

# **CACHE COUNTY COUNCIL MEETING**

## **March 22, 2005**

The Cache County Council convened in a regular session on March 22, 2005, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

### **ATTENDANCE:**

**Chairman:** H. Craig Petersen

**Vice Chairman:** **Cory Yeates, absent.**

**Council Members:** Brian Chambers, Darrel Gibbons, John Hansen, Kathy Robison, Gordon Zilles.

**County Executive:** M. Lynn Lemon

**County Clerk:** Jill N. Zollinger

**The following individuals were also in attendance:** Brad H. Bearnson, Laurie Bradshaw, Don Briel, Glen Busch, Brett Daniels, Scott Ericson, Lorene Greenhalgh, Nolan Gunnell, Pam Gunnell, Dale Hill, Sharon L. Hoth, Clark Israelsen, Marsha Israelsen, Victor M. Israelsen, Gail Jensen, Louise A. Jensen, Tom Jensen, Valerie B. Larsen, Robert Lundskog, Jason Matson, John Matson, Joe Needham, Kristine Needham, Dave Nielsen, Brian Olsen, Cindy Olsen, Dean Olsen, Delores Olsen, Devin Olsen, Hal Olsen, Jami Olsen, Jessica Olsen, Tia Olsen, Joleen Olson, Pat Parker, Susan Parker, Jerry Skidmore, Steven Sorensen, Laraine Swenson, Ron Vance, Lila Winn, **Media:** Adam Benson (Herald Journal), Jennie Christensen (KVNU), Erin 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 Gordon Zilles.

### **PLEDGE OF ALLEGIANCE**

Chairman Petersen lead those present in the Pledge of Allegiance.

**Chairman Petersen introduced Gordon Zilles as the new Council member representing the Southeast Council District and reported that Zilles' committee assignments will be the AG Advisory Board, the Fire Board and the Library Board.**

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

The agenda was approved as written.

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

The minutes of the March 08, 2005, Council meeting were approved as corrected.

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

**APPOINTMENTS:**

Michael J. Hopkins

Cache County Deputy Sheriff

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

**WARRANTS:** There were none.

**OTHER ITEMS**

- **Cemetery Special District Re-appointments** will have to be made after the process of advertising, etc. has been completed. Lemon said there have been several changes to the Special District laws and he has begun the process of contacting the cemetery districts in the county and will keep the Council apprised as the process continues.
- **Legislative Update** - Lemon distributed a tracking sheet to the Council that indicated various House and Senate bills and their final status.
- **Ritewood Eggs** - Lemon reported to the Council that several citizens had called his office asking to meet with the County Council concerning the recent sewage spill from Ritewood into the Cub River. Lemon said he told the callers the county was waiting for reports from the Division of Environmental Quality and the Division of Water Quality. Lemon and Gibbons visited the site and met with the manager of Ritewood. The problem has been corrected.
- **Sales Tax Comparison Sheet** was distributed to the Council. Lemon noted that the sales tax, transient room tax and the restaurant tax are all up.
- **Cloud Seeding NRCS Report** indicates we are at 102% and 106% for snow/water total precipitation. Cloud seeding is continuing through March.
- **Medical Staff at the County Jail** - Lemon said he has received a memo from Sheriff Nelson concerning medical staff at the jail and Lemon has asked Nelson to do a presentation at the next Council meeting regarding this subject.
- **UAC Management Conference** - County Council/Commissioner segments are Thursday afternoon, April 21, 2005, and Friday morning, April 22, 2005.

**COMMITTEE REPORTS**

- ★ **IT Update - Don Briel** reviewed with the Council progress on the IT Initiatives No. 3 and No. 4 noting the following:
  - The Cache County web site is improving.
  - Microsoft Office standard will progress slowly with training beginning soon and full conversion within five years.
  - GroupWise conversion with a rollout in early summer and an anticipated high



**ACTION: Motion by Council member Gibbons to approve the Intra-Departmental Transfer of \$3,000. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

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

**THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION**

- ◆ **Property Tax Hardship Request** - Tamra N. Weston (Errington) & Gregory T. Brooks  
Executive Lemon said if Weston (Errington) had applied for exemption in 2000 and 2001, the county would have granted a 50% hardship exemption. Lemon recommended waiving interest and penalties if the back taxes of \$2,675.43 are paid in full by December 31, 2005.

**(Attachment 3)**

**ACTION: Motion by Council member Gibbons to accept the recommendation of Executive Lemon and waive the penalties and interest for Tamra N. Weston (Errington) & Gregory T. Brooks in the amount of \$697.56 if tax payment of \$2,675.43 is made in full by December 31, 2005. If unable to comply, recommend full reinstatement of taxes, penalties, & interest and property will be placed on tax sale for the next calendar year. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- ◆ **Mobile Home Value Appeal** - Victoria M. Munoz - Executive Lemon recommended accepting the purchase price of \$34,000 as equalized value.

**(Attachment 4)**

**ACTION: Motion by Council member Gibbons to approve the recommendation of Executive Lemon to accept the 2005 Market value of \$34,000 for the 2005 tax year. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

**THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.**

**PENDING ACTION**

- **Ordinance No. 2005-02 - Voting Precinct Boundary Changes Adding New Precincts**  
The re-alignment and creation of eleven new voting precincts in Cache County was approved at the January 25, 2005, Council meeting.

**(Attachment 5)**

**ACTION: Motion by Council member Gibbons to waive the rules and adopt Ordinance No. 2005-02 - Voting Precinct Boundary Changes Adding New Precincts. Hansen seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

**Ordinance No 2005-02:** The vote was 6-0 (Yeates absent)

	CHAMBERS	ZILLES	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X	X	X	X	X		6
NAY								0
ABSTAINED								0
ABSENT							X	1

**Ordinance No. 2005-03 - County Council District Boundary Changes**

Precinct changes approved at the January 25, 2005, Council meeting are as follows: The **North Seat** (Gibbons) is comprised of Amalga, Benson, Clarkston, Cornish, Cove, Lewiston, Newton, Richmond, Trenton and Smithfield 01, 02, 03, 06 & 07 precincts.

The **Northeast Seat** (Chambers) is comprised of Hyde Park, North Logan and Smithfield 04 & 05 precincts.

Logan Precinct No. 16 was taken out of **Logan Seat 2** (Robison) and placed in **Logan Seat 1** (Yeates).

(Attachment 6)

**ACTION: Motion by Council member Hansen to waive the rules and adopt Ordinance No. 2005-03 - County Council District Boundary Changes. Chambers seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

**Ordinance No 2005-03:** The vote was 6-0 (Yeates absent)

	CHAMBERS	ZILLES	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X	x	X	X	X		6
NAY								0
ABSTAINED								0
ABSENT							X	1

**Resolution No. 2005-05 - Adjustments to 2005 Budget**

Auditor Stones said Executive Lemon had recommended removing the \$10,000 loan to the Cache Mosquito Abatement District and substituting a property tax advance for \$10,000 in lieu of the loan. The abatement district will be charged the same interest as Cache County is paying on tax anticipation notes.

(Attachment 7)

**ACTION: Motion by Council member Gibbons to waive the rules and approve the recommended changes to the 2005 Budget of removing the \$10,000 loan to the Cache Mosquito Abatement District and substituting a property tax advance for \$10,000 in lieu of the loan charging the abatement district the same interest as Cache County is paying on tax anticipation notes. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

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

**PUBLIC HEARING:** AMENDING CACHE COUNTY ZONING ORDINANCE, CHAPTER 17.07 (SPORTSMAN KENNEL) AND CHAPTER 17.08 (SCHEDULE OF ZONING USES)

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

**ACTION:** Motion by Council member Robison to close the Public Hearing. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Ordinance No. 2005-05 - Amending Cache County Zoning Ordinance, Section 17, Chapter 17.07 (Sportsman Kennel) and Chapter 17.08 (Schedule of Zoning Uses)**

Clerk Zollinger explained this will allow individuals who have four or more dogs, but are not running a commercial enterprise, to obtain the Sportsman Kennel License rather than be required to obtain a business license.

(Attachment 8)

**ACTION:** Motion by Council member Gibbons to waive the rules and adopt Ordinance No. 2005-05 - Amending Cache County Zoning Ordinance, Section 17, Chapter 17.07 (Sportsman Kennel) and Chapter 17.08 (Schedule of Zoning Uses).

**Ordinance No 2005-05:** The vote was 6-0 (Yeates absent)

	<u>CHAMBERS</u>	<u>ZILLES</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		6
NAY								0
ABSTAINED								0
ABSENT							X	1

- **Approval of Amendment to Subdivision - Gunnell Minor Subdivision** - An amendment to change the size and configuration of five lots into four lots.

(Attachment 9)

**ACTION:** Motion by Council member Hansen to waive the rules and accept the amendment to the Gunnell Minor Subdivision to change the size and configuration of five lots into four lots. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Approval of Amendment to Subdivision - Dennis Sorensen Minor Subdivision** - An amendment to change the size and configuration of four lots and for the relief of “restricted lot” status of Lot 5 in the Dennis Sorensen Minor Subdivision. Greenhalgh said there are two water rights that will be issued to Steven Sorensen. Steven Sorensen only has one of the lots, so when the other lot is sold, the water rights need to be transferred with it.

**(Attachment 10)**

**ACTION: Motion by Council member Gibbons to waive the rules and accept the amendment to the Dennis Sorensen Minor Subdivision to change the size and configuration of four lots and for the relief of “restricted lot” status of Lot 5 in the Dennis Sorensen Minor Subdivision. Hansen seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Approval of Letter of Comments - Ogden Ranger District Travel Plan Revisions** - Executive Lemon explained that the county had received the Revised Travel Plan for the Ogden District of the Wasatch-Cache National Forest and reviewed it and met with the Ogden District. The Roads Committee has also met with them in detail. Lemon said this letter was drafted asserting the county’s RS-2477 rights of way to keep open some roads recommended by the plan for closure.

**(Attachment 11)**

**ACTION: Motion by Council member Robison to waive the rules and approve the Letter of Comments on the Ogden Ranger District Travel Plan Revisions. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Approval of Letter - UDOT Highway 30 Realignment of 200 North to 400 North** - Lemon reported on a letter received from UDOT asking for input on the draft State Transportation Improvement Plan (STIP). Lemon said that in 2002, when the decision was made to move the law enforcement complex to its present location, one of the provisions was that the state highway was going to be realigned in a three to five-year period of time. Lemon said UDOT had taken this realignment off of the STIP because of insufficient money. The county has asked that the realignment be reconsidered and put back on the STIP. Robison said Ellis Elementary, on 300 North, will be in between two major roads – 200 North and 400 North – and expressed concerns about school crossings.

**(Attachment 12)**

**ACTION: Motion by Council member Gibbons to waive the rules and approve the letter to be forwarded to the Utah Department of Transportation. Hansen seconded the motion. The motion passed, 5 aye - Hansen, Chambers, Petersen, Zilles, Gibbons, 1 nay - Robison. Yeates absent.**

Cache County Council  
03-22-05

The Council adjourned to Executive Session at 6:11 p.m. to discuss issues of land disposition on the county block.

The Council adjourned from Executive Session at 7:30 p.m. and returned to the regular Council meeting.

#### **OTHER BUSINESS**

- ✓ **Building Committee Recommendation - County Owned Land Corner of 100 North 100 West** - Chairman Petersen announced additional information is needed before the Council can make a final recommendation on the disposition of the county block corners. Petersen said a special meeting of the County Council will be held Tuesday, March 29, 2005, at 4:45 p.m. beginning with an Executive Session and ending with a public decision on the county block corner properties.
  
- ✓ **Agenda Items for Joint Council Meeting with Logan City - March 29, 2005 - 5:30 p.m.**  
Willow Park  
County property corners disposition

#### **COUNCIL MEMBER REPORTS**

**Darrel Gibbons** said he has been contacted by citizens several times about the railroad crossing on 1700 South by Zollinger's Cold Storage and asked Joe Needham and Laraine Swenson, attending from the Logan City Council, to look into having the crossing repaired.

**Kathy Robison** attended the Water Education Meeting and indicated there are new water laws that may affect Cache County. Mayor Winn contacted Robison and asked for more countywide planning. Robison asked that as the Development Services Division is staffed, is there a way to include input from the Mayors, such as a workshop.

**Brian Chambers** is currently attending the Citizens Academy with the Sheriff's Department and is impressed with the teachers, morale and esprit de corps in the department.

**John Hansen** attended a meeting with Workforce Services and invited the Council's questions or advice on subjects relating to this area.

#### **ADJOURNMENT**

The Council meeting adjourned at 7:36 p.m.

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**ATTEST:** Jill N. Zollinger

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**APPROVAL:** H. Craig Petersen



Cache County Council  
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County Clerk

Council Chairman