

CACHE COUNTY COUNCIL MEETING December 07, 2004

The Cache County Council convened in a regular session on December 07, 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: Ashley Albrecht, Megan Barker, Charlie Batten, Lloyd Berentzen, Brian G. Cannell, Wayne Cardon, Cpt. Kim Cheshire, LaMar Clements, Mae Coover, Merv Coover, Morley Cox, David Craw, Attorney George Daines, Lynne Goodhart, Jim Goodwin, Jack Greene, Nolan Gunnell, Eric Hansen, Dennis C. Jensen, Jeff Keller, Grant Koford, Mike Larson, Randy Martin, Chief Mark Meaker, Sheriff Lynn Nelson, Glen Oliverson, Pat Parker, Dr. Ed Redd, Scott Rodgers, Brett Roper, Steve Russell, Jim Smith, Zane A. Stephens, Auditor Tamra Stones, Denise Strong, Mark Teuscher, Tom Walbridge, Mike Weibel, Angela Williams, Timothy Wolters **Media:** Rashae Ophus (Herald Journal), Jennie Christensen (KVNU).

CALL TO ORDER

Chairman Petersen called the meeting to order at 5:00 p.m.

OPENING REMARKS

The opening remarks were given by Darrel Gibbons.

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 November 23, 2004, Council meeting were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Justin Carl Mattson Cache County Reserve Deputy Sheriff

ACTION: Motion by Council member Yeates to approve the recommended appointment. Robison seconded the motion. The vote was unanimous, 7-0.

WARRANTS: The warrants for the periods 11-23-2004, 11-29-2004, 11-30-2004, 12-03-2004 and 12-06-2004 were given to the Clerk for filing.

OTHER ITEMS

- **Cache County Holiday Closure** - Lemon noted that because Christmas falls on a Saturday and is observed on Friday, which is Christmas Eve, the county holiday calendar indicated county offices will be closed December 23, 2004, at 3:00 p.m. Lemon said he has had several calls from citizens complaining about closures in the county office building. He asked that county offices remain open until 5:00 p.m. on December 23, 2004.

ACTION: Motion by Council member Gibbons to approve the revised holiday closure calendar and have county offices remain open until 5:00 p.m. on December 23, 2004. Hansen seconded the motion. The motion passed, 5 aye - Yeates, Chambers, Gibbons, Hansen & Petersen, 2 nay - Cook & Robison.

ACTION: Motion by Council member Cook to give two additional vacation hours to county employees to replace the two being taken away on December 23, 2004. Yeates seconded the motion. The motion failed, 2 aye - Cook & Robison, 5 nay - Yeates, Chambers, Gibbons, Hansen & Petersen.

- **UAC Legislative Committee Meeting** - Lemon distributed packets to the Council listing the dates, times and places of UAC Legislative Committee Meetings as well as Video Conferencing Locations. County Officials Day at the Legislature is February 24, 2004. Lemon also reviewed some of the issues of importance to the county. The packet also contains Governor Walker's recommendations for tax restructuring.

BUDGETARY MATTERS

- ◆ **Intra-Departmental Transfers**
 - Sheriff's Office
 - \$3,000 transferred from Non-capitalized Equipment to Overtime to meet current expenses.
 - \$2,000 transferred from Travel to Gas to meet current expenses.
 - \$2,000 transferred from Training to Special Department Supplies to meet current expenses.

	\$1,000 transferred from Equipment Supplies & Maintenance to Special Department Supplies to meet current expenses.
Emergency Management	\$4,582 transferred from Telephone (\$2,400), Emergency Operations (\$982) & Overtime (\$1,200) to Salaries (\$1,800), Employee Benefits (\$1,800), Gasoline (\$417), Software Packages (\$500) and Education & Training (\$65) to cover necessary expenses to end of year.
Support Services	\$35,494 transferred from Uniform Allowance (\$8,000), Overtime (\$16,000), Employee Benefits (\$1,000), Travel (\$7,000), Telephone (\$2,000) & Telephone (\$1,494) to cover necessary expenses to end of year.
Building Inspection	\$3,300 transferred from Professional & Technical to Non-capitalized Equipment to replace two computers.

(Attachment 1)

ACTION: Motion by Council member Gibbons to approve the budget transfers of \$3,000, \$2,000, \$2,000, \$1,000, \$4,582, \$35,494 & \$3,300. Robison seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- Update - Historical Courthouse Restoration Project/Demolition of Old Jail** - Lemon reported that demolition of the jail begun last week continues and is about half completed.
- 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** - This item was tabled until the December 14, 2004, Council meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-39 - Authorizing Executive to execute agreement between Smithfield City and Cache County for EMS personnel** - Lemon said the proposal is that Smithfield will pay 27% of the cost and Cache County will pay 73% of the cost. Smithfield will hire two additional people. The county will pay one-third of the cost of the new ambulance over a three-year period.

(Attachment 2)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2004-39 - Authorizing Executive to execute agreement between Smithfield City and Cache County for EMS personnel. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2004-40 - Declaring the intent of Cache County to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes as a participant in the Utah Association of Counties combined cash flow borrowing program and related matters** - Lemon explained this is a yearly procedure because expenses are incurred all year long, but taxes are not collected until the end of the year. The money is borrowed and then repaid after tax collection is completed.

(Attachment 3)

ACTION: Motion by Council member Cook to waive the rules and approve Resolution No. 2004-40 - Declaring the intent of Cache County to arrange for short-term financing to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes as a participant in the Utah Association of Counties combined cash flow borrowing program and related matters. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2004-41 - Appointing a Trustee to serve on the Mosquito Abatement District** - Chairman Petersen explained that because certain areas of the county approved a Mosquito Abatement District, the county has the responsibility to recommend a Trustee to represent the unincorporated areas of the county. Jeffrey D. Ricks of Benson is the recommended Trustee.

(Attachment 4)

ACTION: Motion by Council member Hansen to waive the rules and approve the recommended appointment of Jeffrey D. Ricks as the Trustee representing the unincorporated areas of the county on the Mosquito Abatement District Board. Cook seconded the motion. The vote was unanimous, 7-0.

COMMITTEE REPORTS

- ★ **Air Quality Recommendation - Bear River Health Department** - Attorney George Daines, as Chairman of the Board of Health, reviewed the report of the Cache Valley Air Quality Task Force. Lloyd Berentzen, Director of Bear River Health Department, Dr. Edward Redd, and Randall Martin all spoke and answered questions from the Council concerning health hazards, air particulate pollution sources, vehicle emissions testing and Federal requirements. Cache County's major air quality problem lies with winter time inversions. The Task Force recommends a voluntary program where citizens would be warned via flags and media announcements one day prior to a temperature inversion. This would be called a yellow day. The following day would be a red day where citizens would be urged to restrict motor vehicle use. Vehicle emissions testing will be

part of the Task Force's plan and Petersen said he would like a Public Hearing on this topic. Petersen said a resolution addressing the Task Force's recommendations will be on the agenda at a future Cache County Council Meeting.

PUBLIC HEARING: 2005/BUDGET/CERTIFIED TAX RATE (TO BE DETERMINED AT HEARING) - Lemon indicated the information about the tax increase of 14.7% had been published as required. Lemon said the majority of the increase, about 70%, is for the county-wide ambulance system.

Chairman Petersen opened the Public Hearing and invited public comment.

The following individuals spoke in opposition to the tax increase:

Dennis Jensen
Morley Cox
Mike Larson
Steven Russell

Brett Roper observed that in 2003 Cache County residents paid less than Salt Lake and Weber Counties and slightly more than Davis, Utah and Box Elder.

Sheriff Lynn Nelson and **Auditor Tamra Stones** each asked the Council to reconsider their requests for additional personnel.

Gibbons said when citizens look at their property tax statements and note that a big portion of their tax increases are for school districts.

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

PENDING ACTION

- **Preliminary Plat Approval - Foothill Subdivision** - Chairman Petersen said significant public comment had been received on this issue at the last Council meeting and invited Attorney Brian Cannell, representing Rob McFadden (RAMAC-Foothills LLC), to make a brief statement. Cannell cited a letter from him to the Council written at the Council's request for a "legal opinion" on the Foothill Subdivision. Cannell contends the Council cannot deny McFadden's plat as McFadden has complied with all of the requirements for a subdivision in the county. Gibbons said Mr. McFadden was aware of the disapproval of the planning commission from the beginning. Hansen said he has had many calls from residents in the area who oppose this subdivision. Chambers said McFadden understood the risk involved when he invested in the property. Daines said McFadden has tried to sidestep the full process by asking that the preliminary plat approval be combined with the final plat approval. Clements said McFadden was told from the very first that this was not considered an appropriate development for the location. Gibbons said for the eighteen years he has served the county, the philosophy of the county has always been to not approve major subdivisions in isolated areas; that major developments should be near existing municipalities. Hansen and Lemon said the access road does not meet county requirements and would be unsafe.

(Attachment 5)

ACTION: Motion by Council member Gibbons to accept the recommendation of the Planning Commission and deny the preliminary plat approval for the Foothill Subdivision based on these findings of fact:

1. The density of the subdivision is too extreme for the agricultural zone.
2. The subdivision is not in harmony with the philosophy of the Comprehensive Plan for the county.
3. This is an urban subdivision requiring municipal services.
4. The requirement for a culinary water system was not met by the applicant. (The water system provided by the applicant should not be an issue because other requirements were not met.)
5. Access is inadequate and property is not available to make the access adequate.

Cook seconded the motion. The vote was unanimous, 7-0.

Petersen asked the County Attorney's office to prepare a detailed findings of fact based on the motion that was passed. **Daines** said he would prepare those findings by the December 14, 2004, Council meeting and would send a copy to Attorney Cannell.

- **Discussion - Proposed 2005 Budget** - Petersen asked Lemon what his recommendation was in reference to the Council's substituting a Financial Officer under the Executive instead of a financial manager in the Sheriff's Department and a clerical position added in the Auditor's Office. Lemon said the present budget includes a financial individual with a salary of \$55,000 plus benefits and \$10,000 for a clerical position in the Auditor's office. The consensus of the Council was to approve a Financial Officer under the Executive.

ACTION: Motion by Council member Gibbons to approve hiring a Financial Officer under the Executive and that Sheriff Nelson and Auditor Stones be involved in writing the job description for this position and be members of the search committee. Robison seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2004-42 - Adoption of 2005 Budget** - NO ACTION TAKEN - Auditor Stones said the Children's Justice Center has submitted some last-minute changes to the budget and asked that this Resolution be moved to the December 14, 2004, Council meeting agenda.
- **Ordinance No. 2004-19 - Setting 2005 Salaries for Certain Elected Officials**

(Attachment 6)

ACTION: Motion by Council member Gibbons to waive the rules and adopt Ordinance No. 2004-19 - Setting 2005 Salaries for Certain Elected Officials. Yeates seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2004-19: 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

- **Ordinance No. 2004-20 - Setting 2005 Salaries for County Council**

(Attachment 7)

ACTION: Motion by Council member Yeates to waive the rules and adopt Ordinance No. 2004-21 - Setting 2005 Salaries for County Council. Hansen seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2004-20: 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

- **Adoption of Proposed 2005 Capital Improvement Plan**

(Attachment 8)

ACTION: Motion by Council member Cook to waive the rules and adopt the Proposed 2005 Capital Improvement Plan. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Review of RAPZ Ordinance 2003-03** - NO ACTION TAKEN - Gibbons said that based on some of the concerns with the Willow Park Budget, perhaps percentages should be adjusted to put more funding towards parks and recreation. This issue will be on the December 14, 2005, Council agenda.

OTHER BUSINESS

- ✓ **Employee Christmas Social - Copper Mill - 6:30 p.m., December 8, 2004**

Cache County Council
12-07-04

COUNCIL MEMBER REPORTS

Chambers told the Council members they were invited to the Eccles Ice Center the evening of January 15, 2005, to a reception and ice hockey game.

Robison passed around an artist's concept of the proposed downtown conference center.

ADJOURNMENT

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

ATTEST: Jill N. Zollinger

APPROVAL: H. Craig Petersen