

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
JULY 12, 2011**

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July 12, 2011

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CACHE COUNTY COUNCIL MEETING
July 12, 2011

The Cache County Council convened in a regular session on July 12, 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: Brenda Brown, Reed Bullen, C. Val Grant, Attorney Miles Jensen, Megan Hoth, Sharon L. Hoth, Lisa Miller, Art Moss, Dave Nielsen, Ted Seeholzer, Chris Slater, Larry Soule, Justin Taylor, Steve Taylor, Melody Taylor, **Media:** Charles Geraci (Herald Journal).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

Executive Lemon stated that there is some question as to whether proper legal notice was given for the Public Hearing on the Condemnation of Davenport Road across Four Mile Ranch. Therefore, the Public Hearing will be on the August 9, 2011 Council meeting agenda.

ACTION: Motion by Council member Yeates to approve the agenda with the Public Hearing – July 12, 2011-5:30 p.m.-Condemnation of Davenport Road across Four Mile Ranch – deleted. Potter seconded the motion. The vote was unanimous, 7-0.

Attorney Miles Jensen asked to make a statement concerning the Davenport Road issue. Chairman White denied the request because the Council voted to delete it from the agenda and other interested parties had already left the meeting.

Council member Petersen objected to the denial and said Jensen should be allowed the courtesy of making a statement.

Chairman White told Jensen that he might be able to make the statement at the close of the meeting during "Other Business."

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the June 28, 2011 Council Meeting as amended. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 06-17-2011 to 06-23-2011 and 06-24-2011 to 06-30-2011 were given to the Clerk for filing.

OTHER ITEMS

- Airport Open House** – Executive Lemon invited the public to attend an Airport open house Saturday, July 16, 2011 from 1:00 to 3:00 p.m. noting that the Chairman of the Airport Authority specifically asked Lemon to invite Council members. In the next thirty days the B-22 Osprey will be at the airport for high altitude testing and a Regional and National Glider competition will also be occurring. The Airport Authority believes these events will bring \$1.8 million to Cache County.
- Redistricting Committee Meeting** will be held Wednesday, July 13, 2011 at noon in the Taggart Student Center Auditorium.
- State Tax Commission Meeting on Assessing and Collecting** is also July 13, 2011.

ITEMS OF SPECIAL INTEREST

- **RFP (Request for Proposal) Water Master Plan and RFP Project Manager Canal Rebuild – Bob Fotheringham** asked the Council for approval for an RFP for the Countywide Master Plan at \$150,000.00 cost. Fotheringham has \$95,000.00 from outside sources and there is enough in the budget to cover the remainder if the federal grant money doesn't come through to cover it.

The Logan Northern Canal reconstruct is the other RFP. Logan City has signed a Memorandum of Understanding with the canal companies regarding the power loss that may result from moving the point of diversion and has withdrawn its protest with the state engineer. Fotheringham and Ciebien stated that a project manager is needed to oversee the remaining design work, contracts, construction, etc. This individual would be paid with Technical Assistance money from NRCS. Fotheringham needs to advertise for the position to be filled by September 1, 2011 and asked for the Council's approval.

ACTION: Motion by Vice Chairman Buttars to approve moving forward with the RFP of the Water Master Plan and the RFP Project Manager Canal Rebuild. Potter seconded the motion. The vote was unanimous, 7-0.

UNIT OR COMMITTEE REPORTS

- ★ **Cache County Recorder – Michael Gleed** reported that he has a great staff who work hard. The office services title companies, researchers, surveyors, appraisers as well as the general public. Most of the questions from the general public are about rights-of-way. Researchers will be working on a major project before the end of the year which may be a money generator for the Recorder's office. Revenues from recording fees are down 22% from last year at this time. The following documents have been recorded;

82 trust deeds
5,000 warranty deeds
250 trustee's deeds

Gleed also reported that:

Fannie Mae is in possession of twenty-five parcels
HUD is in possession of 14 parcels in the county.
Tax rolls for the county
Abstract system for all 46,000 parcels in the county.
Deeds to water conveyances
Digitizing of records – Watkins Printing has purchased a book
scanner that the county may be able to use

Gleed would like the county to develop its own web application instead of using a third party; thereby saving the public money and bringing revenue to the county. He also noted that the county is still pursuing purchasing a new software program.

Gleed says he enjoys working for the county and serving the public.

Chairman White thanked Gleed for being willing to work around the four-day work schedule.

BUDGETARY MATTERS

◆ **Inter-Departmental Transfer**

Building Inspection & Zoning Dept

\$500.00 from Bldg – Prof & Tech
and

\$2,000.00 from Zoning – Temp
Employees

to

Bldg – Salaries
to cover step cost increase for
employee-overlooked in budget
process

(Attachment 1)

ACTION: Motion by Council member Yeates to approve the \$2,500.00 budget transfer. Zilles seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

**PUBLIC HEARING SET: AUGUST 23, 2011- 5:30 P.M. – CONSIDER SURPLUS
PROPERTY PARCEL 13-034-0029 IN NEWTON.**

ACTION: Motion by Council member Zilles to set a Public Hearing for August 23, 2011-5:30 p.m.-Consider Surplus Property Parcel 13-034-0029 in Newton. Potter seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- Discussion – Proposed Amendments to the Cache County Road Standards**
There was no new information to discuss.

INITIAL PROPOSAL FOR CONSIDERATION

- **High Country Estates Rezone – Justin Taylor requesting rezone from A-10 to RU-2 located at approximately 14015 North 8000 West, Beaver Dam** – Director Runhaar observed that a Public Hearing was held on this request two weeks ago and he is asking for direction from the Council. The Planning Commission recommended approval, but staff still is recommending denial due to reservations over such a large development away from any municipality. Runhaar reviewed development in the last five years showing that there is an increasing percentage of development in the unincorporated portions of Cache County.

Council members Robison and Petersen spoke in favor of the rezone.

Replying to Council member Zilles' question about septic tank concerns, Steve Taylor said there are no individual wells and the Health Department has no concerns about the septic tanks.

Council member Potter asked if the county has considered imposing impact fees to discourage too much development in the rural areas? Runhaar said that has been looked at, but it was determined it would not be financially productive.

ACTION: Motion by Council member Petersen that it is the sense of the Council to approve the rezone request for High Country Estates pending the final ordinance relative to the rezone. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Amendments to Cache County Planning Commission Bylaws** – Director Runhaar reviewed changes to Sections 1.1, 2.3, 4.1.3, 4.3.9, 5.1, 6.1, 6.3, 6.5 and 7.2.2.

(Attachment 2)

ACTION: Motion by Council member Petersen to waive the rules and approve the amendments to the Cache County Planning Commission Bylaws. Buttars seconded the motion. The vote was unanimous, 7-0.

- **Consider Surplus Property – Parcel 13-034-0029 in Newton** – Executive Lemon explained that an individual needs to put a water line through the property and was considering an easement, but found it easier to purchase the property.
- **Hyde Park to North Logan Transportation Corridor EIS** – Executive Lemon indicated that although Cache County recommended Option 5 for the 200 East road, Hyde Park and North Logan Cities redid the EIS and stated the preferred option as #3 modified. Council members expressed their disapproval of the cities' actions and commented that if the cities ask for funding for this option, the county will not be forthcoming with any money.

OTHER BUSINESS

- ✓ **North Logan City 24th of July Parade – July 25, 2011 – 10:00 a.m.** – Council members Potter and Yeates will attend.
- ✓ **Logan City Pioneer Day Parade – July 25, 2011 – 12:00 noon** – Yeates, Petersen and Lemon will attend.
- ✓ **Landfill** – Executive Lemon said that many people at the Planning Commission meeting urged the county to look into the landfill issue with Box Elder County again, because they believe Box Elder will cooperate. Vice Chairman Buttars said that last year during the discussions, it was noted that two of the three Box Elder Commissioners were going to change and Logan City was asked to send another letter this year requesting discussion on the landfill. Executive Lemon thinks the letter has been sent. Director Runhaar offered the information that he understands it is only Box Elder County that is interested in joining with Cache County and without NURLA there would not be enough waste to get the better tipping fee rates. This item will be on the agenda for the first meeting in August and on the August 30, 2011 Joint Councils Meeting agenda.
- ✓ **Miles Jensen Statement regarding condemnation of Davenport Road** – Chairman White invited Jensen to make his statement. Jensen handed out information to the Council prior to beginning and Attorney Swink said it would be appropriate to speak to continuance of the public hearing, but it was inappropriate to address the issues involved with the condemnation which were included in the material handed out to the Council. Such comments should be made at the public hearing in August. Vice Chairman Buttars agreed stating that many of the parties who left the meeting earlier would be very interested in hearing Jensen's remarks. Jensen was asked to hold his remarks for the future public hearing.

COUNCIL MEMBER REPORTS

Kathy Robison reported that storm water standards have been discussed by several communities and wondered if the county should be looking at countywide storm water standards. Executive Lemon said that the county is exempted from storm water standards because it is such a large area. Chairman White stated that canal companies have carried the storm water and cities have not reimbursed the companies. Lemon said that cities collect storm water fees that are supposed to be used for storm water improvements.

Cory Yeates asked that his statement go on record that Highway 30 needs a westbound slowdown lane to turn left on the Water Trough Road to Benson.

Val Potter indicated that he and Zan Murray met with Hyde Park City to discuss the Airport Overlay and there are a couple of issues to be resolved. They are still working with Smithfield.

Yeates asked if the new Airport Manager could be introduced to the Council? Executive Lemon agreed and said he will schedule him on a future agenda.

Jon White expressed displeasure with the lack of information given him and the Council on the public hearing issues. Is there any way to give information to the Council prior to

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07-12-2011

the public hearing? Attorney Swink said he would duly note White's concern and said he will work to get that information to the Council sooner. Swink reminded White and Council members that they can sit down with him at anytime and he will answer questions they may have about an upcoming issue.

In reference to the public hearing on condemnation of Davenport Road, Vice Chairman Buttars asked if the Council is going to visit the site? Swink will have Kathi Petersen set up a time with Council members to visit the site in the next couple of weeks.

ACTION: Motion by Council member Robison to adjourn. Yeates seconded the motion.

ADJOURNMENT

The Council meeting adjourned at 6:32 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman

REQUEST FOR INTER-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Building Inspection & Zoning Dept
 DATE: 12-Jul-11

Amount to be transferred -- (rounded to the nearest dollar) \$ 2,500

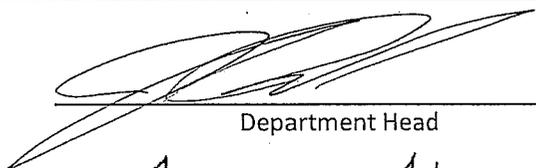
Transfer From ---

| ACCOUNT | DESCRIPTION | Current Budget | Increase DR | Decrease CR | Amended Budget |
|--------------|-------------------------|----------------|-------------|-------------|----------------|
| 200-4241-310 | Bldg - Prof & Tech | \$ 1,000 | | \$ (500) | \$ 500 |
| 200-4180-120 | Zoning - Temp Employees | \$ 7,500 | | \$ (2,000) | \$ 5,500 |
| | | \$ - | | \$ - | \$ - |
| | | | | \$ - | \$ - |
| | | | | \$ - | \$ - |

Transfer To ---

| | | | | | |
|--------------|-----------------------|------------|-----------------|-------------------|-------------|
| 200-4241-110 | Bldg - Salaries | \$ 222,128 | \$ 2,500 | | \$ 224,628 |
| | | | | | \$ - |
| | | | | | \$ - |
| | | | | | \$ - |
| | Totals | | <u>\$ 2,500</u> | <u>\$ (2,500)</u> | |
| | Net adjustment | | | | <u>\$ -</u> |

Description of needs and purpose of transfer ---
 To cover step cost increase for employee- overlooked in budget process.


 Department Head
Jandra Stones
 Cache County Auditor

Recommendation: Approval Disapproval
 Date: 12-Jul-11


 Cache County Executive

Recommendation: Approval Disapproval
 Date: 12-Jul-11

Consented by the Cache County Council meeting in regular session on the 12th day of July, 2011.


 Cache County Clerk

**Cache County Planning Commission
By-Laws and Rules of Procedure
Adopted July 12th, 2011**

ARTICLE 1 - OBJECTIVES

1-1. This commission, established in conformance with the motion adopted by the Cache County Commission on the 20th day of December, 1950, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of State Code Ann. §17-27a Part 3.

1-2. The official title of this Commission shall be the "Cache County Planning Commission".

ARTICLE 2 - MEMBERS

2-1. The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Director of Development Services shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.

2-2. The term of the member from the County Council shall be a one year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.

2-3. The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

3-1. The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. If no Secretary is elected from among the serving Planning Commissioners, the Director of Development Services, or their designee, will serve as Secretary of the Commission.

3-2. Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled December meeting of the Commission each year. The election of officers shall follow immediately.

3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

ARTICLE 4 - DUTIES OF OFFICERS

4-1. The Chair shall be an appointed member of the Commission and shall:

4-1-1. Preside at all meetings.

4-1-2. Appoint committees, special and/or standing and liaisons.

- 4-1-3. Rule on all procedural questions (subject to a reversal by a majority vote of the members present).
- 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
- 4-1-5. Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.
- 4-1-6. Carry out other duties as assigned by the Commission.
- 4-1-7. Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.
- 4-2. The Vice-Chair shall be an appointed member of the Commission and shall:
 - 4-2-1. Act in the absence or inability of the Chair to act.
 - 4-2-2. Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.
 - 4-2-3. Fill immediately any vacancy in the office of Chair through January 1st of the following year.
 - 4-2-4. Be responsible for the orientation of new members of the Commission.
- 4-3. The Secretary shall:
 - 4-3-1. Keep a written record of all business transacted by the Commission.
 - 4-3-3. Keep a file of all official records and reports of the Commission.
 - 4-3-4. Certify all minutes of the Commission.
 - 4-3-5. Give notice of all hearings and public meetings.
 - 4-3-6. Attend to the correspondence of the Commission.
 - 4-3-7. Keep a set of minutes.
 - 4-3-8. Prepare and be responsible for the publishing of all advertisements relating to public hearings.
 - 4-3-9. If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Development Services (or similar official), except that the certification of minutes of the Commission may not be delegated.

ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

- 5-1. Any standing committees may be appointed by the Chair.
- 5-2. Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee shall be clearly defined and outlined at a regularly scheduled Planning Commission meeting.
- 5-3. Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

ARTICLE 6 - MEETINGS

6-1. Regular meetings of the Commission shall be held on the first Thursday of each month, commencing at 5:30pm and ending at 8:00pm. Meetings may be extended beyond 8:00 p.m. with the approval of a majority of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.

6-1-1 Commission public hearings shall be held during the regular meeting on the first Thursday of each month.

6-2. Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

6-3. A majority of the membership of the Commission shall constitute a quorum. When a quorum is present, a majority vote of the members present is sufficient for the adoption of any motion. Voting may be a roll call, in which case a record shall be kept as part of the minutes. Any member shall have the right to demand a roll call vote.

6-4. Meetings shall be open to the public except when deemed necessary, in which case the Commission may go into Executive (closed) Session, when the provisions of the Utah Open and Public Meetings Act, State Code Ann §17-53 Part 4, shall be in effect.

6-5. The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with the Bylaws, any special rules of order the Planning Commission may adopt, and County or State code that regulates the Planning Commission or its meetings.

ARTICLE 7 - ORDER OF BUSINESS

7-1. The order of business for a Regular Meeting shall be:

7-1-1. Call to Order by the Chair

7-1-2. Roll call by the Secretary

7-1-2-1. Determination of a quorum

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1 Public Comment

7-1-9-2 Public Hearings

7-1-10. Report of Special Committees

7-1-11 Liaison Reports

7-1-12 Zoning Administrator's Report

7-1-13 Adjournment

7-2. The Zoning Administrator is authorized to prepare for each meeting a consent agenda for consideration by the Commission. The consent agenda may include any item believed by the Zoning Administrator to meet all required ordinances, be routine, and not controversial in nature.

7-2-1. A single motion and vote in favor thereof shall approve all items on the consent agenda.

7-2-2. Any member of the Commission may request to have any item removed from the consent agenda. Such request need not be seconded. Such item shall then be taken up for discussion by the Commission as a regular agenda item.

7-3. Public Comment portion of the meeting will be limited to 30 minutes for each agenda item unless otherwise specified by the Chair.

7-3-1. The agent for the agenda item will be limited to a 5 minute period of open discussion, with additional time allowed to respond to questions of the Planning Commission.

7-3-2. Individual speakers from the public will be limited to 3 minutes each unless prior approval is obtained from the Chair.

ARTICLE 8 – COMMUNICATION AND CORRESPONDENCE

8-1. To ensure that the decision-making process is fair and impartial, the Planning Commission is to abide by certain standards regarding "ex parte" communication on cases under review.

8-1-1. Ex parte communication is defined as "oral or written, off-the record communication made to or by commissioners or commission decision-making personnel, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding."

8-1-2. If prohibited ex parte communication is attempted, the Commissioner involved should first attempt to stop the party from engaging in prohibited behavior, then document the attempt and notify the Secretary. The Secretary will then enter a statement into the public file and make copies of the statement available to other parties in the case.

8-2. If the Planning Commission and/or a Commissioner determines that there is a conflict of interest on an agenda item, that Planning Commissioner shall not participate in the discussion or action on that agenda item. In such event, the Planning Commissioner shall seat themselves in the audience or leave the room. For purposes of determining the existence of a quorum, that Commissioner shall not be counted.

8-3. It shall be the duty of the Secretary to communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

8-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair.

ARTICLE 9 - AMENDMENTS

9-1. These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire Planning Commission and approval by the County Council.