. 2004-38 - Authorizing Executive to Execute Agreement for Severance and Consultation. Gibbons seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2004-37 - Creation of Agricultural Protection Area - Arden Larsen and Shirley M. Bodrero Trust**
Greenhalgh said the Planning Commission reviewed this and recommended approval.

(Attachment 4)

Cache County Council
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ACTION: Motion by Council member Hansen to waive the rules and adopt Resolution No. 2004-37 - Creation of Agricultural Protection Area - Arden Larsen and Shirley M. Bodrero Trust. Yeates seconded the motion. The vote was unanimous, 7-0.

- **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**

(Attachment 5)

ACTION: Motion by Council member Yeates to waive the rules and adopt 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. Gibbons seconded the motion. The vote was unanimous, 7-0.

- **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** - NO ACTION TAKEN - Deferred to December 7, 2004, County Council Meeting.
- **Preliminary Plat Approval - Foothill Subdivision**
Greenhalgh said the Planning Commission recommended denial, 4-1, for the following reasons:
 1. The density of the development is too extreme for the agricultural zone.
 2. The applicant has not provided a community water system as required by the Commission.
 3. Access is a third priority county road with a narrow driving gravel surface with inadequate services, maintenance and snow removal for a development of this size.

Petersen said this is not a public meeting, but invited some public comment.

Rob McFadden, owner of RAMAC - Foothills LLC which is proposing the subdivision, asked the Council to recommend approval saying he has done everything asked of him by the Commission or that is required by the State (in reference to the water system).

Tom Walbridge owns land on three sides of the subdivision and opposed it saying:

1. The water table will create problems for septic fields and water has flooded through this property in the past and will again.
2. Twenty wells on 35 acres is excessive and will affect existing wells in the area.
3. Urban developments of this size need to be tied to towns or cities.

Attorney Herm Olsen, representing McFadden, said Planning and Zoning created requirements outside of their discretion and the subdivision should be approved.

Lauren Hewitt, a resident living between Mendon and Wellsville, expressed concerns about the lack of infrastructure for a development of this size in the area.

Morley Cox sympathized with McFadden's plight and suggested the county have some method of informing people more completely prior to their investments of time and money.

Cache County Council
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Mike Morgan, a resident of Mendon, said this would be an island of development that will eventually be a part of Mendon. This may present problems because of the water system and possible flooding.

Lynn Lemon said that for fifteen years Cache County generally has wanted to encourage municipal development where municipal services are available. He also expressed concerns about the narrowness of the road, possible flooding and snow removal.

LaMar Clements, Planning Commission, said the Commission felt this was a request for an urban subdivision in the agricultural zone. Clements reiterated the county's view of development being encouraged in close proximity to municipalities and services.

Petersen thanked those who had commented and said this item was on for initial proposal and no action would be taken tonight.

(Attachment 6)

- **Ordinance No. 2004-18 - Summers Ranch Partnership - 43.66 acres in FR-40 Zone Rezoned to Agricultural Zone located at 11700 South on the Liberty Road, South of Avon**

Greenhalgh said the Planning Commission unanimously recommended approval for the following reasons:

1. There are existing year-round residential homes in the immediate vicinity.
2. Access to the proposed lots would be from a private road with no services or maintenance provided by the County.
3. The County school bus, garbage collection services and electrical power are available at the County road.
4. The property is currently in agricultural use and classified as greenbelt for tax purposes.
5. The Agricultural Zone boundary is contiguous to this property.

(Attachment 7)

ACTION: Motion by Council member Gibbons to waive the rules and adopt Ordinance No. 2004-18 - Summers Ranch Partnership - 43.66 acres in FR-40 Zone Rezoned to Agricultural Zone located at 11700 South on the Liberty Road, South of Avon. Hansen seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2004-18: 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

- **Discussion - Proposed 2005 Budget** - Lemon reviewed the portion of the budget concerning additional employees. The budget includes sixteen jail employees hired in early 2004 and the nine additional jail employees approved in October of 2004 and one

additional part-time attorney in the County Attorney's office hired in 2004. The budget also includes the additional employees who will be hired to operate the county ambulance system (CCEMS). Employees added were one full-time financial clerk in the Auditor's office, one financial manager in the Sheriff's office, a full-time EMS Coordinator, two other full-time EMT's and twenty part-time EMT's. Employees removed were the GIS technician, a part-time extension 4-H employee, the mental health officer in the senior citizens program, one secretary in the Sheriff's office, two patrol deputies in the Sheriff's office and three part-time secretaries in the Sheriff's office who were proposed to be moved to full-time, but who will remain part-time. The County web site will be moved from the County Council to the ITS budget with the addition of an intern. Cafeteria services for the charter school in North Logan is included in the budget. The capital improvements budget includes improvements to the county block in three phases – the east parking lot, the west parking lot and improvements around the Historic Courthouse. It also includes capital equipment and furnishings for the courthouse. There was much discussion on the additional financial manager for the Sheriff's office and the clerk for the Auditor's office. Lemon will meet with Sheriff Nelson and Auditor Stones and come back with a final recommendation for these positions.

COUNTY INITIATIVES

- Air Quality** - The Health Board will have met and a recommendation will be brought to the December 7, 2004, County Council meeting.

OTHER BUSINESS

- ✓ **Employee Christmas Social - Copper Mill - 6:30 p.m., December 8, 2004**
- ✓ **County Council Social** will be held in January, possibly at Beaver Mountain.
- ✓ **Joint Council Meeting with Logan City - November 30, 2004 - 5:00 p.m.** - Agenda discussion items will include:
 1. Downtown Development
 2. Air Quality
 3. Willow Park/Fairgrounds

COUNCIL MEMBER REPORTS

There were none.

ADJOURNMENT

The Council meeting adjourned at 8:00 p.m.

ATTEST: Jill N. Zollinger

APPROVAL: H. Craig Petersen