

CACHE COUNTY COUNCIL
October 14, 2008

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CACHE COUNTY COUNCIL MEETING
October 14, 2008

The Cache County Council convened in a regular session on October 14, 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 & Gordon Zilles.
Cory Yeates absent.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: N. George Daines

The following individuals were also in attendance: Brian Anderson, Dave Bigelow, Marilyn Ellingson, Bob Fotheringham, Josh Chambers, Ray Clawson, Jeff Gilbert, Sharon L. Hoth, Chris Huie, Mike Huie, Jim Huska, Jeff Jorgensen, Mayor Gerald Knight, Dave Nielsen, Mark Nielsen, Pat Parker, Craig Pettigrew, Tammy Pettigrew, John Powell, Chief Gary Roberts, Maybell Romero, Josh Runhaar, Dave Schuster, Mayor Randy Simmons, Sue Ann Smith, Deputy Chief Aaron Walker, Mayor Cary Watkins, Diane Williamson, Linda Worlton, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Brian 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 September 23, 2008 Council meeting and the September 25, 2008 Special Council Meeting as written. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Jennifer Korb Deputy County Attorney

ACTION: Motion by Council member Gibbons to approve the recommended appointment. Chambers seconded the motion. The vote was unanimous, 6-0. Yeates absent.

WARRANTS: Warrants for the periods 08-22-2008 to 08-28-2008, 09-12-2008 to 09-18-2008, 09-25-2008 and 10-02-2008 were given to the clerk for filing.

OTHER ITEMS

- Ruby Pipeline FERC Hearing** will be held October 15, 2008 at 7:00 p.m. in Hyrum.

- ❑ **Recorder's Office Hours** – Executive Lemon indicated Recorder Mike Glead has received a number of requests from realtors for recording documents on Fridays. Lemon said the Council will probably need to amend the work week schedule to allow recordings on Fridays.

ITEMS OF SPECIAL INTEREST

- **Employee of the Month** was presented to Assistant Chief and Fire Warden Craig Pettigrew of the Cache County Fire Department by Diane Williamson.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**

Jail

Transfer \$14, 071.00 **from** Travel (\$3,000.00), Capitalized Equipment (\$5,971.00) & Capitalized Equip – Work Release (\$5,100.00)

to

Prisoners Supplies – W/R (\$5,100.00), Gasoline (\$5,971.00) & Education & Training (\$3,000.00) to cover expenses.

Attorney

Transfer \$6,000.00 **from** Law Library-Materials & Supp (\$2,000.00), Subscriptions & Membership (\$2,000.00), Travel (\$1,000.00) & Spec Dept Supplies-Drug Crt (\$1,000.00)

to

Equipment Supplies & Maint to cover copier expense.

Surveyor

Transfer \$1,200.00 **from** Equipment Supplies & Maint (\$225.00) & Captialized Equipment (\$975.00)

to

Travel/Seminars (\$975.00) & Special Dept Supplies (\$225.00) to cover expenses, including County Convention costs.

(Attachment 1)

ACTION: Motion by Council member Gibbons to approve the recommended budget transfers of \$14,071.00, \$6,000.00 and \$1,200.00. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: OCTOBER 28, 2008 - 5:45 P.M. – OPEN 2008 BUDGET

ACTION: Motion by Council member Gibbons to set a Public Hearing for October 28, 2008 at 5:45 p.m. – Open 2008 Budget. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Robison to convene as a Board of Equalization. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

BOARD OF EQUALIZATION

- **Approval of Hearing Officers Recommendations** (on file in the Auditor's Office)

ACTION: Motion by Council member Gibbons to approve the recommendations of the Hearing Officers. Chambers seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Request for Cancellation of Business Personal Property Tax** - Executive Lemon indicated these businesses are no longer operating and attempts to contact them have been unsuccessful.

(Attachment 2)

ACTION: Motion by Council member Zilles to approve the request for cancellation of business personal property tax. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Approval of Charity Plan for Logan Regional Hospital** – Gibbons said he and other Council members met with Logan Regional Hospital personnel and reviewed their charity plan.

(Attachment 3)

ACTION: Motion by Council member Gibbons to approve the Charity Plan for Logan Regional Hospital. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

ACTION: Motion by Council member Robison to adjourn from the Board of Equalization. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.

THE COUNCIL MOVED OUT OF THE BOARD OF EQUALIZATION.

PENDING ACTION

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

1. Presentation – Logan City/Providence/River Heights-100 East – \$4,391,787.00 - Mark Nielsen reviewed the proposed project indicating it is needed to provide an alternate route for south end traffic. If approved, construction would begin next year.
2. Presentation – North Logan City – 200 East – \$6,421,155.00 - Mayor Cary Watkins and Jeff Jorgensen gave details of the project along with a power point presentation by John Powell.

Council members questioned if North Logan's request should be for a narrower road since it connects with a dirt road on the north and a narrower road than the proposed section on the south.

Daines noted the previous agreement between Cache County and North Logan should be altered or voided before this proposed project is addressed. Watkins and Jorgensen said that North Logan recommends that instead of the property tax increase from future development going to North Logan City, it should go back into the road tax "pot" to be used for other projects.

(Attachment 4)

Tape 1, Side B

The Council left this item as the time for a Public Hearing arrived.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Chambers to open the Public Hearing –Agricultural Protection Area-Lewis M. Nielsen and June H. Nielsen. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING: OCTOBER 14, 2008-5:45 P.M. – AGRICULTURAL PROTECTION AREA-LEWIS M. NIELSEN AND JUNE H. NIELSEN – Josh Runhaar gave details of the request and noted the AG Advisory Board and the Planning Commission both unanimously approved it.

Chairman Hansen opened the public hearing and invited public comment. There was none.

ACTION: Motion by Council member Robison to close the Public Hearing-Agricultural Protection Area-Lewis M. Nielsen and June H. Nielsen. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PENDING ACTION

- CCCOG Road Projects** – The Council returned to this discussion.

3. Presentation – Nibley City -3200 South – \$658,244.00 - Mayor Gerald Knight presented the information to the Council and indicated the project is ready to be completed now. (*See Attachment 4*)

The speed limit on 3200 South will be 35 mph and in response to Zilles' question, slower speeds move more traffic because of closer following distances.

Council members also questioned the use and cost of meridian strips.

Council member Zilles noted that several citizens suggested that 4300 South has a ½ mile strip to be completed that would relieve 3200 South of a lot of truck traffic.

Daines indicated a new agreement needs to be negotiated with North Logan City so each entity clearly understands its position.

Petersen asked what the Council's options are concerning the priority list submitted by CCCOG? Gilbert indicated the Council can accept the recommended list or modify the projects as desired.

Tape 2, Side A

Council members concurred that 4300 South may be a good project for the next priority list submission.

Lemon noted that part of the reason the EIS has been delayed for over four years is because the EIS wants to take a portion of the Eccles Ice Center's parking lot for the projected extension of 200 East.

Petersen again asked about the Council's options. Daines said the Council can reject the list from CCCOG or modify the requests, but if the CCCOG's recommendations are disregarded, the CCCOG will not be very effective.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2008-08 – Imposing 1% Tourism, Recreational and Cultural Tax**

(Attachment 5)

ACTION: Motion by Vice Chairman Petersen to waive the rules and approve Ordinance No. 2008-08-Imposing 1% Tourism, Recreational and Cultural Tax. Chambers seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No 2008-08: The vote was 6-0. 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	X		6
NAY								0
ABSTAINED								0
ABSENT							X	0

- **Resolution No. 2008-22 – Ellen Eccles Theatre Restaurant Tax Allocation**

(Attachment 6)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2008-22-Ellen Eccles Theatre Restaurant Tax Allocation. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2008-23 – Approving Agricultural Protection Area-Lewis M Nielsen**

and June H. Nielsen – Chairman Hansen noted the earlier Public Hearing received no public comment on this issue.

(Attachment 7)

ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2008-23-Approving Agricultural Protection Area-Lewis M. Nielsen and June H. Nielsen. Gibbons seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Ordinance No. 2008-10 – Establishing County Roads and Abandoning Other Roads in Coldwater Area (NO ACTION TAKEN)** – Daines stated that since this was published as a resolution (*Resolution No. 2008-24*) instead of an ordinance, it would be prudent to move it to the October 28, 2008 Council meeting agenda and publish it as an ordinance. The Council concurred.
- **Ordinance No. 2008-09 – County Water Brokerage (NO ACTION TAKEN)** – Bob Fotheringham indicated that in June of 2008 Cache County filed an application of probate with the state engineer. The purpose of the application was to facilitate water management of the county to secure and preserve the water rights the county has and not lose those water rights to cessation forfeiture or put them in non-use. That application was protested by several entities who challenged that there was no structure set up in Cache County to act as a water brokerage. Fotheringham said he would like to have this ordinance passed to authorize the County Water Manager to operate the water brokerage.

In reply to Zilles' question, Daines said he had reviewed the proposed ordinance and approves it. Daines recommended sending the ordinance with an explanatory cover letter from Fotheringham to valley cities and water and irrigation companies and then have the ordinance on the agenda to receive public comment at the October 28, 2008 Council meeting. Fotheringham and the Council agreed.

Council member Gibbons left the meeting.

- **Property Tax Hardship Requests** (on file in the Auditor's Office)

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

- **Prioritize CDBG Project Requests** – Executive Lemon listed the CDBG applications that have been received:

Neighborhood Non-Profit Housing	\$100,000.00
Community Nursing Services	37,347.00
Options for Independence	20,000.00
Cache Valley Community Health Center	no amount listed
ALL HOME	65,000.00

Lemon asked if the Council wanted to prioritize the applications or sponsor them all equally? The Council preferred equal sponsorship.

ACTION: Motion by Council member Chambers for the county to sponsor all the CDBG applications without prioritization. Zilles seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

- **Discussion – 2009 Budget Priorities** – Executive Lemon distributed and reviewed a tentative budget and asked Council members if they had any priorities to recommend.

Tape 2, Side B

Daines suggested adjusting the 2009 budget quarterly depending on the economic situation. Chairman Hansen liked the suggestion and said the county should also try to help out its employees as much as it can under the circumstances. Lemon and Daines noted that the 2% cut in medical premiums is probably a result of the employees participating in the Apple Program and that should come back to the employees.

COUNCIL MEMBER REPORTS

Kathy Robison reported that she had learned at UAC that cities want a larger portion of the TRCC tax and the county should watch for legislation that may propose that increase so counties can push for amending the bill. The state has also indicated the core rate for housing state prisoners in the county will probably be cut. Robison asked if there are figures showing what the county loses each year because the state doesn't pay the full cost.

Daines suggested inviting Senator Lyle Hillyard to address a discussion on the jail housing funding at a Council meeting. The Council agreed and asked Executive Lemon to issue the invitation to Senator Hillyard.

Robison said the only state program not scheduled to receive funding cuts is education.

John Hansen said he has received complaints and concerns about the inability to record documents on Friday.

ACTION: Motion by Council member Robison to authorize the County Executive to allow the Recorder's Office to process property recordings on an as needed basis on Fridays. Zilles seconded the motion. The vote was unanimous, 5-0. Gibbons & Yeates absent.

OTHER BUSINESS

- ✓ **UAC Annual Convention – November 12-14, 2008 – St. George, Utah** – Pat Parker asked for verification of Council members Chambers, Hansen, Robison, Yeates and Zilles spouses attendance at the UAC Annual Convention.

The Council meeting adjourned at 7:40 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: John A. Hansen
Chairman

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