

CACHE COUNTY COUNCIL MEETING

October 25, 2005

The Cache County Council convened in a regular session on October 25, 2005, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen

Vice Chairman: Cory Yeates

Council Members: Darrel Gibbons, Brian Chambers, John Hansen, Kathy Robison, Gordon Zilles.

County Executive: M. Lynn Lemon

County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Pam Anderson, Mikelshan Bartschi, Randy Boxx, Trisha Cooper, Jean DeGasser, Brandon Douglas, Jared Fitzgerald, Marcus Flansburg, Sharon L. Hoth, Darrell Edward Hyde, Chad Kerr, Mark Maughan, Walt Morrell, Marcy Mouritsen, Laurie Nelson, David Nielsen, Pat Parker, Todd Parker, David Peatross, Sherri Preece, Kari Prescott, Shirlene Rawlins, Frank Righetti, Gary Roberts, Earl Rouse, Josh Runhaar, Nicole Sipe, Linda L. Stauffer, Auditor Tamra Stones, Alan Wilson, **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 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 Item 7a. - Report on Countywide Trails Master Plan-Tim Watkins - deferred to a future Council meeting and the addition of an Executive session immediately following the Council meeting.

REVIEW AND APPROVAL OF MINUTES

The minutes of the October 11, 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

- **UDOT Ribbon Cutting** for SR 91 will be October 26, 2005, at 11:00 a.m. in the Richmond City Park.

PENDING ACTION

- **County Block/Courthouse** - Chairman Petersen said the handcart sculpture should be in place by Monday, October 31, 2005. Executive Lemon stated the move-in date has been rescheduled for some time the first part of December and the open house will be during the first part of January.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Hardship Request** - Kenneth L. & Sandra M. Frye

(Attachment 1)

ACTION: Motion by Council member Gibbons to reconsider the denial of the Property Tax Hardship Request of Kenneth L. & Sandra M. Frye. Yeates seconded the motion. The vote was unanimous, 7-0.

Gibbons said he had spoken to individuals familiar with this party's situation and felt the request should be approved.

ACTION: Motion by Council member Gibbons to approve the Property Tax Hardship Request of Kenneth L. & Sandra M. Frye. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PENDING ACTION

- **Discussion - T.V. Translator** - Council member Yeates reported he had met with the T.V. Translator committee as well as Mike Braegger. After consideration the committee recommends that no channel be removed from the translator to be replaced by the Valley Channel at this time.

MOTION by Council member Yeates to deny Earl Rouse's (Valley Channel) request to displace one of the channels presently at the translator station. Robison seconded the motion.

Discussion on the motion:

Zilles said citizens who have talked with him are in favor of displacing one of the present channels on the translator with the Valley Channel. Petersen asked what the main concerns of the committee had been. Yeates responded that the idea of giving one

business an advantage over another is a concern. Hansen said that the situation with the translator is presently tenuous and the committee felt it was not a good time to make any changes. Chambers inquired whether KJZZ's request to be placed on the translator would be considered. Petersen asked if the feeling was that the county would never displace one of the current channels. Yeates replied that was not the feeling of the committee. Zilles asked if there would be an increase in cost to the county if more channels were placed on the translator. Daines replied that is not known at this time.

ACTION: Council member Yeates said he wished to withdraw his motion and table the issue until additional information can be obtained. Robison agreed. The motion was tabled.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Discussion - Proposed Cooperative Agreement between UDOT and Cache County regarding an underpass on US89 in Logan Canyon from the Summit to Garden City** - Lemon said this underpass will provide a safe crossing for snowmobilers, hikers and four-wheelers utilizing the present trail. Because of blind curves, the current crossing is dangerous. UDOT wants to put in the underpass during the construction presently being done on the highway. Lemon indicated the county had told UDOT that approximately \$40,000 could be obtained from RAPZ/Restaurant tax monies to contribute towards this project if the legislature doesn't approve enough to cover UDOT's costs. Utah Parks is contributing about \$100,000 and Rich County can contribute up to \$20,000.
- **Resolution No. 2005-29 - Authorizing Executive to execute Cooperative Agreement between UDOT and Cache County regarding an underpass on US89 in Logan Canyon from the Summit to Garden City**

(Attachment 2)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2005-29-Authorizing Executive to execute Cooperative Agreement between UDOT and Cache County regarding an underpass on US89 in Logan Canyon from the Summit to Garden City. Yeates seconded the motion. The motion passed, 6 aye - Hansen, Chambers, Robison, Yeates, Zilles & Gibbons and 1 nay - Petersen.

- **Water Development Proposal - George Daines** presented to the Council four possible options for creating an entity to represent Cache County on water issues including recommendations. Gibbons and Zilles both spoke in favor of forming a County Water Department. Hansen asked if Cache County had a Water Conservancy District, could the District be required to come before the Council for approval of taxation issues. Daines responded the Council could not legally require that of a Conservancy District.

(Attachment 3)

Cache County Council
10-25-05

ACTION: Motion by Council member Gibbons to approve the Council's pursuing a change in the current statute dealing with the Bear River water allocation and invite Senator Hillyard and other Cache County legislators to attend a Council meeting at their earliest convenience to assist the Council with the wording of the amendment. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: ABANDONING OR VACATING CLAIM TO THURSTON ROAD - OCTOBER 25, 2005 AT 5:55 P.M.

Chairman Petersen asked Attorney Daines to explain the reason the county is abandoning this road.

Daines said that Thurston Road is a road the county does not need and there is a question whether it has ever been a public road and the Road Advisory Board recommends vacating it. Chairman Petersen opened the public hearing and invited 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: REZONE 7 ACRES IN THE FOREST/RECREATION (FR-40) TO BE REZONED AGRICULTURE (A) AT APPROXIMATELY 7200 WEST 1080 SOUTH, WEST OF MENDON - OCTOBER 25, 2005 AT 6:00 P.M.

Chairman Petersen asked Planner and Zoning Administrator Runhaar to review the details of the rezone.

Runhaar said this request was originally for a 34-acre parcel, but most of the land was too steep for farming and the request has been reduced to a seven-acre rezone. The Planning Commission recommends approval. Chairman Petersen opened the public hearing and invited comment. There was none.

Council member Gibbons left the meeting.

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

Council member Gibbons returned to the meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2005-10 - Approving the Abandoning or Vacating any Claim to Thurston Road**

(Attachment 4)

Cache County Council
10-25-05

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2005-10 - Approving the Abandoning or Vacating any Claim to Thurston Road. Gibbons seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2005-10: The vote was 7-0

	<u>CHAMBERS</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	x	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Ordinance No. 2005-11 - Approving rezone of 7 acres in the Forest/Recreation (FR-40) zone to be rezoned to Agriculture (A) at approximately 7200 West 1080 South, West of Mendon**

(Attachment 5)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2005-11 - Approving rezone of 7 acres in the Forest/Recreation (FR-40) zone to be rezoned to Agriculture (A) at approximately 7200 West 1080 South, West of Mendon. Hansen seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2005-11: The vote was 7-0

	<u>CHAMBERS</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	x	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: OPEN 2005 BUDGET - OCTOBER 25, 2005 AT 6:30 P.M.

Chairman Petersen asked Auditor Stones to review the changes to the 2005 Budget. (See Attachment 6 to Resolution No. 2005-28 - Adjustments to 2005 Budget for details). Chairman Petersen opened the public hearing and invited comment. There was none.

Chairman Petersen noted there were several people in attendance who thought the 2006 budget/salaries was being discussed and invited their public comment.

Cache County Council
10-25-05

The following individuals from the Sheriff's office spoke and asked the Council to increase salaries:

Dave Peatross
Brandon Douglas
Jared Fitzgerald
Marcus Flansburg
Randy Boxx
Trisha Cooper
Mark Maughan
Linda Stauffer

Chairman Petersen noted the Council had directed Executive Lemon to make salaries the number one priority in planning the 2006 budget.

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2005-28 - Adjustments to 2005 Budget**

(Attachment 6)

ACTION: Motion by Council member Gibbons to waive the rules and approve Adjustments to the 2005 Budget. Robison seconded the motion. The vote was unanimous, 7-0.

COUNTY INITIATIVES - 2006

- **Budget - 2006** - Executive Lemon said he is preparing the budget with salary increases of 3% for merit and 2% for market. Chambers suggested making the increase a 5% across the board increase. Daines and Council members agreed it should be a 5% increase with Department Heads having the discretion to use it as they deem best, considering cost-of-living, merit and market. Lemon said the budget will be presented to the Council at the November 8, 2005, Council meeting.

COUNCIL MEMBER REPORTS

Gordon Zilles reported that Representative Buttars' bill regarding the use of sales tax to fund open space, etc. failed to make it out of committee.

Kathy Robison said she had attended the Economic Summit on October 14, 2005. Robison also notified the Council that the Water Advisory Board will be asking for \$6,000 - \$7,000 more. The Board's hydrological study is being reviewed by the State Engineer. The Board has also requested that if the county elects to form some kind of water entity with authority to speak for the county, that the Water Advisory Board remain intact and functioning.

Cache County Council
10-25-05

Brian Chambers reminded the Council of Ann Skanchy's upcoming retirement. Pat Parker said a retirement open house is planned for Skanchy in the new courthouse.

Craig Petersen said he attended a meeting related to library issues and believes Logan City is more open to possible cooperation between the county and the city on this matter than previously. Petersen said the November 29, 2005, joint meeting may be used to explore options relating to the library.

ADJOURNMENT

The Council meeting adjourned to Executive Session to discuss property acquisition at 7:24 p.m.

The Council adjourned from Executive Session at 7:40 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman