

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
FEBRUARY 08, 2011**

CACHE COUNTY COUNCIL
February 08, 2011

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CACHE COUNTY COUNCIL MEETING
February 8, 2011

The Cache County Council convened in a regular session on February 08, 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, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Bruce R. Baird, Sharon L. Hoth, Chuck Larsen, Kree Lindsay, Attorney Don Linton, Zan Murray, D Alan Shakespear, **Media:**, Charles Geraci (Herald Journal), Jeremy Threlfall (KUTA-TV), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the agenda with Item 7a – Logan-Cache Airport Report – postponed to the February 22, 2011 Council meeting. Potter seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the January 25, 2011 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Brett Daniels TRCC RAPZ Committee

WARRANTS: Warrants for the periods 12-10-2010, 12-12-2010 and 01-21-2011 to 01-27-2011 were given to the Clerk for filing.

OTHER ITEMS

- Cloud seeding** – Executive Lemon stated that the January 2011 North American Weather Consultants report shows that the Bear River Basin is at 141% for snow water equivalent and 149% for water year precipitation.
- Letter to Bronson Smart – Highline Canal Project** – Lemon read a letter to the Council he proposes sending to Bronson Smart. The letter indicates that Cache County

is not in favor of rebuilding the Logan Northern canal in its exiting alignment due to safety concerns, but encourages studying the possibility of rebuilding the canal somewhere near or adjacent to Canyon Road and off the hillside. The Council approved the letter.

(Attachment 1)

- **NRCS Joint County and Cities Meeting – EIS** – Executive Lemon said that the EIS on the Highline Canal Project will probably not be ready until March and the NRCS and the engineers involved in the study want to present pertinent information a joint meeting with the Cache County Council and the Councils of Logan City, North Logan, Hyde Park and Smithfield. Lemon proposed meeting at 4:00 p.m. just prior to the regular fifth Tuesday meeting scheduled with Logan City and the Cache County Council on March 29, 2011. Chairman White suggested that the meeting be a part of the regularly scheduled meeting at 5:30 p.m. observing that individuals would not have to take time off work to attend. Janeen Allen will contact the cities concerned to coordinate the joint meeting for Tuesday, March 29, 2011 at 5:30 p.m. in the Cache County Council chambers.

Executive Lemon noted that there will be information on the EIS presented at an open house for the public on March 31, 2011.

- **Air quality** – Executive Lemon commented that because there has been some criticism of Cache County's efforts to improve air quality Lemon had the Health Department pull up some data from earlier years. During the years 2001 through 2006, with the standard at 65 ppm, there was an average of 5 red air days. If the standard for that period had been 35 ppm, there would have been an average of 25 ½ red air days. Cache County's average number of red air days currently is 19 – down from earlier years. Research also indicates that the average air quality beginning in 2000 was about 12 micrograms per cubic meter. The average recently has been about 9 micrograms per cubic meter. Lemon finds it encouraging that the averages have gone down even with more automobiles in the county.

(Attachment 2)

- **Council packets** – Executive Lemon reminded the Council that the following items are in their packets: Notice of a UDOT meeting on May 4, 2011, a letter from Hyrum Library about the Hyrum Museum, a letter from the Utah Festival Opera, and a letter with an update on the Ruby Pipeline.

ITEMS OF SPECIAL INTEREST

- **Logan-Cache Airport Master Plan Update – Chuck Larsen** reviewed the Logan-Cache Airport Master Plan via a power point presentation and noted the following:

- Compatibility of the airport and land surrounding the airport
- Airport Layout Plan
- Planned farther than 20 years
- Long-term commercial air service
- Community Air Service
- Cargo manufacturing area

Light aircraft and recreation area
Defined street grid system
Community input and cooperation

Larsen urged the county to secure land around the airport as quickly as possible to ensure future expansion and continued compatibility with the land and communities that are in the area.

The Logan-Cache Airport Master Plan won an award from Landscape Architects of Utah for planning and was also presented at an international conference in Washington, D.C.

Council member Zilles asked if some of the land surrounding the airport is wetlands? Larsen replied there are wetland areas which have been defined in the plan and those areas should be able to be banked around the airport

Chairman White asked if Planning and Development have seen the plan and Larsen said they have.

- **Cache Valley Cowboy Rendezvous – Dale Major** advised the Council of the first Cache Valley Cowboy Rendezvous that will be held March 4-6, 2011 at the Mountain Crest High School in Hyrum, Utah and encouraged their attendance. Major stated that the Cache Valley Visitors Bureau has been very helpful in securing grants for advertising outside of the valley. The Bar J Wranglers and thirty-five other artists will display their talents on three separate stages. Major hopes this will grow and become an annual event and urged the Council to help spread the word about the event.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

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

Director Runhaar referred Council members to the three documents in their packets indicating that he will be addressing the track changes. These are being made as the county switches to density-based zoning and consist of splitting of sensitive areas into developable and non-developable zones plus some language clean-up.

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

ACTION: Motion by Council member Yeates to close the Public Hearing – February 08, 2011 - Zoning Ordinance-Amendments to Title 17.18, Sensitive Areas Overlay and to Title 17.07, Definitions. Zilles seconded the motion. The vote was unanimous, 7-0

PUBLIC HEARING SET: FEBRUARY 22, 2011 AT 6:00 P.M. TO OPEN 2011 BUDGET

ACTION: Motion by Council member Yeates to set a Public Hearing-February 22, 2011 at 6:00 p.m. to Open 2011 Budget. Robison seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Zilles to convene as a Board of Equalization. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.

BOARD OF EQUALIZATION

- **Tax Exemption Request** *(Details are on file in the Cache County Auditor's Office)*
 - American Red Cross of Northern Utah
 - American West Heritage Center
 - Bear River Head Start
 - Bridgerland Audubon Society
 - Cache Community Food Pantry
 - Cache County Children's Justice Center
 - Cache Employment and Training Center
 - Cache Humane Society
 - Cache Valley Unitarian Universalists
 - Child and Family Support Center
 - Community Nursing Services
 - Daughters of the Utah Pioneers Leavitt-Layne Camp
 - Faith and Fellowship Center
 - First Presbyterian Church
 - Logan Lighthouse Ministry
 - New Life Fellowship (Formerly Cache Valley Christian Center)
 - The North American Islamic Trust, Inc.
 - Roman Catholic Church
 - Second Baptist Church

ACTION: Motion by Council member Yeates to approve the recommended property tax exemption requests. Petersen seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PENDING ACTION

- **Discussion – Proposed Amendments to the Cache County Road Standards** – Chairman White stated that the Planning Commission should have a presentation on road standards ready for May.

INITIAL PROPOSAL FOR CONSIDERATION

- **Colorado Customware Presentation – Don Briel** informed the Council of the advantages and disadvantages of Colorado Customware, Inc. which provides Computer assisted mass appraisal (CAMA). The state has mandated that counties must convert to CAMA by 01-01-2014. Via a power point presentation Briel addressed the following:
 - Replacement of current tax roll system
 - Total new system vs. interfacing CAMA with present tax roll system
 - Support concerns
 - Cost and savings of CCI

Briel recommends the county choose the complete CCI system. and proceed with contract negotiations

Council member Petersen asked how much of the proposed \$332,000.00 cost will be paid by the state through MCAT? Briel responded that the \$168,000.00 that MCAT will fund is in addition to the \$332,000.00 cost.

Recorder Gleed stated his support of the CCI system and will be closely involved with the development of the recorder portion of the system.

Executive Lemon observed that other companies have contacted the county, but the issue is that the state has already agreed to go with this. If the county chooses otherwise, then that system will have to be integrated with the CAMA. One "package" to work with will be a much smoother operation.

Council member Zilles commented that, since Cache County would be the first to do this, we might receive a system more tailored to Cache County's needs and desires. Lemon agreed that the county can help develop the recorder portion now, but in the future any changes to the program will be a more involved process.

Other Council members said they have been contacted by other companies, but they are small and support would continue to be an issue.

Executive Lemon noted that a decision is not needed at this meeting, but Briel feels a consensus from the Council is needed so negotiations can begin in a timely fashion. Lemon feels the CCI system in general is the direction the county should go.

Chairman White asked for the Council's views on the CCI system.

Vice Chairman Buttars suggested approving the start of contract negotiations until the system is approved by the county.

ACTION: Motion by Council member Petersen to continue with negotiations with CCI and place this item on the February 22, 2011 Cache County Council agenda for a decision. Potter seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: 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 – Bob Fotheringham explained that in 2009 Cache County created a water department. Fotheringham said the purpose of a water master plan is to look at current water use, future demands, infrastructure needs, the county's role in development of water, how the county will participate in funding water development growth, where the sources of supply will come from, legislation the county may need and environmental issues the county might deal with.

Fotheringham said funding for the master plan is available if Cache County teams with other groups. JUB Engineers prepared the application to the Community Impact Board for financial assistance through a loan or grant. A public hearing must be held as one of the requirements of the application.

Chairman White opened the Public Hearing and invited public comment.

Vice Chairman Buttars asked if the Board makes the determination of whether the funding is through a loan or a grant? Fotheringham said that is correct.

There was no other public comment.

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

INITIAL PROPOSAL FOR CONSIDERATION

- **Cache County Community Foundation – Set up Main Street Flag Project for Cache County Fair and Rodeo** - Clerk Zollinger explained that Logan City has set up a grant for flag pole banners in lieu of the large banner across Main Street. Cache County has applied for the grant and needs to be under the Cache Community Foundation in order to receive the funding.

(Attachment 3)

ACTION: Motion by Council member Petersen to set up the Main Street Flag Project as an approved project under the Cache County Community Foundation. Yeates seconded the motion. The vote was unanimous, 7-0

- **Armor Storage Conditional Use Permit Expansion– Alan Shakespear requesting approval for a conditional use permit expansion to be known as Armor Storage located approximately 4400 South Highway 165, north of Hyrum in the Agricultural (A-10) Zone** – Chris Harrild explained that the County Attorney has determined that the current county ordinance does not allow a caretaker's or manager's residence on the business site.

Council member Yeates left the meeting.

The location is within the Hyrum annexation boundaries and Hyrum City has expressed support of the expansion of the storage facility. It is compatible with Hyrum's current zoning in the area and the owners have agreed to Hyrum's requested additional landscaping.

Alan Shakespear (applicant) told the Council that security is the primary reason for the on-site manager; however, the basement of this particular building is used for climate controlled storage and a portion of upstairs is an office. If the county's concern is that

it's a residence, Shakespear indicated he is willing to do what's necessary for approval of the conditional use permit.

Curtis Knight, a partner of the applicant, asked if the residence could be considered an accessory apartment. If not, Knight wants to keep the building because of its other uses.

Director Runhaar stated that this is another evidence of changes that are needed in the county's current ordinances.

After considerable discussion, Director Runhaar said the office is fine and the climate controlled storage is fine. They can build the building now and come back, if the ordinance is changed, and apply to modify the building into a residence. The Council concurred.

ACTION: Motion by Council member Petersen that the sense of the Cache County Council is to approve the Armor Storage Conditional Use Permit Expansion without the manager's residence and have Planning staff communicate that to Hyrum City and this item will be on the Council February 25, 2011 agenda. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

OTHER BUSINESS

- ✓ **Meeting with Legislators during Legislative Session – Saturdays @ 7:30 a.m. –**
Executive Lemon said the meetings will continue to be held in the Multipurpose Room 109 of the County Administration Building. A light breakfast will be provided.

COUNCIL MEMBER REPORTS

Gordon Zilles said he attended the legislature with UAC and met with UAC directors and had lunch with legislators. Zilles considered it a very successful meeting.

Craig "W" Buttars reported that the discussion at the Fire Board meeting addressed the water requirement issue for development in the county. The county can determine what our requirement is going to be for fire suppression. The Fire Chief is to draft language for the water requirement stating that two homes can be built without a water source, but a third home will require a water source for fire suppression – either a water storage system or residential fire sprinklers.

Kathy Robison asked if anyone attended the meeting discussing the new restaurant tax proposal? Executive Lemon said that, generally, it was proposed by Senator Adams to put the sales tax back on food and lower the tax rate. The rate would be raised back up .08% and have the general tax make up for the restaurant tax. Counties voted against that. Buttars said the restaurant tax is paid significantly by out of state visitors. A sales tax on food will be paid more by state residents. Buttars said Adams will most likely still run the bill to put the sales tax back on food even without the restaurant tax issue.

EXECUTIVE SESSION – Pending Litigation

ACTION: Motion by Vice Chairman Buttars to recess to an Executive Session to discuss pending litigation. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

	<u>BUTTARS</u>	<u>PETERSEN</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X		X	6
NAY								0
ABSTAINED								0
ABSENT						X		1

The Council moved into an Executive Session at 7:01 p.m. to discuss pending litigation.

ACTION: Motion by Council member Petersen to adjourn from Executive Session. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

	<u>BUTTARS</u>	<u>PETERSEN</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X		X	6
NAY								0
ABSTAINED								0
ABSENT						X		1

The Council Adjourned from the Executive Session at 7:58 p.m.

ADJOURNMENT

The Council meeting adjourned at 8:00 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN
LOGAN, UTAH 84321
TEL 435-755-1850
FAX 435-755-1981

COUNTY COUNCIL

JON WHITE
CRAIG "W" BUTTARS
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBISON
VAL K. POTTER
GORDON A. ZILLES

February 8, 2011

Bronson Smart
State Conservation Engineer
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

Dear Bronson Smart,

As per Cache County's letter which was approved and forwarded to you on December 8, 2010, rebuilding the canal in the existing alignment has grave safety and liability issues.

However, Cache County would encourage more study of rebuilding the Logan-Northern Canal near or adjacent to Canyon Road and off the hillside. Please consider studying these options.

Sincerely,

Jon White, Council Chair

M. Lynn Lemon, County Executive

From: Grant Koford <gkoford@brhd.org>
To: Lynn.Lemon@cachecounty.org
Date: 2/8/2011 11:24 AM
Subject: Re: Red Air Days

Lynn,

The number of days over 35 for each year are as follows:

2001 - 40
2002 - 33
2003 - 3
2004 - 37
2005 - 35
2006 - 5
2007 - 6
2008 - 12
2009 - 18
2010 - 12
2011 - 9 (through Feb. 7, 2011)

I am working on getting the number of days over 65 for 2001 - 2006.

Grant

On Tue, Feb 8, 2011 at 10:54 AM, Lynn Lemon <Lynn.Lemon@cachecounty.org> wrote:

> Grant, One more request. Will you provide them by year? Thank You.
> Lynn Lemon

>
> >>> Grant Koford <gkoford@brhd.org> 2/8/2011 9:13 AM >>>
> Lynn,

>
> I applied the standard of 35 across all the years so we have an idea of
> where we stand historically in relation to the level we have to achieve in
> the future. The PM2.5 measurements remain constant regardless of the
> standard that is applied. We can break it down to how many days we
> exceeded
> the standard of 65 between 2001 to 2006 and then get a second total for how
> many days we exceeded the standard of 35 between 2007 and 2011, but since
> we
> are going to be held to 35 I thought it would be more helpful to apply that
> standard across the board.

>
> Grant
>
> On Tue, Feb 8, 2011 at 8:14 AM, Lynn Lemon <Lynn.Lemon@cachecounty.org>
> wrote:

>
> > Grant, Thanks for the information. Is it appropriate to count "red air
> > days" for the period between 2001 and when they lowered the standard to
> > 35?
> > Should the red air days for that period be based on 65? Let me know
> what
> > the State of Utah considers as "Red Air Days". Thanks again for your
> help.

Mayor: Randy Watts

February 4, 2011

Cache County Community Foundation
Attn: Jill Zollinger
179 North Main, Suite 102
Logan, UT 84321

RE: Downtown Street Banner Grant

Dear Jill:

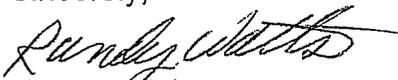
I have considered the Fine Arts Committee recommendations for the 2010-11 Downtown Street Banner Grants and I am pleased to award the Cache County Community Foundation (Cache County Fair and Rodeo) the amount of \$500 for the purchase of street banners.

Receipts showing the total banner expenses must be submitted to Teresa Harris either by mail at 290 North 100 West Logan, UT 84321 or email teresa.harris@loganutah.org, at which time the \$500 grant award will be issued.

Please contact Downtown Manager Gary Saxton about scheduling a time to hang your banners.

Thank you for your application and the work you do to promote high quality events in our community.

Sincerely,



Randy Watts
Mayor

CHECK LIST FOR GRANT APPLICATION APPROVAL

GRANTING AGENCY:	Logan City		
GRANT ADMINISTRATOR'S NAME:	Holly Daines		
GRANT ADMIN. CONTACT Telephone Number:	(435)757-2630		
COUNTY DEPT./Contact person:	Clerk - Jill Zollinger		
(County contact person will be responsible for reports, understanding all grant purposes and approving grant expenditures, in compliance with the grant award and county policies and procedures.)			
Purpose of the Grant:	To purchase signs/banners advertising the County Fair and Rodeo		
Composition of Grant funds:	Federal \$	State \$	Other \$500.00
Period of Grant Availability: (Length of Grant)			
<i>Check all boxes that apply and supply brief comments as required for each line.</i>			
<input checked="" type="checkbox"/> New Grant	<input type="checkbox"/> Renewal of previously awarded grant:		
<input type="checkbox"/> Match Required?	If a cash match required, please state the amount? \$500.00		
<input type="checkbox"/> Elements of the program remain the same except for an increase for inflation.			
<input type="checkbox"/> New grant or enhanced program grant renewal? <i>Briefly explain the major points included in the program request:</i>			
<input type="checkbox"/> Program includes new employee(s) requests			
<input type="checkbox"/> Full Time Employee(s)		<input type="checkbox"/> Part Time Employee(s)	
Purpose or description of work to be performed:			
Proposed Salary: -		\$	
Proposed benefits:		\$	

LIMITATIONS OR CONTRACT RESTRICTIONS ON COSTS

Sub-recipient monitoring?	
Travel?	
Davis Bacon Act Compliance?	
Equipment?	
Other?	