

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
OCTOBER 09, 2012**

CACHE COUNTY COUNCIL
OCTOBER 09, 2012

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CACHE COUNTY COUNCIL MEETING
October 09, 2012

The Cache County Council convened in a regular session on October 09, 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, James Astle, Parker Bond, Diane Bush, Michelle Cox, Kellan Cutler, Clair Ellis, Jeff Gilbert, John Gilbert, Jay Gilmore, Steven Hancey, Samantha Hiatt, Sharon L. Hoth, Veronique Jarrell-King, Derek Jones, Roger Jones, Tamra Jones, Grant Koford, Jon Landeen, Randy W. Lewis, Wanda Lewis, Nancy Lucas, Randy Martin, Keirstin Meyer, Dan Miller, Kori Moore, Zan Murray, Dave Nielsen, Kayli Nielsen, Stephen Nielsen, Jill Parker, Darwin Pitcher, Paul Prendergast, Megan Schwender, Marilyn Sorenson, Joshua Southwick, Joe Thomas, David Welker, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

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

ACTION: Motion by Council member Yeates to approve the agenda as written. Potter seconded the motion. The vote was unanimous, 6-0. White absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the September 25, 2012 Council Meetings as written. Robison seconded the motion. The vote was unanimous, 6-0. White absent.

ITEMS OF SPECIAL INTEREST

- **Outstanding Employee of the Quarter** – was presented by Nancy Lucas to Sergeant James Astle of the Cache County Sheriff's Office.
- **County Seat Program** – Chad Booth updated the Council on the County Seat programs broadcasts and asked them to rethink its decision to not participate in the program. Council member Petersen observed that sometimes opposing viewpoints on an issue are not represented. Booth responded that individuals from both sides of an issue are always asked to participate, but many decline.

Council member Zilles, referring to an episode on by-mail voting, asked if Duchesne County saw any increase in voting numbers after converting to by-mail? Booth said there was a significant increase.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: OCTOBER 09, 2012 – 5:30 P.M. – Alternative Strategies to Emission Testing – Chairman Buttars opened the Public Hearing and invited public comment and asked participants to restrict their remarks to alternatives to emissions testing, not the pros and cons of emissions testing.

Roger Jones, from the Bear River Association of Governments (BRAG) shared ideas that he, Brian Carter, Jeff Gilbert, Todd Beutler and Kip Billings, compiled including:

- Implementation of an accelerated vehicle retirement program
- A disincentive to auto dealers to sell polluting vehicles
- A “Ride the Bus for Cleaner Air” campaign
- Government or private vehicle fleet replacement to natural gas or clean diesel
- Reduce agricultural emissions through fee changes to reduce nitrogen waste and better handling of manure
- Remote roadside sensing
- A vehicle emissions program that exempts 2009 and newer vehicles or older than ten years

(Attachment 1)

Arthur Kaplan, professor of economics at Utah State University, stated IM testing is not enough nor are the strategies suggested by Roger Jones. The EPA relies on computer simulation models to estimate the impact of IM testing and a National Research Council study concluded that the EPA estimates of the effectiveness of IM testing were overstated by a factor of two. Kaplan recommends pollution pricing – a program that sets a price on our decisions to drive such as in London, England. Decals are purchased by those drivers wanted to be able to drive on yellow or red air days and cameras take photos of every license entering the restricted area – no decal and the vehicle is ticketed.

Paul Prendergast recommended citizens drive less and combine trips or an IM testing program based on miles driven where anything below a certain number of miles would be exempt.

Randy Lewis, a retired Air Force engineer, suggested that a freeway through Cache Valley would eliminate a log of emissions problems.

Megan Schwender, a Natural Resources grad student at Utah State University, supports vehicle emissions testing as well as Kaplan’s suggestions. Schwender expressed concerns about the health effects of emissions on children in the area.

Marilyn Sorenson, county resident with asthma, said she worries about others with asthma.

Joe Tennant said he understands the county needs to eliminate .46 tons per day of the offending particulates. Every single car is a high polluter upon starting because the catalytic converters are not warmed up yet. According to the Department of Transportation in 2002 cold start emissions equals 25% of the total emissions per day. Tennant recommends eliminating the starting of vehicles to reduce emissions and asked if it is possible to generate a list of people who will voluntarily remove their vehicles from the road? Salt Lake has such a program. Tennant believes that the problem with charging those who drive on red air days is that the pollutants have

already been generated and are trapped. Behavior needs to be changed long before red air days. He has chosen to severely limit his vehicle miles by walking or riding the bus.

Council member Zilles asked if catalytic converters can be plugged in to keep them warm? Tennant replied yes.

Wanda Lewis, a Hyrum resident, commented that she is dependent on a car because of where she lives. If you live in a rural community, mass transit doesn't help. Lewis has allergies that IM testing will not cure. There are only four counties out of twenty-nine in Utah that have IM programs because they have high population concentrations. The University needs to develop more parking and charge fees to those coming to the ball games, etc.

Darwin Pitcher indicated he applauds the Council for choosing to not participate in an IM testing program because it will not solve the problem. With some of the brightest minds around at Utah State University a little research should be able to develop some kind of cloud seeding that would cause the particulates to fall to the ground.

Derek Jones, former DAQ employee, stated the DAQ is in a hard position – they want to write an approvable SIP to present to the EPA so the EPA doesn't write one for the county and this has to be done by December. Voluntary programs carry almost no weight with the EPA. Whether the modeling simulations are accurate is not the point because those are the figures the EPA is using. This boils down to economics – how much do we want to pay for air that is only marginally cleaner. If the county does not produce a SIP that is approvable by EPA then EPA can impose a program on the county and the state can lose federal transportation funding. Referring to some of the previous suggestions, Jones said that typically the use of newer technologies will cost more money and the county should choose the best one that is *quantifiable according to the EPA*. Jones asked the Council what criteria they are using to evaluate the different ideas proposed and reminded them that any proposal must have verifiable reductions.

Michael David stated that wood burning stoves in the "island" area of Logan are heavy polluters and asked for restrictions on their use. Executive Lemon responded there are requirements in the SIP regarding wood burning stoves.

Kellan Cutler, a University student, said he would ride the bus, but lives up Providence Canyon where there is no bus service and observed that a huge percentage of the county's population is students. Cutler suggested incentive programs for students to ride the bus such as coupons furnished by local businesses or the University for a \$5.00 meal or cards that could be issued students that, when swiped as they board a bus, would give tuition discounts.

Grant Koford, Bear River Health Department, acknowledged that any of the possibilities listed on a hand out he distributed to the Council, won't individually solve the problem, but could be used in conjunction with another program. If IM testing is not used, then the reduction has to be achieved by some other method such as enhanced controls on cooking sources, enhanced controls on smaller point sources or enhancements for existing IM program like the remote sensing program. This has been used elsewhere, but enforceability is a problem. Older diesel vehicles are hard to test, but there is a roadside test that the Logan City Police Department performs now which can result in a "fix-it" ticket. That program could be enhanced. Koford restated that EPA does not weight voluntary strategies heavily. A decal or sticker program would require that the vehicle be tested first to know whether emissions are a problem. Koford concluded that a vehicle IM program is the most cost effective solution.

Jean Lown, local resident, favors IM testing and believes it must be the foundation of any clean air effort.

Steven Hancey remarked that testing stations are needed in different areas of the valley to identify how much pollution we create in our valley. We live in a bowl and need a 5-10 mile per hour wind or a storm to clear out the inversions.

Randy Martin, Utah State University professor of environmental engineering, has been studying air quality in Cache Valley since 2000 and we know where the pollution comes from – vehicles and agriculture. Portable samplers were spread around the valley in 2002, 2003 and 2004 and the samplers at Hyrum and Amalga found the same levels of particulates. Martin has spent time studying ways to break up the inversions in the valley and finds the Pitcher's concept of seeding interesting. Martin said in surveys he conducted, the majority of citizens were in favor of emissions testing. Martin said remote sensing was done in the valley in 2004 and concluded that 5-10% of the vehicles would fail emissions tests.

Council member Petersen asked attendees from the DAQ if they had any suggestions?

Dave McNeil responded they came to listen and reminded the Council that everything heard tonight has to have an enforcing element that proves to the federal government that it will give the reduction needed. McNeil noted that where remote sensing was tried, people would identify where it was set up and avoid the area. Three violations are needed to be effective because the sensing is not 100% accurate.

Vice Chairman Potter tendered the following:

- Is the roadside monitoring initiated on red or yellow air days, or more often?
- Would there be warnings or fines sent by mail or would law enforcement be used?
- How do we ensure the sites are not avoided?
- With a dirty vehicle program would warnings or citations be sent and enforceable?
- Would it be year round or during inversions only?
- Are volunteer programs enforceable and would they make enough difference?
- How do we pay for any program?
- How do we enforce restrictions on wood burning stoves?
- Business emissions would require each facility to be individually looked at to develop controls
- A more limited IM testing program e.g., emissions testing on 1996 and earlier vehicles which are the major violators
- Request the SIP process be extended to give Cache County the time to implement new strategies and monitor improvements in air quality

Chairman Buttars asked if a volunteer program such as no vehicle idling on red and yellow days that has penalties attached to it can be considered viable and not voluntary? McNeil said it would still be considered voluntary.

Potter asked McNeil if he believes any of these strategies discussed tonight would make a difference?

McNeil said whatever the county does has to be approvable by EPA and has to be state and federally enforceable. Anything identified as voluntary will not count for more than 3% of the maximum reduction required.

Potter questioned whether the \$200.00 maximum repair required in the current proposal would be sufficient to fix offending vehicles. Randy Martin said that most of the time a simple tune up is all that is required on vehicles that fail.

Petersen asked if emissions testing incorporated remote sensing or rapid screen testing, could all those be part of an IM testing program. Joe Thomas, DAQ, said yes the program can be enhanced with remote sensing as long the threshold is low enough.

Zilles said that it appears for the county to be able to come into compliance with the DAQ there has to be some way to test cars that are polluting and three things are needed:

1. Make it voluntary that no one can drive on a yellow or red air day in a vehicle older than 1996.
2. Reinstate the APC fee and use the revenue for a program like cash for clunkers.
3. Enforce wood burning stove restrictions on yellow and red air days.

Executive Lemon considered using part of the APC fee to reward people to not drive on bad air days.

Petersen commented perhaps a type of IM program is needed that the Council and citizens will find palatable.

Lemon said a number of people think if you challenge Cache County citizens to prove that voluntary efforts are effective, they will do it.

Zilles reminded Lemon that voluntary efforts will not give enough credit to be in compliance.

Lloyd Berentzen, Bear River Health Department, said the county is somewhat behind the eight ball in terms of meeting requirements. The DAQ is in a tough position as is Cache County, but in the event any IM program is a part of this, Berentzen urged the Council to make a decision quickly so the county can design the program instead of EPA dictating the requirements. An ordinance needs to be in place before the program is implemented in 2013.

Chairman Buttars and the Council will come up with a list of different options that are quantifiable and verifiable and meet next Monday, October 15, 2012 at 1:00 p.m. for a Cache Council Workshop with DAQ representatives in attendance.

Petersen observed that the Council has now heard the best the public has to offer and recommends a modified IM testing program that will be less onerous to the citizens of Cache County.

Thomas said the results of testing only 1995 vehicles and older can be quantified and he will give the county the numbers next Monday.

ACTION: Motion by Council member Zilles to close the Public Hearing. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

Council member Yeates left the meeting.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the period 09-08-2012 to 09-28-2012 were given to the Clerk for filing.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

- **Approve Recommendations of the Hearing Officers for the Board of Equalization** – Executive Lemon distributed the list of recommendations with values. *(Details are on file in the office the Cache County Auditor.)*

ACTION: Motion by Vice Chairman Potter to approve the recommendations of the Hearing Officers for the Board of Equalization. Robison seconded the motion. The vote was unanimous, 5-0. White & Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION

- **Ordinance No. 2012-12 – Replacing Ordinance No. 2012-11 which was incorrectly numbered.** *(Repealing Cache County Ordinance 9.12.010: Spotlighting while in possession of firearms in Chapter 9 of the Cache County Code entitled Public Peace, Morals and Welfare)*

(Attachment 2)

ACTION: Motion by Council member Zilles to waive the rules and approve Ordinance No. 2012-12_– Replacing Ordinance No. 2012-11 which was incorrectly numbered. *(Repealing Cache County Ordinance 9.12.010: Spotlighting while in possession of firearms in Chapter 9 of the Cache County Code entitled Public Peace, Morals and Welfare).* Potter seconded the motion. The vote was unanimous, 5-0. White & Yeates absent.

- **Hardship Applications** *(Details are on file in the office the Cache County Auditor.)*

ACTION: Motion by Vice Chairman Potter to approve the hardship applications but table 08-17-0014 awaiting additional information. Zilles seconded the motion. The vote was unanimous, 5-0. White & Yeates absent.

- **Discussion – Payroll and Benefits for 2013** – Executive Lemon regrets that the budget schedule is behind due to the conversion from GP Dynamics back to Caselle, but knowing that employee compensation is a priority he wants to discuss payroll and benefits. Lemon outlined the possible increases for wages and medical and retirement estimating a total increase of \$350,000.00. Earlier discussions agreed to cut capital or other expenses, if needed to be able to provide additional employee compensation. Lemon asked for input from the Council.

Vice Chairman Potter asked for a definition of capital. Lemon replies capital equipment or projects.

Council member Zilles asked what the status of revenues is. Lemon said they are fairly flat, but up a little.

Executive Lemon asked the Council, "Is payroll the county's priority?" The issues will not be solved all at once and suggested the compensation this time be based on merit rather than market.

Potter said he is more comfortable with seeing some projections on paper for revenue and the costs of health care and insurance and then look at the percentages from there.

Zilles and Lemon like reviewing payroll in July rather than January.

Zilles also reminded Lemon and the Council that the elected officials' salaries need to be considered as well.

Lemon said the elected officials would like to meet with the Employee Compensation Committee and he is trying to set up a meeting – possibly a week from next Monday.

- **Approval of 2013 Budget Schedule** - Lemon said this is an abbreviated schedule and he is going to meet with the departments on Friday and give them a week or ten days to get information back to his office so he can start the process of getting the budget put together. Lemon anticipates having the budget back to the Council by November 13, 2012.

ACTION: Motion by Council member Petersen to approve the 2013 Budget Schedule. Potter seconded the motion. The vote was unanimous, 5-0. White & Yeates absent.

COUNCIL MEMBER REPORTS

There were no reports.

ADJOURNMENT

The Council meeting adjourned at 8:05 p.m.


ATTEST: Jill N. Zollinger
County Clerk


APPROVAL: Craig "W" Buttars
Chairman

Control Strategies for Cache County

Enhanced Controls on Emissions from all Business

- Icon, JBS, Gossner's, Schreiber, TTM, autobody shops, flat grill cooking, dry cleaners, printing
- This strategy would require that each facility be individually looked at to develop controls – each facility does different things and the controls would not necessarily be the same
- Costs for this strategy would vary from facility to facility. Some facilities would be easy to retrofit, some would be difficult, and some would be impossible. Costs may range from hundreds of dollars to hundreds of thousands of dollars per facility.

Enhancements for an existing I/M Program:

Remote Sensing Program

- o This would allow us to deal with gross polluters.
- o Could be funded through APC fees.
- o This strategy would not deal with all of the vehicles. The locations of the roadside monitoring could be easily avoided by vehicles.
- o Potential for very little credit from EPA.

Enhanced Smoking Vehicle Program

- o Already on the books as a motor vehicle law.
- o Helps deal with the gross polluters.
- o Potential for very little credit from EPA.

Voluntary (as defined by EPA) Strategies:

Vehicle scrapping program

- o This would allow us to get rid of older vehicles from the fleet.
- o Cost potential could be large.
- o Could this program be enforced? Could we prohibit registration of vehicles that are too old?
- o This would easily turn into a welfare program that would be difficult to stop.

Odd/Even Drive Days

- o Would reduce the number of vehicles on the road.
- o Could this program realistically be enforced?
- o Most people have multiple vehicles and this program would not stop them from driving.

Reduced VMT Program

Enhanced Public Transit System

Sticker Program

- o Cars that don't have "stickers" can't drive on red air days.
- o Some kind of testing procedure would have to be followed to determine who gets stickers.
- o How enforceable is this?

Enhanced Education Campaign

- Needs to be a part of any program put in place.
- Potential for very little credit (if any) from EPA.

Vehicle Emissions Program

- Has been modeled to show compliance with the PM2.5 standards
- Targets the major source of PM2.5 precursors – mobile sources
- Allows the general population to contribute to cleaning up the air they breathe at a minimal individual cost
- Cost to citizen - \$15-20 every other year for testing, \$3 APC fee annually
 - o A broken or malfunctioning vehicle will have repair costs associated with it
- Startup costs will be covered by CMAC funds (\$675,000 – one time cost)
- Annual operating costs will be covered through the APC fee (\$250,000)
- Cost to Cache County to have an emissions program - \$0

CACHE COUNTY ORDINANCE NO. 2012 - 12

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 OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, REPEALING CACHE COUNTY ORDINANCE 9.12.010: SPOTLIGHTING WHILE IN POSSESSION OF FIREARMS IN TITLE 9 OF THE CACHE COUNTY CODE ENTITLED "PUBLIC PEACE, MORALS AND WELFARE."

WHEREAS, Cache County Ordinance 9.12.010 was drafted in conformity with a now outdated State Code,

WHEREAS, the provisions of Cache County Ordinance 9.12.010 are now unenforceable as non-conforming to current state law, and

WHEREAS, regarding public peace, morals and welfare, it is in the best interests of Cache County and its citizens to repeal this ordinance,

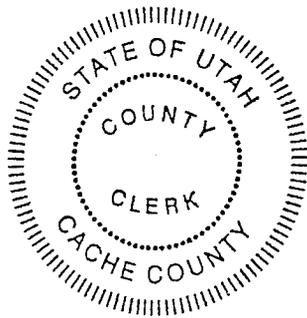
NOW, THEREFORE, pursuant to the statutory authority granted the Cache County Council under Utah Code Ann. § 17-53-201 and § 17-53-223, the Cache County Council repeals Cache County Ordinance 9.12.020 of the CACHE COUNTY ORDINANCES.

Effective Date.

This ordinance shall become effective fifteen (15) days after its passage and upon proper publication in a newspaper published and having general circulation in Cache County. 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.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS
SEPTEMBER 25, 2012.

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



ATTEST:

Jill N. Zollinger
Jill N. Zollinger, County Clerk

CACHE COUNTY

By: Craig W Buttars
Craig "W" Buttars, Chairman

Publication Date: October 10, 2012