

**SPECIAL CACHE COUNTY COUNCIL  
September 25, 2008**

**BILSKIE, CINDY – Public Comment** ..... 1

**BORG, JOHN – Public Comment** ..... 2

**BOX, THAD – Public Comment** ..... 1

**CLEMENTS, LAMAR – Public Comment**..... 2

**COKINOS, CHRIS – Public Comment** ..... 2

**DAMITZ, SEAN – Public Comment**..... 1

**DAVIS, PAULA – Public Comment** ..... 1

**ELLIS, CLAIR – Public Comment**..... 2

**HOLLIST, JULIE – Public Comment**..... 1

**JAMES, DAVID – Public Comment**..... 2

**KERR, SHAUNA – Public Comment**..... 2

**LEBEAU, GABRIELLE – Public Comment**..... 2

**MACFARLANE, WALLY – Public Comment**..... 2

**MULHOLLAND, JOHN – Public Comment**..... 2

**NELSON, LEE – Public Comment**..... 2

**OPEN SPACE – Reconsideration of Resolution No. 2008-07 – Approving a ballot measure for the 2008 general election regarding issuance of a bond whose proceeds would be used to preserve critical lands in Cache County**..... 1,3

**PUBLIC COMMENT – Bilskie, Cindy**..... 1

**PUBLIC COMMENT – Borg, John** ..... 2

**PUBLIC COMMENT – Box Thad**..... 1

**PUBLIC COMMENT – Clements, LaMar** ..... 2

**PUBLIC COMMENT – Cokinos, Chris**..... 2

**PUBLIC COMMENT – Damitz, Sean**..... 1

**PUBLIC COMMENT – Davis, Paula** ..... 1

<b>PUBLIC COMMENT – Ellis, Clair .....</b>	<b>2</b>
<b>PUBLIC COMMENT – Frazer, Nat.....</b>	<b>1</b>
<b>PUBLIC COMMENT – Hollist, Julie .....</b>	<b>1</b>
<b>PUBLIC COMMENT – James, David .....</b>	<b>2</b>
<b>PUBLIC COMMENT – Kerr, Shauna .....</b>	<b>2</b>
<b>PUBLIC COMMENT – LeBeau, Gabrielle.....</b>	<b>1</b>
<b>PUBLIC COMMENT – Macfarlane, Wally .....</b>	<b>2</b>
<b>PUBLIC COMMENT – Mulholland, John.....</b>	<b>2</b>
<b>PUBLIC COMMENT – Nelson, Lee .....</b>	<b>2</b>
<b>PUBLIC COMMENT – Rayfield, Dave.....</b>	<b>2</b>
<b>PUBLIC COMMENT – Shugart, Carolyn .....</b>	<b>1</b>
<b>PUBLIC COMMENT – Smith, Frank.....</b>	<b>2</b>
<b>PUBLIC COMMENT – Swenson, Laraine.....</b>	<b>1</b>
<b>PUBLIC COMMENT – Ward, Alyson .....</b>	<b>2</b>
<b>RAYFIELD, DAVE – Public Comment .....</b>	<b>2</b>
<b>SHUGART, CAROLYN – Public Comment.....</b>	<b>1</b>
<b>SMITH, FRANK – Public Comment.....</b>	<b>2</b>
<b>SWENSON, LARAINÉ – Public Comment.....</b>	<b>1</b>
<b>WARD, ALYSON – Public Comment .....</b>	<b>2</b>

**CACHE COUNTY SPECIAL COUNCIL MEETING**  
**September 25, 2008**

The Cache County Council convened in a special session on September 25, 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, Cory Yeates & Gordon Zilles.  
**Kathy Robison, absent.**  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger  
**County Attorney:** N. George Daines

**The following individuals were also in attendance:** Jay Baker, Dave Bigelow, Cindy Bilskie, Glen Bosch, Thad Box, Jaynan Chancellor, Taylor Clark, LaMar Clements, Christopher Cokinos, Sean Damitz, Paula Davis, Bambi Eichner, Barbara Farris, Nat Frazer, Joe Fuhriman, Ben Greene, Jack Greene, Jon Hardman, Julie Hollist, Sharon. L. Hoth, Deon Hunsaker, David James, Shauna Kerr, Jean Lown, Wally Macfarlane, Suzanne Marychild, Duane Miels, Al Miller, Wendell Morse, John Mulholland, Lee Nelson, Pat Parker, Dave Rayfield, Stu Reyonolds, Mike Roberts, Chris Sands, Sally F. Sears, Caroline Shugart, Darrell Simmons, Frank Smith, Kate Stephens, Davie Swenson, Laraine Swenson, Richard E. Toth, Alyson Ward, Michael B. Ward, Randy Wirth, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

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

**ITEMS FOR DISCUSSION**

- **Placing or not placing open space issue on ballot in November 2008** – Chairman Hansen explained that this will be the sole issue to be discussed.
- **Receive public input on item for discussion** – Chairman Hansen indicated that public comment would be received with speakers alternating, one in favor of retaining the issue on the ballot and one opposed to leaving the issue on the ballot. Each speaker was asked to take no more than three minutes.

**Pubic comment:**

Speaking in favor: Julie Hollist  
Carolyn Shugart  
Paula Davis  
Thad Box  
Nat Frazer  
Laraine Swenson  
Cindy Bilskie  
Sean Damitz

Dave Rayfield  
Chris Cokinos  
Wally Macfarlane  
Shauna Kerr

Opposed: John Mulholland  
Lee Nelson  
Frank Smith  
David James  
LaMar Clements

In addition, the Council received two emails in favor from Gabrielle LeBeau and Alyson Ward and two emails opposed from John Borg and Clair Ellis.

Council member Gibbons asked Kerr

- **Council discussion of putting open space issue on ballot in November 2008** – Vice Chairman Petersen said he is probably as volatile on this issue right now as the market is and he has serious personal and professional concerns about moving forward with the issue because of the nature of the economic conditions. Petersen believes the proponents are making a grave strategic error in moving ahead because the likelihood of failure is very, very high and will kill the issue for five to ten years. Having said that, the Council does have the latitude of when to issue the bonds if the issue passes. Petersen noted he could not support putting it on the ballot in 2009 because it is an off-year election which is non-representative of the will of the people. Petersen said the bottom line is he has to trust the people. He personally thinks it is ill-advised, but let the people have their say.

Chambers indicated he returned from Salt Lake in order to attend this meeting and has always been supportive of the open space issue and will vote to allow it to be on the ballot.

Zilles said he would favor leaving it on the ballot to let the people vote on it and if it is passed, the Council could decide when to issue the bonds.

Gibbons indicated he has opposed placing this issue on the ballot from the beginning and reminded the audience that the Council was elected to make decisions on behalf of the people who elected them and it is the Council's responsibility to make hard decisions. If the people want to do away with this body and rule by referendum...but the people voted to elect this Council to make decisions. Gibbons said there was not one person in the audience who understands what kind of tax impact has been placed on the citizens of the county as well as the Council members do.

*Tape 1, Side B*

The reality is that the taxes, in addition to property taxes, is far greater than \$18.00. This is a poor time to go to the public saying, "We know it's tough on you. We don't know what the economy is going to be like, but let's give a little more." Gibbons said he makes his living by farming and has watched efforts to try to make farming viable. The proponents of the open space issue say we'll make farming viable by taxing everybody so we can give you a conservation easement. That's a poor way to farm. If I'm going to

be a farmer, I'm going to have to make my business work without a handout from the taxpayer. Gibbons noted he thinks it is responsible government to look at our economic circumstances and say now is not the time. Gibbons said he will vote against retaining the issue on the ballot.

Yeates said this is bad legislation and he has opposed it from the beginning. Yeates noted that those who have talked about trails being a part of open space should understand that every piece of property that has received McAllister funds is locked up and he cannot walk on those lands, hunt on those lands or fish on those lands. They are not open to the public; they are private lands. Yeates addressed those people who asked if the county was going to reconsider the road tax because of the economic situation. He noted that that issue was placed before the people and voted on. Interestingly, the Cache Valley Transit District also had an issue on that ballot, which was defeated. Yeates said he has not heard anything compelling to change his mind. He opposes leaving it on the ballot.

Chairman Hansen said he agrees with a lot that has been said. One of the first things the AG Advisory Board discussed when he was on the board was to have plans in place to buy some critical lands. Hansen said he has been supportive, but the state of the economy has frightened him and perhaps citizens would think the Council "had lost our law" if the Council wanted to impose another tax. Hansen said he ran saying he would support the people he represents, and he is very conflicted right now. The best way to find out is to put it on the ballot and let the people who elected him decide. Hansen thinks it is likely the measure will be defeated, but he has trust and confidence in the electorate if the issue is advertised and people are well educated, let them make a decision and they'll have to live with it.

Chambers asked what the time frame is on bonding if the bond passes as to when it has to be enacted? Daines said if the measure passes, the Council is duty bound to go forward with the bonding. Rayfield said bond council said the time limit is ten years.

**ACTION: Motion by Vice Chairman Petersen to reaffirm the Council's action to retain the open space issue on the ballot for the November 4, 2008 election. Chambers seconded the motion. The motion passed, 4 aye – Chambers, Hansen, Petersen & Zilles and 2 nay – Gibbons & Yeates. Robison absent.**

Gibbons indicated that in Box Elder County there is a referendum with respect to the Northern Utah Regional Landfill and the information pamphlet that is going out has to address both sides of the question. Gibbons asked Kerr that, if an education pamphlet goes out, is she willing to represent both sides? You say that with proper education, the citizens will make a good decision. Gibbons said one side is not enough to make a good decision. Kerr responded that the Trust for Public Lands submitted a petition about two weeks ago to be able to present its side of the issue in the county's publication. The county opted to not have a publication so no voter information packet that requires both sides is necessary because the county has self selected not to do that. Gibbons said so the Trust for Public Lands information packet will only represent its side? Kerr said their information will reflect the position of the community that is moving forward on the issue. Gibbons asked what is the financial benefit to Kerr's organization with this bond? Kerr asked, "to me? to my organization? nothing." Gibbons said to Kerr – "You don't get one penny." Kerr replied, "No." Kerr said she is no longer working for the Trust for Public

Lands. Lemon asked if Kerr is an agent for the Trust? Kerr responded no and said she is currently working as a consultant.

Gibbons said the Trust for Public Lands is not honest if it says it is going to give the citizens of the valley proper education in order to make the decision on the open space issue and only present one side.

Lemon agreed a proposal was presented to the Council and the Council opted to not have an information packet.

Rayfield and Kerr indicated that the county must remain neutral on the issue and present both sides; whereas, the Trust and private individuals can express preference and present only the side they support.

Lemon said the Trust for Public Lands charges a ten percent fee on all of the conservation easements that they put together and so the issue is raised with us, is it ethical, is it right for the Trust for Public Lands who stands to benefit, is it right for them to take \$100,000 and inject into this without both sides of the issue being told?

Petersen and Lemon indicated the county has never published a voter information pamphlet on any issue over the years.

Zilles asked if the Council feels strongly that it should put out some information with both sides represented for the voters? Lemon said the county will do that, if the Council desires it. Petersen noted the newspaper also helps with that.

The special Council meeting adjourned at 5:03 p.m.

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

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**APPROVAL:** John A. Hansen  
Chairman