

CACHE COUNTY COUNCIL MEETING

June 14, 2005

The Cache County Council convened in a regular session on June 14, 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: Russ Akina, Dale Anderson, Dave Anderson, Jodie Anderson, Brenda Anthony, Mayor Lee Atwood, Lee Austin, Robert Barlow, Lisa Benson, Dan Bickmore, Marilyn Bickmore, Dawna Campbell, Norm Canfield, Shirley Canfield, Attorney George Daines, Jeanette M. Davis, Jay Downs, Troy Fredrickson, Lorene Greenhalgh, Brittney Gilbert, Deann Gilbert, Patrick Gilbert, Brooke Hansen, Collette Harrison, John D. Harrison, Taylor Hedin, Tom Hogan, Sharon L. Hoth, Assessor Kathleen Howell, Craig Humphreys, Wes Ivers, Suzette James, Chad Jensen, Heather Jensen, Dennis Jones, Kim Jones, Jayne Leaman, Thayne Mickelson, Nanette Miller, Minda Mitton, Robert I. Neary, Dave Nielsen, Pat Parker, Blake Pulsipher, Justin Robinson, Yvonne Roderick, Craig Schiffman, Julie Schiffman, Dallen Smith, Jim Smith, H. Vaughn Summers, Jeremy Summers, Michael Summers, Scott A. Summers, Zan Summers, Reid Tams, Gene Thomson, Ron Thorkildsen, Janet Wallace, Whitney Werner, Jennifer Woolf, Randy Woolf, Abby Wuetherich, Bill Young, **Media:** Adam Benson (Herald Journal), Jennie Christensen (KVVU).

CALL TO ORDER

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

OPENING REMARKS

The opening remarks were given by Lynn Lemon.

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 11e - Proposed North Logan Soccer Field.

REVIEW AND APPROVAL OF MINUTES

The minutes of the May 24, 2005, Council meeting were approved as written.

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REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

<u>APPOINTMENTS:</u>	Wendell Morse	Director of Development Services/Countywide Planner
	Justin Bennett	Deputy County Sheriff

Lemon said Wendell Morse will begin work on July 11, 2005.

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

WARRANTS: There were none.

OTHER ITEMS

- **State Trust Lands - Gary Bagley** has requested a meeting with a sub-committee of the County Council to discuss right-of-ways and road claims on trust lands. Council members Yeates and Robison will participate when the meeting is set.
- **West Nile Virus Task Force** - Daron Henrie, Cache County Emergency Management Director, will represent the county on this task force which will meet at the Bear River Health Department June 23, 2005, at 4:00 p.m. The Council is invited to attend.
- **Utah State Association of County Councils and Commissions** - Lemon told the Council that there will be a one-day workshop on June 24, 2005, in Richfield.

ITEMS OF SPECIAL INTEREST

- ▶ **Employee of the Month Award** was presented by Jim Smith to Kimberlee Jones of the Cache County Assessor's Office.
- ▶ **Concerns of Ritewood Eggs - Janet Wallace, Nanette Miller** were invited to address the Council. Each expressed concerns about safety and violations of laws and requirements by Ritewood Eggs. Each conceded that Ritewood has corrected some of their problems, but felt there is more to be done. Ritewood is currently under a Cease and Desist Order from the state due to a recent sewage spill. Wallace and Miller asked the Council to produce a plan that will benefit the residents near Ritewood as well as the Ritewood company because they feel their efforts as residents have not produced the desired results.

Petersen asked who has enforcement authority on this issue. Lemon indicated Zoning had that authority.

Thayne Mickelson, a private consultant for Ritewood, asked to speak. Petersen

acknowledged him and invited him to address the Council. Mickelson said he has been working on implementing a management plan for Ritewood. The date this plan was supposed to be in place is June 17, 2005. A document by the Department of Environmental Quality was signed today to allow a review time to make sure the plans are within the law. Mickelson said the concerns expressed by Miller and Wallace are addressed in these plans. DEQ approval of the management plan is needed before the Cease and Desist Order will be lifted.

Executive Lemon will schedule a meeting in July among Ritewood representatives, concerned residents in the area and an attorney from the County Attorney's office.

- ▶ **Cache County Aging Services Report - Tom Hogan, Director Sr. Citizens Center** gave the Council a brief review of the 2004 accomplishments of the program including items ranging from nutrition to education to transportation. The CDBG Grant received from Logan City and the RAPZ/Restaurant Tax monies have been used to reroof the building and purchase equipment.

(Attachment 1)

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: AUGUST 9, 2005-7:30 P.M.-TAX RATE INCREASE HEARING (IF NEEDED).

ACTION: Motion by Council member Yeates to set the Public Hearing for August 9, 2005, at 7:30 p.m. - Tax Rate Increase Hearing (If needed). Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: OPEN 2005 BUDGET - JUNE 14, 2005 - 6:00 P.M. - Executive Lemon outlined the reasons for changes in the 2005 Budget. (See Attachment 8 to Resolution No. 2005-13 for details.)

Chairman Petersen opened the Public Hearing and asked for public comment. Nanette Miller asked if there was money to be able to help the Human Society Animal Shelter. Petersen indicated that was not an issue in this budget opening. Petersen asked for further public comment. There was none.

ACTION: Motion by Council member Yeates to close the public hearing. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: DECLARING REAL PROPERTY SURPLUS-COUNTRY ROAD ESTATES, PHASE 1, LOT #50, NORTH LOGAN, UTAH - JUNE 14, 2005 - 6:10 P.M. - Lemon said that in 1997 this subdivision was formed with a retention pond to collect storm water. At that time this pond was a lot within the subdivision. No one paid taxes on that lot and taxes accumulated for a five-year period and the lot came up for a tax sale. No one was interested in purchasing the

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lot at that time. The county has now been contacted by a property owner next to the pond who wants to purchase the property. Lemon suggested the purchase price should be the back taxes for five years plus the estimated tax for 2002 to 2005 for a total of \$2,397.00.

Petersen asked for public comment. There was none.

ACTION: Motion by Council member Gibbons to close the public hearing. Zilles seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

◆ **Property Tax Exemption Requests**

Bear River Head Start
Daughters of the Utah Pioneers Museum
Daughters of the Utah Pioneers Leavitt-Layne Camp
Trapper Trails Council, Boy Scouts of America
Utah Festival Opera Company
Spendlove Research Foundation
USU Research Foundation/SDL
Cache Employment & Training Center
Association for the Advancement of the Handicapped
Bridgerland Audubon Society
Bridgerland Community Ice Arena, Inc.
Alice & Allen Stokes Nature Center
Thomas Edison Charter School
Paramount Education Studies, Inc.
Cache Humane Society
Beaver Mountain Ski Patrol (a subordinate of National Ski Patrol)
East Birch Creek, Inc. (Formerly North Eastern Services)

(Attachment 2)

ACTION: Motion by Council member Yeates to approve the property tax exemption requests with the exception of the Planned Parenthood request. Robison seconded the motion. The vote was unanimous, 7-0.

◆ **Property Tax Exemption Requests**

Planned Parenthood

(Attachment 3)

ACTION: Motion by Council member Gibbons to approve the property tax exemption request for Planned Parenthood. Chambers seconded the motion. The motion passed, 6 aye - Hansen, Chambers, Robison, Petersen, Zilles & Gibbons and 1 nay - Yeates.

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- ◆ **IHC Health Services Findings of Fact** - Robison recommended approval based on the findings of fact.

(Attachment 4)

ACTION: Motion by Council member Robison to approve the IHC Health Services request for property tax exemption. Yeates seconded the motion. The vote was unanimous, 7-0.

- ◆ **Sunshine Terrace Foundation, Inc. Findings of Fact** - Robison recommended approval based on the findings of fact.

(Attachment 5)

ACTION: Motion by Council member Robison to approve the Sunshine Terrace Foundation, Inc. request for property tax exemption. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PENDING ACTION

- ❑ **Update - County Block/Courthouse** - Executive Lemon said the target occupancy date is still in August sometime. Robison said the Downtown Alliance has asked if Cache County would consider moving the courthouse open house to USU Homecoming Weekend in October.
- ❑ **Discussion - Paradise Town RAPZ/Restaurant Tax Request** - The RAPZ/Restaurant Tax Committee had recommended a \$17,000 allocation for a horse arena project in Paradise. Consequently, residents in the area contacted the County Council with objections to the project and the County Council's final approval of the allocation is pending. Petersen asked for input from the Council. Hansen recommended going ahead with the original recommendation of awarding \$17,000 to Paradise City for an arena project. Zilles suggested Paradise City take a year to resolve conflicts over the project and then return to the County Council with their request.

(Attachment 6)

ACTION: Motion by Council member Hansen to approve the RAPZ/Restaurant Tax allocation of \$17,000 for Paradise City with the stipulation that Paradise City take sixty days in which to have meetings with the citizens who have concerns about this project and come to a resolution. At the close of the sixty-day period, if it is demonstrated that significant progress has been made towards resolution, access to the allocation may be granted. Gibbons seconded the motion.

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Discussion on the motion

Mayor Lee Atwood stated the City was aware of the residents' concerns and had formed several committees to address the various aspects of the project.

Council member Zilles said he had received many phone calls from residents in the area asking that the Council not fund the project because it is ill-conceived, significantly underfunded and not wanted by residents in the area.

Whitney Werner, a Paradise resident, said he is neither for or against the project, and believes the problem lies with the location.

Brooke Hansen, a Paradise resident, said she is not particularly opposed to the idea of a horse arena, but not in the proposed location.

Chad Jensen, a property owner next to the proposed arena, said many residents' concerns are still not answered and the City Council, as well as the Zoning Board, were not unanimous in their support of the arena project.

Gibbons said for the the sixty-day planning period to work each side must come in good faith to work through the differences and come to a resolution.

Zilles said he believes this arena would be a benefit to the community, but has reservations about the proposed location.

Yeates and Petersen both stated they thought the project was underfunded.

ACTION: The motion passed, 4 aye - Hansen, Chambers, Petersen & Gibbons and 3 nay - Robison, Yeates & Zilles.

- ❑ **Discussion - Celebrate America RAPZ/Restaurant Tax Request** - The RAPZ/Restaurant Tax Committee had initially denied the Celebrate America request. Two council members had questioned that denial of funding. Chairman Petersen asked for Council input. Council member Chambers stated he is in favor of approving the Celebrate America request for \$14,400. Executive Lemon said there is sufficient in the reserve account to approve the request if the Council desires.

(Attachment 7)

ACTION: Motion by Council member Chambers to approve the Celebrate America RAPZ/Restaurant Tax request for \$14,400. Yeates seconded the motion. The vote was unanimous, 7-0.

- ❑ **Discussion - Humane Society Request for Gravel** - The Humane Society has requested that 3500 yards of gravel from Cache County be hauled and delivered to the animal shelter building site to be used for a turnout lane required by UDOT. Lemon said he checked with Darrell Erickson, Road Department Head, who said if the county

charged \$1.50 a yard, the cost would be approximately \$33,000 including employee salaries, etc., but the county could not do the work until October or November because of road department demands caused by flooding and the chipping and sealing program that has to be done in the summer months. There are also two other projects the Council has asked the Road Department to complete this summer – the 2600 South intersection and improvements to the road around Porcupine Dam reservoir. Lee Austin said the Humane Society has appealed to UDOT for a lessening of requirements on the turnout lane. There is a chance that if the shelter accepts fewer animals, UDOT may be willing to lessen the road requirements. The Society is also

contacting the National Guard for possible help, but anything governmental takes a lot of time.

Robison, Zilles and Hansen said the county should be providing an animal shelter and urged support, if at all possible.

Gibbons said the county does contract with veterinarians in the county to receive and house animals and the county does have an animal control officer. Gibbons also said he believes UDOT should be contacted and told Cache County thinks the requirements are excessive and ask UDOT if they will review the project again.

ACTION: Motion by Council member Zilles recommending Cache County supply and deliver the gravel requested in November, 2005, with the stipulations that the animal shelter is designated as the county shelter for all stray and unwanted animals and if the Humane Society is able to find an earlier delivery means, the county will furnish the gravel at that time. Yeates seconded the motion. The motion passed, 5 aye - Hansen, Chambers, Robison, Yeates & Zilles, 1 nay - Petersen and 1 abstention - Gibbons.

- North Logan Soccer Field - County Attorney Legal Opinion** - Daines said there is no legal basis to keep Cache County from approving the request, but modifications to the leases would have to be accomplished if approval was granted. Gibbons asked that this item be on the agenda for the June 28, 2005, Council meeting.

(Attachment 8)

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- Resolution No. 2005-13 - Adjustments to 2005 Budget**

(Attachment 9)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2005-13 - Adjustments to 2005 Budget. Robison seconded the motion. The vote was unanimous, 7-0.

- ☐ **Resolution No. 2005-14 - Authorizing Executive to Execute Agreement for Severance Pay** - Lemon explained this is an agreement prepared by the County Attorney that severance would be enough to cover medical premiums for one year or the individual could put in an account to pay deductibles.

(Attachment 10)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2005-14 - Authorizing Executive to Execute Agreement for Severance Pay. Robison seconded the motion. The vote was unanimous, 7-0.

- ☐ **Final Plat Approval - Jerry Toombs Minor Subdivision** - Greenhalgh said this is a 4-lot subdivision on 18.94 acres in the Agricultural Zone located at 4900 North 2000 West, Benson. The Benson Planning District recommends approval.

(Attachment 11)

ACTION: Motion by Council member Hansen to waive the rules and approve Final Plat - Jerry Toombs Minor Subdivision. Robison seconded the motion. The vote was unanimous, 7-0.

- ☐ **Discussion - Willow Park Agreement** - The second draft of the Willow Park Complex Interlocal Agreement was reviewed by the Council. Yeates asked if Attorney Daines is working on this agreement or just Logan City Attorney Housley. Russ Akina said he was under the impression Kymber Housley had done most of the work, thus far.

Yeates said 1a - Willow Park Complex Board language in iv. and vi. needs to be changed to read The Cache County Executive or his designee and The Cache County Finance Director or his designee, respectively.

Yeates said paragraph 4 - Budget - also needs language changes. Paragraph 4a should read On or before March 1st. Paragraph 4b should read On or before April 30th. The last sentence in paragraph 4b beginning with, In the event..., should be stricken.

In reference to paragraph 6 - County Fair - if the Fair is required to do this, then all other major events held at the fairgrounds/rodeo grounds should have to do the same.

(Attachment 12)

COUNTY INITIATIVES

- ☐ **Planning Process** - Petersen asked if the Council thought the planning process was a worthwhile exercise. Lemon said some departments expressed the sentiment that it

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only served to get their hopes up for projects that will never be funded. The Council said the process helped them identify specific issues in County departments.

OTHER BUSINESS

- ✓ **Lewiston 4th of July Parade - July 4, 2005 - 9:15 a.m.** - Yeates and Gibbons will represent the Council in this parade.
- ✓ **Hyrum City 4th of July Parade - July 4, 2005 - 12:00 noon** - Robison, Hansen, Yeates and Zilles will represent the Council in this
- ✓ **North Logan City 24th of July Parade - July 25, 2005 - 10:00 a.m.** - Chambers and Yeates will represent the Council in this parade.

COUNCIL MEMBER REPORTS

John Hansen said he had received a call from a Mr. Jensen concerning his road because of some washouts on it. Lemon said he thinks that's already been reported to the road supervisor. Hansen said he will have Jensen call if he hasn't already.

Brian Chambers attended the Eccles Founders Day event and accepted the Benefactors of the Year Award from the Ice Center for Cache County. Lemon said this will be displayed in the new courthouse.

Cory Yeates said the Willow Park Fund finance reporting is very clear and easy to understand. Clerk Zollinger asked what the status of the concession stand and restrooms being built east of the rodeo arena is. Lemon said he doesn't think the project will be completed this year.

Gordon Zilles said the AG Advisory Board's preparatory work for the survey in reference to HB 152 is almost completed and the survey will be conducted in the near future.

ADJOURNMENT

The Council meeting adjourned at 8:15 p.m.

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ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman