

**APPROVED**

**CACHE COUNTY  
COUNCIL MINUTES  
MARCH 13, 2012**

**CACHE COUNTY COUNCIL**  
**March 13, 2012**

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**CACHE COUNTY COUNCIL MEETING**  
**March 13, 2012**

The Cache County Council convened in a regular session on March 13, 2012 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Craig "W" Buttars  
**Vice Chairman:** Val Potter  
**Council Members:** H. Craig Petersen, Kathy Robison, Jon White, 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, Mikelshan Bartschi, Brenda Brown, Kevin Brown, Denise Ciebien, Ray Clawson, Ed Cottle, Janet Cottle, Steven Godfrey, Joe Hansen, Claudia Harmon, Craig Hidalgo, Kristi Hidalgo, Julie Hollist, Sharon L. Hoth, Miles Jensen, Dorcus Kleinschuster, Steve Kleinschuster, Troy Liquin, Lieutenant Brian Locke, Mark Maughan, Dave Nielsen, Director Josh Runhaar, Gary Samples, Annette Summers, Garwood Walton **Media:** Charles Geraci (Herald Journal).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Vice Chairman Potter 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. Zilles seconded the motion. The vote was unanimous, 7-0.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the February 28, 2012 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** Brandon J Maynard Deputy Cache County Attorney

**ACTION:** Motion by Vice Chairman to approve the recommended appointment. Zilles seconded the motion. The vote was unanimous, 7-0.

**WARRANTS:** There were no warrants.

**OTHER ITEMS**

- ❑ **Secure Rural Schools** funding has received a one-year extension.
- ❑ **Air Quality Time Line** – Executive Lemon gave Council members a time line for the process for air quality implementations and said he will attend an air quality meeting in Salt Lake on March 29, 2012.
- ❑ **North American Weather Consultants Report** – Executive Lemon reported the snow water equivalent for February was at 78% and the water year was at 82%.
- ❑ **HJR 13 Joint Resolution** passed in the Legislature and the tax opinion question will be on the ballot statewide. Lemon is still trying to devise a way that Cache County will not have to place the RAPZ/Restaurant Tax question on the ballot this year, but won't have anything firm until August.
- ❑ **South Canyon Road** – Executive Lemon received a letter from Engineer Lynn Zollinger asking that South Canyon Road remain closed until repairs can be made possibly by August. Lemon said NRCS funding will be available after the first of May and then the repair will be made as soon as possible. Council member White asked if the county could do the repairs before May and apply for reimbursement? Director Runhaar responded that expenditures before the first of May will not be covered by the NRCS.

(Attachment 1)

**ITEMS OF SPECIAL INTEREST**

- **Proclamation – Child Abuse Prevention Month** – Chairman Buttars asked Council member Robison to read the proclamation aloud and Attorney Swink presented a video from the Child and Family Support Center summarizing its services and urged the Council's support of the Center's events.

(Attachment 2)

**ACTION: Motion by Council member Yeates to approve the Proclamation – Child Abuse Prevention Month. Potter seconded the motion. The vote was unanimous, 7-0.**

- **County Roads Legal Review** – Council member Zilles stated he asked Attorney Don Linton to update the Council on this issue and turned the time to Linton. Attorney Linton reviewed the history of RS2477 roads and the county's actions over the last several years in regard to those roads. Letters were sent to persons who had gated/closed several public roads and approximately 75% of those persons removed the gates. The county has been in litigation over some of the remaining roads with the litigation process taking about five to ten years.

### UNIT OR COMMITTEE REPORTS

- ★ **Cache Valley Visitors Bureau – Julie Hollist** reviewed the operations and plans of the Visitors Bureau stating that occupancy numbers are up for lodging in the county. Hollist made thirteen presentations in a summer citizen recruiting trip to Arizona, California and Texas. Cache Valley as a film location and an inquiry from the Osmond's about the possibility of a joint project with the Department of Audiology at Utah and an Osmond concert are two of the new prospects Hollist is presently exploring.

### PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

**PUBLIC HEARING: MARCH 13, 2012 at 5:30 P.M. – PINE CANYON GRAVEL PIT REZONE** – Thomas G. Maughan and Dorcus M. Kleinschuster requesting a recommendation of approval for a rezone of 135.51 acres from the Agricultural (A-10) Zone to the Mineral Extraction and Excavation (ME) Zone located at approximately 4870 West 4600 South, Wellsville – Director Runhaar reviewed the issues of the request for the Council and indicated the Planning Commission had unanimously recommended approval Staff recommended approval with four findings of fact.

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

**ACTION: Motion by Council member Yeates to close the Public Hearing-March 13, 2012 at 5:30 p.m.-Pine Canyon Gravel Pit Rezone. Robison seconded the motion. The vote was unanimous, 7-0.**

### INITIAL PROPOSAL FOR CONSIDERATION

- **Discussion and Decision on Combining Voting Precincts – Amalga & Benson; Clarkston & Newton; Cornish & Lewiston; Trenton, Cove & Richmond; Nibley & College/Young; and multiple precincts in Smithfield and Logan, etc.** – County Clerk Jill Zollinger recounted the changing history of registration agents, election workers and polling places in each precinct to the present where registration no longer takes place in the precincts and multiple precincts can be combined at a polling location. Zollinger proposed consolidating additional precincts at a common polling place and anticipated a \$15,900.00 savings to the county by doing so. Citizens in the affected precincts will be offered three voting options:
  - go to the new polling place
  - vote at one of the early voting locations that are available two weeks prior to the election
  - request a by-mail ballot be sent to their homes

Zollinger observed that consolidation of precincts at common polling places has been occurring steadily for many years. Cove residents have voted in Richmond for several years, all of Providence votes at one location, as does Hyrum and Wellsville. Zollinger noted that when some local precincts were designated by-mail precincts for a past election, voter turnout was higher.

Zollinger asked for the Council's approval of the proposed consolidating of polling locations resulting in twenty-four polling locations instead of thirty-four.

Council member Potter referred to a letter from Mayor Godfrey opposing the consolidation of Clarkston and Newton precincts with the Newton Town Hall as a polling place.

Chairman Buttars opened the floor to public comment.

Trenton Mayor Ed Cottle, Cornish Mayor Joe Hansen, Clarkston Council member Craig Hidalgo and Trenton resident Janet Cottle all spoke in opposition to the proposed consolidation of Clarkston/Newton; Cornish/Lewiston and Trenton/Cove/Richmond citing concerns about travel distance, unfamiliar election workers and polling locations which will deter citizens in their communities from voting. Hansen also questioned the security of by-mail voting intimating a greater possibility of voter fraud and said this proposal will create a distrust for government.

Zollinger reminded the Council that the legislature is strongly considering making all voting in the state by-mail. Nothing stays the same and the statistics indicate there will be higher voter turnout if the state goes to by-mail voting.

Council member Potter said he doesn't expect any opposition to consolidating the six North Logan precincts at one polling place. Robison suggested approving the Logan consolidations, but not the outlying areas. White said people in these communities drive to Logan to work every day and once you're already in the car, what's five minutes more? He doesn't believe the driving distance is a valid complaint. Zilles agreed. Zilles also reminded the citizens that county residents want to keep taxes down and save money and you can't have it both ways – not save money yet have less tax. Buttars said it might be a savings to the county but will be a cost to the individual citizen. Petersen asked Zollinger to come back to the Council with a new proposal including showing how far people will have to drive.

Zollinger reminded the Council that her office has not taken on this task lightly, much thought and study has gone into the proposal. The Council has until the next Council meeting to make a decision.

**ACTION: Motion by Council member Petersen to have Clerk Zollinger bring back to the March 27, 2012 Council meeting alternative schemes addressing concerns and indicating maximum distances. Robison seconded the motion. The vote was unanimous, 7-0.**

#### **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

##### **PUBLIC HEARING: MARCH 13, 2012 at 6:00 P.M. – OPEN 2012 BUDGET –**

Executive Lemon reviewed the proposed budget adjustments (*See Attachment 4 to Resolution No. 2012-05 for details.*) and Chairman Buttars opened the Public Hearing and invited public comment. There was none.

**ACTION: Motion by Vice Chairman Potter to close the Public Hearing. Yeates seconded the motion. The vote was unanimous, 7-0.**

**ACTION: Motion by Vice Chairman Potter 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**

- o **Property Tax Exemption Requests** *(Details are on file in the office of the Cache County Auditor)*
  - Alpine Church (Formerly Maranatha Baptist Church)
  - Beaver Mountain Ski Patrol (a Subordinate of National Ski Patrol)
  - Bridgerland Audubon Society
  - Corporation of the Episcopal Church in Utah
  - Emmanuel Baptist Church
  - English Language Center of Cache Valley, Inc.
  - Fast Forward Charter High School
  - Logan English Congregation of Jehovah's Witnesses
  - Neighborhood Non-Profit Housing Corporation
  - Providence Place Housing Corporation
  - Somebody's Attic
  - Stokes Nature Center
  - Utah Festival Opera Company
  - Whittier Community Center

**ACTION: Motion by Council member Yeates to approve the 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. Potter seconded the motion. The vote was unanimous, 7-0.**

**THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION**

**PUBLIC HEARING SET: APRIL 10, 2012 – 5:30 P.M. – DAVENPORT ROAD**

**Action: Motion by Council member Petersen to set a Public Hearing – April 10, 2012 at 5:30 p.m. – Davenport Road. Robison seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: NOVEMBER 27, 2012 – 6:00 P.M. – 2013 TRUTH IN TAXATION INCREASE AND BUDGET HEARING**

**Action: Motion by Vice Chairman Potter to set the 2013 Truth in Taxation Increase and Budget Hearing for November 27, 2012 at 6:00 p.m. Yeates seconded the motion. The vote was unanimous, 7-0.**

**INITIAL PROPOSAL FOR CONSIDERATION**

- **Council Approval – 2011 Abatement Report** – Executive Lemon explained that the report lists all properties that qualify for circuit breaker status. The county pays 20% of the abatements and any remaining amount is reduced 50% based on indigent status. *(Details are on file in the office the Cache County Auditor.)*

**ACTION: Motion by Council member Yeates to accept the 2011 Tax Abatement Report. Zilles seconded the motion. The vote was unanimous, 7-0.**

- **Council Approval – Cache School Board Precinct Boundary Changes – Dale Hansen**, Business Administrator for Cache School District, presented a recommendation to the County Council for reapportioning voting precincts in school board districts to maintain optimal size and balance. Option C was presented and unanimously approved by the school board and Hansen asked for the Council's approval.

**(Attachment 3)**

**ACTION: Motion by Vice Chairman Potter to approve Option C as recommended by the Cache County School District Board. Yeates seconded the motion. The vote was unanimous, 7-0.**

- **Resolution No. 2012-05 – Adjustments to 2012 Budget**

**(Attachment 4)**

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2012-05 – Adjustments to 2012 Budget. Robison seconded the motion. The vote was unanimous, 7-0.**

- **Tax Abatement Request** – Executive Lemon commented that this party did file an appeal in 2009, but the County Assessor's office thought the road was completed and taxed the property at 70%. The road was not completed and the tax was changed to 30% in 2010 and 2011. This request is for the 2009 tax abatement to be changed to the 30% tax. The subdivision has been abandoned and the lots no longer exist. Lemon recommends approval. *(Details are on file in the office of the Cache County Auditor.)*

**ACTION: Motion by Council member Zilles to approve the tax abatement request. Yeates seconded the motion. The vote was unanimous, 7-0.**

**OTHER BUSINESS**

- ✓ **Council member visits to Logan Regional Hospital and Sunshine Terrace, April 10, 2012** – Council member Robison and Chairman Buttars will visit Sunshine Terrace and Chairman Buttars and Council member Potter will visit Logan Regional Hospital.

- ✓ **2012 UAC Management Conference – April 18-20, 2012 – Ogden Eccles Conference Center** - Council members were reminded they need to let Janeen Allen know if they are attending.

**COUNCIL MEMBER REPORTS**

**Gordon Zilles** asked when the next employee compensation meeting will be. It will be Tuesday, March 20, 2012 at 11:30 a.m.

**Craig “W” Buttars** reminded the Council to attend their Precinct Caucuses tonight or Thursday at 7:00 p.m.

**ADJOURNMENT**

The Council meeting adjourned at 7:22 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** Craig “W” Buttars  
Chairman



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, P.E.  
Cache County Engineer

**Date:** March 13, 2012

**Subject:** South Canyon Slide

A field review of the conditions of the South Canyon Slide was made on March 13, 2012. The site inspection revealed continuing erosion of the roadway surface width has occurred since the road was closed to public travel in November 2011 due to seasonal weather conditions. Measurement of the roadway surface width a narrow point was 11 feet 11 inches. This measurement was taken from the east side embankment to the west side at a point where the embankment falls sharply to the stream below the roadway. The width measurement included an area of somewhat unstable material on the west edge of the roadway, as the roadway width continuous to degrade.

Based on the current minimum measured width I have determined that the South Canyon Road at location of the slide does not meet nationally recognized standards and does not provide a reasonable degree of safety for continued public travel. I recommend that the South Canyon Road **not be opened to travel** as customarily allowed when acceptable travel conditions return in the Spring. South Canyon Road should remain closed to all public travel until the roadway conditions at the slide area restored to an acceptable level. In connection of the closure the following should be accomplished:

- The lock on the South Canyon gate should be changed so that the County holds the only key to operate the gate, and duplicate keys not be issued.
- Signs should be placed on the Weber County side at the control gate near Eden notifying road users of the road closure at the slide area.
- Concrete barriers include appropriating road closed signs be placed to positively block the road on each end of the slide area.
- A sign placed at the East Canyon Road junction notifying that South Canyon Road is closed at gate to all motorized travel.

# CHILD ABUSE PREVENTION MONTH PROCLAMATION

CACHE COUNTY'S GREATEST ASSET IS OUR CHILDREN,  
NOW AND FOR THE FUTURE.

**WHEREAS;** ALL CHILDREN deserve to grow up in a safe and nurturing environment to ensure they reach their full potential.

**WHEREAS;** CHILD ABUSE is a serious and growing problem affecting millions of our nation's children and thousands of children in Utah annually; and,

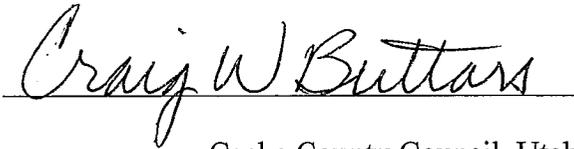
**WHEREAS;** CHILD ABUSE respects no racial, religious, class or geographic boundaries; and,

**WHEREAS;** IT IS IMPORTANT for all citizens of Cache County to become more aware of child abuse and the critical need for prevention within their respective neighborhoods and community; and,

**WHEREAS;** DECREASING the occurrence of child abuse relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today, who will become the leaders of tomorrow;

**THEREFORE;** I, Cache County Council, do hereby proclaim April 2012 as Child Abuse Prevention Month. I support child abuse prevention efforts and education, and I encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this 13th day of March 2012



Cache County Council, Utah



Child & Family Support Center  
380 West 1400 North  
Logan, UT 84341  
(435) 752-8880 ~ [www.cachecfsc.org](http://www.cachecfsc.org)



## Cache County Board of Education School Board Precinct Options

### Current Configuration

	Precinct	Residences	Totals Voters	Totals
#1	College/Young	217	463	
	Hyrum 03	405	749	
	Mendon 01	46	84	
	Mendon 02	492	1,000	
	Wellsville 01	209	417	
	Wellsville 02	294	592	
	Wellsville 03	227	429	
	Wellsville 04	296	604	4,338
#2	Hyrum 01	385	694	
	Hyrum 02	182	364	
	Hyrum 04	419	834	
	Hyrum 05	291	537	
	Millville 17	45	90	
	Millville 25	407	822	
	Paradise	450	926	4,267
	#3	Nibley 01	394	676
Nibley 03		420	900	
Nibley 17		347	655	
Nibley 25		12	23	
Providence 01		401	801	
Providence 02		464	1,033	
Providence 03		379	767	
Providence 04		430	743	
#4	Providence 05	255	533	6,131
	North Logan 01	453	706	
	North Logan 02	381	628	
	North Logan 03	309	617	
	North Logan 05	360	806	
	North Logan 06	301	629	
	River Heights 01	239	417	
	River Heights 02	262	553	4,356
#5	Benson	164	322	
	Hyde Park 01	516	1,045	
	Hyde Park 02	464	976	
	North Logan 04	310	679	
	Smithfield 05	261	483	
	Smithfield 06	377	669	4,174
#6	Amalga	117	248	
	Smithfield 01	316	583	
	Smithfield 02	347	711	
	Smithfield 03	389	729	
	Smithfield 04	324	680	
	Smithfield 05	261	483	
	Smithfield 06	377	669	
	Smithfield 07	396	750	3,701
#7	Clarkston	189	371	
	Cornish	77	150	
	Cove	138	268	
	Lewiston 01	302	533	
	Lewiston 02	159	296	
	Newton	235	465	
	Richmond 01	319	595	
	Richmond 02	339	615	
	Trenton	125	251	3,544
			15,636	30,511

### Option C

	Precinct	Residences	Totals Voters	Totals	
#1	College/Young	217	463		
	Hyrum 03	405	749		
	Mendon 01	46	84		
	Mendon 02	492	1,000		
	Wellsville 01	209	417		
	Wellsville 02	294	592		
	Wellsville 03	227	429		
	Wellsville 04	296	604	4,338	
#2	Hyrum 01	385	694		
	Hyrum 02	182	364		
	Hyrum 04	419	834		
	Hyrum 05	291	537		
	Millville 17	45	90		
	Millville 25	407	822		
	Paradise	450	926	4,267	
	#3	Nibley 01	394	676	
Nibley 03		420	900		
Nibley 17		347	655		
Nibley 25		12	23		
Providence 02		464	1,033		
Providence 03		379	767		
Providence 05		255	533	4,587	
#4		North Logan 05	360	806	
	North Logan 06	301	629		
	Providence 01	401	801		
	Providence 04	430	743		
	River Heights 01	239	417		
	River Heights 02	262	553	3,949	
	#5	Hyde Park 01	516	1,045	
		Hyde Park 02	464	976	
North Logan 01		453	706		
North Logan 02		381	628		
North Logan 03		309	617		
North Logan 04		310	679	4,651	
#6	Smithfield 01	316	583		
	Smithfield 02	347	711		
	Smithfield 03	389	729		
	Smithfield 04	324	680		
	Smithfield 05	261	483		
	Smithfield 06	377	669		
	Smithfield 07	396	750	4,605	
	#7	Amalga	117	248	
Benson		164	322		
Clarkston		189	371		
Cornish		77	150		
Cove		138	268		
Lewiston 01		302	533		
Lewiston 02		159	296		
Newton		235	465		
Richmond 01		319	595		
Richmond 02		339	615		
Trenton	125	251	4,114		
		15,636	30,511		

Optimal Precinct Size-Voters (30,511 / 7): 4,359  
Registered Voters - South: 15,706  
Registered Voters - North: 14,805

Optimal Precinct Size-Residences (15,636 / 7): 2,234  
Residences - South: 7,968  
Residences - North: 7,668

RESOLUTION NO. 2012- 05

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 2012 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 2012 budget for Cache County:

see attached

Section 2.

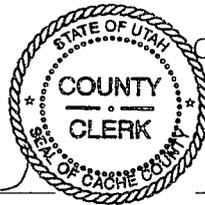
Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

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 13th day of March, 2012.

ATTESTED TO:



CACHE COUNTY COUNCIL

*Jill N. Zollinger*  
Jill N. Zollinger, Cache County Clerk

*Craig W. Buttars*  
Craig "W" Buttars, Chairman

FUND 100 GENERAL FUND REVENUES

Resolution #: 2012-05  
 Hearing: March 13, 2012 6 pm

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DEBIT	Increase CREDIT		
100-3870-78000	APPROP SURPLUS - SEARCH & RESCUE	-	\$ (36,000)	\$ (36,000)	(36,000)	TRUCK & ACCESSORIES FOR S & R
100-3894-00000	APPROP SURPLUS - LIBRARY	-	\$ (58,246)	\$ (58,246)	(58,246)	LIBRARY SHELVING
	Totals		\$ -	\$ (94,246)	\$ (94,246)	
	Net Adjustment					

FUND 100 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
100-4581-74000	LIBRARY - CAPITALIZED EQUIPMENT	-	\$ 58,246		58,246	LIBRARY SHELVING
100-4216-74000	SEARCH & RESCUE - CAPITALIZED EQUIPMENT	-	\$ 36,000		36,000	PURCHASE TRUCK & ACCESSORIES
	Totals		\$ 94,246	\$ -	\$ 94,246	
	Net Adjustment					