

CACHE COUNTY COUNCIL MEETING

August 23, 2005

The Cache County Council convened in a regular session on August 23, 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, absent.**

County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Dave Anderson, Mayor Lee Atwood, Paul Berntson, Dan Bickmore, Cory Bingham, Stephen Bingham, Trina Bingham, Wally Bloss, Norman Canfield, Shirley Canfield, Carly Collins, Pam Collins, Rob Cruz, Attorney George Daines, Jeanette M Davis, Connie Gunnell, Sharon L. Hoth, Cameron Jensen, Chad Jensen, Heather Jensen, Randy Jorgensen, Rosemarie Jorgensen, Mike Kidman, Jayne Leaman, Dave Nielsen, Bruce Obray, Flora Obray, Margaret Obray, Pat Parker, Curtis Roberts, Jaime Robinson, Earl Rouse, Sharon K. Rouse, Craig Schiffman, Julie Schiffman, Auditor Tamra Stones, Scott Summers, Betty Weeks, Leah Weeks, Jolly Wuetherich, **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 Craig Petersen.

PLEDGE OF ALLEGIANCE

Chairman Petersen lead those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with Item 12a - Final Plat Approval-Amendment to the Scenic View Minor Subdivision - deleted and Item 12g - Resolution 2005-19-Elections/Voting Machines - added.

REVIEW AND APPROVAL OF MINUTES

The minutes of the August 09, 2005, Council meeting were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON - Chairman Petersen gave the report in Executive Lemon's absence.

APPOINTMENTS:

Ricky Charles Black

Cache County Deputy Sheriff

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

WARRANTS: The warrants for the periods 07-29-2005 to 08-04-2005 were given to the clerk for filing.

OTHER ITEMS

- **Cloud Seeding** offer for 2005-2006 has been received from the Utah State Division of Water Resources. The Council must make a decision on this issue prior to October 15, 2005. Petersen directed Pat Parker to put this matter on the agenda for the October 11, 2005, Council meeting.
- **Budget Preparation Schedule - 2006** - The Council will review the initiatives for this schedule on the September 13 and September 27, 2005 Council meetings. There will be workshops on the budget November 8 and 22, 2005, and a Public Hearing will be held on November 22, 2005, with the budget being approved on December 6, 2005.
- **Jurisdictional Transfer of Roads from the State to the Counties and Cities** has been abandoned.
- **Predator Damage Control Fund** - Cache County is presently not participating in this fund. Petersen asked the Council if is interested in this program. The decision of the Council was **not** to participate.
- **Northwest Corner Property of County Block** - Cache County closed with Workforce Services, State of Utah, and net proceeds received from the sale on August 12, 2005, are \$698,700.
- **West Nile Virus Update** - As of August 19, 2005, West Nile has been detected in nine Utah counties with none in Cache County.
- **Auditor Tamra Stones - Thirty-year Anniversary** - Chairman Petersen acknowledged Auditor Stones' thirty years of service to Cache County, twenty of which has been as Auditor.

ITEMS OF SPECIAL INTEREST

- ▶ **Valley Channel Proposal - Earl Rouse** presented Council members with a compilation of positive comments the Valley Channel has received from organizations and people in Cache County as well as a list of some 500-600 non-profit organizations and businesses currently utilizing the channel. Rouse asked the Council to consider dropping one of the channels presently on the translator and replace it with the Valley Channel. Petersen said the Translator Committee, consisting of Council members Petersen, Robison and Yeates, will consider the request and return with a recommendation to the Council.
- ▶ **Annual External Audit Report - Mike Kidman/Curtis Roberts** - Roberts said their firm

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had performed tests of Cache County's compliance with certain provisions of laws, regulations, contracts and grants as well as Cache County's compliance with requirements applicable to major programs and deferred to Kidman for specifics cited in the letter accompanying the report. Kidman reported on specific findings, suggestions and management responses.

(Attachment 1)

ACTION: Motion by Council member Gibbons to approve the External Audit Report. Hansen seconded the motion. The vote was unanimous, 7-0.

BUDGETARY MATTERS

- ◆ **Intra-Departmental Transfers**
 - CPDO \$5,625.00 transferred from Salary to Misc Services to pay contract to Mark Teuscher.
 - Building Inspection \$1,154.00 transferred from Professional & Technical to Non-Capitalized Equipment to cover purchase of three printers to be used in vehicles.

(Attachment 2)

ACTION: Motion by Council member Yeates to approve the Budget Transfers of \$5,625.00 - CPDO, and \$1,154.00 - Building Inspection. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARINGS SET: SEPTEMBER 13, 2005 - 6:00 P.M. - NEW AMENDMENT USE CATEGORY ON SCHEDULE OF USES - AG EXPERIMENT STATION
SEPTEMBER 13, 2005 - 6:10 P.M. - OPEN 2005 BUDGET
SEPTEMBER 13, 2005 - 6:30 P.M. - IHC/MURRAY CITY BONDS

ACTION: Motion by Council member Gibbons to set the following Public Hearings: September 13, 2005-6:00 p.m.-New Amendment Use Category on Schedule of Uses-AG Experiment Station; September 13, 2005-6:10 p.m.-Open 2005 Budget; September 13, 2005-6:30 p.m.-IHC/Murray City Bonds. Yeates seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **Resolution No. 2005-21 - Adopting Final Tax Rates and Budgets Report 800 - General Fund and Health Fund**

(Attachment 3)

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ACTION Motion by Council member Gibbons to waive the rules and approve Resolution No. 2005-21 - Adopting Final Tax Rates and Budgets Report 800-General Fund and Health Fund. Robison seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2005-22 - Adopting Final Tax Rates and Budgets Report 800 - Assessing and Collecting**

(Attachment 4)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2005-22 - Adopting Final Tax Rates and Budgets Report 800-Assessing and Collecting. Robison seconded the motion. The vote was unanimous, 7-0.

- **Update - Cache County Block Projects** - Petersen reported landscaping is progressing and the open house for the court house is still set for October.
- **Update - RAPZ Tax Allocation to Paradise City** - Petersen reminded those present that the County had allocated approximately \$17,730 of RAPZ monies to Paradise for a horse arena. Community members disagreed about the location and whether the project was adequately funded. Two months ago the County had a Public Hearing on the issue and the outcome of that meeting was that the Council asked the Paradise Mayor and Council to meet with concerned citizens and come back to the Council in sixty days with a report of progress and possible resolution of the matter. Petersen invited Paradise Council member Margaret Obray to report on the past sixty days to the Council.

Obray reported that, originally, there were members of the community who had approached Paradise City with a request for a horse arena and raised \$3,000 towards that arena. The only property owned by Paradise is by the cemetery and there were concerns about using the only property the city owned for this purpose. Trading negotiations have been tried during a search for a different location. Very recently a possible site has been located and details are still being worked out, but this is highly probable solution.

Mayor Atwood confirmed Obray's report.

Petersen asked Atwood what public input had been encouraged in the last sixty days.

Atwood said immediately after the June 14, 2005, County Council meeting, the property search committee began looking for an alternate site for the arena. A public meeting was held sometime after. Atwood said he is open to an alternate site, but if one is not found, he will go ahead with the original location.

Petersen said this was not a public hearing, but invited some attendees from Paradise to comment on the issue.

Scott Summers, a 4-H leader in Paradise, spoke in favor of the arena.

Chad Jensen, Paradise resident and chair of the committee seeking an alternate site, spoke in opposition to the arena as being in the wrong location and woefully underfunded.

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Bruce Obray, Paradise resident, said it was a good project in the wrong location.

Rosemarie Jensen, Paradise resident, asked if the Paradise Town Council will go ahead with the original site if other locations don't work out. The answer was yes.

Holly Wuetherich, Paradise resident, said the arena will not be a permanent structure and thought work should be allowed to proceed on the original site.

Council member Gibbons asked Mayor Atwood if the RAPZ allocation of \$17,730 is used for land acquisition, would there not be as much money for the arena?

Mayor Atwood said the money would not be used for land acquisition. He was not certain if RAPZ money could be used for that purpose.

Gibbons asked County Council members if they would object to the use of RAPZ monies for land acquisition. The Council responded they would not object and, as far as they were aware, there is no legal requirement precluding that use.

Atwood said Paradise officials knew the \$17,730 would not be enough to complete the project, but assumed it would be done in phases with possible additional RAPZ funding in future years.

Gibbons asked about access to culinary water on the original and possible alternate sites.

Atwood said the original site is ½ block from culinary water, but the alternate site is two - two and a half blocks or more from a culinary water source.

Chambers and Zilles both said it was a worthy project, but in the wrong location.

Hansen stated the property is not good for farming, Paradise residents elected their Mayor and Council members to conduct the business of the city and the RAPZ money should be released. He would prefer a different location, but that decision rests with the Paradise Town Council.

ACTION: Motion by Council member Hansen to release the \$17,730 RAPZ allocation to Paradise for the proposed horse arena with the stipulation that another location would be preferred and the money may be used for acquisition of property, if necessary. Gibbons seconded the motion.

ACTION: Motion by Council member Chambers to amend the main motion to stipulate that the \$17,730 RAPZ allocation be released only if Paradise finds another location for the horse arena.

Discussion on amendment

Gibbons told Mayor Atwood that the Council would view a subsequent application for RAPZ monies next year favorably if this year's allocation is used to help with acquisition of another site. Their request will be treated as Phase One of a multi-year project.

Zilles and Chambers both agreed this is a worthy project in the wrong place.

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ACTION: Petersen called for the vote on the amendment to the main motion- The motion passed, 4 aye - Chambers, Robison, Yeates & Zilles and 3 nay - Hansen, Petersen & Gibbons.

ACTION: Petersen called for the vote on the main motion first explaining that this is the motion that will grant Paradise the RAPZ allocation, allow the money to be used for land acquisition, but the project would have to be on a different site than originally proposed. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2005-08 - Imposing 1% Tourism Restaurant Tax**

Petersen said this enables the County to impose this tax for another year.

(Attachment 5)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2005-08-Imposing 1% Tourism Restaurant Tax. Gibbons seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2005-08: The vote was 7-0

	<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	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Resolution No. 2005-20 - Approving Revenues for Eccles Theater**

Petersen said the RAPZ Tax allocation previously approved by the Council authorized \$77,385.00 for the Ellen Eccles Theater and Bullen Center bond, but a separate resolution is needed due to the nature of the bond.

(Attachment 6)

ACTION: Motion by Council member Robison to waive the rules and approve Resolution No. 2005-17-Approving Revenues for Eccles Theater. Chambers seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2005-18 - Appointments to Cemetery Boards**

Petersen explained these are appointments recommended by Executive Lemon to various cemetery boards in the county.

(Attachment 7)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2005-18-Appointments to Cemetery Boards. Hansen seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Hardship Requests**

Bouse, Richard and Barbara
Estes, Audrey Ann
Leatham, Rieta
Mecham, Ronald Lee & Marilyn
Nielson, Ted R.
Parker, Shauna
Scott, Kelley L.
Spatig, Carolyn N.
Tribe, Carolyn E.
Watkins, Merry T.

(Attachment 8)

ACTION: Motion by Council member Robison to approve the Property Tax Hardship Requests. Gibbons seconded the motion. The vote was unanimous, 7-0.

- **Property Tax Hardship Request**

Angel, Angela K.

(Attachment 9)

ACTION: Motion by Council member Robison to deny the Property Tax Hardship request. Hansen seconded the motion. The motion failed, 2 aye - Robison & Petersen and 5 nay - Hansen, Chambers, Yeates, Zilles & Gibbons.

- **Property Tax Hardship Request**

Comer, Rose L.

(Attachment 10)

ACTION: Motion by Council member Gibbons to approve the Property Tax Hardship Request. Hansen seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

- **Approval of Exempt Status - Office Manager, County Attorney Office**
Tamara Chambers has moved from Legal Assistant to Office Manager of the Cache County Attorney's Office, which is an exempt position.
- **Resolution No. 2005-19 - Approving an Agreement between Cache County Corporation and the State of Utah Entitled "Help America Vote Act of 2002 Voting System."**
Council member Robison attended Lt. Governor Gary Herbert's recent meeting in Cache County where Lt. Governor Herbert suggested approval of the state's contract with Diebold for electronic voting equipment. The benefit to the County is approximately \$1.2 million.

(Attachment 11)

ACTION: Motion by Council member Robison to waive the rules and approve Resolution No. 2005-19 - Approving an Agreement Between Cache County Corporation and the State of Utah Entitled "Help America Vote Act of 2002 Voting System." Gibbons seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **Tour of Cinnamon Creek Campground - 12:00 noon - August 30, 2005** - Council members, Chambers, Gibbons, Hansen, Robison, Yeates and Zilles will be attending and Executive Lemon has made arrangements for the use of the Senior Citizens van.
- ✓ **Workshop with Elected Officials and Department Heads - Salary and Early Retirement Discussion - August 30, 2005 - 4:30 p.m.**
- ✓ **Murray Farm Announcement - Senator Robert Bennett - August 31, 2005 - 10:00 a.m.**
- ✓ **Wellsville City Founders Parade - September 5, 2005 - 10:00 a.m.** - Hansen, Yeates and Zilles will attend.
- ✓ **USACCC Annual conference - September 22-23, 2005** - Chambers, Hansen, Robison and Yeates will attend.

COUNCIL MEMBER REPORTS

John Hansen said he and Zilles attended a meeting with citizens in Petersboro concerning a water dispute. Another meeting will be needed for final resolution.

Brian Chambers reported five individuals had been interviewed for the position of Cache County Fire Chief. Executive Lemon contacted the successful candidate, Gary Roberts, and he accepted.

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Cory Yeates said the Road Committee would like to meet with the Council to update them on their progress. Attorney Daines said that would be good to do after the visit to the Cinnamon Creek Campground. Daines also said he had met with Rob Cruz, U.S. Forest Service, and Cruz and Chip Sibbernsen will be on the Council's September 13, 2005, agenda.

Darrel Gibbons said he and Executive Lemon had met with staff in the Extension Office and were assured the quote attributed to their office was taken out of context. Gibbons has also met with Representative Buttars and UDOT concerning drainage culverts along Highway 91 between Smithfield and Richmond. Culverts were placed under the newly constructed road and the water has nowhere to divert and is running down county roads and on to private property. The likely cause is seepage from the canal into barrow pits that are now lower than the canal. A permanent solution will not be arrived at until after spring runoff has occurred. Completion date for the highway construction is September 30, 2005.

ADJOURNMENT

The Council meeting adjourned to Executive Session to discuss litigation at 6:58 p.m.

The Council adjourned from Executive Session at 7:35 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman