

# **CACHE COUNTY COUNCIL MEETING**

## **February 08, 2005**

The Cache County Council convened in a regular session on February 08, 2005, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

### **ATTENDANCE:**

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

**The following individuals were also in attendance:** Ralph Binns, Attorney George Daines, Newel Daines, Darrel Erickson, Sharon L. Hoth, Pat Parker, Joel Merritt, Tami Merritt **Media:** Adam Benson (Herald Journal), Erin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

### **CALL TO ORDER**

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

**Council member Gibbons attended the meeting via speaker phone.**

### **OPENING REMARKS**

The opening remarks were given by John Hansen.

### **PLEDGE OF ALLEGIANCE**

Chairman Petersen lead those present in the Pledge of Allegiance.

### **REVIEW AND APPROVAL OF AGENDA**

**The agenda was approved with Item 12a, Ordinance No. 2005-02 - Voting Precinct Boundary Changes Adding New Precincts, and Item 12b, Ordinance No. 2005-03 - County Council District Boundary Changes, moved to the February 22, 2005, Council meeting agenda.**

### **REVIEW AND APPROVAL OF MINUTES**

**The minutes of the January 25, 2005, Council meeting were approved as written.**

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** J. Clair Ellis Cache County Planning and Zoning Commission

**ACTION: Motion by Council member Yeates to approve the recommended appointment. Robison seconded the motion. The vote was unanimous, 6-0, Cook absent.**

**WARRANTS:** The warrants for the periods 12-01-2004, 12-03-2004 to 12-04-2004, 12-07-2004, 12-23-2004 to 12-31-2004, 01-01-2005 to 01-06-2005, 01-07-2005 to 01-13-2005 and 01-14-2005 to 01-20-2005 were given to the Clerk for filing.

**OTHER ITEMS**

- **Nibley Annexation - Ervin Anderson Subdivision - Planning Commission Letter** - Lemon reminded the Council of the request by the Planning Commission for a letter of protest from the Council on this subdivision. Lemon said the county has received a letter from Nibley City indicating they have accepted the annexation petition and the annex will be granted unless the county files a protest with the Boundary Commission before March 14, 2005. The Council asked what the basis is for the Planning Commission's request. Lemon indicated the following as areas of concern: Increased commercial development along the highway, negative impacts on surrounding agricultural uses, increasing urban sprawl along the south transportation corridor, the annexation goes against the preservation plan for the transportation corridor and this will extend Nibley's boundaries across the highway to the west. Hansen suggested the Council authorize Lemon to draft a letter of protest to send to the Boundary Commission. Petersen directed Lemon to draft the letter and asked this item be placed on the Council's agenda for the February 22, 2005, Council meeting.
- **H.J.R.-12 - Resolution Eliminating Property Tax on Personal Property** - Lemon said, if passed, this would raise the locally assessed real estate tax by 35%. This generally helps large centrally assessed properties and hurts small business and residential properties.

**ACTION: Motion by Council member Yeates stating the Cache County Council's opposition to H.J.R.-12 - Resolution Eliminating Property Tax on Personal Property. Chambers seconded the motion. The vote was unanimous, 6-0, Cook absent.**

- **CMPO Executive Summary of Long-Range Plan** - Lemon said this lists the projects the CMPO will be prioritizing. The full plan is available in the Executive's office if the Council would like to review it.
- **County Officials' Day at the Legislature - February 4, 2005** - Lemon provided the Council a tracking sheet showing UAC's position on various bills before the Legislature. Lemon asked the Council's support on those bills deemed as beneficial to Cache County.

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**PUBLIC HEARING SET:** Executive Lemon set the following: FEBRUARY 22, 2005 AT 5:15 P.M. - CDBG 2<sup>ND</sup> PUBLIC HEARING.

**COMMITTEE REPORTS**

- ★ **Road Committee Report - Cory Yeates** reported the U.S. Forest Service District Ranger from Ogden had met with Lemon, Attorney Daines and Larry Brunson concerning roads in the south area of the county. Lemon said the Forest Service would like a letter from Cache County supporting the Forest Service's recommended road plan by March 31, 2005. Yeates said, of the more than fifty original roads studied, there are about nine or ten roads left to be resolved.
  
- ★ **Airport Report - Brian Chambers** said the instrument landing system will not be available until fall of 2006. Bill Francis has been the acting airport manager for many years and a new full-time airport manager will be hired to begin next year. Chambers recommended recognizing the tremendous volunteer effort of Ann Skanchy on the Airport Board.

**ITEMS OF SPECIAL INTEREST**

- ▶ **Employee of the Month Award** was presented by Jim Smith to Joel Merritt, Weed Control Officer in the Cache County Weed Department.
  
- ▶ **Utah Festival Opera Report - Ralph Binns, Chairman** reported that ticket sales increased by 10% and 24,122 patrons attended performances last season. Season subscriptions were up 149 and over 6,000 motel rooms were booked during the 5-week festival period in July and August. The Opera by Children education outreach program continues to grow. Approximately 1/3 of the \$2 million operating budget is met by ticket sales and this percentage is at the top level for opera companies in America. Binns expressed appreciation for the RAPZ tax and the Council's support of the UFOC.

**Council member Cook arrived at the meeting via speaker phone.**

**BUDGETARY MATTERS**

- ◆ **Intra-Departmental Transfers**
  - Voca Transfer of \$26,700.00 from Salaries to Temporary Employees to appropriately classify part time employees.
  
  - Emergency Management Transfer of \$4,300.00 from Telephone to Education & Training-NETC Grant to purchase eleven air fare tickets for FEMA training. To be reimbursed by NETC Grant.

**(Attachment 1)**

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**ACTION: Motion by Council member Robison to approve the Intra-Departmental transfers of \$26,700.00 and \$4,300.00. Yeates seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- Update-Historical Courthouse Restoration Project** - Petersen invited the Council members to report on their tour of the project prior to the Council meeting. The drywall is in, most of the electrical is done, the door frames are beautiful and the main floor painting is done.
- Update-Disposition of County Properties** - Attorney Daines said the county has been meeting with the Downtown Alliance for over two years. The Alliance has been aware the county is interested in selling the southwest and northwest corners of the County Building block. Workforce Services is very interested in building on one of the corners. The Logan Downtown Alliance has expressed some concerns about the county's sale plans. Daines also indicated the county has a buyer interested in the small parcel west of the Needham rental building on 100 North. Daines recommended a public meeting be held to discuss the county's disposition of properties.

**ACTION: Motion by Council member Yeates to amend the agenda and SET A PUBLIC HEARING FOR FEBRUARY 22, 2005 AT 6:30 P.M. TO RECEIVE PUBLIC INPUT ON COUNTY DISPOSITION OF PROPERTIES. Chambers seconded the motion. The vote was unanimous, 7-0.**

- Discussion - Air Quality - George Daines** reported on the Board of Health's revisions to air quality warnings. The warmer inversions this year have created a different circumstance in the level of particulates in the air. A yellow day will not always be followed by a red day. Studies indicate indoor air is safer during a red day. Bus rider ship was up 28% on the county's first red day alert. Daines hopes this is an indication of public support for the Board of Health's air quality plan.
- 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; awarding and confirming sale of the notes; entering into certain covenants and making certain representations in connection therewith; approving the form of the notes; and related matters**

(Attachment 2)

**ACTION: Motion by Council member Gibbons to waive the rules and approve 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; awarding and confirming sale of the notes; entering into certain covenants and making certain representations in connection therewith; approving the form of the notes; and related matters. Cook seconded the motion. The vote was unanimous, 7-0.**

- **Discussion - Willow Park Deficit** - Petersen invited Council member Cook to review the progress with Logan City. Cook, Gibbons and Yeates indicated Logan City has agreed proper procedures were not followed, yet Logan City Council wants Cache County to pay \$60,000 (\$36,000 and \$24,000 for the last two years, respectively) and Logan City wants Cache County to share the remaining \$204,000 equally with Logan City for a total of \$162,000 from Cache County. Cook feels progress has stalled and recommended a meeting with the Logan City Council. Petersen said the Willow Park deficit will be the main item on the agenda for the March 29, 2005, fifth Tuesday meeting between the Cache County Council and the Logan City Council. Cache County will be host.

### **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2005-03 - Murray Farm Road Dedication** - Yeates explained that approximately 600 acres were donated to the U.S. Forest Service and it is desired that Cache County take responsibility for the road. There will be minimal impact on the Cache County Road Department by having this road deeded to the county.

(Attachment 3)

**ACTION: Motion by Council member Cook to waive the rules and approve Resolution No. 2005-03 - A Resolution for Cache County to Accept the Dedication of the Murray Farm Road as a County Road. Yeates seconded the motion. The vote was unanimous, 7-0.**

### **COUNTY INITIATIVES**

- **2005 County Council Member Goals** - Petersen asked Council members to list priority goals for the coming year.
  - Gibbons** - Willow Park deficit  
Trails/RAPZ proposal  
Open Space and AG Protection Committee
  - Hansen** - Open Space and AG Protection Committee  
Trails  
County Justice Court system - to generate revenue
  - Robison** - Trails - Wellsville/Mendon study group  
Summer Recreation Programs
  - Yeates** - Roads  
Willow Park deficit  
Wording in the general plan - more specific regarding major subdivisions
  - Chambers** - Trails  
Senior citizen needs - future growth in senior population

- Cook -** Translator - High definition TV  
Planning and Zoning - residential subdivisions
- Lemon -** Library long-term plan  
Willow Park deficit  
Trails plan  
Does the county want to be involved in recreation plan?
- Petersen -** Air quality, especially emission testing  
Reduce taxes  
Subdivision Ordinance and comprehensive plan  
Open Space and Agricultural Protection Committee  
Trails and RAPZ Tax  
County Website

Petersen handed out a copy of Cache County Parks and Recreation Master Plan - January 2005, and asked the Council to support implementation of #3 - Establish a Trails Planning and Development Committee and #5 - Provide Summer Programs by the formation of a committee to study summer programs. The Council voiced support for these two items. Lemon said the CMPO and BRAG both have trail plans and the county should coordinate with them, where possible.

**(Attachment 4)**

Daines responded to the Council's concerns about major subdivisions by telling them he has submitted an amendment for a new residential zone and an amendment to the AG zone. Daines said the Planning Commission will hold a public meeting in March for input on these amendments. Daines said the Planning Commission considered a minor amendment to permit a Sportsman's Kennel and wants a public hearing scheduled for this amendment. The Commission also recommends allowing a waiver of the survey requirement for minor boundary adjustments with approval from the County Surveyor and County Recorder. Daines reported on pending litigation in the county concerning the condition of the floors in the new jail. A professional evaluation of the floors is needed and Daines estimates this will cost about \$5,000. The plaintiff in the McFadden case has reduced his claims. Daines also said Hyrum City wishes to contract with the Cache County Attorney's office to provide staff for prosecution efforts for Hyrum City. Petersen said he could support this if it is absolutely clear the county will not spend additional money for these services.

**OTHER BUSINESS**

- ✓ **2005 Board/Committee Assignments for Council Members** - Minor changes were made to assignments for 2005 - Gibbons to replace Cook as Planning and Zoning Council Liaison; Don Briel to replace Cook on IT Committee; Petersen to replace Cook on TV Translator Committee.

**(Attachment 5)**

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**COUNCIL MEMBER REPORTS**

**Hansen** asked if the Cinnamon Creek Road is one of the roads being reviewed by the Roads Committee. Yeates responded it is. If the Ant Flat Road has adequate access to the Federal portion of the property as the Cinnamon Creek Road, the county may vacate rights to the Cinnamon Creek Road.

**Robison** commented that in conjunction with the Downtown Alliance meetings, Roger Jones, BRAG, has been very supportive of the County's position on possible sale of county properties.

**Yeates** asked if some changes in the lane painting could be considered on Hwy 30 at the boat launch west of the bridge to maintain better traffic flow. Yeates reported on his recent trip to Maryland on county business and asked if the disaster reciprocal services agreement with the Cache County Board of Health had been signed. Daines said the Health Department has approved it and proceeded to execute it.

**ADJOURNMENT**

The Council meeting adjourned at 7:30 p.m.

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**ATTEST:** Jill N. Zollinger

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**APPROVAL:** H. Craig Petersen