

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
OCTOBER 23, 2012**

CACHE COUNTY COUNCIL

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CACHE COUNTY COUNCIL MEETING
October 23, 2012

The Cache County Council convened in a regular session on October 23, 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, Bret Buck, Sherm Buck, Denise Ciebien, Bart Esplin, Sharon L. Hoth, Jeff Gilbert, Jared Keller, Lars Lambertsen, Randy Martin, Kyli Nielsen, Stephen Nielsen, Director Josh Runhaar, Terryl Warner, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Zilles 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, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the October 03, 2012, October 09, 2012 and October 15, 2012 Council Meetings as amended. Potter seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Derek Salisbury Deputy County Auditor
McKayle Leishman Deputy County Auditor

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

WARRANTS: Warrants for the periods 09-29-2012 to 10-05-2012 and 10-06-2012 to 10-18-2012 were given to the Clerk for filing.

ITEMS OF SPECIAL INTEREST

- **Chamber of Commerce Branding Project** – Sandy Emile, Cache Chamber of Commerce, introduced Mark Hurst, a consultant with ConnectPartners. Hurst has been working to create a unified concept or "brand" for Cache

Valley. Hurst was involved with the "Life Elevated" branding for the state of Utah.

Hurst has researched and interviewed individuals locally and elsewhere in the state to find out perceived ideas about Cache Valley as well as the Valley's residents' views. This information was used to develop a brand for Cache Valley – Cache Valley on the edge -- which Hurst shared through a proposed video presentation that he narrated. Hurst also described a mission statement and vision statement used for the project.

Emile and Hurst are pursuing funding acquisition for the project.

Emile explained that people used to look for a job first but now look for a place to live and raise a family and then look for jobs in those locations. The goal of the project is to attract the kind of jobs that Cache Valley wants.

UNIT OR COMMITTEE REPORTS

- ★ **Fairgrounds Report** – Bart Esplin reported on the operations at the Fairgrounds including the following that transpired this past year excluding the MS 150 bike race the Cruise-In or the Fair:

- 70 riding passes
- 168 stall rentals
- 96 rentals of pavilion and other buildings
- 168 events in the indoor arena
- 23 events in the outdoor rodeo arena
- 12 events in the new roping arena

Presently there is a play being performed in the rodeo arena, a party in the pavilion, calf roping in the indoor arena followed by team roping.

Completed projects this past year:

- Installation of lights in the new roping arena
- New announcer's stand
- 6 new power pedestals
- Improvements to the RV dump
- WiFi installation
- Painting of white buildings
- Bleachers on northeast corner of rodeo arena
- Completed removal of racetrack rail

Other activities include ongoing tree removal and replacement and many Eagle Scout projects. On Esplin's wish list is an indoor arena with seating and a large exhibition hall.

- ★ **Victim Services Report** - Terry Warner reported on the Victims of Crimes Act (VOCA) stating that 3,000 cases were served the past fiscal year. Warner is considering another family or transportation summit. Law enforcement is still seeing a lot of texting while driving accidents. A recent mock child abduction was held and the Child Abduction Response Team (CART) is functioning well.

- ★ **VAWA Grant Report** – Jared Keller has been assigned to work with domestic violence and crimes against women for the past 3 ½ years. The Violence Against Women Act (VAWA) grant helps partially fund his position. The amount received last year was about \$16, 600.00 and the amount applied for this year is \$17,903.00, but Keller doesn't expect to receive that much.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: NOVEMBER 13, 2012 – 6:00 OP.M. – OPEN 2012 BUDGET

ACTION: Motion by Council member Petersen to set a Public Hearing for November 13, 2012 at 6:00 p.m. to Open the 2012 Budget. White seconded the motion. The vote was unanimous, 7-0

INITIAL PROPOSAL FOR CONSIDERATION

- **Hardship Application** (*Details are on file in the Cache County Auditor's Office*)

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

- **Resolution No. 2012-23 – A Resolution Requesting that the Utah Air Quality Board include a Yellow/Red Air Day Emissions Testing Program in the Cache County State Implementation Plan Submitted to the Environmental Protection Agency** – Council member Petersen stated that this simply expresses the Council's preference as to a strategy. It doesn't implement emissions testing. It puts the Council on record as asking the DAQ to pursue this particular approach. The DAQ has recommended an emissions testing program and the county has to either approve that program or come up with an alternative that would have the same result.

Attorney Swink has been in contact with the State Attorney General's office and believes they understand that counties do have the discretion of whether to adopt any requirements such as an emissions testing program.

(Attachment 1)

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2012-23 – A Resolution Requesting that the Utah Air Quality Board include a Yellow/Red Air Day Emissions Testing Program in the Cache County State Implementation Plan Submitted to the Environmental Protection Agency. Yeates seconded the motion. The vote was unanimous, 7-0.

Discussion on the motion:

Discussion centered on whether the proposal is quantifiable, whether testing of diesel vehicles should or could be included, whether a warning should be issued before ticketing, the amount of the fine imposed and the age of cars that should be exempted. Vice Chairman Potter also asked that a sunset clause be included in any ordinance forthcoming on this issue.

ACTION: Motion to amend by Vice Chairman Potter for Item 3a to read “Be no less than six years old.” Zilles seconded the motion. The motion passed, 4 aye – Buttars, Petersen, Potter & Zilles and 3 nay – Robison, White & Yeates.

Chairman Buttars called for the vote on the main motion. (See page 3)

- **Discussion on any additional Air Quality Strategies** – Executive Lemon shared the following ideas:
 1. Enhanced smoking vehicle program
 2. Promote ride the bus for cleaner air
 3. Require students to ride bus on red and yellow air days
 4. Enhance an education program to get people to reduce number of miles traveled
 5. Income-based incentive to promote or assist with repairing older vehicles
 6. Incentive to retrofit diesel vehicles
 7. Incentive to retrofit autos to natural gas
 8. Stiffer enforcement for businesses that remove an emissions control device
 9. Encouragement of reporting of dirty polluting vehicles including diesels
 10. Idling limited to two minutes
 11. Close drive-up service during red air days
 12. Synchronize lights or remove lights or stop signs to get better traffic flow

Council members observed that the state already offers a tax credit for converting vehicles to natural gas. The Council asked Executive Lemon to include some of the Items on his list with the cover letter accompanying Resolution No. 2012-23 and asked Attorney Swink to find out if there are businesses that remove emissions control devices in the county.

Funding and getting information to law enforcement concerning the proposal were also discussed.

ACTION: Motion by Vice Chairman Potter stating that Items 1 through 4 and 8, 10 and 11 will be considered as additional items to be included in the Council’s proposal to DAQ, Item 9 may be added pending research by Attorney Swink and an APC fee of up to \$3.00 may be incorporated in the proposal. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Approval of 2013 County Council Meeting Schedule and County Offices Holiday Schedule**

(Attachment 2)

ACTION: Motion by Council member Zilles to approve the 2013 County Council Meeting Schedule and County Offices Holiday Schedule. Robison seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **2012 UAC Annual Convention – November 14-16, 2012 – St. George, Utah**

COUNCIL MEMBER REPORTS

Jon White remarked the Council needs to publish notice of the Council's proposal for the SIP.

Val Potter asked for an update on the canal project. Attorney Swink will forward information to the Council on a lawsuit that has been filed in the matter.

A meeting with the Employee Compensation Committee and elected officials has been discussed and Potter asked if the meeting should be scheduled before or after gathering the necessary market evaluation information? Swink said the officials favored having the earlier meeting. Council member Zilles said the Compensation Committee wanted the Council's approval before meeting with the elected officials. The Council gave concurrence.

Cory Yeates asked why the north end of the Bonneville Shoreline Trail is closed? Swink responded there is construction above the trail in some areas and this might be a safety issue.

Craig Buttars attended a meeting in regard to the proposed northern landfill and there was no opposition expressed to the state permit. Work is also going forward on the transfer station.

ADJOURNMENT

The Council meeting adjourned at 7:15 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Craig "W" Buttars
Chairman

**CACHE COUNTY, UTAH
RESOLUTION 2012-23**

A RESOLUTION REQUESTING THAT THE UTAH AIR QUALITY BOARD INCLUDE A YELLOW/RED AIR DAY EMISSIONS TESTING PROGRAM IN THE CACHE COUNTY STATE IMPLEMENTATION PLAN SUBMITTED TO THE ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, the Utah Air Quality Board must approve a Cache County State Implementation Plan (SIP) on December 5, 2012 which will then be submitted to the U.S. Environmental Protection Agency (EPA) by December 31, 2012; and

WHEREAS, the Utah Air Quality Board has specified that comments on the SIP will be accepted until October 31, 2012 and then evaluated prior to the December 5, 2012 date for final SIP approval by the Air Quality Board; and

WHEREAS, the Cache County Council recognizes that, to meet EPA requirements, the SIP must include an emissions testing program or an alternative strategy that would result in an equivalent reduction in emissions during Cache County's red air days; and

WHEREAS, under Utah Law, the Council has the sole legislative power to approve an emissions testing program for the County; and

WHEREAS, the Council has determined by formal vote that the emissions testing program (hereafter, traditional emissions testing) as proposed by the Utah Air Quality Board is not an acceptable solution for Cache County; and

WHEREAS, the Council believes that a yellow/red air day emissions testing program with the following provisions:

- 1. To drive a vehicle on a yellow or red air day in Cache County, the vehicle must display a sticker on its rear window which certifies that it has a low level of emissions.*
- 2. Individuals who drive a vehicle without a sticker on a yellow or red air day will be warned on the first violation and fined for each subsequent violation.*
- 3. Stickers will be issued at the time of vehicle registration and will be valid for two years. To obtain a sticker, the vehicle must:
a. Be no less than six years old.
or b. Have passed a vehicle emissions test in the last 60 days.*
- 4. Vehicles that are not driven during yellow or red air days do not need a sticker.*

is an equivalent, but superior pollution control strategy than the traditional emissions testing program; and

WHEREAS, the yellow/red air day emissions testing program would have the following advantages compared to the traditional emissions testing program:

1. *The cost of the program would be less because fewer vehicles would be tested.*
2. *The program would focus directly on the Cache County air pollution problem—yellow and red air days during winter inversions.*
3. *Vehicle owners would have the option of having their vehicles tested or not driving during yellow and red air days.*
4. *The sticker requirement could be applied to all types of vehicles, including diesel and those categories exempted under traditional emissions testing.*
5. *The sticker requirement could be imposed on vehicles not registered in Cache County, such as those owned by USU students and residents of adjacent counties who work in Cache County.*
6. *Emissions reductions could be greater than with a traditional emissions testing program because for vehicles that are voluntarily not driven on yellow and red air days, emissions would be zero as compared to vehicles that pass an emissions test but still pollute while being driven on yellow and red air days.*

NOW, THEREFORE, BE IT RESOLVED BY THE CACHE COUNTY COUNCIL, that Yellow/Red Air Day Emissions Testing as described in this Resolution be included in the Cache County SIP submitted by the Utah Air Quality Board to the U.S. Environmental Protection Agency.

Duly adopted by the Cache County Council this 23rd day of October, 2012.

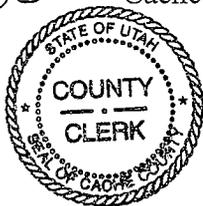
ATTEST

Jill N. Zollinger

Jill N. Zollinger
Cache County Clerk

Craig W. Butters

Craig "W" Butters, Chairman
Cache County Council



CACHE COUNTY CORPORATION

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COUNTY COUNCIL

CRAIG "W" BUTTARS
VAL K. POTTER
JON WHITE
KATHY ROBISON
H. CRAIG PETERSEN
CORY YEATES
GORDON A. ZILLES

NOTICE OF THE ANNUAL CACHE COUNTY COUNCIL MEETING AND COUNTY OFFICES HOLIDAY SCHEDULE

PUBLIC NOTICE is hereby given that the 2013 meeting schedule of the Cache County Council is as follows:

JANUARY	8 and 22	JULY	9 and 23
FEBRUARY	12 and 26	AUGUST	13 and 27
MARCH	12 and 26	SEPTEMBER	10 and 24
APRIL	9 and 23	OCTOBER	8 and 22
MAY	14 and 28	NOVEMBER	12 and 26
JUNE	11 and 25	DECEMBER	3 and 10

Regular meetings of the Council will be held in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 beginning at 5:00 p.m. unless notice is given otherwise. Special and emergency meetings may be called as necessary pursuant to Utah State law.

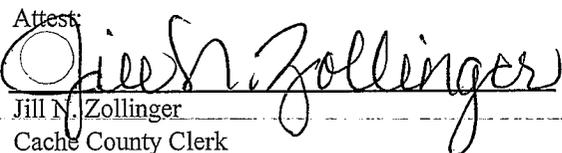
The following legal holidays will be observed in 2013 by Cache County Government. County offices, except emergency services, shall be closed on these days:

JANUARY	1	Tuesday	New Year's Day
JANUARY	21	Monday	Dr. Martin Luther King Day
FEBRUARY	18	Monday	Presidents' Day
MAY	27	Monday	Memorial Day
JULY	4	Thursday	Independence Day
JULY	24	Wednesday	Pioneer Day
SEPTEMBER	2	Monday	Labor Day
OCTOBER	14	Monday	Columbus Day
NOVEMBER	11	Monday	Veteran's Day
NOVEMBER	28	Thursday	Thanksgiving Day
NOVEMBER	29	Friday	Personal Preference Day
DECEMBER	24	Tuesday	Christmas Eve (County offices will close at noon)
DECEMBER	25	Wednesday	Christmas

And all days which may be set apart by the President of the United States, or the governor of the State of Utah by proclamation as days of fast or thanksgiving shall also be observed as legal holidays.

Witness my hand and official seal this 23rd day of October, 2012.

Attest:


Jill N. Zollinger
Cache County Clerk




Craig "W" Buttars, Chairman
Cache County Council

Publication Date: October 30, 2012