

# CACHE COUNTY COUNCIL

## July 22, 2008

<b>AGRICULTURAL SUBDIVISIONS – Ordinance No. 2007-05 (NO ACTION TAKEN)</b> .....	<b>3</b>
<b>BONDING – Road Tax</b> .....	<b>5</b>
<b>BUDGET – Open 2008-Public Hearing Set-August 12, 2008-5:45 p.m.</b> .....	<b>3</b>
<b>BUDGET TRANSFERS</b> .....	<b>2</b>
<b>CONSENT AGENDA</b> .....	<b>1</b>
<b>DIRECTOR OF DEVELOPMENT SERVICES</b> .....	<b>2</b>
<b>EAST FIELDS SUBDIVISION – Final Plat Approval</b> .....	<b>4</b>
<b>FINAL PLAT APPROVAL – East Fields Subdivision</b> .....	<b>4</b>
<b>FOUR-DAY WORK WEEK</b> .....	<b>3</b>
<b>GROUP HOME FACILITIES – Cache County Ordinance (Title 7): Amend</b> .....	<b>6</b>
<b>HALLOCK, TODD – Public Comment</b> .....	<b>6</b>
<b>JOINT COUNCILS MEETING – July 29, 2008-5:30 p.m.</b> .....	<b>6</b>
<b>MATSON, WHITNEY – Public Comment</b> .....	<b>6</b>
<b>ORDINANCE NO. 2007-05 – Agricultural Subdivisions (NO ACTION TAKEN)</b> .....	<b>3</b>
<b>ORDINANCE NO. 2008-05 – Changes to Attachment A-An Ordinance Amending the Cache County Code, Section 3.82.050, RAPZ/Restaurant Tax Allocation Procedures</b> .....	<b>5</b>
<b>POLLING PLACE LOCATIONS</b> .....	<b>2</b>
<b>PROPERTY TAX INCREASE – Public Hearing Set-August 12, 2008-6:00 p.m.</b> .....	<b>3</b>
<b>PUBLIC COMMENT – Hallock, Todd</b> .....	<b>6</b>
<b>PUBLIC COMMENT – Matson, Whitney</b> .....	<b>6</b>
<b>PUBLIC HEARING – Group Home Facilities, Cache County Ordinance (Title 7): Amend</b> .....	<b>6</b>
<b>PUBLIC HEARINGS SET – August 12, 2008-5:45 p.m.-Open 2008 Budget; August 12, 2008-6:00 p.m.-Proposed Property Tax Increase of 10.01%; August 26, 2008-6:00 p.m.-Rezone of 9.04 Acres of Property from the Agricultural Zone to be Commercial Zone-Petersboro</b> .....	<b>3</b>
<b>RAPZ/RESTAURANT TAX ALLOCATION PROCEDURES – Ordinance No. 2008-05-An Ordinance Amending the Cache County Code, Section 3.82.050</b> .....	<b>5</b>

**REZONE – Petersboro-Public Hearing Set-August 26, 2008-6:00 p.m. .... 3**

**ROAD TAX – Bonding ..... 5**

**STATE TAX COMMISSION ..... 2**

**UDOT MEETING – July 29, 2008-noon ..... 2**

**UTAH STATE ASSOCIATION OF COUNTY COUNCILS AND COMMISSIONS ..... 2**

**WARRANTS – 06-13-2008 to 06-19-2008, 06-20-2008 to 06-26-2008, 06-27-2008 to 07-03-2008 and 07-04-2008 to 07-10-2008..... 1**

**CACHE COUNTY COUNCIL MEETING  
July 22, 2008**

The Cache County Council convened in a regular session on July 22, 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, Darrel Gibbons, Kathy Robison, Cory Yeates & Gordon Zilles.  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger  
**County Attorney:** N. George Daines

**The following individuals were also in attendance:** Janeen Allen, Paul Berntson, Susan Biddulph, David Bigelow, Kenneth Cardon, Dave Davis, Megan Dunn, Jeff Gibbons, Recorder Mike Glead, Todd Hallock, Jim Huska, Anne Marie Johnson, Whitney Matson, Roger McEvoy, David Nielsen, Sharon Nielson, Jennifer Parker, Pat Parker, Chief Gary Roberts, Maybell Romero, Josh Runhaar, Darrell Simmons, A. Jeff Simpson, Becky Simpson, Ralph Stoddard, Auditor Tamra Stones, Attorney James Swink, Alan Williams, Duane Williams, **Media:** Charles Geraci (Herald Journal), Jennie Christensen, (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member Gordon 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 – Ordinance No. 2007-11-*Changes to Attachment A*-corrected to Ordinance No. 2008-05- *Changes to Attachment A*.

Council member Petersen noted that the Council had approved a Consent Agenda and asked that in the future *Consent Agenda* be listed as an item on the agenda between *Report of the County Executive and Unit or Committee Reports*. Chairman Hansen asked Parker to place *Consent Agenda* on future agendas as requested.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the June 24, 2008 Council meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the periods 06-13-2008 to 06-19-2008, 06-20-2008 to 06-26-2008, 06-27-2008 to 07-03-2008 and 07-04-2008 to 07-10-2008 were given to the clerk for filing.

**OTHER ITEMS**

- ❑ **Director of Development Services** – Lemon said the Selection Committee recommends the Director of Development Services be a county employee and be separated from the Countywide Planner. Lemon recommends that the county hire a Director of Development services and then allow the selection committee to hire a “circuit rider planner” to help municipalities with planning and development. Cities participating would contribute to the budget. Council member Petersen clarified that both of these individuals would be county employees. The Council approved Lemon’s recommended proposal.
- ❑ **Polling Place Locations – November 4, 2008 General Election** – Lemon recommended approval of the proposed polling locations for precincts for the November 4, 2008 General Election.

**(Attachment 1)**

**ACTION: Motion by Council member Gibbons to approve the proposed Precinct Polling Place Locations for the November 4, 2008 General Election. Yeates seconded the motion. The vote was unanimous, 7-0.**

- ❑ **State Tax Commission** – Lemon indicated that some telecommunications providers have been reporting sales tax to the county rather than the cities. This occurred during the period January 2005 to November 2007. To correct the \$213,278.00 overpayment to the counties, the State Tax Commission will reduce county payments by that amount and have indicated there will be a second adjustment, though not as large.
- ❑ **UDOT Meeting - July 29, 2008 – noon** – Lemon noted this meeting will concern the realignment of Highway 30 from 200 North to 400 North and will be held in Room 209 of the County Administration Building.
- ❑ **Utah State Association of County Councils and Commissions** meeting will be August 1, 2008 at the Snow College Richfield Campus. Lemon asked Council members to let Pat Parker know if they plan to attend so reservations can be arranged.

**BUDGETARY MATTERS**

◆ **Intra-Departmental Transfers**

Patrol	Transfer \$15,000.00 from Salary ( <i>\$7,000.00</i> ) and Animal Cont Mat, Supp, & Serv ( <i>\$8,000.00</i> ) to Temporary Employees to pay part time reserve deputies, etc.
Attorney	Transfer \$2,500.00 from Law Library to Non-capitalized Equipment to purchase laptop and accessories for Maybell Romero.
Water Development	Transfer \$2,500.00 from Employee Benefits to Salary to cover probationary increase.

**(Attachment 2)**

**ACTION: Motion by Council member Yeates to approve the recommended budget transfers. Robison seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**PUBLIC HEARINGS SET:** AUGUST 12, 2008 - 5:45 P.M. – OPEN 2008 BUDGET  
AUGUST 12, 2008 – 6:00 P.M. – PROPOSED PROPERTY TAX INCREASE OF 10.01% ABOVE THE CACHE COUNTY PROPERTY TAX BUDGETED REVENUE FOR THE CURRENT YEAR AND THE 2008 BUDGET.  
AUGUST 26, 2008 – 6:00 P.M. – REZONE OF 9.04 ACRES OF PROPERTY FROM THE AGRICULTURAL ZONE TO THE COMMERCIAL ZONE LOCATED AT APPROXIMATELY 6100 WEST VALLEY VIEW HIGHWAY, PETERSBORO.

**ACTION: Motion by Council member Chambers to set Public Hearings for August 12, 2008 at 5:45 p.m. - Open 2008 Budget; August 12, 2008 at 6:00 p.m. – Proposed Property Tax Increase of 10.01% above the Cache County Property Tax; August 26, 2008 at 6:00 p.m. – Rezone of 9.04 Acres of Property from the Agricultural Zone to the Commercial Zone located at approximately 6100 West Valley View Highway, Petersboro. Gibbons seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- Ordinance No. 2007-05 - Agricultural Subdivisions (NO ACTION TAKEN)** – Council member Zilles asked Council members if they had any comments for him to take to the next AG Subdivision Committee meeting. Lemon said he hopes there will be encouragement to conserve agricultural land versus one residence on ten acres all over the county. Zilles said there will be incentives for clustering.
- Discussion – Four-Day Work Week for County Employees** – Lemon noted this was discussed at the last Council meeting and based on that discussion, Lemon called a meeting with all elected officials and department heads. Lemon said the county's decision should be based on what schedule will best serve the public. Lemon stated he recommends the four-day, ten-hour work week with reservations as there are issues that have to be dealt with. The Senior Citizen Center is under contract to provide services five days a week and the Visitors Bureau is even open on Saturdays in the summer months. Lemon indicated he has received calls from title companies and realtors and lending institutions wanting to be able to record documents on Fridays. Recorder Mike Gleed is looking into the possibility of electronic filings.

Many department heads and elected officials feel the county services would be available to a broader region of citizens from 7:00 a.m. to 6:00 p.m. than they are with the current 8:00 a.m. to 5:00 p.m. schedule. Studies indicate productivity increases on a four-day, ten-hour week; however, Lemon reiterated that the decision should be based on the premise that the county will be able to serve the public better than currently.

Chairman Hansen asked how a new schedule would affect the Road Department or the County Attorney's office? Lemon said the Road Department is already considering moving to twelve-hour days. Cache County is impacted by the state's decision to go to a four-day week which was the impetus to consider the change. The County Executive's office will remain open five days a week and the County Attorney's office, though not

open, will have staff in the office on Fridays. Lemon has received some negative calls from the public stating officials were elected to be on the job five days a week, not four. Building inspectors will do inspections on Friday.

Petersen asked how long it will be before a final decision will be made and indicated he views this as primarily an executive decision. Lemon said county policy states that county offices will be open five days a week from 8:00 a.m. to 5:00 p.m. so the policy would need to be changed.

Gibbons recommended waiting to see how the schedule works for the state before making any changes locally. Zilles noted he was reluctant to move to the four-day schedule because of building inspection problems, but the Building Department has indicated they would work it out. Zilles also said it is counterproductive for the DMV to be open when the state offices are not.

Daines explained that the issues are different for each department head and requested departments be allowed the flexibility to respond in his/her own way using the measuring stick of what is best for the public and employees. Daines said he is not impressed with the energy savings argument. Petersen also suggested waiting to see what happens at the state level before considering a new schedule. If customer service is the basis for the decision, Petersen stated that some departments would serve the public better with the new schedule, but others would not.

Chairman Hansen asked if any of the Council was ready to submit a motion?

**ACTION: Motion by Council member Zilles to authorize department heads in conjunction with Executive Lemon to implement the four-day, ten-hour work week beginning on August 4, 2008 with a review in six months and another review in a year to critique if it is beneficial to county residents. Chambers seconded the motion. The motion passed, 4 aye – Chambers, Hansen, Robison & Zilles and 3 nay – Gibbons, Petersen & Yeates.**

Lemon reminded the Council that two Monday holidays will no longer exist on the four-day, ten-hour schedule.

Gibbons asked if the motion stated that on August 4, 2008 Cache County will move to a four-day work week?

Zilles said the motion did not state that but gives the County Executive the authority to work through how the departments will respond to the motion.

*Tape 1, Side B*

### **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Final Plat Approval – East Fields Subdivision** – A 3-lot subdivision at 1000 South 300 East, Smithfield.

**(Attachment 3)**

**ACTION: Motion by Council member Yeates to waive the rules and approve the Final Plat for the East Fields Subdivision. Petersen seconded the motion. The vote was unanimous, 7-0.**

- **Ordinance No. 2008-05-Changes to Attachment A** – An Ordinance amending the Cache County Code, Section 3.82.050, RAPZ/Restaurant Tax Allocation Procedures.

(Attachment 4)

**ACTION: Motion by Council member Gibbons to waive the rules and approve Ordinance No. 2008-05-An Ordinance Amending the Cache County Code, Section 3.82.050, RAPZ/Restaurant Tax Allocation Procedures. Yeates seconded the motion.**

**ACTION: Motion by Council member Petersen to amend Ordinance No. 2008-05- An Ordinance Amending the Cache County Code, Section 3.82.050, RAPZ/Restaurant Tax Allocation Procedures – by striking the second whereas clause (*whereas, the Cache County Code, Section 3.82.050 establishes procedures for allocation of RAPZ and Restaurant Taxes; and*) because it is not relevant to this action. Robison seconded the motion. The vote was unanimous, 7-0.**

**ACTION: Chairman Hansen called for the vote on the main motion. The vote was unanimous, 7-0.**

**Ordinance No 2008-05:** The vote was 4-3.

	<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		X		X	3
ABSTAINED								0
ABSENT								0

- **Discussion – Bonding on ¼ Road Tax Money** – Lemon said Mayor Watkins, North Logan, called and asked this be put off until after the CCOG recommendations come before the Council.

Gibbons asked what might happen if sales tax revenue decreases and the county doesn't collect enough to make the bond payments? Lemon recommended holding some of the Road Tax Money in reserve and not bond for the full amount for possible future needed projects that may arise. A number of the mayors didn't participate in this initial round of requests because they understood this would be an annual thing. Gibbons said that if the county bonds, 80% of the funds will be eliminated from the pot. Lemon reminded the Council that more roads can be built with today's money than will be able to be built with future monies.

Chambers asked if all the projects on the list will be funded? Lemon said recommended projects have to meet the criteria before being approved for funding.

Petersen said there are advantages in terms of avoiding escalating costs, but if the county has projects that will dribble on for ten years, the citizens don't get the benefits; whereas, if they're funded now, rather than piecemeal, the citizens could have their benefit now. Petersen also agreed that a reserve or margin should be retained. Petersen said bonding is prudent in this case.

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**PUBLIC HEARING: GROUP HOME FACILITIES, CACHE COUNTY ORDINANCE (TITLE 7): AMEND – TITLE 17.02 – ADMINISTRATION; AMEND – TITLE 17.05 – SUPPLEMENTARY AND QUALIFYING REGULATIONS; AMEND – TITLE 17.06 – USES; AMEND – TITLE 17.07 – DEFINITIONS; AMEND – TITLE 17.08 – SCHEDULE OF ZONING USES; AMEND – TITLE 17.10- GROUP LIVING FACILITIES**

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

Chairman Hansen opened the Public Hearing and asked Josh Runhaar to lead the discussion and invited public comment.

Runhaar noted this has been discussed at a previous Council meeting and at workshops and gave a brief summation of the amendments.

Chairman Hansen again invited public comment.

**Todd Hallock**, Uintah Academy, noted he submitted a letter to the County stating his concerns. The agricultural zone is not a residential zone and a number of commercial uses are already allowed in the agricultural zone. Hallock expressed concerns with the Residential Treatment Facilities and Residential Support Facilities definitions as well as the number of residents allowed and the spacing requirements.

Petersen asked if Hallock's comments are related to the staff or the Planning Commission recommendations? Hallock was not aware of the differences between the two. Reasonable accommodations versus conditional use permits were discussed.

**Whitney Matson**, Avalon Hills, commented on the reasonable accommodations and conditional use permits section as well.

There was no other public comment.

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

**OTHER BUSINESS**

- ✓ **Joint Council Meeting – Logan City Justice Building – July 29, 2008-5:30 p.m.**

Agenda items for discussion:

- Library Board Report
- Scenic By-way Proposal-North Cache County Corp
- Fairgrounds Update
- RAPZ/Restaurant Tax Ordinance Amendment

**COUNCIL MEMBER REPORTS**

**Darrel Gibbons** reported that he met with the MS 150 Bicycle group and made progress addressing the valley Mayors' concerns.



**Cory Yeates** visited the Coldwater Ranch roadway accompanied by Attorney Daines and others and asked to schedule a time for the Council to join him in a visit to the area - perhaps the second week in August. Chairman Hansen said he would like to go.

**Gordon Zilles** asked the Council to come to his house for a shrimp boil as a Council social and asked for a few dates to work toward. The Council suggested Thursday, August 28, 2008.

**Kathy Robison** asked if anything has been done about the Ruby Pipeline Task Force? Lemon said there will be a public meeting in the fall and all the property owners have agreed to allow Ruby to survey. Lemon said he would prefer to have feedback from the property owners before forming the Task Force. The county is in the process of drafting an ordinance to deal with the pipeline as well. Robison said the county should look into possible concessions from Ruby.

*Tape 2, Side A*

Robison also asked that the advisory committee for the uses of the trail by the Coldwater property be organized.

**Gordon Zilles** indicated a citizen complained about the noise from the dog compound near him and took Zilles for a ride early in the morning up above the compound where Zilles counted twenty-three dogs tied up around the compound. Lemon said all the dogs are supposed to be inside at night. Robison asked what the status of the Humane Society's shelter is? No one knows. Lemon said he will see what he can find out about the dogs.

The Council meeting adjourned at 6:41 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** John A. Hansen  
Chairman

## PRECINCTS/POLLING PLACES

Precinct	Polling Place
Logan 01/07	Logan Senior Citizen Center (gym) 240 N 100 East Logan, UT 84321
Logan 02/03/33	Logan National Guard Armory 530 S 500 West Logan, UT 84321
Logan 04/25	Willow Valley Church 825 N 200 West Logan, UT 84321
Logan 05/06	Sunshine Terrace 225 N 200 West Logan, UT 84321
Logan 08/10	Whittier Community Center 290 N 400 East Logan, UT 84321
Logan 09/24	Wilson Elementary School 89 S 500 East Logan, UT 84321
Logan 11/15/23	Adams Elementary School (media center) 530 N 400 East Logan, UT 84321
Logan 12/13/19/20/21	Lundstrom Student Center 1295 E 1000 North Logan, UT 84341
Logan 14/22	8 <sup>th</sup> – 25 <sup>th</sup> Ward LDS Church 325 Lauralin Drive Logan, UT 84321
Logan 16/18/26/28	Central Stake Center 1255 N 600 East Logan, UT 84341
Logan 17/30/31	Cache Stake Center 250 W 1200 North Logan, UT 84341
Logan 27/32	<i>***Looking for a suitable location*** Possibly-Human Services Building, 115 Golf Course Rd, South Conference Room OR LDS Church, 94 W 600 S</i>
Logan 29	Eastridge LDS Church 1350 Eastridge Drive Logan, UT 84321
Amalga	Town Hall 6590 N 2400 West Amalga, UT 84335
Benson	Benson LDS Church 3432 N 3000 West Benson, UT 84335
Clarkston	Town Hall 50 S Main Clarkston, UT 84305
College/Young	College/Young LDS Church 2394 W 2200 South College Ward, UT 84339
Cornish	Town Hall

	14300 N 4800 West Cornish, UT 84308
Hyde Park 01/02	City Office 113 E Center Hyde Park, UT 84318
Hyrum 01/02/03/04/05	City Office 83 W Main Hyrum, UT 84319
Lewiston 01/02	City Office 29 S Main Lewiston, UT 84320
Mendon 01/02	Historic Mendon Station 95 N Main Mendon, UT 84325
Millville 01/02	Providence South Stake Center 360 E 450 North Millville, UT 84326
Newton	Town Hall 51 S Center Newton, UT 84327
Nibley 01/02	Nibley 4 <sup>th</sup> Ward LDS Church 360 W 3200 South Nibley, UT 84321
North Logan 02/03/04	North Logan Library 475 E 2500 North North Logan, UT 84341
North Logan 01/05/06	Professional Development and Technology Center 2035 N 1200 East North Logan, UT 84341
Paradise	Town Hall 9035 S 100 West Paradise, UT 84328
Providence 01/02/03/04/05	Providence 1 <sup>st</sup> Ward LDS Church 420 W 100 North Providence, UT 84332
Richmond 01/02/Cove	Community Building 6 W Main Richmond, UT 84333
River Heights 01/02	City Office 520 S 500 East River Heights, UT 84321
Smithfield 01/02/03/04/05	Armory 50 E 100 North Smithfield, UT 84335
Smithfield 06/07	Smithfield Fire Station 325 W 100 North Smithfield, UT 84335
Trenton	Town Hall 17 E Main Trenton, UT 84338
Wellsville 01/02/03/04	4 <sup>th</sup> - 8 <sup>th</sup> Ward LDS Church 49 W 200 South Wellsville, UT 84339

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: PATROL  
 DATE: 16-Jul-08

Amount to be transferred -- (rounded to the nearest dollar) \$ 15,000

**Transfer From ---**

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
10-4210-110	Salary	\$ 1,322,079		\$ (7,000)	\$ 1,315,079
10-4210-200	Animal Cont Mat, Supp, & Serv	\$ 9,147		\$ (8,000)	\$ 1,147

**Transfer To ---**

10-4210-120	Temporary Employees	\$ 19,494	\$ 15,000		\$ 34,494
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Totals

\$ 15,000 \$ (15,000)

Net adjustment

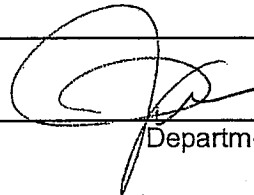
\$ -

Description of needs and purpose of transfer ---

To pay temporary employees - PART TIME RESERVE DEPUTIES ETC. - Patrol officers

Recommendation:  Approval  Disapproval

Date: 16-Jul-08



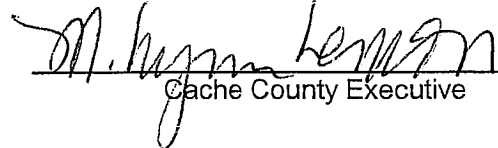
Department Head

Jamera Stokes

Cache County Auditor

Recommendation:  Approval  Disapproval

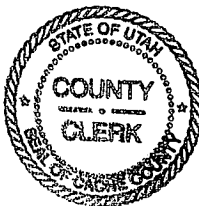
Date: 7/22/08



Cache County Executive

Consented by the Cache County Council meeting in regular session on the 22<sup>nd</sup> day of

July, 2008.




Cache County Clerk

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Attorney  
 DATE: 7/9/2008

Amount to be transferred -- (rounded to the nearest dollar) \$2,500.00

Transfer From ---  
 Line Item No. : 10-4145-200  
 Fund Designation: Law Library

Original Budget:	<u>\$13,500.00</u>
Current Budget:	<u>\$13,500.00</u>
Expenditures to date:	<u>\$3,104.94</u>
Balance before transfer:	<u>\$10,395.06</u>
Balance after Transfer:	<u>\$7,895.06</u>

Transfer To ---  
 Line Item No. : 10-4145-251  
 Fund Designation: Non-capitalized equipment

Original Budget:	<u>\$8,000.00</u>
Current Budget:	<u>\$8,000.00</u>
Expenditures to date:	<u>\$4,919.61</u>
Balance before transfer:	<u>\$3,080.39</u>
Balance after Transfer:	<u>\$5,580.39</u>

Description of needs and purpose of transfer ---  
To purchase laptop for Maybell and accessories.

George Daines by S. Nielson  
 Department Head

Recommendation:  Approval [ ] Disapproval  
 Comments:

Date: 7/9/2008

Landra Stones  
 Cache County Auditor

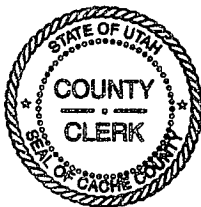
Recommendation:  Approval [ ] Disapproval  
 Comments:

Date: 7/10/08

M. Lynn Leonard  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 22nd day of July, 2008.

Bill Zollinger  
 Cache County Clerk



**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Water Development  
 DATE: 7/3/2008

Amount to be transferred -- (rounded to the nearest dollar) \$2,500.00

Transfer From ---  
 Line Item No. : 17-4115-130  
 Fund Designation: Employee Benefits

Original Budget:	<u>\$34,470.00</u>
Current Budget:	<u>\$34,470.00</u>
Expenditures to date:	<u>\$8,210.96</u>
Balance before transfer:	<u>\$26,259.04</u>
Balance after Transfer:	<u>\$23,759.04</u>

Transfer To ---  
 Line Item No. : 17-4115-110  
 Fund Designation: Salary

Original Budget:	<u>\$79,997.00</u>
Current Budget:	<u>\$79,997.00</u>
Expenditures to date:	<u>\$32,049.69</u>
Balance before transfer:	<u>\$47,947.31</u>
Balance after Transfer:	<u>\$50,447.31</u>

Description of needs and purpose of transfer ---  
To cover probationary increase.

*Robert Fots*  
 Department Head

Recommendation: [] Approval [  ] Disapproval  
 Comments:

Date: 7/3/2008

*Jamra Stones*  
 Cache County Auditor

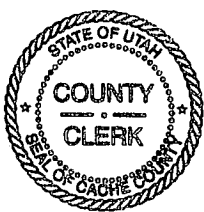
Recommendation: [] Approval [  ] Disapproval  
 Comments:

Date: 7/3/2008

*M. Kyrre Larson*  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 22<sup>nd</sup> day of July, 2008.

*Steve Zollinger*  
 Cache County Clerk



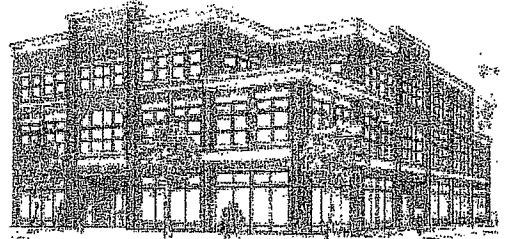
# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

**GARTH DAY**  
DIRECTOR/  
COUNTYWIDE PLANNER

**JOSH RUNHAAR, AICP**  
COUNTY PLANNER/  
ZONING ADMINISTRATOR

**PAUL BERTSON**  
CHIEF BUILDING  
OFFICAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987



**APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE**  
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION  
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA  
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

## PROJECT APPLICATION

### REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

### TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT

Date Received: <u>3-4-08</u>	Received By: <u>AM dg</u>	Receipt Number: <u>3612</u>	Application Number: <u>1400</u>
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*ck 172  
1400<sup>00</sup>*

PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>Minor Sub. 3 lots</u>	AGENT NAME <u>Duane Williams / Alan Williams</u>
PROJECT NAME <u>East Fields Subdivision</u>	ADDRESS <u>73 S. 300 W Smithfield 84335</u>
PROJECT ADDRESS <u>1000 S. 250 E.</u> <u>Smithfield</u>	(Alan) <u>135 S. 100 W</u>
SERIAL NUMBER(S) <u>08-117-0019</u>	TELEPHONE (DAY) <u>757-0436</u> (CELL) <u>→</u>
ZONE <u>Ag</u>	OWNER NAME <u>SAME</u>
PROJECT LOCATION <u>Smithfield / Hyde Park</u>	ADDRESS _____
	TELEPHONE (DAY) _____ (CELL) _____

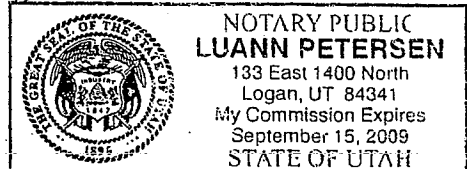
State of Utah )

County of Cache )

On this 22<sup>nd</sup> day of Feb., 2008, personally appeared before me, ~~Duane Williams~~ Duane Williams proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

Signed Duane Williams  
(Property Owner or Agent)

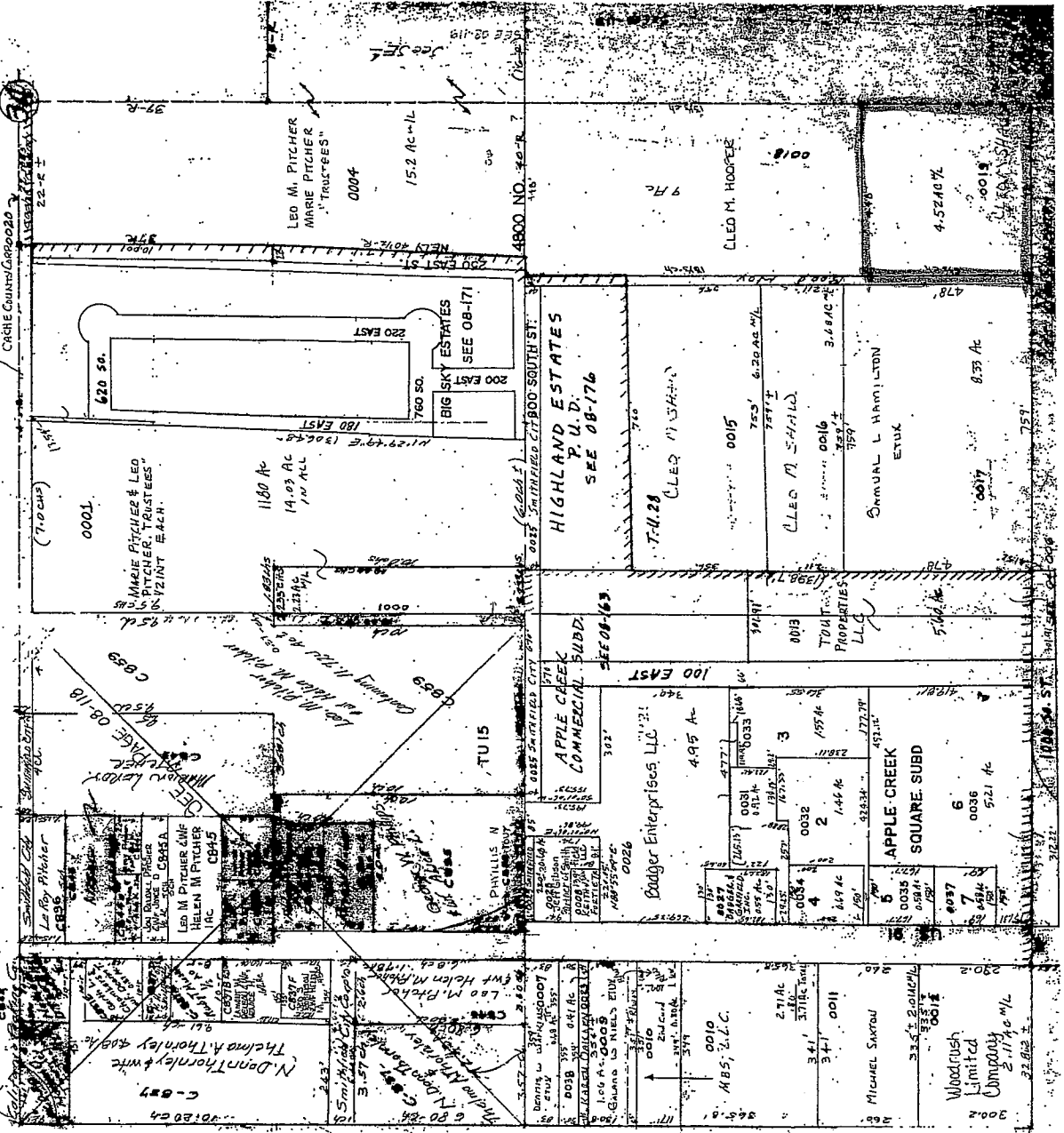
Luann Petersen  
Notary Public



**SW1 SECTION 34, TOWNSHIP 13 NORTH, RANGE 1 EAST.**  
**SCALE 1 INCH = 3 CHAINS.**

SEE CB-110

*Smithfield City Corp Limits*



SEE 08-109


SEE 08-119

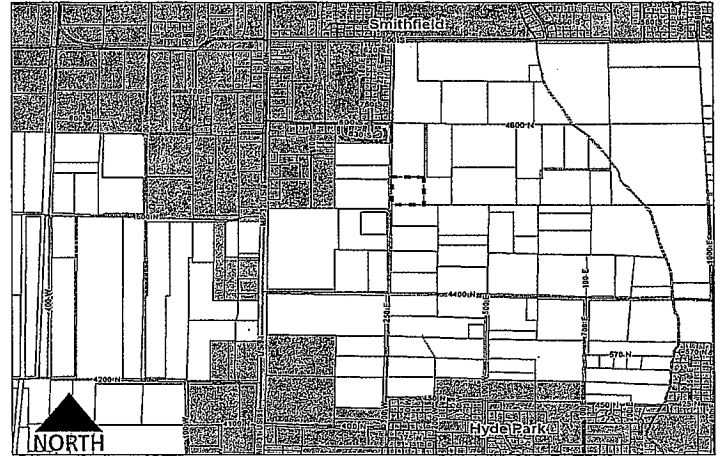


**CACHE COUNTY CORPORATION  
DEVELOPMENT SERVICES DEPARTMENT**

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*Project Name:* **East Fields Subdivision**  
*Agent:* Duane Williams  
*Request:* 3-Lot Subdivision  
*Type of Action:* Recommend to County Council  
*Current Zoning:* Agricultural (A)  
*Project Address:* 1000 South 300 East (Smithfield)  
*Staff Recommendation:* Approval with Conditions  
*Tax ID:* 08-117-0019  
*Surrounding Uses:* North – Homes  
South – Agriculture  
East – Agriculture/Homes  
West – Agriculture

*Reviewed by:* Jay Baker, Associate Planner II 



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**PURPOSE:** To recommend preliminary and final plat approval to the County Council for the East Fields Subdivision.

**PROJECT SUMMARY**

*Location:* The project is located approximately 0.2 mile south of Smithfield City in the Agricultural Zone.

*Access:*

- Access from County Road 300 East is adequate.
- Drainage on the side of the road will need to be improved and culverts installed at driveways.

*Water & Septic:*

- Adequate water rights will be in place at the time of final plat recordation.
- All lots are feasible for deep, onsite septic systems and wells.

*Service Provision:*

- Access for fire protection from Smithfield is adequate. The fire station is 2.6 miles from the site.
- Garbage collection service will be on County Road 300 East.
- An existing school bus stop is located at approximately 1000 South 250 East.

**STAFF DETERMINATION**

It is staff's determination that the East Fields Subdivision, a three (3) lot subdivision for property located at approximately 1000 South 300 East (Smithfield), is in conformance with the Cache County Ordinance and should be recommended for approval to the County Council. This determination is based on the following **findings of fact**:

1. The East Fields Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The East Fields Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The East Fields Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. The East Fields Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 300 East, the County Road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

## CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. The applicant shall improve the drainage on the East side of 300 East, the length of the development.
2. Approaches to the properties will require a minimum 18" culvert.
3. The final plat shall not be recorded until sufficient domestic water rights are approved for all proposed lots within the subdivision.
4. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.





ORDINANCE NO. 2008-05

AN ORDINANCE AMENDING THE CACHE COUNTY CODE, SECTION 3.82.050, RAPZ/RESTAURANT TAX ALLOCATION PROCEDURES.

The Cache County Council, in a regular meeting, lawful notice of which as been given, finds that it is in the best interest of the citizens of Cache County to enact the following:

WHEREAS, the Cache County Code, Section 3.82.050 establishes procedures for allocation of RAPZ and Restaurant Taxes; and

WHEREAS, changes in the wording of that section are needed to provide the Cache County Council appropriate oversight over use of funds for zoological facilities.

NOW, THEREFORE, BE IT ENACTED BY THE CACHE COUNTY COUNCIL THAT:

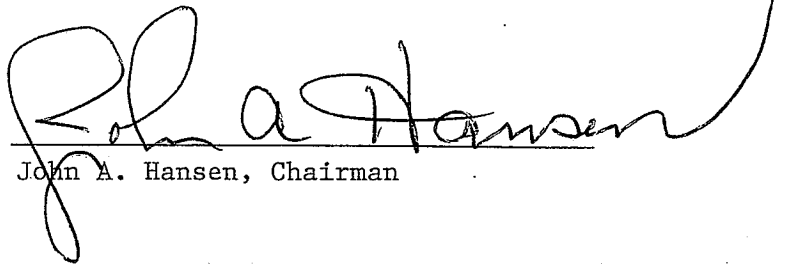
The Cache County Code, Section 3.82.050 is amended as specified by Attachment A.

Section: This Ordinance shall become effective immediately upon publication, in the manner required by law.

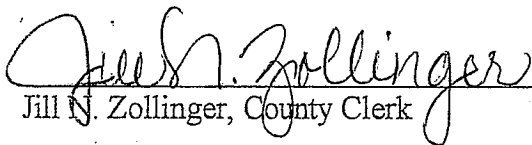
This Ordinance was adopted by the County Council, Cache County, Utah on the 22nd day of July 2008, upon the following vote:

	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons	X			
John H. Hansen	X			
Kathy Robison	X			
Cory Yeates	X			
Gordon Zilles	X			

Cache County Council

  
John A. Hansen, Chairman

ATTEST:

  
Jill N. Zollinger, County Clerk

Publication Date: August 6, 2008

## ATTACHMENT A

### 3.82.050: RAPZ/RESTAURANT TAX ALLOCATION PROCEDURES:

RAPZ/Restaurant Tax Funds will be distributed in a manner consistent with the following:

#### A. Administration

1. Allocated 0.6% of RAPZ tax to the State of Utah for collection expense.
2. Allocate 0.9% for a RAPZ/Restaurant Tax Administrator
  - a. The Administrator will: (1) report to the County Executive; (2) assist in preparation and evaluation of proposals; (3) assure that allocated funds are properly used; and (4) obtain and review follow up reports on projects.
3. A single RAPZ/Restaurant Tax Advisory Committee will be established to evaluate proposals and make recommendations to the County Council on the allocation of restaurant and RAPZ taxes.
  - a. The RAPZ/Restaurant Tax Administrator will act as staff to the Advisory Committee.
  - b. The Advisory Committee will consist of eight (8) members recommended by the County Executive and approved by the County Council.
    1. Two (2) County Council members and the County Executive
    2. One person from each of the five (5) County Council districts not represented by a council member.
4. A single form will be developed to apply for RAPZ or Restaurant Tax funds and the Advisory Committee will recommend which source of funds will be used.
5. Proposals will be due by the first Friday in March and allocation decision will be completed by the second County Council meeting in May.
6. Projects funded with RAPZ or Restaurant Tax funds must be available for use on an equal basis by all citizens of the county.

#### B. RAPZ Cultural and Botanical:

1. Allocate forty percent (40%), after administrative costs, to this area. The percentage will be reviewed each year.
2. All funds allocated to this area will be based on proposals submitted each year, however multi-year commitments will be considered.
3. By law, no funds allocated to this area can be used for capital projects.

C. RAPZ Parks and Recreation:

1. Allocate fifty percent (50%), after administrative costs, to this area. The percentage will be reviewed each year.
  - a. Fifteen percent (15%) will be allocated proportional to city populations, with the provision that any city receiving funds does not reduce its current level of expenditures in this area.
  - b. Thirty Five percent (35%) of funds allocated to this area will be based on proposals submitted each year, however multi-year commitments will be considered.
2. The County may use a proportion of the thirty five percent (35%) identified in subsection C1b of this section to fund county wide or multiple jurisdiction recreation projects.
3. Funds allocated to this area can be used either for capital projects or operating expenses.

D. RAPZ Zoological Facilities:

1. Allocate ten percent (10%), after administrative costs, to the Willow Park Zoo, based on an acceptable proposal submitted each year. The percentage will be reviewed each year. If less than ten percent, the additional funds may be allocated to parks and recreation.
2. Funds can be used either for capital projects or operating expenses.

E. Restaurant Tax:

1. Emphasis will be given to supporting tourism.
2. Funds from the Restaurant Tax can be used either for capital projects or maintenance expenses.
3. Multi-year commitments will be considered. (Ordinance 2005-01, January 25, 2005)