

CACHE COUNTY COUNCIL MEETING

February 22, 2005

The Cache County Council convened in a regular session on February 22, 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: Gary Adams, Marianne Anderson, Robert Barlow, Spero Bavelas, Brad Bearson, Paul Berntson, Wally Bloss, Steven Bower, Reed Bullen, Jr. , John Coppin, Attorney George Daines, Kim Datwyler, Sevy Edmiston, Sandy Emile, Barbara Fjeldsted, Kristan Fjeldsted, Mark Fjeldsted, Russ Fjeldsted, Karla Gibbons, Gary Griffin, John Harder, Lanny Herron, Lynn Hicken, Steve Hicken, Julie Hollist, Sharon L. Hoth, Destiny Iorg, Tom Jensen, Curtis Knight, Ben Larsen, Nevin Limburg, Paula Limburg, Bob Marcolese, Sue Marcolese, John Michaelson, Andrew Morse, Claude Morse, Christie Needham, Gene Needham, IV, Jerilyn Needham, Joseph Needham, Dave Nielsen, Terry Oliver, Herm Olsen, Pat Parker, Tami Pyfer, Darin Roberts, Dave Smith, Bryon Smith, Auditor Tamra Stones, Jason E. Tuttle, Terry Warner, Martha West, Christian Wilson, James H. Wilson, Randy Wirth, Ryan Yonk **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.

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 Item 10d., **Public Hearing-Rezone of 43.66 Acres in the Forest Recreation (FR-40) to Agricultural (A) Zone - 11700 South on Liberty road, South of Avon, removed because research indicates the property is already in the agricultural zone.**

REVIEW AND APPROVAL OF MINUTES

The minutes of the February 08, 2005, Council meeting were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS:	Brian T. Larsen	Cache County Deputy Sheriff
	Andrew L. Barnes	Cache County Deputy Sheriff
	Jed Archibald	Benson Planning District
	Jason Watterson	Benson Planning District
	Steve Chambers	Cache County Weed Board
	Mike Ralphs	Cache County Weed Board
	Tom Bailey	Cache County Weed Board
	Mike Spackman	Cache County Weed Board
	D. Rick Johnson (UDOT Rep.)	Cache County Weed Board

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

WARRANTS: The warrants for the periods 12-14-2004 and 01-28-2005 to 02-03-2005 were given to the Clerk for filing.

OTHER ITEMS

- **Legislative Update** - Lemon gave Council members a handout noting the status of several bills before the legislature. Lemon said Senator Hillyard indicated that Cache County will probably receive from the appropriations/budget package the full 70% for jail reimbursement and 100% for jail contracting. Gibbons said Representative Buttar has asked for a letter from the Council stating their support of HB 152 - County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act.

ACTION: Motion by Council member Hansen to authorize a letter from the Cache County Council in support of HB 152 - County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act- with the stipulation that this would have to be approved in a General Election. Chambers seconded the motion. The motion passed, 4 aye - Hansen, Chambers, Robison & Petersen, 3 nay - Yeates, Cook & Gibbons.

- **Zions' Refunding Option** - On February 10, 2005, Lemon received a refunding option from Zions'. The County can refund one time prior to 2012. On the tenth there was a savings of about \$290,000. The savings as of this date is now \$160,000. The process takes about six weeks and Lemon will keep the Council informed about possible savings.
- **Forest Service Proposal** - Lemon distributed excerpts pertinent to Cache County to the Council. The major item is the travel plan update. Lemon said a proposal concerning the travel plan must be presented to the Forest Service before the end of March, 2005.
- **Cloud Seeding** - Lemon said Cache County is 120% of normal and recommends continuing the cloud seeding through the end of the contract year for 2005.

Cache County Council
02-22-05

- **Logan and Cache School Districts Thank-you Letter** to Cache County Road Department for the tremendous job of snow removal during the recent heavy storms.
- **SECOND CDBG PUBLIC HEARING** - FEBRUARY 22, 2005 AT 5:15 P.M. - Executive Lemon opened the second public hearing for the CDBG program. Lemon stated that this hearing is being called to allow all citizens to provide input concerning the project which was awarded under the 2005 Community Development Block Grant Program. Cache County has amended its capital investment plan and decided to apply for funds on behalf of Neighborhood Non-Profit Housing, 95 Golf Course Road, Logan, Utah. The Executive introduced Kim Datwyler of Neighborhood Non-Profit Housing and explained that the application was successful in the regional rating and ranking process and Neighborhood Non-Profit Housing was awarded \$75,000. Datwyler explained the project to those in attendance. Lemon then asked for any comments, questions and concerns from the audience. There were no comments and the hearing was adjourned at 5:20 p.m.

ITEMS OF SPECIAL INTEREST

- ▶ **Cache Valley Center for the Arts - Wally Bloss, Director** - Bloss noted that during the most recent quarter the average attendance at performances was 920 people. A better calendaring system has been instituted and improvements are being made in signage and information sharing. The ticket office hours have been extended to 5:30 p.m. The ticket office will also be selling tickets for the Caine Lyric Theater summer season and the USU Theater campus presentations. Funding from the Cache County Council is appreciated. The 2004 County total investment calculates to about \$.90 per person who uses the facility.
- ▶ **Chamber of Commerce Economic Development Report - Sandy Emile** reported that the Cache Valley Initiative is in the fourth year of a 5-year plan and reviewed progress with the Corridor Access Committee, the Cache Land Preservation Alliance, the Airport Development Task Force and Telecommunications.
- ▶ **New Victim Advocate, Terry Warner**, was introduced to the Council by Attorney George Daines. Warner said their department has received a \$33,000 grant for a prosecutor for crimes against women. Warner has submitted a proposal for a grant for a Juvenile Court prosecutor. Juvenile prosecutions have risen from 21 in 1998 to 3,029 in 2004. Warner is also working on a grant for a drug court.

PUBLIC HEARING SET: MARCH 08, 2005 - 6:00 P.M. - OPEN 2005 BUDGET.

ACTION: Motion by Council member Yeates to set a Public Hearing for March 08, 2005 at 6:00 p.m. to Open the 2005 Budget. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: MARCH 22, 2005 - 6:00 P.M. - AMENDING CACHE COUNTY ZONING ORDINANCE, CHAPTER 17.07 (SPORTSMAN KENNEL) AND CHAPTER 17.08 (SCHEDULE OF ZONING USES).

Cache County Council
02-22-05

ACTION: Motion by Council member Yeates to set a Public Hearing for March 22, 2005 at 6:00 p.m. for Amending Cache County Zoning Ordinance, Chapter 17.07 (Sportsman Kennel) and Chapter 17.08 (Schedule of Zoning Uses). Robison seconded the motion. The motion passed, 6 aye - Hansen, Chambers, Robison, Yeates, Petersen & Gibbons, 1 nay - Cook.

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

Petersen asked Mark Teuscher to explain the need for this amendment. Teuscher said there is no set back for signs in the present ordinance and the Planning Commission proposes a minimum set back standard of one foot back from the property line or the right-of-way.

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

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

PENDING ACTION

- Update - Historical Courthouse Restoration Project** - Lemon said the county offices to be housed in the Courthouse project will be moving by the end of June and be in by the first of July. Bidding for the landscaping will be under way as soon as possible.
- Ordinance No. 2005-02 - Voting Precinct Boundary Changes Adding New Precincts** was deferred.
- Ordinance No. 2005-03 - County Council District Boundary Changes** was deferred.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Discussion - Letter of Protest of Proposed Nibley City Annexation** - Lemon presented a draft of the letter to the Council. Lemon outlined in the letter the reasons the Cache County Planning Commission stated:
 1. Increasing commercial development along the highway.
 2. Negative impacts on surrounding agricultural uses.
 3. Increasing urban sprawl along the south US 89/91 transportation corridor.
 4. The commercial development goes against the preservation plan for the US 89/91 transportation corridor.
 5. Overall poor planning decision to annex two parcels of an existing subdivision with residential and agriculture surrounding proposed parcels.

Council members reviewed the location of the proposed annexation and confirmed this was surrounded by unincorporated land. Petersen invited one of the property owners of the two parcels, Curtis Knight, to speak.

Council member Yeates left the meeting.

Cache County Council
02-22-05

Knight said he and the other property owner have requested annexation by Nibley City. Knight proposes building a 20,000 square feet feed store on his property. Knight has been in touch with UDOT concerning access from the highway.

ACTION: Motion by Council member Gibbons to waive the rules and approve submitting the letter of protest to the Boundary Commission. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING: TO RECEIVE PUBLIC INPUT ON PROPOSED DEVELOPMENT ON CACHE COUNTY GOVERNMENT BLOCK - FEBRUARY 22, 2005-6:30 P.M.

Petersen opened the Public Hearing and asked Attorney Daines to present the County's proposal. Daines reviewed the history of the block from 2001 up to the present time including Cache County's proposed development of the block and discussions with property owners and Logan City. Architect Christian Wilson gave a video presentation of Workforce Services' design proposal for development of the southwest corner. Petersen asked for public comment.

Auditor Stones read a letter signed by twenty county employees and/or elected officials asking that the northwest corner be held in reserve by the county for future county needs.

Attorney Brad Beamson, representing Tony Rudman, a property owner on 100 North, spoke in support of retail properties being developed on the southwest corner instead of Workforce Services. Rudman has expressed interest in developing a movie theater on the property in question.

Brian Smith suggested the more individuals participating in the decision on the property, the better.

Gary Adams, Administrative Services Director of Workforce Services, said his office has a mandate to combine services now located in different locations in Logan and expressed a desire to keep Workforce Services in the Logan downtown area. Adams said either the southwest or northwest corner of the county property will work for their building.

Architect Tom Jensen spoke in support of Workforce Services being located on the southwest or northwest corner of the county property and said a state office building has been part of the plan for the county block.

Gene Needham, IV said he prefers the northwest corner for the Workforce Services building.

Dave Nielsen suggested putting parking underground on the county block and encouraging retail development above the parking. Daines indicated the water table is too high on the county block to allow this.

Nevin Limburg reminded those present that all of the county block, excluding the Courthouse, is in the downtown Redevelopment Area.

Council member Gibbons left the meeting.

Mark Fjeldsted said he thought the northwest corner would be a better location for the Workforce Services proposed building.

Tami Pyfer said she had always been aware of the county's intention to develop the northwest and southwest corners and that a state building had been part of the plan. Pyfer supports the Workforce Services proposal.

Joseph Needham spoke in support of retail development on the county block and asked that if Workforce Services builds on one corner, the other corner be devoted to retail.

Lynn Hicken spoke in favor of retail development on both corners of the property. Hicken suggested Workforce Service could use other property they own in Logan for their proposed building.

Dave Smith said he supports Workforce Services proposal and thinks a mix of government and retail buildings is good.

Martha West spoke in praise of downtown Logan and hoped its character would not be lost.

Randy Wirth suggested waiting for additional proposals before making a decision on the county property.

John Michaelson said his patrons at Logan House Bed and Breakfast would like more restaurants and other visitor friendly facilities within walking distance.

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2005-04 - Authorizing Executive to Execute Agreement with State of Utah, Workforce Services for the Purchase and Development of 100 North 100 West, Logan, Utah** - Chairman Petersen opened the discussion on the disposition of county property to the Council. Council member Cook said he can appreciate the desires of local business people for retail development and revitalization in the area, but said the market has not spoken well for retail in the downtown area. Cook said the county has had an open process as evidenced by proposals for county block development from other interested parties. Robison said she likes the idea of having the open parking area in the center of the block with trees and a sidewalk as a possible location for Summerfest in the future. Chambers suggested the county wait for a while to see if more proposals will be received. Petersen said the Council was pleased with the county development on the block so far. Petersen read a substitute to the resolution on the agenda outlining the method the county would use for the sale of the property on the county block.

(Attachment 1)

Cache County Council
02-22-05

ACTION: Motion by Council member Chambers to waive the rules and adopt the substitute Resolution No. 2005-04 - A Resolution Approving the Method for Sale of Real Property Located at 100 North 100 West, Logan, Utah. Cook seconded the motion. The vote was unanimous, 5-0. Yeates & Gibbons absent.

COUNCIL MEMBER REPORTS

John Hansen said Paradise City had asked him if the County Road Department could plow the Avon/Paradise cemetery sometimes. Lemon said he will check with the Road Department and let Hansen know.

Brian Chambers asked what the status was of the new deputy over finance position. Lemon responded the job description has been developed and it will probably be advertised by the end of March.

Kathy Robison said the Water Policy Advisory Board will hold a joint educational meeting for all water users at or around March 15, 2005.

Paul Cook expressed his esteem for each Council member and his gratitude for their professional conduct during his time on the Council. Cook said this is the last meeting he will be attending as he is moving to Sandpoint, Idaho. Petersen said Cook will be missed a great deal. Hansen asked what the status of Cook's replacement is. Lemon said the Republican party will hold a Central Committee meeting on March 1, 2005, and will submit three names from that meeting to the County Council. The Council will then select a replacement for Cook from those names. Petersen anticipates announcing the new Council member at the March 08, 2005, Council meeting. Petersen said the Council wants to hold a social as a farewell party for Cook and a welcome for the new Council member. Cook will inform Petersen if the third or fourth weekend in March will work for the social as soon as he knows his availability on those dates.

ADJOURNMENT

The Council meeting adjourned at 8:33 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman