

CACHE COUNTY COUNCIL MEETING

June 28, 2005

The Cache County Council convened in a regular session on June 28, 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: Jeanna Andersen, Cindy Archibald, Lindsay Archibald, Tammy Bardwell, Terry Bardwell, Paul Cook, Theresa Cook, Christy Douglas, Sarah Douglas, Jay Downs, Jack Draxler, Kim Gardner, Bryon Geddes, Michael Gleed, Lorene Greenhalgh, Trish Gibbs, Cindy Hall, Sharon L. Hoth, DeAnna Hulme, Rickelle Johnson, Dean Maurer, Lee Nelson, Dave Nielsen, Pat Parker, Christine Pearce, Reid Pearce, Lori Peterson, Teana Peterson, LaMont Poulsen, Chelsey Richman, Scott Wilkinson, **Media:** Adam Benson (Herald Journal), 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 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 the deletion of 7c - Pending Litigation - George Daines.

REVIEW AND APPROVAL OF MINUTES

The minutes of the June 14, 2005, Council meeting were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS

- **Cache Valley Air Quality Summit - July 12, 2005** at BATC from 8:00 a.m. to 4:00 p.m. Lemon encouraged the Council to attend at least a portion of this meeting.
- **Certified Tax Rate** - Lemon distributed documents with last year's and this year's proposed certified tax rates listed. The majority of the increase is due to the ambulance service. If the Council has any questions, Lemon said they could contact him or Auditor Stones.
- **Utah Geological Survey** - An agreement was signed today for Utah Geological Survey to do the sand and gravel survey in the county. Completion of the survey is scheduled for November 30, 2005. Cache County is paying one-half of the cost of the survey and Utah Geological Survey is paying one-half.
- **Utah State Association of County Commissioners and Councils Meeting** was attended by Executive Lemon on June 24, 2005. Items discussed were:
 1. County Resource Management Plan - every county should have a management plan. New legislation requires that state and Federal offices must make an existing county management plan part of their considerations on public land issues in that county. Lemon will meet with the recently hired Countywide Planner to start the process of developing a county management plan. Petersen commented that if the county has a formally adopted trails plan, and there are trails along UDOT roads, then UDOT must consider those trails in their planning for the roads.
 2. HDTV demonstration - FCC has set the date of converting all signals from analog to digital by December, 2006. Lemon asked the Council's approval of a letter to the FCC requesting channels be made available to Cache County to test the digital signal and provide digital signals to residents who have equipment to receive it. The Council agreed to approve sending the letter.
 3. Transportation Workshop - Roads proposed for jurisdictional transfer to counties have been reduced significantly. Highway 101 from Hyrum to Hardware Ranch and Highway 142 from Richmond to Trenton to Clarkston to Newton are two of the roads listed to be transferred to Cache County. Darrel Erickson contacted the local UDOT maintenance people and they said Highway 142 is their most expensive road to maintain. Lemon said Cache County needs to know how much funding the county will receive to maintain these roads before acknowledging jurisdiction. Most of the remaining roads on the transfer list are within municipalities' boundaries. Representative Craig Buttars is on the committee for jurisdictional transfer of roads and if Council members want to give input, Buttars should be contacted.

- **Utah County Insurance Pool Board** met on Thursday and reviewed a study undertaken on Health Insurance. Twenty-three of the counties in Utah said they are interested in the health insurance issue. Lemon said by the end of August there will probably be a proposal that will include an HMO that would be a zero deductible plan with no out-of-network coverage, a PPO with a deductible and then a high deductible plan where the county could offer all three options. Lemon believes there needs to be a motivation for employees to manage health care costs because of the rising cost to the county.

COMMITTEE REPORTS

- ★ **Sustainable Design Assessment Team (SDAT) Update - Craig Petersen** said eight architects from around the country have arrived in Cache County and began their assessments today. They will look specifically at the Highway 89/91 corridor between Wellsville and Logan and how to best preserve this area in terms of beauty, water issues, transportation flow, etc. An SDAT meeting will be held June 29, 2005, at BATC, Room 171, from 3:00 to 5:00 p.m. for preliminary discussions on the corridor. A final proposal will be at a public open house on Thursday, June 30, 2005, at 7:00 p.m. in the Wellsville Tabernacle. Petersen attended the first portion of the SDAT and is impressed with the expertise of the approximately sixty people involved.
- ★ **Planning and Zoning - Lee Nelson** updated the Council on issues being considered by the Planning and Zoning Commission including a study between Mendon and Wellsville, the gravel pit issue in Smithfield is almost completed and reclamation will be addressed soon, and work on 1200 East is moving ahead. Petersen said in the P & Z meetings he has attended the Planning Commission members have acquitted themselves well in terms of professionalism.

ITEMS OF SPECIAL INTEREST

- ▶ **Introduction of Cache County Rodeo Royalty - Trish Gibbs** thanked the Council and the Clerk's office for their support of the Fair and Rodeo and presented the Rodeo Royalty:

Sarah Douglas	Cache County Rodeo Queen
Tammy Jo Bardwell	Cache County Rodeo First Attendant
Teana Peterson	Cache County Rodeo Second Attendant
Chelsey Richman	Cache County Rodeo Junior Queen
Lindsay Archibald	Cache County Rodeo Princess
Rickelle Johnson	Cache County Rodeo Junior Princess
- ▶ **Proclamation: "Family Day – A Day to Eat Dinner With Your Children"** - Petersen explained this proclamation is sponsored by the Center on Addiction and Substance Abuse whose research indicates children who eat dinner with their parents are less likely to have substance abuse problems.

(Attachment 1)

ACTION: Motion by Council member Yeates to proclaim September 26, 2005, as “Family Day – A Day to Eat Dinner With Your Children.” Robison seconded the motion. The vote was unanimous, 7-0.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfer**

Jail

Transfer \$6,800 from Capitalized Equipment to Non-Capitalized Equipment to purchase equipment that will not need to be capitalized. (Shotguns, shotgun racks, etc.)

ITS

Transfer \$4,000 from Miscellaneous Services to Telephone to cover telephone costs.

(Attachment 2)

ACTION: Motion by Council member Zilles to approve the recommended budget transfers of Jail - \$6,200 and ITS - \$4,000. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

◆ **Property Tax Exemption Requests**

Providence Place Housing Corporation (formerly known as Neighborhood Nonprofit Housing Corporation)

Carl Inoway Senior Housing Corporation

Cache County Children’s Justice Center

Child and Family Support Center

American Red Cross Cache County Chapter

Somebody’s Attic

Bear River Mental Health Services

Whittier Community Center

Cache Community Food Pantry

Community Nursing Services

Options for Independence

New Discoveries

Cache Valley Center for the Arts (formerly Capital Arts Alliance)

Citizens Against Physical and Sexual Abuse

Common Ground Outdoor Adventures

American West Heritage Center

Neighborhood Nonprofit Housing Corporation - personal property only

(Attachment 3)

ACTION Motion by Council member Gibbons to approve the recommended property tax exemption requests. Robison seconded the motion. The motion passed, 6 aye - Hansen, Chambers, Robison, Petersen, Gibbons & Zilles. Yeates abstained.

◆ **Property Tax Exemption Request**

Cache Humane Society - This request was included in a number of tax exemption requests and the Council had not noted that Auditor Stones had recommended denial of the request because a portion of the property is used as a rental; therefore, when the Council unanimously voted to approve the recommendations on that group of requests at the June 14, 2005, Council meeting, the request of the Cache Humane Society for tax exemption was denied by their action. Christine Pearce spoke on behalf of the Cache Humane Society and said the Humane Society has not received rent monies from the property since January, 2005. They are in the process of evicting the tenant and will probably raze the rental building once the tenant is removed.

(Attachment 4)

ACTION: Motion by Council member Gibbons to reconsider the Council's action on the June 14, 2005, which approved denial of the Cache Humane Society's property tax exemption request, and approve the tax exempt status of the Cache Humane Society. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PENDING ACTION

- **Update - County Block/Courthouse** - Lemon reported the sidewalks around the courthouse are being put in. Robison asked where the decorative stonework around the courthouse will be. Petersen said these will be in the form of pavers with historical data etched on them and the location will be in the area between the courthouse and the County Administration Building. The agreement with Workforce Services for the development of the northwest corner of the county block has been signed and a closing date will be coming soon. Chambers asked about the status of the southwest corner development. Lemon said the county is still waiting for pertinent information before proceeding.
- **Discussion - Willow Park Agreement** - Petersen noted this is the third draft and said he has spoken to Laraine Swenson, Logan Municipal Council, and she said the Logan Council has not yet passed this, but it will be considered at the next meeting. Petersen indicated the changes from the previous draft and asked for Council input. Yeates said

the word, "his", should be stricken from page 2 in each instance referring to Board make-up. The other changes recommended by the Council at the June 14, 2005, Council meeting were again approved by the Council.

- ☐ **Resolution No. 2005-15 - Authorizing Executive to execute an agreement between Logan City and Cache County concerning the Willow Park/Fairgrounds**

(Attachment 5)

ACTION: Motion by Council member Gibbons to approve Resolution No. 2005-15 - Authorizing Executive to execute an agreement between Logan City and Cache County concerning the Willow Park/Fairgrounds. Yeates seconded the motion.

Discussion on the motion:

Robison asked to go on record as strongly recommending that the Willow Park/Fairgrounds budget be administered by a neutral third party. Lemon and Gibbons said they agree with her concerns, but said there are problems with internal controls related to audit because a governmental agency must administer the funds.

ACTION: The motion passed 6 aye - Hansen, Chambers, Yeates, Petersen, Gibbons & Zilles, 1 nay - Robison.

Petersen asked Parker to notify Laraine Swenson that the Cache County Council passed this resolution. Petersen said the Willow Park Advisory Board is dissolved with the creation of this new Board and asked which Council member the Council recommends sit on the new Board. Yeates was designated as the Council's representative.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2005-16 - Declaring Country Road Estates Phase 1 Lot #50 located in North Logan as Surplus Property** - A Public Hearing was held on this issue at the June 14, 2005, Council meeting with no objections being received. In 1997 this subdivision was formed and a lot within the subdivision was designated a retention pond to collect storm water. No one paid taxes on that lot and taxes accumulated for a five-year period and the lot came up for a tax sale. The county has been contacted by a property owner next to the pond who wants to purchase the property. Lemon said the purchase price will be \$2,397.00.

(Attachment 6)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2005-16 - Declaring Country Road Estates Phase 1 Lot #50 located in North Logan as

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Surplus Property. Robison seconded the motion. The vote was unanimous, 7-0.

COUNTY INITIATIVES

- **Executive and Council Members Initiatives** - Chairman Petersen urged Council members to submit initiatives and noted the deadline is July 29, 2005.

OTHER BUSINESS

- ✓ **Lewiston 4th of July Parade - July 4, 2005 - 9:15 a.m.** - The Council's position will be No. 9.
- ✓ **Hyrum City 4th of July Parade - July 4, 2005 - 12:00 noon** - Positions are assigned on a first-come, first-served basis. Participants are to meet in the Mountain Crest High School parking lot.

COUNCIL MEMBER REPORTS

Darrel Gibbons reported the North Cache Soil Conservation District met last week and they have submitted a letter concerning the Ritewood composting facility that the Council should review.

The highway construction between Richmond and Smithfield was set back about forty-five days by the April 28, 2005, flooding.

Gordon Zilles has received calls about the Fire Board and asked when the next meeting will be. Lemon replied the meeting will be July 7, 2005.

Cory Yeates asked if Logan City had sent a request for the county's portion of the deficit payment for the Willow Park budget. Lemon said Logan had not requested it, but the payment has been sent.

Kathy Robison met with the Water Board on June 21, 2005, and said some of the board's members will be giving a presentation to the Council on August 9, 2005. The board will be including Wendell Morse, Countywide Planner, in the long-range planning. October 1, 2005, is projected as the date to have a policy statement completed. Larry Anderson, State Division of Water, will be at the August 9, 2005, Council meeting.

Brian Chambers indicated a citizen has contacted him concerning public roads that have recently been re-opened. Some of the people using the roads are damaging and/or infringing on private property. The citizen asked that the Sheriff's office send a deputy to the area periodically. Property owners who have tried to talk with individuals violating private property have experienced vandalism. Yeates said the Sheriff's Department has one deputy hired for Forest Service patrol and recommended people seeing violations occur should get the registration number of the ORV and report it to the Sheriff.

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John Hansen said a citizen asked him if the county re-opens a public road, will the county then blade, gravel, etc. on that road. Yeates answered yes, but it may be very limited. Hansen asked for a list of the roads on the south end of the county that may be opened. Yeates said he would get the list to him.

PUBLIC HEARING: AMENDING AGRICULTURAL ZONE - RE-ZONE TO RESIDENTIAL ZONE - JUNE 28, 2005 - 6:00 P.M. - Chairman Petersen asked Lee Nelson to explain the proposed amendment. Nelson said the McFadden issue prompted this proposal because the county was not in a position to provide services for that type of development, yet the Commission wants to give people an opportunity to make the most of their land. This proposal would replace the major/minor subdivisions in the present ordinance. Presently, a minor subdivision is five lots. The Council will have to determine how many lots will be considered a small subdivision. A fifty-acre parcel can all be developed but all the lots must qualify for Greenbelt status. This would be called an agricultural subdivision – developing but maintaining the AG setting. Clustering may be considered in this type of subdivision. A denser development would have to come before the Council and be zoned residential in order to be developed. It is recommended that residential zones be kept adjacent to existing municipalities where services will be available. Jack Draxler said the Commission would allow clustering as an option, but not a mandate. Zilles asked if clustering incentives could be allowed for; such as, if clustering is used and the rest of the property is placed in a conservation easement, another lot would be allowed to be developed. Nelson said the Commission wants the Council's input. Petersen asked why a residential zone is needed? Draxler said more specificity is needed. People chain minor subdivisions which creates a major subdivision. The county is not the place for developments that are small in size and high in density. These belong in the cities. Chairman Petersen opened the Public Hearing and invited public comment.

Petersen read a letter from **Catherine Logan** of EnviroWise Design asking the Council to ensure “‘smart growth’ measures that counter...problems of rampant sprawl.”

Cindy Hall, of the AG Advisory Board, favors clustering and design requirements and asked that the residential zone have more defining language as to when a residential re-zone would be appropriate.

Dean Maurer presented a scenario on his property and asked if he would be able to do this type of clustering under the new proposal.

Dave Nielsen suggested the residential use might be a conditional use within the zone and said perhaps the plan process should not be directed by minimum standards but should be more elaborate, including design planning.

Lemon said he doesn't see how this proposal will stop the “chaining” of small subdivisions.

Draxler said he believes clustering should only go with the residential zone and doesn't like clustering in the AG zone.

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Zilles said the opportunity for the Council to deny any subdivision if it is going to cost the county an enormous amount of money should be stated in the ordinance.

Draxler said some Commission members want to allow some residential use without re-zoning residential for small family-type developments.

Petersen asked Lorene Greenhalgh why it seemed there have not been as many requests for subdivisions with clustered homes and large areas of land left in agriculture. Greenhalgh said that Planner Mark Teuscher and Attorney Daines believe that if you create that large lot, it is a lot and people should be allowed to build on it. Even with protective covenants, it was not believed to be protected enough and the county decided to not have remainder parcels.

Hall said conservation easements would accomplish that purpose better than protective covenants.

Petersen asked if there was any other public comment. There was none.

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

Petersen said there were passes for the Ice Arena available for the Council and county employees and invited the Council members to take some before leaving.

ADJOURNMENT

The Council meeting adjourned at 7:05 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman

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