

CACHE COUNTY COUNCIL MEETING September 13, 2005

The Cache County Council convened in a regular session on September 13, 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, absent.**
Deputy Clerk: Sharon L. Hoth

The following individuals were also in attendance: Garth Barker, Robert Barlow, John Borg, Ken Brown, Larry Brunson, Lorlaie Cox, Rob Cruz, Attorney George Daines, Karyn Daley, Cheryl Empey, Joe Fuhriman, Brent Gardner, Kathleen Gittins-Douglass, Scott Douglass, Cindy Hall, Attorney James C. Jenkins, Lt. Brian Locke, Jim Matsumori, Dan Miller, Wendell Morse, Dave Nielsen, Dennis Ostermiller, Pat Parker, Jill Rarick, Adrie Roberts, Chief Gary Travis Roberts, Joshua Runhaar, Bret Selman, Laura Selman, Chip Sibbensen, Glen Thornley, Mel Torrie, Raeghn Torrie, Ron Vance, Mark Walsh, Preston Ward, Dana Zollinger, Ron Zollinger, **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.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

The minutes of the August 23, 2005, Council meeting were approved as written.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Gary Travis Roberts Cache County Fire Chief

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

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WARRANTS: The warrants for the periods 08-05-2005 to 08-11-2005 were given to the deputy clerk for filing.

OTHER ITEMS

- **West Nile Virus** - One of the chickens in a Cache County sentinel flock has tested positive for the virus. Cache County had freezing temperatures in several locations last night and a freeze diminishes the risk.
- **Joint Highway Committee Meeting** - Jurisdictional transfer of roads will be handled on a road-by-road basis. Legislation is being proposed that will cause jurisdictional transfer to be looked at every year. The 3200 South from Hwy 101 to Hwy 89/91 received high priority funding for widening and expansion. This may require some re-alignment as it meets Hwy 89/91.
- **Joshua Runhaar, County Planner/Zoning Administrator Introduction** - Countywide Planner Wendell Morse introduced Runhaar to the Council. Morse reported that Tim Watkins will be hired as a part-time Trails Coordinator. Quality Growth funds will pay for most of his salary.
- **Gary Travis Roberts, County Fire Chief Introduction** - Executive Lemon introduced Chief Roberts to the Council.

ITEMS OF SPECIAL INTEREST

- ▶ **Employee of the Month** was presented by Jim Smith to Kathleen Gittins-Douglass of the Cache County Sheriff's Department.
- ▶ **Western Counties Alliance - Mark O. Walsh, Ken Brown** - Brown said the Alliance was set up to assist counties with public land matters. Walsh said the Western Counties Alliance is aligned with the Western Congressional Caucus in the U.S. House of Representatives and with the Western Coalition in the U.S. Senate. The intent of the Alliance is to try to bring resolution to issues that are of particular interest to western counties with a great deal of public land. One area the Alliance has been involved in this year is an effort to try to increase the Payment in Lieu of Taxes (PILT). Cache County received \$335,000 in PILT monies this year. Walsh said if the program had been fully funded, Cache County would have received almost \$492,000. The Alliance has brought HR2337 to the legislature which would begin phasing in full payment for Payment in Lieu of Taxes beginning in Fiscal Year 2006. The Alliance is currently looking at the RS2477 (roads) issue. Their purpose is to identify problems and challenges facing counties and then develop a fix, which usually involves Congress. They are a private, non-profit organization and counties pay a \$7,500 participation fee. The Alliance will soon be sending a letter to every Council and Commission in the western states that will be sent to the President of the United States asking for a meeting on PILT. The Alliance will be asking the Council to endorse this PILT meeting.

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- ▶ **UAC County Council Workshop at Homestead, September 22, 2005, Brent Gardner, UAC Executive Director** - Gardner said Utah has five unique counties and Cache County is one of them because of its Council form of government. UAC is trying to address the needs of these unique counties in the training on September 22 and 23, 2005. Workshop topics will include access to departmental budgets, legal representation for county councils, tips on how to get up to speed on council budgets, legislative powers and ethics. Robison will be serving on a panel for one of the workshops and four Cache County Council members will be attending the various workshops.
- ▶ **Adrie Roberts, Cache County Extension Director Introduction** - Chairman Petersen asked Roberts to introduce herself to the Council as the new County Director for Extension.

BUDGETARY MATTERS

- ◆ **Intra-Departmental Transfers**
Roads - Class B
Transferred \$2,000.00 from New Road Construction to Overtime Pay to cover overtime costs.

(Attachment 1)

ACTION: Motion by Council member Robison to approve the Budget Transfer of \$2,000.00 - Roads - Class B. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

- **Board of Equalization Hearing Dates** - September 15, 19, 27 - 9:00 a.m. to 4:00 p.m.

PENDING ACTION

- **Update on County Block Projects** - Attorney Daines showed the Council two types of chairs, indicated the one the committee had recommended and asked the Council to pick the one they desired for the Council Chambers in the Historic Courthouse. The Council agreed with the committee's recommendation. The dedication/open house date for the Historic Courthouse is tentatively set for December 2, 2005. Those county offices to be housed in the Historic Courthouse will be moving some time in October.

Utility lines have slowed the Workforce Services site work on the west corner.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: NEW AMENDMENT USE CATEGORY ON SCHEDULE OF USES - AG EXPERIMENT STATION, SEPTEMBER 13, 2005 AT 6:00 P.M.

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Chairman Petersen clarified that this use is regarding private AG experiment stations. (See Attachment 6 To Ordinance No. 2005-09 for details.) Petersen opened the Public Hearing and invited public comment. There was none.

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

PUBLIC HEARING: OPEN 2005 BUDGET, SEPTEMBER 13, 2005 AT 6:10 P.M.

Chairman Petersen asked Executive Lemon to explain the budget changes. (See Attachment 7 to Resolution No, 2005-26 for details.) Petersen opened the Public Hearing and asked for public comment. There was none.

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

PUBLIC HEARING: IHC/MURRAY CITY BONDS, SEPTEMBER 13, 2005 AT 6:30 P.M.

Chairman Petersen asked Jim Matsumori to explain what the bonds will be used for. (See Attachment 4 To Resolution No. 2005-23 for details.) Petersen stated Cache County will incur no legal liability in relation to the bond issuance. Petersen opened the Public Hearing and invited public comment. There was none.

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

PENDING ACTION

- ❑ **Selman Ranch Conservation Easement - Agriculture Advisory Board Recommendation** - Joe Fuhriman of the AG Advisory Board said this is worthy project. The LESA score was 62 out of a100. Fuhriman recommended Council support for the project. Petersen invited interested parties to comment. Bret Selman, property owner, and Corrine Daly, Nature Conservancy, spoke in favor of the project citing important habitats for sharp-tailed grouse and cutthroat trout as important reasons.

(Attachment 2)

- ❑ **Prioritization of LeRay McAllister Applications** - Joe Fuhriman, AG Advisory Board, said there is probably money for only one project. Both the Selman and Zollinger applications are very worthwhile projects, but the Agriculture Advisory Board recommends the Zollinger application as the highest priority. It is surrounded by development, the neighbors want the area protected and it is the only commercial orchard in Cache County. Fuhriman asked for the Council's support for both projects with prioritization being given the Zollinger request.

(Attachment 3)

ACTION: Motion by Council member Hansen for Executive Lemon to draft a letter stating the Council's support of the Selman and Zollinger requests with the Zollinger request prioritized as first. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2005-23 - With respect to the proposed issuance by Murray City, Utah (the "Issuer") of its revenue bonds (the "Bonds") in one or more series and in an aggregate principal amount not to exceed \$50,000,000 with respect to facilities in Cache County, Utah for the purpose of financing, refinancing or providing reimbursement for the acquisition, improvement and equipping of certain health care facilities for IHC Health services, Inc., and considering for adoption of a resolution approving the issuance of the Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.**

(Attachment 4)

ACTION: Motion by Council member Gibbons to waive the rules and adopt Resolution No. 2005-23-With respect to the proposed issuance by Murray City, Utah (the "Issuer") of its revenue bonds (the "Bonds") in one or more series and in an aggregate principal amount not to exceed \$50,000,000 with respect to facilities in Cache County, Utah for the purpose of financing, refinancing or providing reimbursement for the acquisition, improvement and equipping of certain health care facilities for IHC Health Services, Inc., and considering for adoption a resolution approving the issuance of the Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2005-24 - Authorizing Executive to execute Interlocal Agreement on 12th East and Resolution No. 2005-25 - Authorizing Executive to execute Financial Agreement on 12th East** - Lemon indicated these are formal agreements for an issue that has been worked on for some time. Daines said all the mayors involved are in favor of the agreements.

(Attachments 5 & 6)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2005-24 - Authorizing Executive to execute Interlocal Agreement on 12th East and Resolution No. 2005-25 - Authorizing Executive to execute Financial Agreement on 12th East. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2005-26 - 2006 Budget Adjustments** - Lt. Brian Locke reviewed the proposal to hire a full-time RN instead of part-time medical technicians which will save over \$8,000.

(Attachments 7 & 8)

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ACTION; Motion by Council member Gibbons to waive the rules and approve Resolution No. 2005-26 - 2006 Budget Adjustments. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Ordinance No. 2005-09 - Amendment Land Use Ordinance Reflecting Use Category on Schedule of Uses - AG Experiment Station** - Gibbons said he supports this ordinance change, but wants to be sure there is a sprinkling system in the facility as recommended by the Planning Commission. Attorney James Jenkins, representing Autonomous Solutions, said fire protection will be addressed with the building department and assured Gibbons the business owners are sensitive to this issue and will do all they can to comply. Petersen asked for an explanation of the company and its work. Jenkins said the company designs and develops robotic components for agricultural applications and needs agriculture land next to the facility for testing purposes.

(Attachment 9)

ACTION: Motion by Council member Chambers to waive the rules and adopt Ordinance No. 2005-09 - Amendment Land Use Ordinance Reflecting Use Category on Schedule of Uses - AG Experiment Station. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No. 2005-09: The vote was 6-0

	<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		6
NAY								0
ABSTAINED								0
ABSENT							X	0

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Exemption Request**
Boys & Girls Club of Cache Valley
- **Property Tax Hardship Requests**
Thelma Layne
Ruth H. Wilson
Audrey N. Wright
Bonnie L. Hamlin
Christine E. Wolford
Trudy G. Bremer
Nowell O. & Emily J. Rydalch

(Attachment 10)

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ACTION: Motion by Council member Gibbons to approve the Property Tax Exemption Request and the Property Tax Hardship Requests. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Property Tax Hardship Request**
Kimber Brown

The Council deferred a decision on this request until additional information can be provided by Auditor Stones.

(Attachment 11)

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Discussion - Cloud seeding Proposal North American Consultants** - The Council debated the need for cloud seeding with the past years' moisture level. Gibbons indicated the reservoirs are still well below normal.

(Attachment 12)

ACTION: Motion by Council member Gibbons to support cloud seeding. Hansen seconded the motion. The motion passed, 5 aye - Hansen, Chambers, Robison, Zilles & Gibbons and 1 nay - Petersen. Yeates absent.

- **Discussion - Road Maintenance & Trail Signage Cache National Forest - Rob Cruz and Chip Sibbernson** - Sibbernson said there are 160 miles of road on the Ogden North District with 42 miles of road in Cache County. Each District has the road crew for about three weeks each season and they get around about once in every four years to Cache County on average. The travel plan revision will be out in mid-October and will emphasize possible seasonal closures on some roads.

Cruz said the Logan District has about 320 miles of road in Cache County. Spring flooding damage this year changed the District's priorities for roads. Hyrum City cooperated with the Forest Service to help repair roads at the Hyrum City Park area as did Smithfield City in the Smithfield area. Cruz said signage has been installed in several areas this year.

Lemon asked why some roads in Rich County are maintained better than the Cache County side. Cruz responded that some of the roads people believe are Forest Service roads are really Rich County roads which are maintained by Rich County.

Zilles questioned the three week allotment for road crews in the Districts when some Districts have many more miles of road than others. Cruz and Sibbernson said that is decision made at a level above them.

Gibbons said many long-time county residents have observed that the condition of Forest Service roads in Cache County has been declining in recent years and Gibbons asked

why this is. Cruz replied that the Sinks Road is a good example of what has happened in recent years. That road was maintained by timber sales purchasers and there have been no timber sales in the last few years so the road has not been maintained as well. There is also a need for gravel pits for road maintenance. Sibbensen said the Forest Service will be recommending seasonal closures (November 15 through June 1 or 15) on some roads.

Hansen said Cache County had gone to a lot of trouble to open the Birch Canyon road and asked if that road is now closed. Cruz responded that the Forest Service is working with Council member Yeates and Attorney Daines for a solution to the problems in the area, such as a small parking lot for motorized vehicles since the upper portion of the road is closed to motorized travel because of the Hyde Park water facility located up the canyon.

Attorney Daines said the county should be part of the discussion involving seasonal closures or any kind of restriction on roads. Daines cited the Tenth Circuit Court's decision stating that if a roadway has been used for ten years, it is a public road. Sibbensen responded that the travel plan will not address RS2477 roads this year.

- **Discussion - Employee Salaries for 2006** - Petersen noted that most of the county initiatives this year are more conceptual in nature rather than requiring money which means if the Council chooses to concentrate more on salary increases this year, it would be easier to justify. Robison responded she counted at least nineteen requests for new personnel on the initiatives. Petersen said some of those are simply carry overs from previous years' initiatives. Robison said that will need to be clarified. Lemon distributed reports indicating employee increases from 1999 forward to 2003 as well as amounts needed to bring employees up to the 93% level discussed previously. These reports also included the Consumer Price Index for those years. Gibbons asked if Auditor Stones had compiled the tax information he had requested at the Salary Workshop on August 30, 2005. Lemon said Stones had, but it was quite bulky and he had not included it with the reports just distributed to the Council. Lemon also noted that PEHP has indicated there will be a 20% increase in premiums for health insurance next year. Council members discussed the possibility of higher deductibles, employee turnover and training repayment. Petersen said the direction the Council recommends for Lemon can be summed up by answering three questions:

1. Is the Council willing to raise taxes to generate higher salaries?
Answer: No.
2. Should salaries or benefit increases be the priority in 2006 budget planning?
Answer: Salaries, with moderation.
3. How does the Council want to deal with the salary/benefit mix?
Answer: Possible \$500 deductible.

COUNCIL MEMBER REPORTS

John Hansen asked Lemon if a replacement had been found for Gaye Gunnell Olsen on the Board of Adjustments. Lemon said no. He has been waiting for Lee Bailey to get back to him. Hansen also asked if the Paradise Road issue with Alan Curtis had been resolved. Lemon said this is being worked on.

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Brian Chambers requested that a Deputy periodically check 4400 North south of the Sky View Hill. Chambers also mentioned there is still a vacancy in the County Fire Department to be filled. Advertising for the position will begin shortly.

Kathy Robison said the Homeless Committee for BRAG met this afternoon (September 13, 2005) and will be presenting their pilot project on October 5, 2005, in Sandy, and receive state money to begin implementation of the project.

Gordon Zilles said he has met with Bob Weidner, who says those in Washington are very friendly to the Council's thinking in relation to road issues. Weidner can help get the word through the system if Cache County needs help.

Darrel Gibbons reported Issa Hamud called today to report that Weber, Box Elder and Davis Counties have agreed to site together a landfill in Box Elder County. Hamud has committed Cache County to participate in that landfill siting study. Logan City Environmental Department has approximately \$20,000 for Cache County's share of the funding. The Promontory site has been abandoned. If a favorable site is found in Box Elder through this study, it will be a four-county landfill. The total cost for the siting survey is about \$80,000.

ADJOURNMENT

The Council meeting adjourned at 8:23 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman