

# **CACHE COUNTY COUNCIL MEETING**

## **May 24, 2005**

The Cache County Council convened in a regular session on May 24, 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, 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:** Reine Akebrand, Alex Anhder, Robert Barlow, Don Barringer, Steven Baugh, Robert L. Baxter, Paul Berntson, Joshua Christensen, Kristeen Christensen, Danny Dever, Brent H. Dickerson, Attorney George Daines, Jay Downs, Lila Geddes, Sharon L. Hoth, Rob Johnson, Jen Levy, Grant Merriam, John Merriam, Dave Nielsen, Pat Parker, Mick Pattinson, Brett Payne, Tyler Riggs, Alex Schultz, Jim Smith, Auditor Tamra Stones, Pat Terletzky, Ron Thorkildsen, Devin White, Michael White, Nolan White, **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 Darrel Gibbons.

### **PLEDGE OF ALLEGIANCE**

Chairman Petersen lead those present in the Pledge of Allegiance.

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

**The agenda was approved with the addition of an Executive Session at the close of the Council meeting to discuss litigation and personnel matters, the addition of 7b - Trails Committee - and the elimination of 13a - County Initiatives-Long Term Planning.**

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

**The minutes of the May 10, 2005, Council meeting were approved as corrected.**

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

### **APPOINTMENTS:**

Jennifer Jones

Deputy County Auditor

**ACTION; Motion by Council member Yeates to approve the recommended appointment.**

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

**WARRANTS:** The warrants for the periods 04-15-2005, 04-29-2005 to 05-05-2005, 05-06-2005 to 05-12-2005 and 05-13-2005 to 05-19-2005 were given to the Clerk for filing.

### **OTHER ITEMS**

- **Airport Authority Budget** - Lemon said an airport hangar needs to be re-roofed and there is a tentative bid of over \$10,000 which requires the Council's approval. Lemon asked for the authority to move ahead with the project.

**ACTION: Motion by Council member Gibbons to approve the request to proceed with the project to re-roof the hangar. Yeates seconded the motion. The vote was unanimous, 7-0.**

- **Statement of Confidentiality - Board of Equalization** - Executive Lemon noted the Council needs to complete and sign a statement of confidentiality as members of the Board of Equalization. This is required by Senate Bill 54 relating to commercial property and the signed document will be forwarded to the state.
- **Visit of Utah Legislature - August 1 & 2, 2005** - Lemon reported the Council is invited to attend a meeting with the legislature during this visit and if there is a particular issue the Council wants to discuss, give that information to Lemon. Some topics already requested are jurisdictional transfer of roads, jail reimbursement and jail core rate establishment.
- **George S. Eccles Ice Center Benefactors of the Year** - The Cache County Council and the RAPZ Tax Committee will be honored as Benefactors of the Year for the five-year commitment made to help the center obtain the additional infrastructure needed. The ceremony will be on the center's Founders Day celebration on June 4, 2005.

### **COMMITTEE REPORTS**

- ★ **CCEMS Report - Darrel Gibbons** stated checks to Logan City for \$348,716 and to Cache County for \$118,680 for ambulance costs for the first quarter of 2005 have been executed. The call volume is high and response times in the Hyrum and Smithfield locations are as quick as had been anticipated. Jay Downs also made positive comments about the service.
- ★ **Trails Committee - Craig Petersen** said a mission statement was developed at the last meeting. A master plan for Cache County trails is the first priority to be addressed with funding, assisting and educating as future issues.

### **ITEMS OF SPECIAL INTEREST**

- ▶ **Bear River Mental Health Annual Report - Rob Johnson** reviewed the report with the Council noting items of particular interest to the Council. The audit was delayed this

year due to Medicaid revenue information not being received in a timely manner from the state. Johnson said if Medicaid information is delayed from the state in the future, audits will proceed with Medicaid *estimates* to facilitate timeliness.

- ▶ **Mental Health Services Area Plan 2005/2006 - Dr. Mick Pattinson** presented the plan to the Council explaining some shifts in oversight responsibilities, Medicaid budget estimates and an organizational chart change.

**ACTION: Motion by Council member Gibbons to accept the Mental Health Services Area Plan for 2005/2006. Zilles seconded the motion. The vote was unanimous, 7-0.**

- ▶ **Cache Humane Society Request - Ron Thorkildsen** said the animal shelter on approximately 2300 North and Valley View Highway is almost complete and listed the advantages of a central shelter:

1. Animal control staff - one location, there are presently five separate locations where animals are to be taken.
2. Adoption
3. Finding lost pets
4. Facilities for education
5. Housing pets during domestic violence situations
6. Spay/neuter costs will be less
7. Private rather than public funding

Don Barringer, contractor for the shelter building, explained funding sources that have been used for the project and asked the Council to consider helping with gravel and delivery of gravel to the site for a turn lane required by UDOT. The original estimate was \$40,000 to \$65,000; however, additional requirements imposed by UDOT have changed that estimate to \$136,000. Approximately 3500 yards of pit run is needed to be hauled and dumped at the site. Lemon said county trucks are now being used for flooding problems and then road chipping will begin. Chairman Petersen said this item will be on the Council meeting agenda for June 14, 2005, when more information on the county's ability to help may be available.

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

**PUBLIC HEARINGS SET:** JUNE 14, 2005 - 6:00 P.M. - OPEN 2005 BUDGET AND  
JUNE 14, 2005 - 6:10 P.M. - DECLARING REAL PROPERTY SURPLUS - COUNTRY ROAD  
ESTATES, PHASE 1, LOT #50, NORTH LOGAN, UTAH.

**ACTION: Motion by Council member Yeates to set the Public Hearings for June 14, 2005-6:00 p.m.-Open 2005 Budget and June 14, 2005-6:10 p.m.-Declaring Real Property Surplus-Country Road Estates, Phase 1, Lot #50, North Logan, Utah. Robison seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET:** JUNE 28, 2005 - 6:00 P.M. - AMENDING AGRICULTURAL ZONE

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**WHEN REQUESTING URBAN DEVELOPMENT IN AGRICULTURAL ZONE - REZONE TO RESIDENTIAL ZONE**

Chairman Petersen asked Attorney Daines to explain this amendment to the Council. Daines said this is a proposal submitted to the Council from the Planning Commission with their recommendation. It would adopt Section 17.09.080 which is in addition to the Agricultural Zone. All residential subdivisions would be divided into three categories:

1. Small subdivisions - five or less lots
2. Agricultural subdivisions - each lot complies with Greenbelt (5 acres)
3. All other subdivisions

In the Agricultural zone only small or agricultural subdivisions would be allowed. Any subdivision, including 'other subdivisions', would be allowed in a residential zone. These categories would replace major and minor subdivision language. The Planning Commission recommends forwarding this to the AG Advisory Board, valley cities, etc. for public discussion. Petersen said he had received an email asking this issue NOT have public hearings for the following reasons: details of the ordinance are not complete, the AG Advisory Board has not had time to make their recommendations, and the amendment should be considered in conjunction with the subdivision ordinance which has not yet come to the Council. Petersen asked Daines to address the objections stated in the email. Daines said the text of the amendment is complete, the material was submitted to the AG Advisory Board and some feedback has been received and the subdivision ordinance does not impact this amendment. The fact the Council is conducting a public hearing doesn't mean a decision is imminent and Daines said a robust public discussion is needed prior to any decision being made. Even if the Council chooses not to accept this amendment after the public discussion, it is a worthwhile subject to bring forward and have discussed publically.

**ACTION: Motion by Council member Gibbons to set the Public Hearing for June 28, 2005 - 6:00 p.m. - Amending Agricultural Zone when requesting urban development in Agricultural Zone - Rezone to Residential Zone. Yeates seconded the motion. The vote was unanimous, 7-0.**

**THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION**

- ◆ **Personal Property Appeal** - Mobile Home-Castro - Auditor Stones said the Hearing Officers recommend accepting the purchase price of \$40,000 as this year's value.

**(Attachment 1)**

**ACTION: Motion by Council member Robison to accept the revised valuation of \$40,000 for Parcel # HT-27-1489 for 2005. Gibbons seconded the motion. The vote was unanimous, 7-0.**

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

**PENDING ACTION**

- ❑ **Update - County Block/Courthouse** - Lemon said the landscaping has been delayed and has a completion target date in August sometime. The contract has been signed for the landscaping and details as they relate to notice to proceed need to be worked out.
  
- ❑ **Approval - RAPZ/Restaurant Tax Recommendations** - Petersen asked if the Council had any questions concerning the recommendations. Chambers asked why the request from the Celebrate America Show (CAS) had not been included on the list. Petersen said the amount requested was over half the show's budget. A revised request for \$14,400 has been received from CAS. Chambers said he understood that last year the RAPZ monies were spread as far as possible and this year the committee was more concerned with deeper funding for fewer applicants, but questioned why CAS was not receiving anything. Chambers also asked about the Paradise request that was recommended for approval and the subsequent letter of protest from residents and property owners near the proposed project site. Lemon said the committee wasn't aware of the problems with the Paradise proposal. Chambers asked that proponents and opponents of the Paradise proposal be invited to attend the June 14, 2005, Council meeting with their concerns.

**(Attachment 2)**

**ACTION: Motion by Council member Yeates to accept the recommended allocations from the RAPZ/Restaurant Committee. Hansen seconded the motion.**

**ACTION: Motion by Council member Chambers to amend the main motion to approve the recommended allocations from the RAPZ/Restaurant Tax Committee with the stipulation that funding for the Paradise request be withheld until Council concerns are alleviated. Yeates seconded the motion. The vote was unanimous, 7-0.**

Discussion on the main motion.

Robison asked what was going to be done concerning the Celebrate America Show (CAS) request. Council members wondered if this would set a precedent that if an entity was not satisfied with the RAPZ/Restaurant Committee's recommendation, a letter would change the allocations. Lemon said there are some modifications each year, but some allocations, although questioned, are not changed. Chambers said he would like to see some funding given to CAS.

**ACTION: Motion by Council member Chambers to amend the main motion to approve the recommended allocations from the RAPZ/Restaurant Tax Committee with the stipulation that the Celebrate America Show revised allocation request be reconsidered at the same time the Council re-evaluates the request from Paradise. Robison seconded the motion. The vote on the amendment was 6 aye - Chambers, Robison, Yeates, Petersen, Zilles & Gibbons, 1 nay - Hansen.**

**ACTION: The vote on the main motion as amended was 6 aye - Chambers, Robison,**

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Yeates, Petersen, Zilles & Gibbons, 1 nay - Hansen.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- Discussion - Bear River Health Interlocal Agreement** - Lemon stated this authorizes him to update the agreement to continue to contract with Bear River Health to provide services.
  
- Resolution No. 2005-11 - Authorizing Executive to Execute Bear River Health Interlocal Agreement**

(Attachment 3)

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2005-11 - Authorizing Executive to Execute Bear River Health Interlocal Agreement. Zilles seconded the motion. The vote was unanimous, 7-0.**

- Discussion - North Park Soccer Park located in North Logan** - Petersen explained the proposal is that an indoor soccer arena plus two outdoor soccer fields will be built on land which the county owns and is leased under a 99-year lease to North Logan. The facility would be built with donated funds and operated under a management agreement. A motion for approval is required because Cache County owns the land. North Logan has approved the proposal. Chamber said the Eccles Ice Center would benefit from shared parking with the soccer facility. Yeates expressed the feeling that this is inappropriate use of county-owned land and would negatively impact a private business.

**ACTION: Motion by Council member Yeates to deny the request. Zilles seconded the motion.**

Discussion on the motion.

Chambers said North Logan should be asked to make a presentation to Cache County on this issue. Gibbons expressed concerns about becoming involved with the internal affairs of decisions cities are making about what to do within their municipalities. Petersen agreed. Hansen said the property was obtained by the county through a grant. Robison asked why Cache County had leased the property to North Logan originally. Lemon said the county was not using it for recreational facilities as required by the grant and leased it to North Logan to be used for recreational purposes. Petersen acknowledged that even though this is not a public meeting, he would allow Steven Baugh to speak.

Baugh stated he represents Brian Olsen, Director of Cache Valley Soccer Leagues, which has used the present privately-owned facility for seven years. Baugh said Ogden has two indoor soccer facilities and they are only up to 25% of operation and feels Cache County cannot support two such facilities and fears the privately run indoor soccer arena would be negatively impacted, possibly having to close its doors.

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Brett Payne was also allowed to speak and said the new facility will not compete because indoor soccer is a different game from outdoor soccer and the new arena would be used for training for outdoor soccer. Payne feels an indoor training facility is needed to enable Cache County teams to adequately prepare for games with teams located south of Cache County where weather makes outdoor practice feasible much earlier than in Cache County.

Robison said she would need more time and information to make a decision on this request.

**ACTION: The motion failed, 2 aye - Yeates & Zilles, 5 nay - Hansen, Chambers, Robison, Petersen & Gibbons.**

**ACTION: Motion by Council member Chambers to approve the recommendation to allow North Logan City to build the indoor/outdoor soccer facility on county property with the stipulation the county will not fund maintenance or operations with RAPZ/Restaurant Tax. Hansen seconded the motion.**

Discussion on the motion.

Zilles said he felt public property was being used for something there is no need for and Yeates reiterated feelings of inappropriateness. Attorney Daines asked questions concerning the county's control of the property if this is approved and the management agreement is executed by North Logan and the private donor building the facility. Petersen said management is the Cache Valley Soccer Academy and the management agreement states that, in the event the manager defaults, the city takes possession of the property, but the agreement does not address the county's interface with management. Daines cautioned the county probably needs a legal review of this agreement to ensure the county's interests are safeguarded.

**ACTION: Motion by Council member Yeates to table this item until the June 14, 2005, Council meeting. Robison seconded the motion. The vote was unanimous, 7-0.**

- Discussion - Agreement between Hyrum City and Cache County Attorney for services** - Attorney Daines said that some cities are approaching Cache County Attorney's office and asking them to take over some of their cities' prosecution responsibilities. The County Attorney's office will be doing prosecution on a contract basis with these cities. This will make prosecution more uniform in the county. The proceeds would flow through for additional compensation for prosecutors. There will be no county subsidy.
  
- Resolution No. 2005-12 - Authorizing Executive to Execute Agreement between Hyrum City and the County Attorney for services**

(Attachment 4)

**ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2005-12 - Authorizing Executive to Execute Agreement between Hyrum City and the County Attorney for services. Yeates seconded the motion. The vote was unanimous, 7-0.**

## **OTHER BUSINESS**

- ✓ **Joint Council Meeting with Logan City Council - May 31, 2005 - 5:30 p.m.** - Petersen said Logan City will host and asked if any topics need to be added to the following items for discussion:

1. Willow Park/Fairgrounds Interlocal Agreement - Kymber Housley
2. Downtown Development Projects - Craig Petersen
3. SDAT Update - Jay Nielson
4. Airport Infrastructure Needs Report and Recommendations - Jay Nielson & Mark Nielsen

## **COUNCIL MEMBER REPORTS**

**John Hansen** said the road from Hardware south had been graded and many people expressed appreciation. Hansen asked how the budget for roads and which roads would be improved was determined in the county. Lemon said the capital improvement project is brought

before the Council each year. The county has a five-year plan for improvements. Of course, there are always requests for more improvements than there is budget to cover.

**Brian Chambers** reminded the Council of the awards program at the Ice Center on June 4, 2005, at approximately 12:00 noon and urged attendance.

**Kathy Robison** has been serving on the Homeless Task Force for BRAG. A ten-year plan is being developed to eradicate homelessness in Cache County and will be presented sometime between August and October.

**Cory Yeates** said an underpass/overpass for ATV's at the summit in Logan Canyon is being discussed with BRAG and the county may be asked to help with funding.

**Gordon Zilles** said the telephone survey regarding HB152 will be conducted in the next couple of weeks and the results may be available for the Council's June 14, 2005, meeting.

**Darrel Gibbons** said he has received a few calls regarding the noxious weed, Whitetop, on DWR land. Lemon said he will inform the County Weed Department. He and Lemon met last week with the Solid Waste Advisory Board and Logan City is going to conduct a public opinion survey with respect to valley-wide recycling.

## **ADJOURNMENT**

The Council meeting adjourned to Executive Session at 7:36 p.m.

The Council adjourned from Executive Session at 8:35 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** H. Craig Petersen  
Council Chairman