

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
SEPTEMBER 27, 2011**

CACHE COUNTY COUNCIL
September 27, 2011

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CACHE COUNTY COUNCIL MEETING
September 27, 2011

The Cache County Council convened in a regular session on September 27, 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 absent**
County Executive: M. Lynn Lemon
County Clerk: **Jill N. Zollinger absent**
County Attorney: Denise Ciebien **James Swink absent**

The following individuals were also in attendance: Janeen Allen, Patty Brockman, David Brown, Kevin Brown, Clair Christiansen, Rosemary Christiansen, Jaydene Godfrey, Kendon Godfrey, Tyler Godfrey, Erick Griffiths, Chief Rod Hammer, Issa A. Hamud, Heidi Hodgson, Sharon L. Hoth, Mark Koller, Mayor Camille Larsen, Brett Mickelson, Barry Myers, Kelli Myers, Dave Nielsen, David Salisbury, Annette G. Summers **Media:** Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Executive Lemon 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 as written. Potter seconded the motion. The vote was unanimous, 6-0. Zilles absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Vice Chairman Buttars to approve the minutes of the September 13, 2011 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 6-0. Zilles absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS:

Director of the Cache County
Information Technology Department

Todd Jenkins

Road Capital Improvement
Advisory Board

Darrell Erickson – Road Supervisor
Josh Runhaar – Director of Development
Services

Lynn Zollinger – County Engineer
James Swink – County Attorney

M. Lynn Lemon – County Executive
J. Clair Ellis – Chair, Planning Commission

Executive Lemon introduced Todd Jenkins who spoke briefly noting that the purpose of the IT Department is to facilitate all the other departments and thanked the County for the opportunity.

Council member Robison asked Jenkins about the status of negotiations for the CCI software. Jenkins and Lemon responded that negotiations are moving ahead for the Assessor's office and the contracts for the Recorder's office and the Treasurer's office are still being worked on by the County Attorney. Jenkins and Assessor Howell will attend the CCI conference coming up in two weeks.

Executive Lemon indicated that the appointment of Clair Ellis to the Road Capital Improvement Advisory Board is retained with the office of Chair of the Planning Commission meaning that any person serving as the Chair of the Planning Commission will be a member of the Road Capital Improvement Advisory Board.

ACTION: Motion by Council member Petersen to approve the recommended appointments. Buttars seconded the motion. The vote was unanimous, 6-0. Zilles absent.

WARRANTS: Warrants for the period 07-29-2011 to 08-04-2011, 09-07-2011 to 09-09-2011 and 09-07-2011 to 09-16-2011 were given to the Clerk for filing.

OTHER ITEMS

- **Air Quality SIP** – Executive Lemon asked for the Council's approval of a workshop on this issue October 11, 2011 at 4:00 p.m. Lemon would invite the Health Department to send a representative and Jeff Gilbert from the CMPO to discuss various ideas to consider for the SIP. The Council approved.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

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

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.

BOARD OF EQUALIZATION

- **Property Tax Hardship Applications** – The Council reviewed hardship applications. *(Details are on file in the Office the Cache County Auditor)*

ACTION: Motion by Council member Robison to deny the request for No. 11-080-0022. Petersen seconded the motion. The vote was unanimous, 6-0. Zilles absent.

ACTION: Motion by Council member Potter to table the Property Tax Hardship request for 07-124-0023 pending additional information and approve the remaining property tax hardship requests with the stipulation that No. 07-014-0030 be tagged with a note to review the applicant's employment status if a request is received for 2012. Petersen seconded the motion. The vote was unanimous, 6-0. Zilles absent.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

INITIAL PROPOSAL FOR CONSIDERATION

- **Ordinance No. 2011-14 – Logan Little Mountain Communication Tower Rezone** – Chris Harrild reminded the Council that this rezone had been discussed at the September 13, 2011 Council meeting and asked if the Council had any questions.

(Attachment 1)

ACTION: Motion by Council member Robison to waive the rules and approve Ordinance No. 2011-14-Logan Little Mountain Communication Tower Rezone. Yeates seconded the motion. The vote was unanimous, 6-0. Zilles absent.

Ordinance No. 2011-14: The vote was 6-0. Zilles absent.

	<u>BUTTARS</u>	<u>POTTER</u>	<u>PETERSEN</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

- **Cloud Seeding 2011/2012 Program** – Executive Lemon said the county needs to send a letter to the state by October 15, 2011. Lemon said the county has received a proposal from North American Consultants and because there has been a steep increase in the price of silver oxide, the cost will be \$52,000.00 as compared to last year's cost of \$48,000.00. However, the state will pay half of the cost which makes the cost to the county about \$26,000.00.

ACTION: Motion by Council member Yeates to approve the cloud seeding program for 2011/2012. Potter seconded the motion. The motion passed, 5 aye – Buttars, Potter, Robison, White & Yeates and 1 nay – Petersen. Zilles absent.

- **Resolution No. 2011-18 – A Resolution accepting and approving the conveyance of real property to Cache County Corporation** *(NOTE: This resolution was passed at this September 27, 2011 Council meeting but was numbered incorrectly. It will be placed on the October 11, 2011 agenda with the corrected*

number as Resolution No. 2011-22 and included as an attachment at that time) –
Director Runhaar explained that property crossed by a number of canals in the county are “gap” property – property not owned by anyone. Cache County needs to assert ownership of these properties in order to procure access to the canals for the construction required by NRCS. Runhaar provided maps detailing the gap properties. *(Complete details of Entry No. 1034698 are on file in the office of the Cache County Recorder.)*

ACTION: Motion by Council member Potter to waive the rules and approve Resolution No. 2011-18 – A Resolution accepting and approving the conveyance of real property to Cache County Corporation. Yeates seconded the motion. The vote was unanimous, 6-0. Zilles absent.

Discussion on the motion:

Council member Petersen asked about the Logan Northern map’s easternmost segment. Runhaar replied that segment was excluded because of pending litigation. The county will file on the piece at a future time.

Council member Potter asked if any problems are foreseen regarding already-owned property along the canals? Runhaar said he did not know of any at this time.

- **Recommendation for Surplus Property in Mendon City – Devron Anderson** requested consideration by the Council for vacating a portion of surplus county road right-of-way to allow property owners who have been using the land to continue using it. The piece is on Highway 23 south of Mendon. Anderson traced the road back to the original deeds. At the time of statehood Utah was required to describe all the roads that went through the county to become public right-of-ways and the description didn’t follow the plat which created this triangular piece of gap property.

Council member Petersen asked how much land is involved? Anderson said there is .25 acres.

Executive Lemon stated he had asked Engineer Lynn Zollinger if this should be treated like any other county surplus property and Zollinger and the County Attorney’s office said, no, just make the Council aware of the action.

Vice Chairman Buttars asked about the right-of-way size? Anderson said the State Road has a 100-foot right-of-way and 100 East street going into Mendon is a 99-foot right-of-way.

(Attachment 2)

ACTION: Motion by Council member Yeates to approve vacating the portion of surplus county road above discussed. Buttars seconded the motion. The vote was unanimous, 6-0. Zilles absent.

- **Discussion – Road Project Priorities** – Chairman White indicated he thought the Council should have some input on the priorities for capital improvements

road work. White expressed concern that if the three roads currently being looked at had improvements done in the same year, there would not be any money left for other improvements.

Lemon said he knows the county is presently dealing with Coldwater, Davenport and 3-Mile Road. White asked where the money for litigation costs comes from? Lemon said it comes from the County Attorney's budget. It is not coming out of the Class B road fund. Appraisals are paid for out of Class B funds. Lemon also said that he thought the Birch Canyon road was "kind of" resolved. The county has \$1.1 million per year in Class B funds for the entire county and there is about \$4 million in the reserve fund, but the reserve fund can be depleted quickly if used for road improvements.

After discussion, White and Petersen said the following roads should be on the capital improvement plan: South Canyon Road, West Canyon Road, McMurdie Hollow, Meridian Road off the top of Mt. Sterling, and the Maple Rise culvert.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: SEPTEMBER 27, 2011- 6:00 P.M. – OPEN 2011 BUDGET –
Executive Lemon explained the budget adjustments. *(See Attachment No. 4 to Resolution No. 2011-21 for details.)*

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

ACTION: Motion by Council member Petersen to close the Public Hearing- September 27, 2011-6:00 p.m.-to Open the 2011 Budget. Yeates seconded the motion. The vote was unanimous, 6-0. Zilles absent.

- **Resolution No. 2011-21 – Increasing the Budget Appropriations for Certain County Departments**

(Attachment 3)

- **Discussion – North Valley Landfill Rezone** – Chairman White commented that he requested this item be on the agenda for the Council to discuss. Chris Harrild said he made his presentation at the last Council meeting and didn't have any additional comments observing that there was public comment mostly opposing the rezone at the September 13, 2011 Council meeting.

Council member Petersen said he would be interested if hearing the responses of Issa Hamud from Logan City or Darrel Gibbons from the Solid Waste Advisory Board. Council members Potter and Yeates said they would like to have a discussion about the environmental and geological suitability of the land and whether these concerns include those communities on the Idaho side of the border. Council member Robison reported a communication she had from Box Elder County Commissioner LuAnn Adams who is open to working with Cache County.

Issa Hamud stated that the process of landfill siting and permitting is explained in the State Code and these steps have been followed. Data from 1999 to 2004 was evaluated and the North Valley Landfill site met all the qualifications. The study was brought to the Council in 2004 for approval and the Council gave its approval to continue to pursue the process for the site. Cache County looked into the Box Elder County and other options, but kept this site as a fall back site if the others did not work out. The process is now in its seventh year and there are still unanswered questions with Box Elder County. Hamud said the order of the siting process is rezone, conditional use permit, state permit. Hamud distributed copies of portions of the state code dealing with the state permitting requirements for a landfill site and stressed that the rezone and conditional use permit process should be done prior to the state permit application.

Petersen asked Hamud to clarify that the state will not do anything on the state permit unless there is a conditional use permit issued first. Hamud said that is correct and that he was told by the state no permit would be issued without there being a conditional use permit issued first.

Chairman White asked if the conditional use permit can be issued with the condition that the site be accepted by the state? Hamud replied yes.

Executive Lemon expressed concerns over the evidence of a slide area near the landfill site and asked when answers about that will be forthcoming? Hamud replied there should be answers before the state permit is applied for.

Council member Yeates asked if there would be a time for public input? Hamud said there will be a public meeting in Logan and probably one in Salt Lake.

Lemon questioned why Hamud would want to go forward on site without answers to seismic impact concerns? Hamud said all the preliminary information he has indicates the site will meet that requirement and all the development will take place in five acre pieces – not the entire area all at once.

White noted that the state code also addresses water source and groundwater issues.

Yeates asked for an estimate for the road that will be required for the landfill site. Hamud said there are several alternatives on the table, but he hesitates to answer without speaking to the Citizens Advisory Committee.

Petersen expressed a continuing concern about proceeding with the conditional use permit before initiating studies such as seismic impact, water, etc.

Hamud said these studies should be addressed by the state.

Director Runhaar said when additional permitting is required for conditional use permits, the conditional use permit is issued with conditions of approval such as; the applicant must get a specific permit from the state and bring it back for confirmation by Cache County.

Petersen again said wouldn't there be value in getting answers now before going through the long process?

Runhaar responded the Council is the land use authority and are limited in what it is looking at in the application – what can the county require in terms of a conditional use permit in a rezone. As the Board Directors you can take other avenues.

Petersen asked if the Council, as the Board of Trustees, ask studies be done in the next six months. White said why would we want to spend the money if the state isn't going to require it? Petersen said he believes Hamud has a pretty good idea of what is going to be required.

Vice Chairman Buttars asked if a conditional use permit is approved with conditions or stipulations that certain tests are done and met, is that going to carry the same weight with the state once the conditional use permit has already been issued?

Runhaar said 20% of conditional use permits issued by Cache County have conditions that must be met after the permit is issued.

Harrild observed that actual county ordinance language is specific in stating that operations cannot begin until the state has issued a permit.

Chairman White told interested parties they could take some time to introduce any new information.

Annette Summers said she was addressing the Council as the Board of Trustees and in 2009 geological testing was recommended by Hamud. Summers also expressed access concerns that could be an issue for the rezone and asked the Council as the land use authority for the county to look at the access matter. Summers noted that Clarkston zoning regulations state the purpose is to lessen congestion on the streets and roads and small subdivisions have developed along a stretch of road that may be affected by this rezone because citizens took confidence from Clarkston's zoning regulations.

Clair Christiansen said the Citizens Advisory Board has already made its recommendation regarding access – it is supposed to bypass Clarkston and Newton. That language is in the original Resolution No. 2004-01, Special Service Area No. 1, Board of Trustees.

Heidi Hodgson said she had talked with Ralph Bond at the state office who said if an application comes to his office, they will not do studies if it looks good to them. The county is the place to take care of that and the county is where public input needs to happen. Hodgson cautioned the Council that someone else will not be doing due diligence for the county. She also spoke to the person who would be doing the storm water runoff permit and he thought a conditional use permit would be premature. In addition Hodgson urged the Council to consider new technologies for solid waste removal such as Davis County has implemented.

Tyler Godfrey referred to a copy of the public infrastructure overlay ordinance criteria for a rezone and said that the county needs to insure that any public infrastructure is designed, constructed and operated in a safe and efficient manner and in compliance with all federal, state and local laws. Godfrey cited various plans required including a site

drainage and grading plan, an access plan, an operation management and maintenance plan and a landscape plan. Other requirements cited were approval of a site suitability analysis and a closure and post-closure plan prepared by an appropriate licensed professional. As citizens who may be adversely affected, Godfrey, pleaded with the Council to do a complete investigation, make sure the application materials are accurate and complete and meet all the standards of the county.

Brett Mickelson said he is a licensed professional engineer who creates many closure and post-closure plans and has permitted dozens of landfill facilities in the state including the Logan landfill, the Box Elder landfill, the Davis landfill, etc. This is the exact process that has been followed in other counties. First get your "local ducks in order", and then apply to state.

Lemon asked is there a new technology being looked at? Mickelson said, yes, for a price. Landfills are getting larger and more efficient.

Lemon asked if Mickelson is working with Logan City? Mickelson said he had nothing to do with the previous study done by Logan, but is working with them now and also the Box Elder landfill.

David Salisbury said the permitting process is an established criteria by the state and certain conditions must be met before the state will review the application. These important studies that have been talked about should and must be completed before a permit application is submitted to the state. With 35 years in the mining business, Salisbury feels that the slide area is close enough to the landfill site to be of concern. It is better to get at least a preliminary set of studies regarding seismic impact and ground water and geo-technical characteristics of the area to verify that this site is suitable.

- **Establish 2012 Budget Priorities** – Executive Lemon said one of the biggest concerns is the increase in the retirement system costs of 4%. The cost just to fund the retirement is \$275,000.00. Benefits used to be considered to be about 30% of salary, but now the cost of retirement alone is 31.4%. This is a big hit to the budget.

Lemon is waiting for the sales tax numbers for July and August. Cache County's sales tax has increased over last year thus far, but the rest of the nation was down for July and August.

Council member Potter noted that the retirement cost will definitely affect employee wages.

Lemon said Council member Petersen has requested funding for Ebooks for the county library.

Buttars said the Fire Board wonders what steps are being taken to update equipment.

Chief Hammer noted the fire engines purchased will be paid off in 2012 and he will start looking at pricing, etc. next year.

OTHER BUSINESS

- ✓ **2011 UAC Annual Convention – November 16-18, 2011** – Council member Petersen will probably not attend. Chairman White will let Allen know later.

COUNCIL MEMBER REPORTS

Kathy Robison said several UAC discussions centered on public health funding which urged counties to encourage a legislative audit of the state health department's public health division and suggested removing Medicaid from the public health department. UAC would also like to have county elected officials on the State Board of Health as there are currently no county elected officials on that board.

Craig "W" Buttars reported that RAC had met and approved projects for Cache County including the RC&D proposal, the Smithfield Canyon project for \$70,000.00 with the rest of the money going to the Forest Service for motorized trails improvements.

Val Potter announced a Canal Reconstruction Workshop October 12, 2011 in the Hyde Park City Offices at 6:00 -7:00 p.m. and urged the Council to attend. Congressman Rob Bishop will also hold a meeting in Hyde Park on Thursday, September 29, 2011 at 6:00 p.m.

Cory Yeates said that proposed legislation for Secure Rural Schools funding will cause the responsibility to fall back on the Forest Service. The harvesting of wood to support the fund should be done with county input which may give the county some say on the management of our forest. Comment was requested. Yeates asked Lemon if he had received the email? Lemon said he had received an email and will check it.

Chairman White asked how to get the road up Left Hand Fork on the list for improvements? Lemon said that needs to be on the Schedule A agreement between the County and the Forest Service. White needs to get the Forest Service to agree to place it on Schedule A.

ADJOURNMENT

The Council meeting adjourned at 7:16 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman

CACHE COUNTY, UTAH
ORDINANCE NO. 2011-14

REZONE
LOGAN LITTLE MOUNTAIN COMMUNICATION TOWER

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

AN ORDINANCE AMENDING THE CACHE COUNTY ZONING MAP

WHEREAS, the "County Land Use Development and Management Act," Utah Code Ann. §17-27a-101 *et seq.*, as amended (the "Act"), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the County's Planning Commission (the "Planning Commission") shall prepare and recommend to the County's legislative body, following a public meeting, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission's recommendations for zoning the area within the county; and

WHEREAS, the Act also provides certain procedures for the County's legislative body to adopt or amend the land use ordinance and zoning map for the County; and

WHEREAS, the County Council caused notice of the hearing to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, on August 4, 2011, the Planning Commission held a public meeting for a rezone to amend a 50'x50' leased area of the 160 acre parcel #13-004-0006 currently zoned as Agricultural (A-10) to include the Public Infrastructure (PI) Overlay Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone; and

WHEREAS, on August 4, 2011, the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action; and

WHEREAS, on September 13, 2011, at 6:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, and recommendation of County staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones a 50'x50' leased area of the 160 acre parcel #13-004-0006 currently zoned as Agricultural (A-10) to include the Public Infrastructure (PI) Overlay Zone as described within Exhibit A.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the County's zoning map to reflect the rezone of the Property effected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

4. Findings

- A. The location of the subject property is compatible with the purpose of the Public Infrastructure (PI) Overlay Zone.
- B. The subject property is suitable for development within the Public Infrastructure (PI) Overlay Zone without increasing the need for variance or special exceptions within this zone or the underlying Agricultural (A-10) Zone.
- C. The subject property is suitable as a location for all permitted uses within the Public Infrastructure (PI) Overlay Zone.
- D. The subject property when used for the permitted uses in the Public Infrastructure (PI) Overlay Zone would be compatible with the adjoining land uses.

5. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

6. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

7. Exhibits.

Exhibit A: Affected 50'x50' portion of the Logan Little Mountain Communication Tower rezone: Parcel ID# 13-004-0006

Exhibit B: Zoning Map of Cache County

8. Effective Date.

This ordinance takes effect on October 11, 2011. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 27th day of September, 2011.

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles				X
Total	6			1

CACHE COUNTY COUNCIL

Jon White

Jon White, Chair
Cache County Council

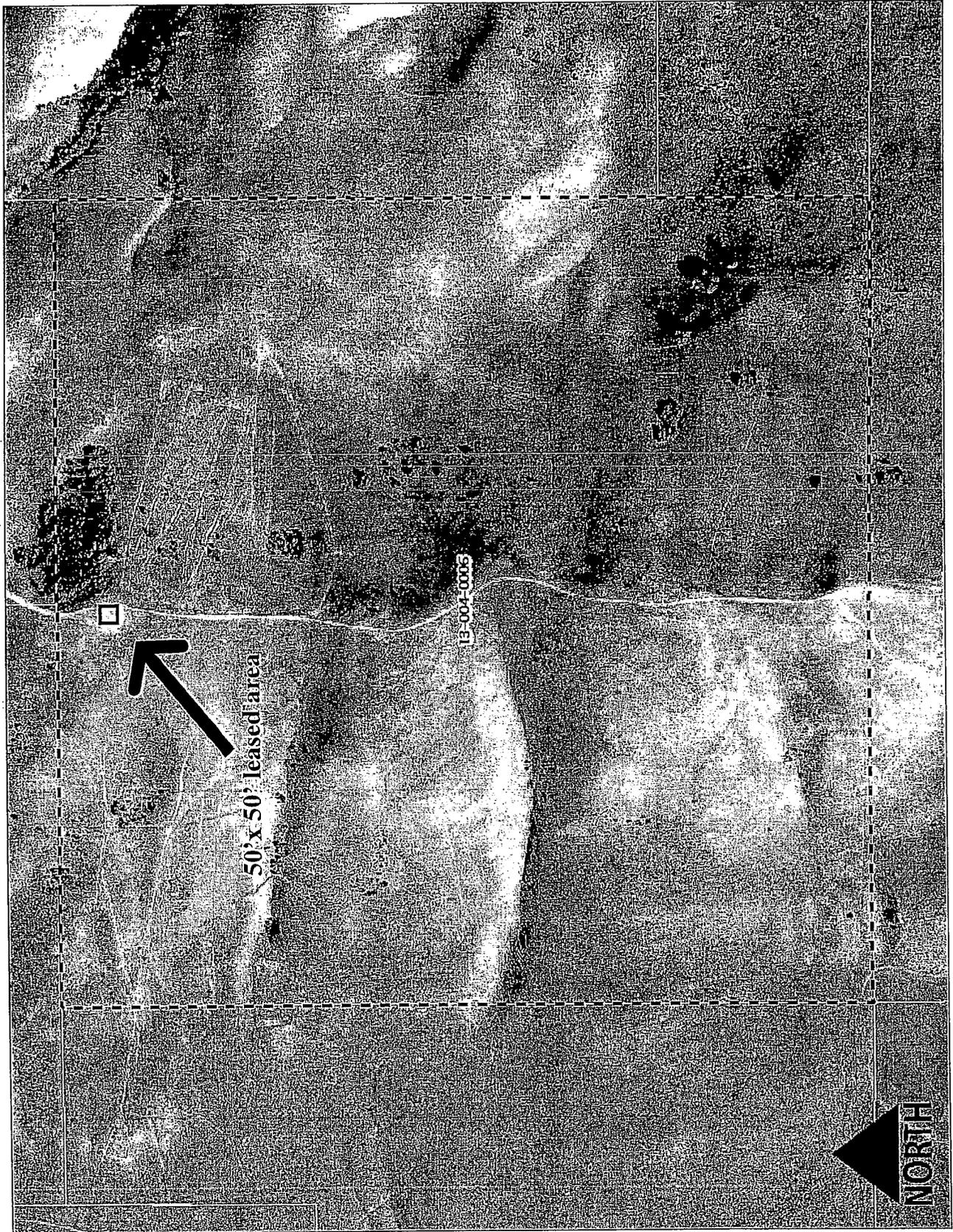


ATTEST:

Jill Zollinger

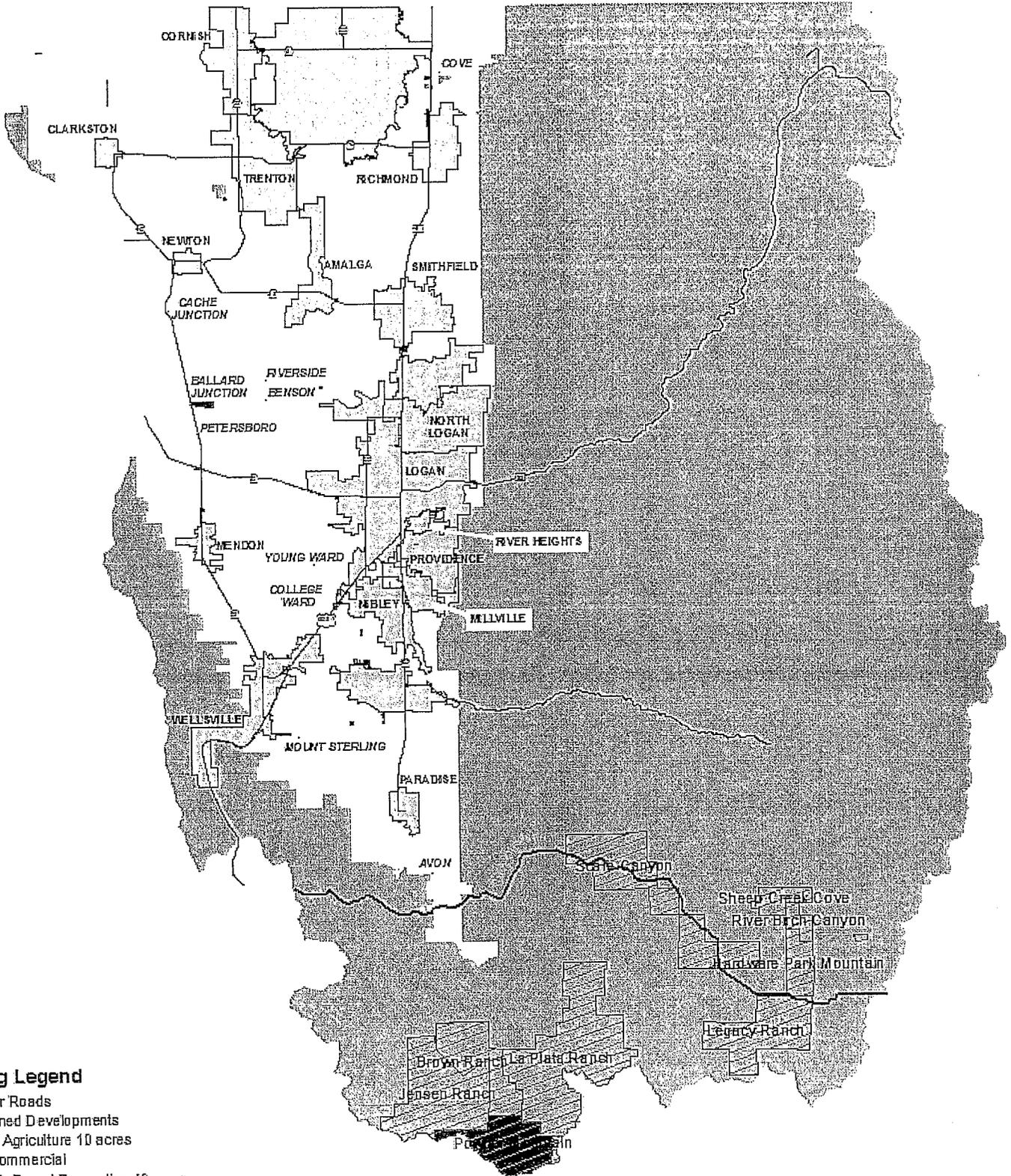
Jill Zollinger
Cache County Clerk

Publication Date: October 11, 2011



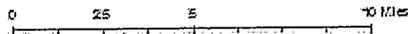


Ordinance 2011-14: EXHIBIT B



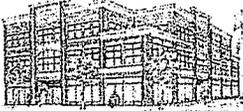
Zoning Legend

- ~ Major Roads
- ▨ Planned Developments
- A10: Agriculture 10 acres
- C: Commercial
- FR40: Forest Recreation 40 acres
- IM: Industrial/Manufacturing
- ME: Mineral Extraction
- RR: Resort Recreation
- RU-2 Rural-2 Zoning District
- RU-5 Rural-5 Zoning District
- (PI) Public Infrastructure Overlay Zone



Map produced Sept 2011 by Cache County Development Services





CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP
DIRECTOR / ZONING ADMINISTRATOR
PAUL BERNTSON
CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

Memorandum

To: Lynn Lemon
Cache County Executive

From: Lynn Zollinger, PE
Cache County Engineer

Date: September 20, 2011

Subject: Surplus Property Recommendation
Mendon

A request to review a parcel of potentially surplus county property was received from Devron Anderson, a surveyor representing the property owner. The subject property is located adjacent to SR-23 within Mendon City and situated near the south city limits. Mr. Anderson's research showed the tract in question was designed as part of a public road in a Mendon City survey dated in 1866.

The subject parcel was reviewed with UDOT. The UDOT Region1 right-of-way manager stated this parcel was outside of the 100-foot wide right-of-way of SR-23 and not of any interest or concern to UDOT.

In my opinion the subject parcel is surplus to foreseeable County needs. Further, since it is not clear the subject parcel was designated as a County road, the County may not hold the underlying fee title. As such, I recommend that the County execute a quit claim deed in favor of the adjoining property owner without cost.

RESOLUTION NO. 2011- 21

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2011 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2011 budget for Cache County:

see attached

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

Section 3.

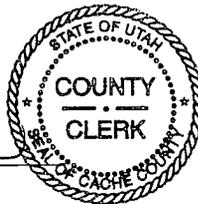
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Council on the 27th day of September 2011.

ATTESTED TO:

CACHE COUNTY COUNCIL


Jill N. Zollinger, Cache County Clerk




Jon White, Chairman

FUND 100 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
100-33-11200	MINERAL REV SHARING	(140,000)		(7,812)	(147,812)	ADJ TO AMT RECEIVED CCJJ Grant "Good Touch Bad Touch" Program
100-33-43000	Misc State Grants	-		(5,000)		
100-33-43105	Misc Grants - Search & Rescue	(35,000)		(5,600)	(40,600)	FY2011 S&R Advisory Brd Reimb
100-34-23125	JAIL PAY FOR STAY FEES	(70,000)		(10,500)	(80,500)	
100-34-23150	JAIL FEES - MISC	(4,500)		(4,825)		
100-34-27107	Fires 100% Reimbursable Costs	(6,626)		(8,592)	(15,218)	reimburseable fire assignment
100-34-31000	STREET AND SIDEWALK	(1,000)	1,000			- ZEROACCOUNT BUDGET
100-34-75500	FAIRGROUNDS - SPECIAL EVENTS	(21,000)		(970)	(21,970)	adj to actual
100-36-70000	COUNTY FAIR REVENUES	(75,000)		(23,886)	(98,886)	CARNIVAL CONTRACT REVENUES
100-36-70000	COUNTY FAIR REVENUES	(98,314)		(4,204)	(102,518)	OPEN HORSE SHOW -ENTRY FEE/PRIZES
100-36-73000	RODEO TICKET SALES	(69,000)		(6,394)	(75,394)	ESTIMATED RECEIPTS LESS SALES TAXES reclass to transfer in from capital
100-38-75000	TRANSFER IN FROM OTHER FUNDS	408,100		(408,100)	-	projects
100-38-75100	TRANSFERS IN FROM AIRPORT	-			-	
100-38-75200	TRANSFER IN FROM CAPITAL PROJ FUND	-	405,100		405,100	FOR CAPITAL PURCHASES 2011
100-38-75300	TRANSFER IN FROM MBA FUND	-	75,000		75,000	FOR CIB GRANT -WATER 2011 RTA AWARD COUNTY SEAT
100-38-76000	Transfer from Restaurant tax	(51,000)		(10,000)	(61,000)	PROGRAM
100-38-90000	APPROPRIATED SURPLUS	42,517		(42,517)	-	CLOSE AND REDUCE CONTRIB TO RESERVE
100-38-78100	CONTRIB FOR MOUNTED POSSE	(11,500)		(6,871)	(18,371)	POSSE BURGER REVENUES UP
100-38-76610	TRANSFER IN FROM COMMUNITY FOUNDATIC	(2,032)		(500)	(2,532)	FAIR BANNERS GRANT FROM Logan city
	Totals		481,100	(545,771)		
	Net Adjustment				(64,671)	

FUND 100 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
100-4134-630	Human Resources - Longevity Service Award	4,900	5,314		10,214	ADJ TO ACTUAL COSTS
100-4145-110	Attorney - Salary	707,720		(13,000)	694,720	dep Atty salary paid by grant
100-4145-120	Attorney - temp employees	16,322	13,000		29,322	adjust to actual -posted wrg acct ADJ TO ENGAGEMENT LETTER
100-4150-540	AUDIT	44,500	2,000		46,500	AGREEMENT
100-4160-251	Bldg & Grds - Non capitalized equipment	5,000	9,000		14,000	new chairs for Council /conf room
100-4160-999	BLDG & GRDS - A & C ALLOC 31%	(74,752)		(2,790)	(77,542)	ADJ TO BUDGET TOTAL
100-4210-115	SHERIFF - OVERTIME	85,000	12,375		97,375	REIMB O/T FOR SPEC EVENTS
100-4210-290	SHERIFF - GASOLINE EXP	130,000	2,834		132,834	S & R ADV BRD REIMB
100-4210-484	Sheriff - Spec Grant Program - CCJJ	-	5,000		5,000	"Good Touch Bad Touch" Program Grant
100-4216-990	CONTRIB TO S & R FUND RESERVE	-	34,360		34,360	S & R ADV BRD REIMB
100-4217-230	MOUNTED POSSE - TRAVEL	500	1,981		2,481	S & R ADV BRD REIMB
100-4217-251	MOUNTED POSSE - NON CAPITALIZED EQUIP	3,700	475		4,175	S & R ADV BRD REIMB
100-4217-330	MOUNTED POSSE - TRAINING	2,100	900		3,000	S & R ADV BRD REIMB
100-4217-990	CONTRIB TO M POSSE FUND RESERVE	-			-	
100-4220-631	Other Fires 100% Reimbursable Costs	6,626	8,592		15,218	reimburseable fire COSTS
100-4620-115	COUNTY FAIR - OVERTIME	2,500	1,300		3,800	ADJ TO ACTUAL COSTS
100-4620-120	COUNTY FAIR - TEMP EMPLOYEES	1,400	95		1,495	ADJ TO ACTUAL COSTS
100-4620-130	COUNTY FAIR - EMPLOYEE BENEFITS	752	638		1,390	ADJ TO ACTUAL COSTS
100-4620-221	FAIR - ADVERTIZING	8,000	500		8,500	GRANT FOR BANNERS
100-4620-290	FAIR - PRIZE MONEY & TROPHIES	39,500	4,204		43,704	OPEN HORSE SHOW -ENTRY FEE/PRIZES
100-4620-620	COUNTY FAIR - SECURITY & OTHER SERVICES	2,500	266		2,766	ADJ TO ACTUAL COSTS
100-4620-621	COUNTY FAIR - MISC SERVICES (CARNIVAL CON	-	23,314		23,314	LINE ITEM FOR CARNIVAL CONTRACT
100-4621-115	RODEO - OVERTIME	1,600		(517)	1,083	ADJ TO ACTUAL COSTS
100-4621-120	RODEO - TEMP EMPLOYEES	150		(150)	-	ADJ TO ACTUAL COSTS
100-4800-990	CONTRIB TO FUND RESERVE	160,548		(56,808)	103,740	TO OFFSET BUDGET ADJUSTMENTS
100-4810-150	TRANSFERS TO CLASS B	-	11,788		11,788	to reimb road dept work on fairgrds
	Totals		137,936	(73,265)		
	Net Adjustment				64,671	

FUND 150 ASSESSING & COLLECTING EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
150-4146-620	Assessor - Misc Services	80,000		125,158	205,158	to purchase server & software for Pictometry
150-4160-999	BLDG & GRDS - A & C ALLOC 31%	74,752	2,790		77,542	ADJ FOR NEW FURNITURE BLG & GRD
150-4800-900	contrib to stwde A & C Fund	-		66,948	66,948	CAMA System Costs
150-4800-992	Contrib to A & C Reserve	194,896	(194,896)		-	APPROP FOR PICTOMETRY
	Totals		(192,106)	192,106		
	Net Adjustment					

FUND 200 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
200-38-71000	TRANSFERS IN TO CLASS B	-		(11,788)	(11,788)	reimb work at fairgrds, admin & sheriff
	Totals			(11,788)		
	Net Adjustment				(11,788)	

FUND 200 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
200-4415-250	CLASS B - EQUIP SUPPLIES AND MAINT	-	11,788		11,788	
	Totals		11,788			
	Net Adjustment				11,788	

FUND 230 TOURIST COUNCIL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
230-36-90000	sundry revenues	(600)		(1,500)	(2,100)	adj for receipt prior per void checks
230-38-90000	Approp surplus	(29,595)	1,500		(28,095)	
	Totals		1,500	(1,500)		
	Net Adjustment					

FUND 230 TOURIST COUNCIL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
230-4780-490	Marketing	257,650		(1,200)	256,450	TO COVER BUDGET CHANGES
230-4780-660	local matching program	5,675	500		6,175	TO REPLACE BUDGET TRANSFER OUT
230-4780-210	Subscriptions and memberships	2,500	700		3,200	TO COVER SUBSCRIPTION INCREASES
	Totals		1,200	(1,200)		
	Net Adjustment					

FUND 240 COUNCIL ON AGING FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
240-38-90000	Appropriated Surplus	(8,425)		(5,046)	(13,471)	to cover unanticipated expenses
	Totals			(5,046)		
	Net Adjustment				(5,046)	

FUND 240 COUNCIL ON AGING FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
240-4974-251	Access - non-capitalized equip	-	623		623	purchase equip for internet change
240-4970-260	Center - bldg & grds	8,500	3,800		12,300	to cover increase repairs
240-4970-251	Center - Non-capitalized equip	-	623		623	purchase equip for internet change
	Totals		5,046			
	Net Adjustment				5,046	

FUND 250 MENTAL HEALTH FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
250-33-41000	SOCIAL SERVICES REIMBURSEMENT	(2,100,000)		(305,000)	(2,405,000)	
	Totals		-	(305,000)		
	Net Adjustment				(305,000)	

FUND 250 MENTAL HEALTH EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
250-4310-620	MISC SERVICES -BRMH SERVICES	2,195,000	305,000		2,500,000	TO COVER EXPECTED PASS THRU EXPENSE
	Totals		305,000	-		
	Net Adjustment				305,000	

FUND 260 RESTAURANT TAX FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
260-38-90000	Appropriated Surplus	(492,498)		(278,388)	(770,886)	
	Totals		-	(278,388)		
	Net Adjustment				(278,388)	

FUND 260 RESTAURANT TAX FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
260-4810-201	Transfers out to General Fund	51,000	10,000		61,000	RTA 11 Award County Seat Program
260-4780-620	Misc Services	1,252,334	268,388		1,520,722	to meet awards and encumbrances
	Totals		278,388	-		
	Net Adjustment				278,388	

FUND 390 CAPITAL PROJECTS FUND FY REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
390-33-15000	FED GRANT - ARRA EECBG	-		(45,297)	(45,297)	RECOGNIZE GRANT REVENUES
390-38-90000	APPROP SURPLUS	(519,656)		(155,938)	(675,594)	change order EECBG & UPGRADE PHON
	Totals		-	(201,235)		
	Net Adjustment				(201,235)	

FUND 390 CAPITAL PROJECTS FUND FY EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
390-4985-720	SHERIFF'S COMPLEX EECBG -BLDGS	64,556	15,000		79,556	change order
390-4960-740	MISC CAPITAL EQUIPMENT	-	186,235		186,235	PHONE SYSTEM UPGRADE
	Totals		201,235	-		
	Net Adjustment				201,235	

FUND 770 AIRPORT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
770-4460-262	weed control	9,000		(8,082)	918	REDUCE TO COVER TRANSFERS
770-4460-260	BLDG AND GROUNDS	15,000		(880)	14,120	
770-4810-100	TRANSFERS OUT TO GENERAL FUND	-	8,082		8,082	Weed spraying by county
770-4810-150	TRANSFERS OUT TO CLASS B	-	880		880	sweep runways
	Totals		8,962	-	8,962	
	Net Adjustment				-	