APPROVED

CACHE COUNTY
COUNCIL MINUTES
MAY 10, 2011

CACHE COUNTY COUNCIL
May 10, 2011

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RAC 6

RAPZ /RESTAURANT COMMITTEE – Approve recommendations of 5

RESTAURANT/RAPZ COMMITTEE – Approve recommendations of 5

REZONES – Public Hearing-May 10, 2011-5:50 p.m.-Edge Excavation Rezone-Justin Robinson requesting rezone from A-10 to IM, located at approximately 2200 North 1100 West Logan *and* Public Hearing-May 10, 2011-5:40 p.m.-Lindley Basin Rezone-Wayne Crow requesting rezone from FR-40 to A-10, located at approximately 7400 South 4000 West, Mt Sterling 3,4

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TITLE 17.19 UTILITY CORRIDOR OVERLAY ZONE – Public Hearing-May 20, 2011-600 p.m.-Amendments to 4

WARRANTS 1

CACHE COUNTY COUNCIL MEETING
May 10, 2011

The Cache County Council convened in a regular session on May 10, 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:	Val Potter, Kathy Robison & Gordon Zilles. **(H. Craig Petersen & Cory Yeates absent)**
County Executive:	M. Lynn Lemon
County Clerk:	Jill N. Zollinger
County Attorney:	Denise Ciebien (**James Swink absent)**

The following individuals were also in attendance: Janeen Allen, Paul Berntson, Wayne Crow, J. Clair Ellis, Darrel Gibbons, Jeff Gilbert, Earl G. Glenn, Chris Harrild, Sharon L. Hoth, Lieutenant Chad Jensen, Director Josh Runhaar **Media:** Charles Geraci (Herald Journal).

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 Potter to approve the agenda with Item 12a – *Discussion and Approval – Support Services Part-time to Full-time Secretary* – moved to Item 6b. Buttars seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the April 26, 2011 Council Meeting as written. Buttars seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the period 04-22-2011 to 04-28-2011 were given to the Clerk for filing.

OTHER ITEMS

- **Flood Report – Lieutenant Chad Jensen** – Executive Lemon asked Lieutenant Jensen to update the Council on the current status of potential flooding. Jensen indicated the road to Porcupine Dam was closed yesterday due to water on the road. The Blacksmith Fork is running really high and property owners have sandbagged and taken other precautions. Nibley City has done a tremendous

amount of work to alleviate flooding and the County Road Department has been keeping debris out of the river near bridges. The water level is down from what it was, but a warmer weekend will pose a threat for the Blacksmith Fork River. The Logan River has not had any major problems yet, but 600 West street is still closed because of water flowing across the road.

- **Snotel Report** – Executive Lemon reported that the storm water equivalent is 224% of normal and echoed Jensen's concern with the warmer forecast for the weekend. Lemon expressed appreciation to all those who have worked to lessen the probable flooding impact.

ITEMS OF SPECIAL INTEREST

- **Discussion and Approval – Support Services Part-time to Full-time Secretary** – Lieutenant Chad Jensen identified problems with the current part-time secretarial position as high employee turnover and too few working hours to be effective. The Sheriff's Department has rearranged some aspects of its budget so a full-time secretarial position will not cost the county more money. The move from part-time to full-time will also remove some responsibility currently handled by some of the sergeants. Jensen asked the Council's approval for the full-time secretarial position.

  Executive Lemon said Cameron Jensen looked at the budget and there is funding available to move from part-time to full-time without any additional cost.

ACTION: Motion by Council member Zilles to approve the requested position of full-time secretary for Support Services. Robison seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

UNIT OR COMMITTEE REPORTS

- **CMPO – Air Quality and Regional Transportation Plan 2035 – Jeff Gilbert** observed that the plan is for the whole county and is multi-mobile -- addressing motor vehicle issues, mass transit issues as well as bicycle/pedestrian issues. Gilbert discussed the project table, roadway maintenance and deficiency issues that need addressing, the build out vision plan and possible correlation with the CCCOG.

  Executive Lemon pointed out that projects listed in red are recommended to be funded over the next ten years, then the projects in blue followed by the projects in green. This is a critical map for the county and the CMPO to work with. Gilbert indicated that the projects are prioritized according to ability to avert congestion.

  Council member Zilles commented that 4400 South road should be a priority to make a through road to alleviate truck traffic on 3200 South road which has several residences on it; whereas 4400 South has only one residence. Gilbert said he will take a look at the issue.

  Chairman White asked why Cache County receives 1% of the state revenues, but has 4% of the state population? Gilbert said it is probably

because Cache County does not have an interstate freeway or a lot of well-positioned state roads. Cache County is likely sending more gas tax to the state than it is getting back. Cache County needs to do a better job of identifying road needs and priorities and then repeatedly send a clear, unified message to legislators. Vice Chairman Buttars agreed.

Council member Potter asked if cities have some responsibility regarding roads? Gilbert answered that cities should take responsibility, but the CMPO meets with resistance when it asks cities for matching funds for road projects.

Gilbert stated the plan can still be refined and thanked the Council for the input.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: MAY 10, 2011-5:30 P.M.-AMENDMENTS TO TITLE 15-BUILDINGS AND CONSTRUCTION – Director Runhaar explained the proposed changes. Council member Zilles asked if the International Fire Code has been abandoned? Runhaar replied that fire code issues are addressed in another part of the code and isn't needed here.

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

ACTION: Motion by Council member Robison to close the Public Hearing – Amendments to Title 15 – Buildings and Construction. Zilles seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

PUBLIC HEARING: MAY 10, 2011-5:40 P.M. – LINDLEY BASIN REZONE – WAYNE CROW REQUESTING REZONE FROM FR-40 TO A-10, LOCATED AT APPROXIMATELY 7400 SOUTH 4000 WEST, MT. STERLING – Chris Harrild noted there have been annexation discussions with Wellsville on this land, but adjoining property owners have not been willing to reach an agreement. Staff recommends approval of the rezone with the four conditions of approval noted in the packet.

Chairman White opened the Public Hearing and invited public comment.

Earl Glenn an adjacent property owner, asked what the intent of the rezone is? Is it a step in a process so that development can take place? Council member Zilles and Chairman White speculated that it may be a step in the process for future development; but any development request will have to come before the Planning Commission and the County Council for approval.

There was no other public comment.

ACTION: Motion by Council member Zilles to close the Public Hearing – Lindley Basin Rezone-Wayne Crow requesting rezone from FR-40 to A-10, located at approximately 7400 South 4000 West, Mt. Sterling. Buttars seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

PUBLIC HEARING: MAY 10, 2011-5:50 P.M. – EDGE EXCAVATION REZONE – JUSTIN ROBINSON REQUESTING REZONE FROM A-10 TO IM, LOCATED AT APPROXIMATELY 2200 NORTH 1100 WEST, LOGAN – Chris Harrild said that this property is in a portion of Logan City's proposed annexation plan. Other properties in the area are compatible with the Industrial Manufacturing Zone. The rezone will allow the property owner to transfer materials between sites on 1000 West. Staff recommends approval.

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

ACTION: Motion by Council member Zilles to close the Public Hearing – Edge Excavation Rezone – Justin Robinson requesting rezone from A-10 to IM, located at approximately 2200 North 1100 West, Logan. Potter seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

PUBLIC HEARING: MAY 10, 2011-6:00 P.M.-AMENDMENTS TO TITLE 17.19 UTILITY CORRIDOR OVERLAY ZONE – Chris Harrild stated the amendments make changes to how overlay zones function and provide for some public infrastructure ordinance. An overlay zone can occur with any zone and the stricter zone requirements will apply.

Chairman White asked why lagoons were not specified in the amendments? Could a statement be added that refers parties to the state code section on lagoons? Runhaar said the conditional use permit process will cover that.

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

ACTION: Motion by Council member Zilles to close the Public Hearing – Amendments to Title 17.19 Utility Corridor Overlay Zone. Potter seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

PUBLIC HEARING SET: MAY 24, 2011-6:00 P.M.-OPEN 2011 BUDGET

ACTION: Motion by Council member Robison to set a Public Hearing for May 24, 2011 at 6:00 p.m. to Open 2011 Budget. Buttars seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

PENDING ACTION

- ☐ **Discussion – Proposed Amendments to the Cache County Road Standards**
  Director Runhaar reviewed amendments to Title 12 (much of which has been removed), Title 16, Title 17 and the Table of Contents for the Manual of Roadway Design & Construction Standards. Council members asked that the word "the" in 17.020.070(B)(2)(c) be changed to "a".

  Chairman White urged Council members to study the proposed amendments. A public hearing on this issue in June will be set at the next Council meeting.

- ☐ **Approve Recommendations of Restaurant/RAPZ Committee** – Executive Lemon remarked that the recommendation list has been amended to include $5,000.00 for the American Veterans Traveling Tribute. The $5,000.00 will come from the Reserve Account and Lemon asked for the Council's authorization to do so.

(Attachment 1)

ACTION: Motion by Vice Chairman Buttars to approve the $5,000.00 payment from the Reserve Account for the American Veterans Traveling Tribute and to approve the other Restaurant Tax/RAPZ recommendations without reservation. Potter seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

Council member Potter asked what some of the criteria is for the ranking of projects? Council member Zilles responded that population, how much the applicant has received in the past and how much is offered in matching funds are some of the points looked at. Zilles also said he has learned a great deal by serving on the Restaurant Tax/RAPZ Committee and recommended that each Council member should take a turn on the committee.

INITIAL PROPOSAL FOR CONSIDERATION

- **Ordinance No. 2011-03 – Amending Ordinance 2009-02 and establishing the boundaries of the Hyde Park 2 (HYD 02) and Smithfield 4 (SMI 04) precincts in Cache County** – Clerk Zollinger explained the change was necessitated by an annexation by Hyde Park. Hyde Park City and Smithfield City are aware of the change.

(Attachment 2)

ACTION: Motion by Council member Robison to waive the rules and approve Ordinance No. 2011-03 – Amending Ordinance 2009-02 and establishing the boundaries of the Hyde Park 2 (HYD 02) and Smithfield 4 (SMI 04) precincts in Cache County. Buttars seconded the motion. The vote was unanimous, 5-0. Petersen & Yeates absent.

Ordinance No. 2011-03: The vote was 5-0. Petersen & Yeates absent.

	BUTTARS	POTTER	PETERSEN	ROBISON	WHITE	YEATES	ZILLES	VOTES CAST
AYE	X	X		X	X		X	5
NAY								0
ABSTAINED								0
ABSENT			X			X		2

OTHER BUSINESS

- ✓ **Health Days Parade – May 14th at 10:00 a.m.** – Executive Lemon reminded Council members attending that they must meet in the Skyview High School parking area between 8:30 and 9:00 a.m. on Saturday, May 14, 2011.

- ✓ **Black and White Days Parade – May 21, 2011 at 5:00 p.m.** – Executive Lemon and Vice Chairman Buttars will attend.

COUNCIL MEMBER REPORTS

Kathy Robison asked Executive Lemon if the sign requirements imposed by UDOT will affect Cache County? Lemon replied that the County already posts the signs required and are ahead of the UDOT schedule.

Craig "W" Buttars reported that the RAC did not approve or deny any of the recommendations forwarded by Cache County and asked for additional information from Jay Glen Thornley concerning his proposal.

Val Potter indicated that $2,000.00 has been approved for JUB Engineering for the work necessary for the Airport Overlay Zone for Smithfield and Hyde Park.

Jon White asked if the county has a comprehensive plan? Director Runhaar said, yes, but it is unusable as it presently exists. Runhaar would like to find grant money to undertake the project of creating a new plan. The plan should not be created in-house and it will cost about $120,000.00 for a third party to carry out.

Executive Lemon advocated implementation of the many plans and studies that have been done. Chairman White concurred.

ADJOURNMENT

The Council meeting adjourned at 7:54 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman

CACHE COUNTY

2011 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Awarded
1	Amalga Township	Additional Parking at the Park	8,000	0
2	American Festival Chorus	American Festival Chorus 2011-2012 Season	25,000	22,000
3	American West Heritage Center	2011 Programming Operational Support	92,500	75,000
4	American West Heritage Center	2011 Land Payment Assistance (98.32 Acres Preserved)	69,173	0
5	American West Heritage Center	Summer Literacy Camps for Latino Youth in the Cache Valley	6,580	0
6	Bear River Association of Governments	Videography of the Bear River Heritage Area	6,000	0
7	Bridger Folk Music Society	Bridger Folk Music Society Concert Production Support	3,200	3,000
8	Bridgerland Community Ice Arena	Original 15-year commitment to BCIA for Construction and Im	92,853	92,853
9	Bridgerland Community Ice Arena	Parking Lot Addition and Mobile Flooring	50,000	50,000
10	Bridgerland Community Ice Arena	Zamboni engine / ice conditioner emergency rebuild	4,527	0
11	Bridgerland Wind and Percussion Academy, Inc	Individual Instruction Scholarships	100,000	0
12	Cache Celtic Festival and Highland Games	Musical and Main Stage Performances	18,550	0
13	Cache Children's Choir	Support of Cache Children's Choir 2011-2012 Season	11,000	10,000
14	Cache Community Connections	Logan Tabernacle Concert & Lecture Series	8,000	8,000
15	Cache County - Cache Valley Visitors Bureau	Cache Valley Tourism Marketing and Promotion	93,069	75,000
16	Cache County - Development Services	Logan Canyon Gateway Trail	114,511	57,276
17	Cache County - Fair and Rodeo	Advertising and promoting the Cache County Fair and Rodeo	12,000	11,000
18	Cache County - Fairgrounds	Wifi Installation	22,772	20,000
19	Cache County - Fairgrounds	Roping Arena Improvements	46,600	30,000
20	Cache County - Fairgrounds	Home Arts Building Painting	11,650	11,000
21	Cache County - Fairgrounds	RV Dump Improvements	3,800	0

CACHE COUNTY

2011 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Awarded
22	Cache County - Senior Center	Time to Expand	49,868	39,567
23	Cache Valley Arts Summit	Cache Valley Arts at a Glance Brochure	5,000	3,500
24	Cache Valley Center for the Arts	Ellen Eccles Theatre Facility Improvement	75,000	30,000
25	Cache Valley Center for the Arts	Arts Education and Outreach	41,000	35,000
26	Cache Valley Center for the Arts	Marketing Ellen Eccles Theatre Touring Productions 2011-201	15,000	14,000
27	Cache Valley Civic Ballet	Ballet Productions: Nutcracker, Fall 2011; Sleeping Beauty Spri	10,000	8,000
28	Cache Valley Cruising Association	Cache Valley Cruise-In 2011	38,000	25,000
29	Cache Valley Historical Society	2011 Historic Home Tour	700	700
30	Cache Valley Mushers	Cache Valley K9 Challenge Sled Dog Races	2,500	2,000
31	Celebrate America Show	Celebrate America Show: In The Miller Mood	28,500	14,000
32	Chamber Music Society of Logan	Enhancing Chamber Music Events in Cache Valley	6,500	4,000
33	Clark and Gladys Thornley Foundation	Oral History Preservation	30,984	0
34	Clarkston Town	Civic Center Completion	95,514	30,000
35	Cpl. Gerald Max Rich Detachment #1352 Marin	American Veterans Traveling Tribute	9,750	5,000
36	Hyde Park City	Lions Park Soccer Field and Restroom Addition	104,234	40,000
37	Hyrum City	Hyrum Rodeo Grounds Bucking Chutes & Arena Structure	60,000	40,000
38	Hyrum Library and Museum Foundation	Hyrum Museum Operation	127,050	0
39	Lewiston City	Theatre Entrance Project 2011	8,477	8,477
40	Cache County - Logan/Cache Airport Authority	Logan Cache Airport Entry Sign	25,000	0
41	Logan City - Eccles Theatre	Eccles Theater Bond	76,480	76,480
42	Logan City - Parks and Recreation	Bridger Park Restroom / Press Box	125,000	125,000

CACHE COUNTY

2011 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Awarded
43	Logan City - Parks and Recreation	Sumac Park Footbridge Replacement	43,850	0
44	Logan City - Parks and Recreation	Crushed Gravel for Logan Canyon Trail	36,650	36,650
45	Logan City - Parks and Recreation	Bonneville Shoreline Trail / Hugie Hydro Park	48,680	40,000
46	Logan City - Parks and Recreation	Phase I: Dog Park / Emergency Site	40,000	0
47	Logan City - Aquatic Center	Logan Aquatic Center Leisure Pool Boiler Replacement	67,000	0
48	Logan City - Aquatic Center	50-Meter Pool Re-plastering	97,520	0
49	Logan City - Parks and Recreation	Merlin Olsen Central Park Pavilion	29,980	25,000
50	Logan City - Parks and Recreation	Skate Park Shade Structure	11,185	0
51	Logan City - Aquatic Center	Shade Pavilion	31,317	25,000
52	Logan City - Parks and Recreation	Resurface Two Tennis Courts at Recreation Center	83,526	0
53	Logan City - Parks and Recreation	1700 South Park	120,000	0
54	Logan City - Parks and Recreation	Restroom for Stewart Nature Park	41,000	0
55	Logan City - Willow Park Zoo	Willow Park Zoo Operations Budget	134,708	110,616
56	Mendon City	Mendon 100 East Trail and Safe Route to School	85,000	40,000
57	Millville City	Community Recreation	28,675	25,000
58	Multicultural Center of Cache Valley	Cache Valley 3rd Annual Cinco De Mayo Festival	5,000	3,000
59	Music Theatre West	Broadway Musicals/Youth performance Workshops	30,000	22,000
60	Newton Town	Playground Slide and Equipment for Children	8,148	8,148
61	Nibley City	Heritage Park Phase 4	192,650	40,000
62	Nordic United	Promotion of Winter Tourism Involving Groomed Trails & Eve	5,000	4,000
63	North Logan Parks and Recreation Department	Elk Ridge Park Baseball / Softball Complex Improvements	71,391	60,000

CACHE COUNTY

2011 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Awarded
64	Old Lyric Repertory Company	Old Lyric Repertory Company 2011	22,200	15,000
65	Paradise Town	Paradise Town Equestrian Center / Sports Complex & Park	50,000	30,000
66	Providence City	City of Providence Tennis Court Restoration: Zollinger and Bra	91,808	40,000
67	Richmond City	Richmond City Park Pavilion Update	61,000	40,000
68	Richmond City	Recreation Hall Update	12,500	0
69	River Heights Lions Club	Veterans and 9-11 Memorial	102,325	0
70	Smithfield City Parks and Recreation Departme	Recreation Center Improvements	72,780	70,000
71	Stokes Nature Center	Stokes Nature Center School and Community Programs	40,000	22,000
72	Summerfest Arts Faire	Summerfest Arts Faire	20,000	15,000
73	Unicorn Theatre	Unicorn Theatre	9,000	4,000
74	Utah Festival Opera	2011 Opera Festival and Education Programs	160,000	135,000
75	Utah Festival Opera	2011 Tourism - Marketing Outside Cache Valley	125,000	100,000
76	Utah State University	Summer Citizens Program	32,000	25,000
77	Valley Dance Ensemble	Valley Dance Ensemble Spring 2012 Concert	3,000	2,500
78	Wellsville City	400 South Center Street to 100 East Trail	25,000	20,000
79	Youth Discovery Inc	Latino Week Summer Day Camp	4,000	0
GRAND TOTALS			**$3,776,235**	**$1,923,767**

CACHE COUNTY ORDINANCE NO. 2011- 03

AN ORDINANCE AMENDING ORDINANCE NO. 2009-02 AND ESTABLISHING THE BOUNDARIES OF THE HYDE PARK 2 (HYD 02) AND SMITHFIELD 4 (SMI 04) PRECINCTS IN CACHE COUNTY.

Section 1: Chapters 1.10.80(B) and 1.10.210(D) are hereby added to the Cache County Code as amended to read as follows:

1.10.80 HYDE PARK PRECINCTS:

B. The Hyde Park 2 precinct is established with the following general boundaries: 600 feet (one block) North of 4200 North street in Cache County West of State Highway 91, then North along said Highway 91 to 4500 North in Cache County, then East along 4500 North and its extension on the North; then northward and eastward following the Hyde Park municipal boundaries on the North; the Utah State House of Representatives District 3 boundary on the East; the eastward extension of Center Street in Hyde Park westward to the Hyde Park municipal boundaries; then northward along the municipal boundaries to 300 North and its extension; then west along 300 North and its extension and westward following the municipal boundaries to 400 East Street in Hyde Park; then South along 400 East Street to Center Street in Hyde Park; then Westward along Center Street to 3700 North Street in Cache County on the South; the Utah State House of Representatives District 3 boundaries on the West.

1.10.210 SMITHFIELD PRECINCTS:

D. The Smithfield Precinct Number 4 is established with the following general boundaries: 300 South easterly to the Smithfield Dry Canyon Road in Cache County then easterly on the North; the Utah House of Representatives District 3 boundaries on the East; the easterly extension of 4500 North in Cache County West to the Hyde Park municipal boundaries on the South; 455 East Street in Smithfield on the West.

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 10th day of May 2011, upon the following vote:

	In Favor	Against	Abstaining	Excused/Absent
Craig "W" Buttars	X			
H. Craig Petersen				X
Val Potter	X			
Kathy Robison	X			
Jon White	X			
Cory Yeates				X
Gordon Zilles	X			
TOTAL	5			2

Cache County Council

Jon White

Jon White, Chairman

ATTEST:

STATE OF UTAH COUNTY CLERK SEAL OF CACHE COUNTY

Jill N. Zollinger

Jill N. Zollinger, County Clerk

Publication Date: May 25, 2011