

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
JANUARY 25, 2011**

CACHE COUNTY COUNCIL

January 25, 2011

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**CACHE COUNTY COUNCIL MEETING
January 25, 2011**

The Cache County Council convened in a regular session on January 25, 2011 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Jon White
Vice Chairman: Craig "W" Buttars
Council Members: H. Craig Petersen, Val Potter, Kathy Robison, & Gordon Zilles. **Cory Yeates absent.**
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Marianne Anderson, Brad Armstrong, Layne Beck, Lloyd Berentzen, Jack Greene, Sharon L. Hoth, Kree Lindsay, Dave Nielsen, Jill Parker, Director Josh Runhaar, Christopher Sands, **Media:**, Charles Geraci (Herald Journal), Jeremy Threlfall (KUTA-TV), Satenik Sargsyan (Hard News Café).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

Chairman White announced the Executive Session was canceled.

ACTION: Motion by Council member Zilles to approve the agenda removing the Executive Session to discuss pending litigation. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the January 11, 2011 Council Meeting as written. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were none.

WARRANTS: Warrants for the periods 12-03-2010, 12-06-2010, 12-31-2010 to 01-06-2011 and 01-07-2011 to 01-13-2011 were given to the Clerk for filing.

OTHER ITEMS

- Legislators' Breakfast Meeting** – Saturday, January 29, 2011 at 7:30 a.m. in the County Administration Building. Executive Lemon announced the new time

for this year's Saturday meetings and Chairman White invited the public to attend.

- ❑ **County Officials Day at the Legislature** is Friday, February 4, 2011 and Executive Lemon asked Council members to contact Janeen Allen if they will be attending so she can register them.
- ❑ **UAC Legislative Committee Meetings** will be held each Thursday at 9:00 a.m. during the legislative session. In Cache County it will be broadcast at the Bear River Health Department and Lemon encouraged Council members to attend.
- ❑ **TRCC/RAPZ Applications** are due March 4, 2011 by 5:00 p.m. The applications are now available online and prior applicants should have received an email notice containing this year's application.

UNIT OR COMMITTEE REPORTS

- ★ **Children's Justice Center – Mike Stauffer** reviewed the operations of the Children's Justice Center noting that 332 cases were handled in 2008 and only 265 cases in 2010. This decline follows a state and national trend which Stauffer attributes to better investigations, stricter penalties for abusers, increased public intolerance for child abuse and better public education in recognizing the signs of abuse.

Stauffer indicated they are considering the cost/benefit ratio of the accreditation status with the National Children's Alliance and may withdraw from the NCA. The Center is financed by the State Attorney General's Office and the current budget is approximately \$155,000.00. Cache County provides in-kind support in the form of accounting and information technology.

The Center has two full-time employees and usually has an intern from Utah State University as well.

Stauffer reminded the Council of the annual dinner and auction fundraiser to be held at the CopperMill restaurant on February 17, 2011 and urged attendance.

ITEMS OF SPECIAL INTEREST

- **Air Quality Update-Bear River Health Department, Lloyd Berentzen** reviewed the history of the county's air quality programs noting that nonattainment occurred when the EPA lowered its PM2.5 standards from 65 ppm to 35 ppm and this resulted in the program being removed from local control. It is now controlled by the state and federal governments. These governments began an SIP process, or a state implementation plan, which takes a certain number of years to complete.

Berentzen recounted the educational processes that were instituted by Bear River Health Department regarding air quality. Studies indicated the effects of the programs were negligible.

Berentzen reminded the Council that inversions are not manmade; they are a naturally occurring condition. Inversions are the cause of the approximately 13 to 18 red air days each year in Cache Valley. The Health Department now focuses on keeping citizens informed of current air quality and what they can do to protect their health.

Berentzen turned the time to Jill Parker who displayed the BRHD web site that informs citizens of air quality conditions in "real time." There are links to Facebook, Twitter and a code (69302 then airquality) citizens can enter on their cell phones to receive current air quality information. A local radio station, KVNU, also gives a daily air quality status report twice a day – morning and afternoon.

Council member Zilles asked if the health effects of poor air quality have been or are being monitored? A strong correlation between air quality and increased health problems has not been noted, but Berentzen said there is a definite impact on persons with respiratory problems, such as asthma, etc. Vulnerable individuals should stay indoors as much as possible on red air days because warmer air dissipates the particulates' ill effects.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: FEBRUARY 08, 2011-5:30 P.M. – ZONING ORDINANCE-AMENDMENTS TO TITLE 17.18, SENSITIVE AREAS OVERLAY AND TO TITLE 17.07, DEFINITIONS

ACTION: Motion by Council member Zilles to set a Public Hearing February 08, 2011 at 5:30 p.m. – Zoning Ordinance-Amendments to Title 17.18, Sensitive Areas Overlay and to Title 17.07, Definitions. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: FEBRUARY 08, 2011-6:00 P.M. – TO RECEIVE PUBLIC COMMENT REGARDING THE SUBMISSION OF AN APPLICATION TO THE COMMUNITY IMPACT BOARD REQUESTING FINANCIAL ASSISTANCE THROUGH A GRANT OR LOAN FOR THE DEVELOPMENT OF THE CACHE COUNTY WATER MASTER PLAN – Executive Lemon explained that Bob Fotheringham learned of this grant which will help finance a water master plan for the county. A public hearing must be held in order to qualify for the grant.

ACTION: Motion by Vice Chairman Buttars to set a Public Hearing February 08, 2011 at 6:00 p.m. – To receive public comment regarding the submission of an application to the Community Impact Board requesting financial assistance through a grant or loan for the development of the Cache County water master plan. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PENDING ACTION

- Motion to declare property as surplus** – Executive Lemon stated that the law requires that the agreement to surplus the property must be done by motion and a resolution must be adopted indicating what action the county is going to take. This property is the ten feet in front of the Road Department building on 1000

West street. (See Attachment 1 to Resolution No. 2011-01 – Disposal of Surplus Real Property, Exhibit A.)

ACTION: Motion by Council member Zilles to surplus the ten foot strip of property in front of the Road Department shed as found in Exhibit A to Resolution No. 2011-01. Petersen seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Resolution No. 2011-01 – Disposal of Surplus Real Property

(Attachment 1)

ACTION: Motion by Council member Zilles to approve Resolution No. 2011-01 – Disposal of Surplus Real Property. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- Decision on County Seat Program** – Chairman White asked for the Council's feelings on the proposed county participation in the County Seat TV program at a cost of approximately \$29,000.00

Executive Lemon, Council members Buttars, Potter and Robison are supportive of the county's participation. Robison and Lemon also recommended support of and involvement with the local media. Chairman White is supportive, but cautioned that the county must be actively engaged in the process of choosing topics affecting Cache County. Zilles is supportive of participating for one year and then evaluating the efficacy of the program.

Council member Petersen is not supportive and feels the county can reap the benefits of the program without investing the money.

ACTION: Motion by Council member Potter to commit up to \$29,000.00 for Cache County to participate in the County Seat TV program with the following constraints: Proposed issues for the program discussions that are under the purview of Cache County will come before the Council for decision and after one year's participation, the Council will evaluate the effectiveness of the program. Robison seconded the motion. The motion passed, 5 aye – Buttars, Potter, Robison, White & Zilles and 1 nay – Petersen. Yeates absent.

- Discussion – Proposed Amendments to the Cache County Road Standards**
– Director Runhaar handed out and reviewed a summary sheet of proposed Cache County roadway design standards reminding the Council that the zoning ordinance should be considered a living document with a high likelihood of the need for changes in the future.

Executive Lemon asked when the Planning Commission will be ready to send a recommendation to the Council on the proposed road standards? Runhaar responded it would probably be a minimum of three months and possibly as long as eight or nine months. Chairman White considered nine months too long stating he would like to see one by May so that the Planning Commission can be done with this and move on to actual planning.

Council member Potter expressed the feeling that if 80% of the proposal is ready, the Commission can submit that much and they and the Council can continue to refine the remaining 20%.

Council member Zilles asked Planning Commission member Christopher Sands if May is a possibility for a recommendation from the Planning Commission? Sands replied it is.

(Attachment 2)

ACTION: Motion by Council member Zilles requesting the Cache County Planning Commission to submit a rough draft of the proposed Cache County Road Standards to the Cache County Council at the May 10, 2011 County Council meeting. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

OTHER BUSINESS

- ✓ **Schedule County Council Photograph** – Executive Lemon proposed having Janeen Allen take the new Council picture. The Council agreed and the group as well as the individual pictures for UAC will be taken at 4:30 p.m. prior to the February 8, 2011 Council meeting.

COUNCIL MEMBER REPORTS

Val Potter reported he attended the BRAG meeting and is a member of the Regional Housing Authority Board. Potter also attended the CCEMS meeting.

Craig “W” Buttars verified that the meeting concerning the Colorado Realware Software for the Assessor’s Office will be Wednesday, January 26, 2011 at 9:00 a.m.

Buttars said he will forward names for the Library Board soon.

Kathy Robison indicated she had a brief conversation with Don Briel about the necessity of IT policy for cell phones, desktop phones, laptop use, etc.

Attorney James Swink announced that wireless access points will be put in this week and next week the system will be activated.

ADJOURNMENT

The Council meeting adjourned at 6:45 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman

RESOLUTION 2011-01

RESOLUTION DECLARING CERTAIN REAL PROPERTY AS SURPLUS PROPERTY

WHEREAS, the Utah State Department of Transportation (hereinafter "UDOT") seeks to widen a public highway (hereinafter "Highway") located at 1000 West, 500 North, Logan, Cache County, Utah and

WHEREAS, in order to widen said Highway, UDOT must obtain a strip of land currently owned by Cache County (said strip of land more particularly described in "Exhibit A" attached and incorporated hereto); and

WHEREAS, to secure said property to widen the Highway, UDOT has offered Cache County a purchase price Cache County believes represents the fair market value for the Property; and

WHEREAS, prior to the sale of said Property, Utah Code Ann. § 17-50-312, as amended, as well as Cache County Ordinance 3.40.010 requires the Cache County Council to declare said property as "Surplus Property" before it can be sold; and

WHEREAS Cache County Ordinances 30.40.020 and 30.40.040 establish the procedures and protocols that must be followed prior to declaring the Property as "Surplus Property" before it can be conveyed to UDOT for the expansion of the Highway; and

WHEREAS the Cache County Council must hold a public hearing pursuant to Cache County Ordinance 3.40.040(B) before, by motion and vote, the Cache County Council can declare the Property as "Surplus Property" so that it can be conveyed to UDOT for the expansion of the Highway; now

THEREFORE, the Cache County Council finds as follows:

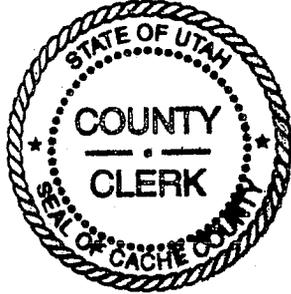
1. UDOT has offered to pay \$6,125.00 for the Property in order to Expand the Highway. The Council finds that this is an appropriate price for the Property and is based upon its fair market value. Further, the Council finds that it is in the best interests of the citizens of Cache County to expand the Highway, where said expansion will promote the safety of those who use the Highway and will ease traffic congestion on the Highway.
2. The conveyance of the Property to UDOT for the expansion of the Highway will not adversely affect Cache County in any appreciable way.

THEREFORE, the Cache County Council resolves that the Property, better described in "Exhibit A" shall be declared surplus, and that the deed to said property shall be conveyed to UDOT in accordance with Cache County Ordinance 3.40.020, and a record of such conveyance shall be maintained in accordance with 3.40.020 and applicable state law.

This resolution was approved and adopted by the Cache County Council on the 25th
day

of January 2011.

CACHE COUNTY COUNCIL



Jon White

Jon White, Chair
Cache County Council

ATTEST:

Jill Zollinger

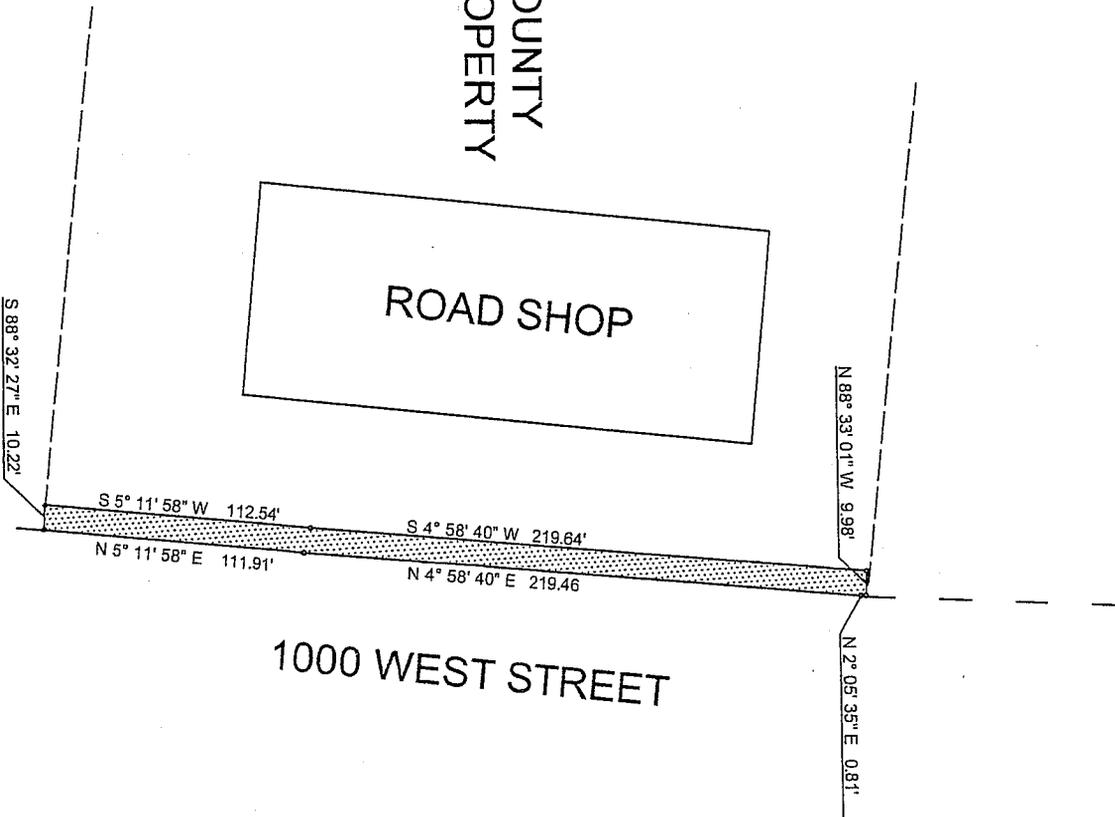
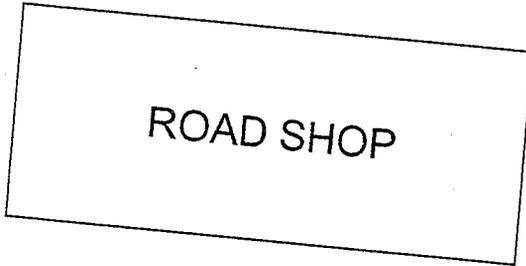
Jill Zollinger
Cache County Clerk

EXHIBIT A

I HAVE REVIEWED THE DESCRIPTIONS THE STATE HAS PROVIDED AND THEY APPEAR TO NEED TO TAKE THE EASTERLY 10 FEET OF THE ROAD SHOP PROPERTY FOR WIDENING 1000 WEST STREET.

I HAVE INCLUDED A PICTURE OF THE PROPERTY THAT THE STATE WANTS. THE OTHER DESCRIPTION, THAT IS INCLUDED, SEEMS TO BE JUST A SLIVER OF GROUND THAT IS NEEDED TO FILL IN A GAP IN THE EXISTING DESCRIPTIONS. I THINK THAT THIS GAP WAS CREATED BECAUSE THE PROPERTY THAT THE COUNTY BOUGHT, TO BUILD THE SHOP ON, IS ALONG A CURVE ON 1000 WEST AND THEREFORE JUST CLEARS UP THE SMALL GAP THAT WAS CREATED BY THE CURVE.

COUNTY
PROPERTY



Cache County Roadway Design Standards – Summary Sheet

P.C. Action

Reviewed Completed

Proposed Language Existing Requirements

10/7/2010

Sections 1.1 - 1.7 General Improvement Requirements
Construction Drawings, Requirement for engineering of infrastructure documents, Inspection requirements, and Guarantee of Work.

No Existing Language

10/7/2010

Section 1.8 - Design Exceptions
Establishes the method for reviewing and approving exceptions or deviations from the Road Standard. Also provides an appeal process.

No Existing Language

10/7/2010

Section 1.9 - Traffic Impact Studies
Establishes the method for reviewing and approving exceptions or deviations from the Road Standard. Also provides an appeal process.

The trigger remains the same (as-needed basis) as in §16.04.040(D). Provides a clear outline of the requirements for the studies.

10/7/2010

Section 2.1 - Roadway Classification System
Current Roadway Classification – Defines the type and use of all public roadways.
Planned Roadway Classification – Allows the County to make determinations on what improvements are needed for both the Capital Improvements Plan and development.

No Existing Language

10/7/2010

Section 2.2 - Municipal Roadways
Issue 1: County Jurisdictional Roads within Municipalities (i.e. Hwy 238 through Providence). Allows the County to enter into agreements to require affected municipality standards.
Issue 2: Allows the County to work with cities to identify roads within municipal annexation areas and plan improvements accordingly.

No Existing Language

Some generic language within §16.04.130

X

Section 2.3 - Tiered Roadway Sections

Six tiered system of roads: Private, Mountain, Rural, Local, Collector, and Arterial.

The base construction material (road base and gravel) remain consistent on all roads, but as traffic volumes increase the width of travel lanes and shoulders increases and the surface requirements increases (gravel to pavement, then progressively thicker paving sections for high volume roadways).

Currently have a 6 tiered system in §16.04.040. Increased the information on each road type to accommodate a full roadway section. Provides limitations for each type of roadway.

Allows for alterations to the standard structural cross section based on subsurface soil conditions (areas of high water table or poor drainage).

Conflicts with §12.04 which requires only provides the County with a limited number of options to impose on new roadways (3" asphalt, 24' to 40' in width depending on service needs)

X

Section 2.4 – Improvements to County Roadways Language in Process

Requirement in §16.04.040(B) to improve roads and service gaps.

Requirement in §12.04.030 to provide a 1/2 width improvement for county roads. This conflicts with the requirements in existing fire code and safe engineering practices.

2/2/2010

Section 2.5 - Roadway Layout

Provides guidelines for roadway design for new alignments.

Much of the roadway layout requirements is taken from §16.04.040 (F).

Clarifies limitations on dead end roadways and cul-de-sacs. Provides requirements for temporary cul-de-sacs and allows for exceptions where topographic constraints impede through roads.

Some language limiting dead end streets in §16.04.040 (F)(3)&(4). Language is somewhat vague, limit dead end roads to 1 lot in depth (variable requirement).



Sections 2.6/2.7 - Encroachment Permitting

A rebuild of the existing encroachment permitting requirements and relocation from the Surveyor's office to the Development Services office.

Maintains a minimal fee that increases with the size of the project.

New system has a tiered system for the type of work being done, allows for further inspection and engineering fees on larger projects, and requires a licensed bonded contractor to perform most work within County ROW's/roads. This resolves some issues of liability and ensuring performance for construction and roadway repair.

Partially addressed in §12.08, but lacks clarity and enforcement.

Current system requires a \$15 permit fee and a \$150 deposit for any and all permits.

Increases the requirements for individuals working within County ROW over current requirements.



Sections 2.9 - Miscellaneous 2.8/2.9

Outlines requirements for survey monument location, bridge/culvert design, and the requirement to obtain the necessary environmental permits.

Survey monumentation within the roadway intersection is a new requirement, otherwise these are standard requirements written into policy.



Section 3 - Irrigation Water Facilities Design

Provides the basic requirements and engineering standards.

No Existing Language

May be expanded in the future as design requirements are put in place by irrigation companies for piping or crossing irrigation facilities.



Section 4 - Storm Drainage Design

Provides the basic requirements and engineering standards for drainage, detention/retention, and roadway drainage. Provides for future growth and infrastructure requirements (storm sewer)

Current requirements are limited to "no additional drainage from the site" and the addition of requirements to provide storm water plans as conditions of approval.



Section 5.2/3 - Access Spacing
 Establishes minimum spacing standards for access to public roads by type of access.

No Existing Language



Section 5.4 - Driveways
 Establishes driveway widths and construction materials within the County right-of-way.

§17.05.070 covers access issues on private roads and will likely need to be re-drafted (mostly removed).

§17.22.070 dictates access widths for commercial and residential uses. This section will likely be removed.



Section 5.5 - Access to State Roads
 Supports the requirement to obtain access from UDOT on State road facilities.

§16.04.130(A) covers this topic in brief.



Appendix – Misc. Engineering Requirements
 Format for plans, design criteria, etc.

No Existing Language

§17.05.120 Clear View of Intersecting Streets - Currently outlines clear view at intersections. This will likely be moved at some point into the Road Standard.