

CACHE COUNTY COUNCIL
June 10, 2008

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CACHE COUNTY COUNCIL MEETING
June 10, 2008

The Cache County Council convened in a regular session on June 10, 2008 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Troy Allen, Dave Bigelow, Gary Bingham, Koral Bingham, Ray Clawson, Kent Connelly, Nicole Cottle, Craig Dearden, Bob Fotheringham, Annette Haslem, Larry Haslem, Senator Lyle Hillyard, Brooke Hontz, Sharon L. Hoth, Pat Krebs, Whitney Matson, Paul Morris, Dave Nielson, Pat Parker, Josh Runhaar, Attorney James Swink, Glen Thornley, Surveyor Preston Ward, Kyle Yonk, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen, Ryan Yonk (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Chambers to approve the minutes of the May 27, 2008 Council meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON (Pat Parker gave the report for Executive Lemon who was out of town.)

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 12-10-2007, 12-31-2007, 01-25-2008 to 01-31-2008, 03-21-2008 to 03-27-2008, 04-25-2008 to 05-01-2008, 05-02-2008 to 05-08-2008, 05-09-2008 to 05-15-2008, 05-16-2008 to 05-22-2008 and 05-23-2008 to 05-29-2008 were given to the Clerk for filing.

OTHER ITEMS

- ❑ **Ruby Pipeline Update** – Executive Lemon reported that Cache County has had four meetings with Ruby Pipeline representatives – March 18, 2008, April 17, 2008, April 24, 2008 and April 30, 2008. There has been no contact with Ruby Pipeline personnel since April 30, 2008. Cache County has also received a copy of the “Landowner Newsletter.” Cache County sent a letter to the Federal Energy Regulatory Commission dated April 11, 2008 expressing Cache County’s concerns and opposition to the current southern route. At the meeting on April 24, 2008 Lemon said he asked the following three questions:

1. Is there an existing utility corridor on the northern route?
2. Why did you move the route before any public comment?
3. Will you honor state code, i.e. Agricultural Protection Zones?

During the April 30, 2008 meeting Ruby informed Cache County that there is an existing utility corridor on the northern route, but it is not along the entire route. They noted a problem with the Oregon Trail and said it could not be disturbed within six miles of the trail and mentioned some wilderness area. They also said they would try to honor state code “if possible.” Lemon thinks Cache County’s position should be public utilities should cross public land and existing utility corridors. Wilderness areas and historical trails should not trump private property rights.

- ❑ **CCCOG Public Hearing – June 16, 2008 – Transportation Project Prioritization Process** – Any comments are due to CMPO by June 12, 2008. July 1, 2008 is the deadline for the 2008 funding period. The CCCOG will provide a priority list of projects by July 22, 2008. The latest estimate of funding from the State Tax Commission for the period April 1, 2008 through December 31, 2008 is approximately \$2.3 million.
- ❑ **Railroad Crossing Arm Option – Airport ILS Height Restrictors** – Armstrong Consultants gave the original estimate of \$350,000.00 and will provide a more detailed estimate for the Council.
- ❑ **Small Community Air Service Development Grant** – The Logan-Cache Airport Authority Commuter Air Service Committee and the Airport Development Task Force and the Chamber of Commerce are submitting another application for a small community air service development grant. Lemon provided a letter of support for the Council’s information.
- ❑ **Pandemic Influenza Update** was provided for the Council’s review.

ITEMS OF SPECIAL INTEREST

- **Employee of the Month** was presented to Joseph Krebs of the Assessor’s Office by Jim Smith.
- **Powder Mountain Update** was presented by Nicole Cottle. Cottle explained that Powder Mountain was pursuing incorporation as a town and the incorporation process, the documentation and the checklist was complete when Weber County Commissioner Dearden contacted them and asked Powder Mountain to reconsider. Powder Mountain

representatives have been involved in informal meetings with individual Weber County Commissioners since late March or early April working through issues. Cottle said Powder Mountain thought the last remaining issue with Cache County was how services are provided and responsibility for those services.

Chambers asked if Powder Mountain has any plans to construct a road to Powder Mountain from the Cache County side? Cottle replied that a road from the Cache County side is not currently in Powder Mountain's plans.

Robison asked if the interlocal agreements for services have been worked out? Cottle said nothing formal has occurred concerning service agreements.

Yeates asked that since the incorporation process is on hold, has anything been done on the development agreement requested by Cache County? Cottle said the development agreement is 90% done for the Weber side. Cottle said she understood that Cache County's only need was how the services would be provided.

Yeates cautioned Cottle that Powder Mountain needs to keep Cache County informed, particularly if another extension is requested. Yeates noted the last extension barely passed and an additional extension may not be granted.

Daines asked Cottle when the incorporation process was put on hold? Cottle said about mid-April. Daines noted that Cache County was not informed of any of this. Daines also indicated that Cache County was not only concerned with service agreements, but Powder Mountain has been asked to provide proof of financial capability, its capacity to generate revenue, and bonding information. Daines said the Cache County Planning Office will be notified that as of June 10, 2008, Powder Mountain advised Cache County that Powder Mountain is no longer pursuing incorporation. Cottle said that is not what she is saying. Powder Mountain has put the incorporation on hold at the request of the Weber County Commissioners. Daines said he is disappointed it would take two months for Powder Mountain to communicate this information to Cache County. Daines said Cache County's questions about financial issues have still not been answered. Powder Mountain needs to initiate contact with Cache County to keep the County informed.

Zilles asked if Cottle had met with the Weber County Commission in a formal Commission meeting setting? Cottle said she has not. All meetings have been with individual Commissioners.

Commissioner Dearden, Weber County, confirmed that he had asked Powder Mountain to put the incorporation issue on hold. It is not a dead issue. Weber County has had questions about the interaction with Cache County as far as taking care of the property that sits in Cache County. It is not a simple task. There are some Weber County citizens who are not excited about being incorporated into a town they didn't know about. Dearden said he has appreciated Powder Mountain's willingness to talk with Weber County understanding that this will have an impact on Cache County as well. Dearden provided a letter to Cache County Council members stating that Weber County is negotiating with Powder Mountain. Dearden reiterated the Commissioners have met informally with Powder Mountain personnel.

Chairman Hansen reminded Dearden that 'the clock is ticking' in Cache County for Powder Mountain. Dearden said he felt it was Powder Mountain's responsibility to keep Cache County informed.

Yeates asked if there was a date set for Powder Mountain to formally come before the Weber County Commission? Dearden said there is not. Two dates had been set informally, but they didn't work. Yeates said if he was notified of the formal meeting, he would like to attend.

Petersen asked Cottle if it is determined that incorporation is the approach Powder Mountain wants to take, how long would it take to complete the incorporation process? Cottle said probably short of one month.

Chambers asked when the six-month extension expires? The date is August 31, 2008.

- **Pipeline Presentation – Kent Connelly**, Lincoln County Wyoming County Commissioner, came before the Council noting he has been heavily involved with pipelines in Wyoming. Lincoln County sits in the heart of the natural gas production of southwestern Wyoming. Connelly is the President of Wyoming County Commissioners' Association and the Chairman of the Coalition of Local Governments of the six counties of southwestern Wyoming.

Lincoln is home to the Opal well, the world's largest natural gas hub. Sixty billion cubic feet of natural gas go out of the hub every week bringing \$33 million to Wyoming every three months. The drilling in southwestern Wyoming is jumping off the chart right now there are twenty-three active pipelines that come out of the Opal hub in Lincoln County and eleven interconnecting pipelines that tie into the main fields through the area.

Cache County needs to know if Ruby has had the environmental impact study (EIS) done on the alternate corridor. Connelley says he detects a lack of proactiveness by Ruby companies in dealing with this Council. If they are not proactive, they should be and Cache County should be proactive with Ruby. Connelley said he believes Cache County will see more requests for pipeline corridors in Cache County in the future.

The pipeline personnel should have good contact with the property owners and utilize agreements, not condemnations. Property owners should be compensated for the use of the areas. Taxes can be realized from pipelines and lower prices for natural gas can also be negotiated. There is a financial benefit to having pipelines, but Cache County should insist the pipelines are good neighbors.

Connelly asked if more of the pipeline's northern route is BLM property or private property? Yeates said it is mostly BLM property. Connelly questions the six-mile requirement on the Oregon Trail and noted that even the view shed requirement is not six miles to his knowledge.

Hansen stated several groups in Cache County have strongly opposed the pipeline, but Ruby just continues moving forward as if the southern route is going to be used.

Connelley suggested the County stage its own Public Hearings and invite the pipeline personnel to attend and hear the will of the people.

Connelly said there is a document of about 400 pages listing all the routes that are possible for these pipelines and Cache County should have been supplied that document.

Petersen asked about the potential financial benefits from property tax? Connelley said he only knows what Lincoln County's are - \$3 million in revenue per year and new jobs, but Lincoln has twenty-three pipelines.

Petersen asked about compensation for private land owners and Connelly said it's about \$95,000.00 for three miles of pipeline. Petersen noted that new legislation requires fair market value be paid in condemnation proceedings.

Chambers noted that natural gas rates could be lower for Cache County if the pipeline goes the southern route, but those rates would have to be negotiated. Connelley said that is true and it takes political pressure to make it happen. The locations of the pumping stations relative to Cache County are very important as well as the number of people employed

Connelley also said there is a coalition of pipeline owners that has pipeline seminars giving updates of pipeline safety and how the pipeline functions. Those seminars are important and there should be some in Cache County. The Ruby Pipeline proposed to go through Cache County is a 42-inch pipe and should have a lock-off system about every five miles for safety. Emergency management people within fifty miles need to be aware of those lock-off areas.

Tape 1, Side B

The document listing the routes is almost a necessity and the governor's office should be able to obtain a copy of it for Cache County. Some pipeline companies move very quickly and Cache County needs the information in this document.

Petersen asked what the spacing is on pumping stations? Connelley said usually about twenty to thirty miles. Connelley believes Cache County would probably have a pumping station.

Petersen asked if the natural gas is in liquid or gaseous form? Connelley replied both at different times. It is under high pressure.

Hansen asked about the Oregon Trail obstacle. Connelley said sixteen pipelines that come out of Opal are in full sight of the Oregon Trail.

Petersen asked Connelley to recommend a few of the most important things Cache County should do. Connelley said No. 1 would be that Cache County should meet face-to-face with Ruby personnel and ask for specific reasons why Ruby has changed to the southern route and is going through Cache County. No. 2 should be for Cache County to find out if the Oregon Trail restriction of six-miles is part of the BLM's original Resource Management Plan (RMP). Cache County should obtain a copy of the book or document mentioned earlier and should initiate public meetings.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**

Senior Citizens – RSVP

Transfer \$1,042.00 from Employee Benefits to Travel to cover travel expenses.

Surveyor

Transfer \$5,735.00 from Temporary Employees to Capitalized Equipment to cover purchase of ATV.

Sheriff's Department

Transfer \$10,000.00 from Software to Non-Capitalized Equipment to purchase printers and stands for patrol vehicles to implement Spillman Software (ticket writer). *(NO ACTION TAKEN)*

Chairman Hansen recommended that since Executive Lemon has not yet reviewed the Sheriff's budget transfer request it should be postponed until he has time to do so.

(Attachment 1)

ACTION: Motion by Council member Yeates to approve the requested intra-departmental budget transfers of \$1,042.00 for the Senior Citizens-RSVP and \$5,735.00 for the Surveyor and wait for the Executive's input on the Sheriff's Department request. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARINGS SET: JUNE 24, 2008 - 5:45 P.M.- OPEN 2008 BUDGET
JUNE 24, 2008 – 6:00 P.M. – THOMAS AND CHARLOTTE
BAILEY TRUST AGRICULTURAL PROTECTION AREA – 80-12
ACRES
JULY 8, 2008 – 6:00 P.M. – VACATING CERTAIN COUNTY
ROADS WITHIN THE COLDWATER CREEK AREA

PUBLIC HEARING RE-SET: JUNE 24, 2008 – 6:15 P.M. – FLASH CUT ALL CHANNELS
FROM ANALOG TO DIGITAL-AUGUST 30, 2008

ACTION: Motion by Council member Petersen to set Public Hearings – June 24, 2008 at 5:45 p.m.- Open 2008 Budget; June 24, 2008 at 6:00 p.m.-Thomas and Charlotte Bailey Trust Agricultural Protection Area-80312 Acres and re-set Public Hearing – June 24, 2008 at 6:15 p.m.-Flash Cut All Channels from Analog to Digital-August 30, 2008. Yeates seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

PENDING ACTION

- Ordinance No. 2007-05 - Agricultural Subdivisions (NO ACTION TAKEN)**

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Discussion – Amendment to the Cache County Zoning Ordinance** – Josh Runhaar explained the three areas covered in this draft: 17.16 – Group Living Facilities, 17.07 – Definitions, and 17.08 – Schedule of Zoning Uses and recommended the Council schedule workshops on June 24, 2008 and July 8, 2008 and a Public Hearing for July 22, 2008 to address the proposed amendment. Runhaar said similar ordinances in many counties and cities were reviewed to help formulate this document.

Robison noted that staff had eliminated twenty items from the Planning Commission's recommendations. Daines explained that if the chart is used to track the staff vs. Planning Commission recommendations, there aren't as many differences as it first appears.

Petersen said workshop topics might be separation requirements, permitted conditional use tables and reasonable accommodation. Daines suggested that the differences between the mineral extraction zone and the industrial manufacturing zone should be the last issue addressed at the workshops.

Hansen said the first workshop will be June 24, 2008 at 3:30 p.m.

- **Discussion – Weight restrictions based on Safety & Narrow Roads to: Veibell/Dairy Road, Long Divide Road, Short Divide Road** – Council member Yeates reminded the Council that action had been taken at a previous Council meeting to designate these roads as a detour for the Highway 30 construction. This has created an extreme burden on the roads and residents are concerned about safety and asked the Council for assistance to remedy the situation. Yeates indicated that Box Elder County has posted "No Trucks" signs on the Box Elder side and asked that Cache County post similar signs on the Cache County side. Yeates has driven the road and verified that there are problems – too much traffic, too much speed, heavy trucks, blind curves, vehicles driving onto residents' yards, etc.

Daines suggested posting signs indicating fines will be double for speeding on these roads.

Kyle Yonk, resident, said the residents are in danger and asked that more policing be done, particularly during the peak commuter hours.

Larry Haslem, resident, said that from the center of the road to his house is thirty-eight feet and said that the telephone pole in front of his yard is the only thing saving a portion of his yard from vehicles driving on it. Haslem suggested restricting traffic to vehicles with four wheels only.

Chambers reminded the Council that the Council had originally determined that traffic would have to use the Wellsville Canyon route during the Highway 30 construction. Later, Box Elder County provided an access road from their side and Cache County designated these roads as a detour. Maybe Cache County should simply stay with its original decision to reroute traffic through Wellsville Canyon.

Zilles said the decision to designate these roads as a detour was made to accommodate the needs of citizens, but the Council never dreamed these kinds of problems would occur.

Tape 2, Side A

Zilles noted that major repair work will have to be done on these roads when the detour is no longer needed.

Chairman Hansen asked Attorney Daines if it is too late to change the decision to allow the detour? Daines said the Council has the right to close the detour or restrict the speed, vehicles, etc.

Yeates said that farm access will still be allowed no matter what decision is made concerning other uses.

Petersen recommended revisiting the issue at the June 24, 2008 Council meeting to see if further action is needed. The Council concurred.

ACTION: Motion by Council member Yeates to direct the County Road Department to immediately post “No Trucks” signs on the detour using Long Divide, Short Divide and 600 North roads from Highway 23 to the Box Elder County line and to post signs (as they become available) indicating fines will be doubled in the area and indicating passenger vehicles only traffic and to direct the Cache County Sheriff’s office to place personnel on these roads during peak traffic hours and such further restrictions as the Cache County Executive may decide are necessary which could include closing the stated roads. Zilles seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Discussion on the motion:

Zilles said UDOT does not appear to be working nights or Saturdays and the County should contact them to try to expedite the work.

Daines said that the County block work is behind because of the rainy weather.

Ryan Yonk suggested the Council issue a press release to inform the public of the new restrictions on the detour roads.

Petersen recommended the signs be posted at a point where vehicles have an alternate route available.

OTHER BUSINESS

✓ **4th of July Parade – Lewiston City-9:15 a.m.-July 4, 2008** – Gibbons and Yeates will attend.

✓ **4th of July Parade – Hyrum City-11:00 a.m.-July 4, 2008** – Zilles, Hansen and possibly Robison will attend.

COUNCIL MEMBER REPORTS

Kathy Robison said she was hoping for a follow-up on the Hyrum Dry to Ant Flat roads advisory group details. Hansen directed Parker to place this on the June 24, 2008 Council meeting agenda.

Gordon Zilles reported there was a meeting of the Agricultural Subdivisions committee and another is scheduled for June 12, 2008.

Cory Yeates asked that the June 24, 2008 agenda also include an update on the Long Divide, Short Divide and 600 North roads.

Attorney Daines suggested creating a task force to deal with issues relating to the Ruby Pipeline project such as: tax benefits, how wide the pipeline will be, what are the reasons they are here. Planning and Zoning can pass rules that require Ruby to obtain permits from Planning and Zoning. As a public entity the County should get involved because it affects the citizens of Cache County and the burden of dealing with this issue should not be thrust upon the citizens.

Yeates suggested Paradise hold a Town Meeting and the Council could attend it.

Zilles agreed a committee or task force should be formed.

Daines suggested Parker contact Lemon for his input on the make up of the proposed task force. Parker indicated she would.

The Council meeting adjourned at 7:00 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: John A. Hansen
Chairman

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Sr Citizens - RSVP
DATE: 5/30/2008

Amount to be transferred -- (rounded to the nearest dollar) \$1,042.00

Transfer From ---
Line Item No. : 24-4973-130
Fund Designation: Employee Benefits
Original Budget: \$13,304.00
Current Budget: \$11,669.00
Expenditures to date: \$4,549.65
Balance before transfer: \$7,119.35
Balance after Transfer: \$6,077.35

Transfer To ---
Line Item No. : 24-4973-230
Fund Designation: Travel
Original Budget: \$1,200.00
Current Budget: \$1,200.00
Expenditures to date: \$1,445.98
Balance before transfer: (\$245.98)
Balance after Transfer: \$796.02

Description of needs and purpose of transfer ---
To cover travel expense.

Randall Schroeder
Department Head

Recommendation: [] Approval [] Disapproval
Comments:

Date: 5/30/2008

Janna Stokes
Cache County Auditor

Recommendation: [] Approval [] Disapproval
Comments:

Date: 6/3/08

M. Lynn Lemmon
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 10th day of June, 2008.

Jim Zollinger
Cache County Clerk

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Surveyor
DATE: 5/28/2008

Amount to be transferred -- (rounded to the nearest dollar) \$5,735.00

Transfer From ---
Line Item No. : 10-4147-120
Fund Designation: Temporary Employees

Original Budget: \$5,735.00
Current Budget: \$5,735.00
Expenditures to date: \$0.00
Balance before transfer: \$5,735.00
Balance after Transfer: \$0.00

Transfer To ---
Line Item No. : 10-4147-740
Fund Designation: Capitalized Equipment

Original Budget: \$5,822.00
Current Budget: \$5,822.00
Expenditures to date: \$4,747.00
Balance before transfer: \$1,075.00
Balance after Transfer: \$6,810.00

Description of needs and purpose of transfer ---
To cover purchase of ATV.

[Signature]
Department Head

Recommendation: [] Approval [] Disapproval
Comments:

Date: 5/28/2008

[Signature]
Cache County Auditor

Recommendation: [] Approval [] Disapproval
Comments:

Date: 6/3/08

[Signature]
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 10th day of June, 2008.

[Signature]
Cache County Clerk