

CACHE COUNTY COUNCIL MEETING

January 25, 2005

The Cache County Council convened in a regular session on January 25, 2005, 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, Kathy Robison. **Darrel Gibbons & Cory Yeates, absent.**
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Ruth Bell, Cpt. Kim Cheshire, Attorney George Daines, Newell Daines, Joe Fuhrman, Cindy Hall, Lanny Herron, Julie Hollist, Rebecca Hunt, Craig Kelsey, Sandra Kester, LaVon McBride, Sheriff G. Lynn Nelson, Connie Nielsen, Dennis Nielsen, Richard Nielsen, Brent Parker, Pat Parker, Dr. Mick Pattinson, Cheri Peck, Clinton W. Peck, Doyle Peck, Jonan Peck, Magda Peck, Sammy Peck, Senaido Peck, Yaiza Peck, Chris Sands, Jim Smith, Mark Teuscher, Christopher Wilson, **Media:** Adam Benson (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 Craig Petersen.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

Chairman Petersen introduced Adam Benson from the Herald Journal to the Council. Petersen also introduced Sandy Kester, Northern Area Director for Senator Hatch, to the Council.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with Item 12c., Resolution No. 2005-02 - Consideration for adoption of a Resolution authorizing the issuance and sale of Cache County, Utah tax and revenue anticipation notes Series 2005 in the aggregate principal amount of approximately \$5,000,000.00 and related matters, moved to the February 8, 2005, Council meeting.

REVIEW AND APPROVAL OF MINUTES

The minutes of the December 14, 2004, Council meeting were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Julie Hollist Director of Tourism

ACTION: Motion by Council member Hansen to approve the appointment of Julie Hollist as Director of Tourism. Chambers seconded the motion. The vote was unanimous, 4-0. Cook, Gibbons & Yeates absent.

Troy L. Allen	Cache County Planning Commission
Jack R. Draxler	Cache County Planning Commission
Curtis W. Dent	Cache County Planning Commission
Bonnie F. Nielsen	Cache County Board of Adjustments
Kenneth R. Cardon	Benson Planning District
Jerry Toombs	Benson Planning District

ACTION: Motion by Council member Chambers to approve the recommended appointments. Hansen seconded the motion. The vote was unanimous, 4-0, Cook, Gibbons & Yeates absent.

WARRANTS: The warrants for the periods 12-10-2004 and 12-20-2004 to 12-22-2004 were given to the Clerk for filing.

OTHER ITEMS

- **UDOT Annual Meeting** - Lemon invited the Council to attend this annual meeting on February 1, 2005, 10:00 a.m. to noon, in the County Building Multi-Purpose Room. UDOT will present plans for the year.
- **Powder Mountain** - Brent Ferrin is no longer involved in the Powder Mountain project so plans for development have changed. The group involved now wants to present to the County Council a master plan that will probably be done in phases. No date has been set for the presentation.
- **Shawn Earl** - Lemon said Deputy Earl has been called to active duty. The county has a responsibility to provide retirement and possibly medical insurance. Sheriff Nelson proposed foregoing the purchase of one of the vehicles for the Sheriff's Department and add some overtime funding to this money to hire a replacement for Deputy Earl. The Council is very supportive of efforts to help Deputy Earl fulfill his military duty without endangering his retirement and medical benefits. The Council also supports the Sheriff's proposal.
- **Nibley Annexation** - Lee Nelson, Planning Commission Chairman, has submitted a letter to the Council asking them to protest lots 3 & 4 of the Ervin Anderson Subdivision annexation into Nibley City primarily because these two lots are on the west side of the highway and will increase urban sprawl and have negative impacts on surrounding agricultural uses.

- **Roll-Back Tax Refund Request** by Northern Title has been received. This would correct a clerical error created when Cache County agreed to purchase a gravel pit north of Clarkston. When the property owner submitted his papers to Northern Title, the papers were for the wrong piece of property. The county will refund the roll-back tax on the incorrect property and the owner of the gravel pit property will pay the roll-back tax on the gravel pit

ACTION: Motion by Council member Hansen to approve the roll-back tax refund request to correct a clerical error. Chambers seconded the motion. The vote was unanimous, 4-0. Cook, Gibbons & Yeates absent.

- **Terms of Board of Health Members** - Lemon referred to a letter from Bear River Health Department clarifying terms of the members of the Board of Health. In 2003 the legislature passed legislation that changed the terms from five to four-year terms. The Board of Health wants the Council to be aware of this change.
- **Cloud Seeding Report** - Precipitation basin-wide is 128% of normal. This is good, but not as good as the rest of the state. Lemon recommended the seeding program continue.

Council member Cook arrived via speaker phone.

COMMITTEE REPORTS

- ★ **Agricultural Advisory Board 2005 Work Plan - Joe Fuhrman** reported on the goals of the board for the coming year including a continued commitment to establishing conservation easements in Cache County, continue working on projects that will enhance the profitability of agriculture in Cache County, proposed changes to the Board and a request for a workshop with the Council. Representative Butters is sponsoring a bill in the state legislature this session that would allow counties to implement a sales tax for funding open space preservation. Petersen said a workshop will be scheduled soon.
Chris Sands is applying for a Governor's Quality Growth Award for the LESA Handbook and asked the Council for a letter of support to be included with the application. The consensus of the Council was one of support.

ITEMS OF SPECIAL INTEREST

- ▶ **Employee of the Month** Award was presented by Jim Smith to Sgt. Doyle Peck of the Sheriff's Department.
- ▶ **Bear River Mental Health Annual Report - Dr. Mick Pattinson** reviewed 2004's accomplishments which include a 13% increase of service to Medicaid clients, completion of the Brigham City expansion project and the implementation of a performance standards system. Bear River Mental Health will continue to serve the seriously and persistently mentally ill adults and the severely emotionally disturbed children and adolescents, in addition to meeting the requirements of their Medicaid

contract. Bear River Mental Health is also committed to handling crisis situations involving psychiatric emergencies and managing those individuals in acute stress requiring in-patient hospitalization. The independent financial audit will be delayed but will be submitted as soon as possible.

BUDGETARY MATTERS

- ◆ **Intra-Departmental Transfers**
 - Access Transfer \$1,205 from Salaries to Temporary Employees to appropriately classify part time employees.
 - Center Transfer \$1,205 from Salaries to Temporary Employees to appropriately classify part time employees.
 - Nutrition Transfer \$10,044 from Salaries to Temporary Employees to appropriately classify part time employees.

(Attachment 1)

ACTION: Motion by Council member Cook to approve the intra-departmental budget transfers of \$1,205, \$1,205 and \$10,044 from salaries to temporary employees. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: FEBRUARY 22, 2005 - 6:00 P.M. - AMENDING CACHE COUNTY ZONING ORDINANCE SECTION 17 , CHAPTER 23 - SIGN SET BACK

PUBLIC HEARING SET: FEBRUARY 22, 2005 - 6:05 P.M. - REZONE OF 43.66 ACRES IN THE FOREST RECREATION (FR-40) TO AGRICULTURAL (A) ZONE - 11700 S ON LIBERTY ROAD, SOUTH OF AVON.

ACTION: Motion by Council member Hansen to set public hearings for February 22, 2005 - 6:00 p.m. - Amending Cache County Zoning Ordinance Section 17, Chapter 23 - Sign Set Back and February 22, 2005 - 6:05 p.m. - Rezone of 43.66 acres in the Forest Recreation (FR-40) to Agricultural (A) Zone - 11700 S on Liberty Road, South of Avon. Cook seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

THE COUNCIL CONVENED AS THE BOARD OF EQUALIZATION

- ▶ **Richard Nielsen Appeal on Roll-Back Taxes** - Lemon said the State Tax Commission advised the County Council to dismiss this appeal because it wasn't filed in a timely

Cache County Council
01-25-05

manner. The Nielsen's can appeal to the State Tax Commission who will determine on the merits of the appeal whether it should be remanded to the county for consideration.

(Attachment 2)

ACTION: Motion by Council member Chambers to dismiss the Richard Nielsen Appeal on Roll-Back Taxes. Hansen seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

The Council adjourned from the Board of Equalization.

PENDING ACTION

- Update - Historical Courthouse Restoration** - Newel Daines reported that the lower level is painted and ready for carpet to be laid. The color scheme has been chosen and completion of the building will be April or May 2005. The Council will tour the building at 4:30 p.m. on February 8, 2005, prior to the County Council meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Final Plat Approval - LaVon McBride Minor Subdivision** - A 3-lot minor subdivision located in the Agricultural Zone on 2.31 acres located at 3197 North 3200 West, Benson.

(Attachment 3)

ACTION: Motion by Council member Hansen to waive the rules and approve the Final Plat for the LaVon McBride Minor Subdivision. Chambers seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Resolution No. 2005-01 - Authorizing Executive to Execute Agreement and Warranty Deed - 170 North Main Building (BRAG)**

(Attachment 4)

ACTION: Motion by Council member Robison to waive the rules and approve Resolution No. 2005-01 - Authorizing Executive to execute Agreement and Warranty Deed - 170 North Main Building (BRAG). Chambers seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Ordinance No. 2005-01 - Amending Ordinance 2003-03 - RAPZ/ Restaurant Tax**
Petersen said the RAPZ/Restaurant Committee had met in January and gave the Council the proposal from that committee. The main changes are the addition of another function for the administrator, due date changes for proposals and final decisions, percentage allocations for categories and some superfluous language.

(Attachment 5)

ACTION: Motion by Council member Hansen to waive the rules and adopt Ordinance No. 2005-01 - Amending Ordinance 2003-03 - RAPZ/Restaurant Tax. Chambers seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

Ordinance No 2005-01: The vote was 5-0 (Gibbons & Yeates absent)

	<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

- **Discussion - Voting Precinct Boundary Changes Adding New Precincts**
Clerk Zollinger presented proposals to create eleven new voting precincts due to population growth and to re-align two precincts to create a more even distribution of voters.

Hyde Park 01 and 02	Re-aligned
Mendon	Created one new precinct
Millville	Created one new precinct
Nibley	Created one new precinct
North Logan	Created two new precincts
Providence	Created one new precinct
River Heights	Created one new precinct
Smithfield	Created two new precincts
Wellsville	Created two new precincts

ACTION: Motion by Council member Chambers to approve the re-alignment and creation of eleven new voting precincts in Cache County. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Discussion - Council District Boundary Changes** - Clerk Zollinger recommended changes in the precincts in Council Seats #1 and #2 and the North and Northeast Council Seats.

(Attachment 6)

ACTION: Motion by Council member Chambers to approve the precinct changes in County Council Seats #1 and #2 and the North and Northeast Council Seats. Hansen seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

ITEMS OF SPECIAL INTEREST

- ▶ **Parks and Recreation Master Plan Presentation - Craig Kelsey** reviewed the basis the master plan was formed on – a county profile including government structure,

schools, residents' income, employers, population growth patterns, surveys of elected officials, focus group meetings and parks and recreation resources provided already in the county. These were compared to nationally established standards to create the master plan. The main recommendation is for the county to be a facilitator of parks and recreation. A committee is recommended that would look for possibilities of joint park and recreation ventures in the county. The common concern in all surveys, focus groups, etc. is the desire for a county-wide trail system. Other recommendations of the plan are to have the county become a clearinghouse for parks and recreation information – to include summer recreation employment – Cache County should encourage Logan City Parks and Recreation to serve as the primary training site for officials, referees, etc., the creation of a county trails and study committee and a yearly summit meeting with these and other recommended committees and, finally, some ideas for funding.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Discussion - Willow Park Deficit** - Lemon said he had met with the Willow Park Committee. Lemon believes the deficit was created because when a budget was submitted, Logan City would agree to the submitted budget. Then the proposed budget would come to the County Council. The Council would say, "No, this is what we will commit to," and propose a lower figure. The budget would be returned to Logan City and Logan City would say they would only pay as much as the county, but the numbers on the budget would not be changed to reflect the new figures. To make up the approximate \$264,000 deficit Logan City proposes that Cache County pay the \$36,000 and \$24,000 differences for the last two years (the difference between what the county said it would pay and what was originally requested and spent) and then split the remaining deficit equally.
- **Discussion - Response to Air Quality Initiatives** - Attorney Daines reported on the recent "yellow" and "red" days in the county. Resident response, i.e., reducing driving, was good. Daines said he will have a paper charting the inversion to present to the Council at the next Council meeting.
- **Discussion - Murray Farm Road Dedication - Brent Parker** said this property sits in the southwest corner of Wellsville on the Rattlesnake Trail and the property owners wish to deed the existing road to the county because of recent land sales to the forest service and the owners' desire to be free of liability for the road. Wellsville City uses the road for access to their water tank, but the road is not annexed into Wellsville so the city cannot take ownership of it. Daines recommended the Council have the Road Department make an assessment of the road concerning maintenance and responsibility before making a decision. Petersen said this item will be on the February 8, 2005, Council meeting agenda.
- **Letter of Understanding - Cache Mosquito Abatement District** - Lemon said that the newly formed Cache Mosquito Abatement District has no operating funds for start-up expenses, etc. until property tax is collected for 2005. This letter states the amount the county will loan to the abatement district as well as the repayment date and rate of interest.

(Attachment 7)

Cache County Council
01-25-05

ACTION: Motion by Council member Chambers to waive the rules and approve the Letter of Understanding - Cache Mosquito Abatement District. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

COUNTY INITIATIVES

- **2005 County Council Member Goals** - Petersen asked the Council to be prepared to list and discuss what each council member considers the most important issues to be accomplished this year.

OTHER BUSINESS

- ✓ **2005 Board/Committee Assignments for Council Members** - Petersen indicated some changes will be necessary temporarily as Gibbons recovers from surgery, other changes will be necessitated by Cook's pending resignation and replacement.
- ✓ **Quality Growth Commission Grant Money - Mark Teuscher** said there is presently grant money available for planning and Teuscher asked the Council to approve his request to apply for this grant money for the second phase of the Transfer of Development Rights (TDR). February 4, 2005, is the filing deadline. Daines, Petersen and other Council members asked if this grant money could be used to help with the development of a trail system in Cache County. Teuscher will obtain the information necessary so the Council can make a decision about the grant money request.

COUNCIL MEMBER REPORTS

Chambers expressed appreciation to the Council for their attendance at the Eccles Ice Center on January 15, 2005.

ADJOURNMENT

The Council meeting adjourned to Executive Session at 7:55 p.m. to discuss litigation, personnel and property acquisition matters.

The Council adjourned from Executive Session at 8:36 p.m.

ATTEST: Jill N. Zollinger

APPROVAL: H. Craig Petersen