

**CACHE COUNTY COUNCIL MEETING
November 27, 2007**

The Cache County Council convened in a regular session on November 27, 2007 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Darrel Gibbons, absent.
Vice Chairman: John Hansen
Council Members: Brian Chambers, H. Craig Petersen, Kathy Robison, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Garth Barker, Mikelshan Bartschi, Alex Buxton, Wayne Cardon, Denzil Clark, Heather Clark, LaMar Clements, Attorney George Daines, Mark Darley, Jeff Gilbert, Jason Hill, Sharon L. Hoth, David James, Jeff Jorgensen, Kirt Lindley, Oscar Marquina, Stephany Miner, Wendell Morse, Sheriff Lynn Nelson, David Nielson, Pat Parker, D. Wesley Roundy, Karla Roundy, Josh Runhaar, Karl Seethaler, Auditor Tamra Stones, Drue Tolman, Fred Wagner, Stephen Wright, Walt Young, Ashley Zabriskie, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Zilles gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with item 11b. - Request by Cache Valley Community Health Care for CDBG Sponsorship - removed at the request of Cache Valley Community Health Care.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Chambers to approve the minutes of the November 13, 2007 Council meeting as written. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: The warrants for the periods 09-28-2007 to 10-04-2007 and 10-05-2007 to 10-11-2007 were given to the Clerk for filing.

OTHER ITEMS - Executive Lemon had no other items to report.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**

Zoning

Transfer \$1,500.00 from Software to Prof & Technical to cover engineering fees for infrastructure review.

Mounted Posse

Transfer \$6,000.00 from Misc Supplies-Posse Burger to Equipment Supplies & Maint (\$2,000.00), Philanthropic Activities (\$3,000.00), and Misc Supplies (\$1,000.00) to cover dry cleaning, Sub for Santa, and Christmas party expenses.

(Attachment 1)

ACTION: Motion by Council member Chambers to approve the Budget Transfers of \$1,500.00 and \$6,000.00. Zilles seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

PENDING ACTION

- Ordinance No. 2007-05 – Agricultural Subdivisions** *(NO ACTION TAKEN)*
- Resolution No. 2007-29 – Approving an Agreement between Cache County and North Logan City regarding the payment of tax increment revenues for a city center community development project area plan** – Vice Chairman Hansen asked Council member Petersen to address this issue. Petersen asked that the next item – **10c.-Discussion – Funding 200 East-1800 North to 2500 North**-be addressed at the same time.

ACTION: Motion by Council member Petersen that the Cache County Council is supportive of entering into an agreement with North Logan City with the following provisions: 1. For a period of 12 years, 50% of incremental property taxes generated by the project will be applied to construction of 200 East from 1800 North to 2500 North, up to a maximum amount of \$1,601,433.00. All additional property taxes generated by the project will be retained by Cache County. 2. If Federal or state funds become available for construction of 200 East, the maximum amount of county funding allocated from incremental property taxes may be reduced by the amount of Federal or state funding; and the Cache County Attorney is directed to prepare an interlocal agreement that will facilitate this arrangement and that this agreement will be submitted to the Cache County Council for final approval. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

Discussion on the motion:

Executive Lemon asked Petersen if any of the newly passed road tax monies would be allocated to the 200 East Road project? Petersen said the use of those funds will be directed by the Council of Governments.

Jeff Jorgensen, North Logan City Administrator, clarified some of the specifics involved and was supportive of the motion.

ACTION: Motion by Council member Petersen to NOT approve Resolution No. 2007-29- Approving an Agreement between Cache County and North Logan City regarding the payment of tax increment revenues for a city center community development project area plan. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Property Tax Hardship Request** – Executive Lemon recommended approving the hardship request.
▫Viator, Barbara

ACTION: Motion by Council member Chambers to approve the Property Tax Hardship Request for Barbara Viator. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Approval of Board Meeting Schedules for 2008 – Planning Commission, Benson Planning Commission and Board of Adjustments** – Josh Runhaar noted that the only deviation from the typical schedule is that the July 3, 2008 meeting has been changed to July 10, 2008.

(Attachment 2)

ACTION: Motion by Council member Robison to approve the Board Meeting Schedules for 2008-Planning Commission, Benson Planning Commission and Board of Adjustments. Petersen seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Ordinance No. 2007-16 – Amending the Cache County Code to authorize a 0.25% increase in the Sales Tax to be used for Road Funding** – Petersen explained that in order for the Cache County to begin collecting sales tax for road funding by April 1, 2008, the Council must take formal action in 2007 and notify the State Tax Commission.

(Attachment 3)

ACTION: Motion by Council member Petersen to waive the rules and approve Ordinance No. 2007-16-Amending the Cache County Code to authorize a 0.25% increase in the Sales Tax to be used for Road Funding. Robison seconded the motion.

ACTION: Motion by Council member Petersen to amend the main motion by the addition of the words “Be it further resolved that: The Utah State Tax Commission take whatever action is necessary to implement the tax.” Zilles seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

ACTION: Vice Chairman Hansen called for the vote on the main motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

Ordinance No 2007-16: The vote was 5-0. Gibbons & Yeates absent.

	CHAMBERS	ZILLES	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X		X	X	X		5
NAY								0
ABSTAINED								0
ABSENT			X				X	2

- **Ordinance No. 2007-14 – Changes of Salaries for Cache County Officers for 2008 and superseding prior resolutions and ordinances**

(Attachment 4)

Ordinance No 2007-14: The vote was 5-0. Gibbons & Yeates absent.

	<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		5
NAY								0
ABSTAINED								0
ABSENT			X				X	2

ACTION: Motion by Council member Robison to waive the rules and approve Ordinance No. 2007-14-Changes of Salaries for Cache County Officers for 2008 and superseding prior resolutions and ordinances. Chambers seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Ordinance No. 2007-15 – Providing for salaries for members of the Cache County Council for 2008** – Executive Lemon indicated that some Council members select the option of applying their salary towards insurance coverage from the county; however, the salary amount does not fully cover the insurance costs due to rising insurance costs. Lemon said he would like to see the salary amount raised to be comparable with the insurance benefit. The Council is supportive of the present insurance arrangement for Council members. Petersen said he is concerned over how rapidly Council members' salaries have increased. Lemon said Cache County Council is still the lowest paid in the state.

(Attachment 5)

ACTION: Motion by Council member Robison to waive the rules and approve Ordinance No. 2007-15-Providing for salaries for members of the Cache County Council for 2008. Chambers seconded the motion. The motion passed, 4 aye – Chambers, Hansen, Robison & Zilles and 1 nay – Petersen. Gibbons & Yeates absent.

Ordinance No 2007-15: The vote was 4-1. Gibbons & Yeates absent.

	<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		4
NAY					X			1
ABSTAINED								0
ABSENT			X				X	2

- **Clarification of Stipulations – High Creek Junction Subdivision** – Runhaar said his office wants to have an engineer review the proposed improvements prior to paving the road. There are concerns about intersection alignment and homes in relation to the road placement and Runhaar stated it will be easier to resolve these issues before the

paving occurs. Runhaar asked the Council to allow his office to consider some other options than the ones originally stipulated. The Council was supportive of Runhaar's request.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: NOVEMBER 27, 2007-5:45 P.M.-REGARDING A PROPOSAL BY THE CACHE COUNTY COUNCIL THAT PURSUANT TO THE PROVISIONS OF TITLE 11, CHAPTER 17, UTAH CODE ANNOTATED 1953, AS AMENDED, THE COUNTY ISSUE INDUSTRIAL REVENUE BONDS, SERIES 2007 (CASPER'S ICE CREAM PROJECT) IN AN AGGEGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$7,000,000 (THE "BONDS") AND LEND THE PROCEEDS OF THE BONDS TO CASPER'S ICE CREAM, INC. OR ANY AFFILIATE (THE "BORROWER"), TO PAY ALL OR A PORTION OF THE COSTS OF PURCHASING MANUFACTURING EQUIPMENT AND ANY RELATED FACILITIES TO BE LOCATED AT APPROXIMATELY 11805 NORTH 200 EAST, RICHMOND, UTAH IN CACHE COUNTY, UTAH, WHICH WILL BE OWNED AND USED BY THE BORROWER.

ACTION: Motion by Council member Zilles to open the Public Hearing for the issuance of industrial Revenue Bonds, Series 2007-Casper's Ice Cream, Inc., etc. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

Vice Chairman Hansen opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Robison to close the Public Hearing. Chambers seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2007-35-Providing for the financing by the County of the acquisition of manufacturing equipment and related facilities (the "Project") to be located within the County for use by Casper's Ice Cream, Inc. (the "Borrower") in order to promote the general welfare of the residents of the State of Utah; authorizing and providing for issuance by the County of its \$7,000,000 Industrial Development Revenue Bonds, Series 2007 (Casper's Ice Cream Project) which will be payable solely from the revenues arising from the pledge of a loan agreement among the County, the Borrower and Tax-Free Fund for Utah, as lender; authorizing the execution and delivery of said loan agreement, an escrow agreement, and related documents, confirming the sale of said bonds; and related matters.**

(Attachment 6)

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2007-35-Providing for the financing by the County of the acquisition of manufacturing equipment and related facilities (the "Project") to be located within the County for use by Casper's Ice Cream, Inc., etc. Chambers seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Resolution No. 2007-36 – Approval of 2008 Budget** – Robison had questions about the full-time IT position authorized last year and the GIS full-time position. Lemon said the GIS position was being staffed with interns, but the project was falling behind and a full-time person was needed to keep the GIS/Tax Roll information up-to-date.

Tape 1, Side B

The Council left the discussion of Resolution No. 2007-36 - Approval of 2008 Budget to conduct a scheduled Public Hearing.

Executive Lemon noted that two to three Council members are needed to attend a 10:00 a.m. meeting with Powder Mountain representatives on November 30, 2007 in the Planning and Zoning Board Room. Zilles and Petersen said they will attend. Lemon will contact Yeates to see if he wants to attend also.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: NOVEMBER 27, 2007-6:00 P.M.-PROPOSED PROPERTY TAX INCREASE OF 8.79% ABOVE THE CACHE COUNTY PROPERTY TAX BUDGETED REVENUE FOR THE PRIOR YEAR AND THE PROPOSED 2008 BUDGET

ACTION: Motion by Council member Chambers to open the Public Hearing-Proposed Property Tax Increase of 8.79%, etc. and the Proposed 2008 Budget. Robison seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

Vice Chairman Hansen opened the Public Hearing and invited public comment.

Executive Lemon explained that this will amount to an increase of approximately \$3.45 on a home and \$6.27 on a business.

Petersen asked what the actual percentage of increase is?

Lemon said it is 8.79% less 6.08% for proposed new growth leaving 2.71% of actual increase.

Chambers asked if the increase includes funding for the County Water Manager?

Stones said it does and said the budget does not fund some things she would have liked to have seen funded, but she feels it is a fair representation of costs for the county.

Denzil Clark, Clarkston, commended the Council and its management of the county.

Petersen asked if the wording of the public notice could include these actual figures so the public will not be confused?

Auditor Stones said the wording is required by law, but the county could take out a companion ad to be published next to the public notice with the explanation of what the actual increase is.

There was no other public comment.

ACTION: Motion by Council member Zilles to close the Public Hearing. Chambers seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

Council member Yeates joined the meeting.

PUBLIC HEARING: NOVEMBER 27, 2007-6:15 P.M.-REZONE OF 96.35 ACRES FROM AGRICULTURAL TO INDUSTRIAL/MANUFACTURING LOCATED AT APPROXIMATELY 3000 NORTH AND STATE HIGHWAY 23, CACHE JUNCTION.

ACTION: Motion by Council member Robison to open the Public Hearing – Rezone of 96.35 Acres from Agricultural to Industrial/Manufacturing located at approximately 3000 North and State Highway 23, Cache Junction. Zilles seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Vice Chairman Hansen opened the Public Hearing and invited public comment.

Josh Runhaar stated the land surrounding this property is zoned agricultural and his office does have some traffic and other concerns. Industrial areas are needed in the county and this is a good location near the state highway and a railroad track. Runhaar wants to have a master plan for this development to avoid future problems as the area develops.

There was no other public comment.

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2007-13- Rezone of 96.35 Acres from Agricultural to Industrial/Manufacturing located at approximately 3000 North and State Highway 23, Cache Junction, Utah** – Runhaar recommended approval with some language and date corrections.

(Attachment 7)

ACTION: Motion by Council member Petersen to waive the rules and approve Ordinance No. 2007-13-Rezone of 96.35 Acres from Agricultural to Industrial/Manufacturing located at approximately 3000 North and State Highway 23, Cache Junction, Utah with the language and date corrections and stipulations as noted by Josh Runhaar. Yeates seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Ordinance No 2007-13: The vote was 6-0. Gibbons absent.

	CHAMBERS	ZILLES	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X		X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT			X					1

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: NOVEMBER 27, 2007-6:30 P.M.-REZONE OF 9.75 ACRES FROM AGRICULTURAL TO COMMERCIAL LOCATED AT APPROXIMATELY 3950 SOUTH 1200 WEST, NIBLEY

ACTION: Motion by Council member Yeates to open the Public Hearing – Rezone of 9.75 Acres from agricultural to commercial located at approximately 3950 South 1200 West, Nibley. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Vice Chairman Hansen opened the Public Hearing and invited public comment.

Josh Runhaar noted that there are already many commercial and light industrial uses along 1200 West. The storage facility located on the property proposed for rezone was approved previously and the rezone will allow the use of the land to be compatible with the zone.

There was no other public comment.

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

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2007-12 – Rezone of 9.75 Acres from Agricultural to Commercial located at approximately 3950 South 1200 West, Nibley** – Runhaar noted a date correction on the ordinance.

(Attachment 8)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2007-12-Rezone of 9.75 Acres from Agricultural to Commercial located at approximately 3950 South 1200 West, Nibley with the conditions as stated by Runhaar. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Ordinance No 2007-12: The vote was 6-0. Gibbons absent.

	CHAMBERS	ZILLES	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X		X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT			X					1

- **Resolution No. 2007-36 – Approval of 2008 Budget (continued)** – The Council returned to its discussion of the 2008 Budget. There was no more discussion.

(Attachment 9)

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2007-36-Approval of 2008 Budget. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

COUNCIL MEMBER REPORTS

Brian Chambers asked what the process will be since the judge selected to fill the vacancy in the First District Court declined the appointment. Daines said the selection process will have to start over again and he will lobby for a judge who will be willing to run a mental health court.

Chambers reported that the airport ILS issue is still being resolved and he favors lowering the road to accommodate the height requirement.

Tape 2, Side A

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: NOVEMBER 27, 2007-6:45 P.M.-TITLE 16.05.020 NATURAL BARRIERS – AMENDMENTS TO THE CACHE COUNTY SUBDIVISION ORDINANCE, SPECIFICALLY: DEFINITION LANGUAGE OF NATURAL BARRIERS.

ACTION: Motion by Council member Yeates to open the Public Hearing – Title 16.05.020 Natural Barriers-Amendments to the Cache County Subdivision Ordinance, Specifically: Definition Language of Natural Barriers. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Vice Chairman Hansen opened the Public Hearing and invited public comment.

Josh Runhaar presented proposed wording for the amendment to the Cache County Subdivision Ordinance relating to natural barriers and indicated the Planning Commission has asked him to include language that would allow those property owners caught in the transition period to develop five lots on each portion of a 1970 parcel divided by a natural barrier. Runhaar said he will fill that request. Future natural barrier situations would allow three lots on each portion of a 1970 parcel divided by a natural barrier.

Steve Wright, Garth Barker and Kirt Lindley spoke in favor of honoring the five-lot allowance for those transition property owners.

Barke also commended Runhaar's thoroughness and asked that future natural barrier situations be allowed more than three lots each.

There was no other public comment.

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 REPORTS continued

Kathy Robison reported on restaurant tax issues discussed at UAC, possible billings to the county for court directed out-of-county psychiatric treatment and the new UAC certification program for Council members.

Vice Chairman John Hansen said Chairman Gibbons has recommended the Council attend the Bar-J Wranglers concert after the December 4, 2007 Council meeting as a Council social. Council members were in agreement. Pat Parker will order tickets for the Council.

Cory Yeates accompanied the Sheriff and others to Colorado Springs for CALEA accreditation. Cache County is only the second Sheriff's Department in the State of Utah to be accredited and Yeates commended Sheriff Nelson and his department on their accomplishment.

Gordon Zilles referred to the UAC discussion concerning payment to counties for housing state inmates in county jails. Zilles said the State Legislature has indicated it will not allocate as much money for the program this year. Several counties have considered banding together to tell the state they will no longer house state inmates if the funding is cut.

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Tape 2, Side B

Attorney Daines questioned the legality of the state legislature agreeing to fund the state inmate housing program at a proposed price and then not paying what was promised.

Attorney Daines noted that cities in Cache County are sending people to the county jail who refuse to pay fines in their cities and the cost to the county is frequently more than the amount of the fine that individuals have refused to pay. Daines suggested it might be cheaper for the county to pay the fine for the individual instead of housing the people in the county jail. The county needs to charge the cities for those inmates the city sends to be housed in the county jail.

The Council meeting adjourned at 7:28 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: John Hansen
Council Vice Chairman