APPROVED

CACHE COUNTY
COUNCIL MEETING
MINUTES
MARCH 12, 2013

CACHE COUNTY COUNCIL
MARCH 12, 2013

APPOINTMENT – Butterfield, David-Cache County TRCC/RAPZ Committee 1

APPOINTMENT – Webb, Jesse-Cache County Reserve Deputy Sheriff 2

BUTTERFIELD, DAVID – Appointment-Cache County TRCC/RAPZ Committee 1

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CACHE COUNTY COUNCIL MEETING
March 12, 2013

The Cache County Council convened in a regular session on March 12, 2013 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman:	Val Potter
Vice Chairman:	H. Craig Petersen
Council Members:	Craig "W" Buttars, Kathy Robison, Jon White, Cory Yeates & Gordon Zilles
County Executive:	M. Lynn Lemon
County Clerk:	Jill N. Zollinger
County Attorney:	Denise Ciebien **(James Swink absent)**

The following individuals were also in attendance: Janeen Allen, Lance Anderson, Mayor Lloyd Berentzen, Mayor Clair Christiansen, Mayor Bryan Cox, Darrel Gibbons, Kendon Godfrey, Tyler Godfrey, Josh Greer, Issa Hamud, Dale Hansen, Joe Hansen, Chris Harrild, Heidi Hodgson, Sharon L. Hoth, Jeff Jorgensen, Grant Koford, Danny Macfarlane, Brett Mickelson, Kris Monson, Dave Nielsen, Steve Norton, John Powell, Tamra Rawlings, Director Josh Runhaar, Annette Summers, Mayor Randy Watts, Russ Watts, David Zook, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Buttars 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 amended agenda as written. Buttars seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the February 26, 2013 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: David Butterfield Cache County TRCC/RAPZ Committee

Executive Lemon explained that Brent Mortensen, who represents Logan Seat 1, is no longer able to serve on the TRCC/RAPZ Committee. David Butterfield has been recommended by Council member Yeates to replace Mortensen.

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

Jesse Webb Cache County Reserve Deputy Sheriff

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

WARRANTS: There were no warrants.

OTHER ITEMS:

- **RAPZ/Restaurant Tax Committee Schedule** – Executive Lemon reported a tentative schedule for the RAPZ/Restaurant Tax applications has been sent to RAPZ/Restaurant Tax Committee members listing April 23, 2013 as the date recommendations are to come to the Council to be approved by May 14, 2013.

- **PILT (Payment in Lieu of Taxes) Payment** – Lemon said the $625,000.00 PILT Payment will be close to budget; however, there will likely be cuts in the Senior program.

- **Cloud Seeding Report** – The February report showed 74% of normal for snow water and 81% of normal precipitation for the year. Cloud seeding is scheduled to continue through March.

ITEMS OF SPECIAL INTEREST

- **Proclamation – Child Abuse Prevention Month-Child & Family Support Center** – David Zook played a DVD regarding child abuse and noted the Child & Family Support Center has been operating for thirty years in Cache County with the mission to strengthen families and protect children. Zook announced that First Lady Jeanette Herbert will be in Cache County in April to present the proclamation for the state. Zook indicated that Cache County Attorney Swink and Cache County Sheriff Lynn Nelson are on the Center's Board and the County's support is appreciated. The Center has lost a major grant and will be forced to lay off half of their staff – three employees. Responding to Executive Lemon's question, Zook said the decision on the grant was appealed, but to no avail.

  Zook asked the Council to adopt the proclamation – *National Child Abuse Prevention Month.*

  Chairman Potter asked Council member Robison to read the proclamation.

(Attachment 1)

ACTION: Motion by Council member Zilles to approve the National Child Abuse Prevention Month Proclamation. White seconded the motion. The vote was unanimous, 7-0.

- **North Park Land – Cache County School District Proposal** – Executive Lemon stated the use of the property in North Logan in the Meadowview Park and Equestrian Park area for a school has been discussed several times over the years and this is a proposal where the school district would buy part of

the land and the county would use the proceeds to purchase other property for outdoor recreation use.

Lance Anderson, Cache County School District, explained that under a bond proposal to build two high schools - one in the south end of the county and one in the north end – both high schools would have to open simultaneously to make things work. A Millville location has been selected in the south and this proposal is for a high school in the north. Anderson said much of the high school property qualifies as outdoor recreation area – the only areas that do not are the building footprints, the parking lot and the football field. Cache County School District is proposing that approximately 28 acres would need to be "converted out" or exchanged for land purchased by the district elsewhere for outdoor recreation use.

Council members expressed concerns about the use of some of the property of the proposed high school by the public and questioned whether an equestrian facility is the best use for outdoor recreation property. Chairman Potter also has reservations about the timeline.

Executive Lemon supports trying to make the proposal work and suggested the possibility of funding budgeted for the American West Heritage Center land being applied in the North Logan property proposal.

Mayors from North Logan and Hyde Park assured the Council that they are willing to work through the issues in a cooperative spirit.

Vice Chairman Petersen stated the proposal is an efficient use of the property.

Superintendent Steve Norton answered Chairman Potter's question about the timing of the bond election stating that the June 25, 2013 date gives the district time to come up with an alternative proposal for the November ballot if the question is defeated in June.

Norton also replied to Vice Chairman Petersen's query about Council approval of the proposal that the land purchase/exchange does not have to be legally in place before the June election. The school district only wants to know if Cache County is willing to have a serious discussion on the issue. Norton is confident the cities, county and school district can make this work.

Executive Lemon acknowledged that there has always been a general understanding with Hyde Park and North Logan that if the property in question was used for a school, the county would provide some funding for other recreation land.

The Council concluded they are supportive of pursuing the Cache County School District's proposal and asked Executive Lemon to review and research the proposal to see if it will work for Cache County.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: MARCH 12, 2013 – 5:30 P.M. – SMITHFIELD CANYON ESTATES – Jake Young requesting approval for a rezone of 40 acres of property from the Agricultural (A-10) Zone to the Rural-5 (RU-5) Zone located approximately 2100 Canyon Road, east of Smithfield – Chris Harrild reported the road is sufficient, but the shoulder width would have to be revisited after the snow melt before any development could be approved. Harrild noted there is not sufficient direction in the current ordinance for staff to make a recommendation.

Chairman Potter opened the Public Hearing and invited public comment.

Kris Monson, Smithfield, is concerned the narrowness of the road will present safety issues for bikers, joggers, etc. and urged the Council to consider what the county wants to do with the road if it allows additional development. Monson asked that a bicycle lane be considered in the future.

Danny Macfarlane, Civil Solutions, said the road is not heavily travelled, meets the county standards, and the rezone does not impede adjacent agricultural uses or adjacent municipalities and preserves the riparian area.

There was no other public comment.

ACTION: Motion by Vice Chairman Petersen to close the Public Hearing-Smithfield Canyon Estates. Yeates seconded the motion. The vote was unanimous, 7-0.

Council member Buttars observed the proposed development looks like it uses clustering and he favors that.

Council member Robison commented she drove up to see the property in question and it is not agricultural land and there are other similar stretches of houses lower down so this is not out of character for the area.

In response to Executive Lemon's concerns that some areas of the road are narrow, Chris Harrild said staff's concern is with the shoulder width and that cannot be accurately assessed until the snow melts.

ITEMS OF SPECIAL INTEREST

- **Powder Mountain – Interlocal Agreement and Boundary Line Adjustment – Russ Watts**, representing Summit Series, asked the Council if Cache County is willing to exchange some land with Weber County in a proposed development area at Powder Mountain or does the County prefer to work with interlocal agreements?

  The Council prefers working with interlocal agreements.

UNIT OR COMMITTEE REPORTS

- **Weed Department – Joel Merritt** – This item was rescheduled as a topic for the March 26, 2013 Council meeting agenda.

PENDING ACTION

- ☐ **Ordinance No. 2013-04 – Implementation of a Vehicle Emissions and Maintenance Program in Cache County** – Chairman Potter asked Denise Ciebien, Cache County Attorney's Office, to comment on the legal ramifications if the ordinance is rejected. Ciebien remarked that federal sanctions can be imposed in the form of road funds being withheld and/or fines assessed. Sanctions have been imposed in the past in other areas. Ciebien cannot predict whether the Federal Government will impose sanctions, but considers it a big risk.

  Chairman Potter and Council members Buttars and Yeates expressed disapproval of the ordinance stating it will not prevent episodic temperature inversions which are the only times there are problems with air quality and is not worth the cost and inconvenience to citizens. Buttars also took exception to comments that Cache County is a little Beijing saying such comments do not serve the county well and are not true.

  Council member White observed that he lives in Paradise where there is no air quality problem, but if he lived in Logan, any percent of improvement would be better.

(Attachment 2)

ACTION: Motion by Vice Chairman Petersen to approve Ordinance No. 2013-04 – Implementation of a Vehicle Emissions and Maintenance Program in Cache County. White seconded the motion. The motion passed, 4 aye – Petersen, Robison, White & Zilles and 3 nay – Buttars, Potter & Yeates.

Ordinance No. 2013-04: The motion passed 4-3.

	BUTTARS	PETERSEN	POTTER	ROBISON	WHITE	YEATES	ZILLES	VOTES CAST
AYE		X		X	X		X	4
NAY	X		X			X		3
ABSTAINED								0
ABSENT								0

INITIAL PROPOSAL FOR CONSIDERATION

- **North Valley Landfill Permit – IGES (Intermountain GeoEnvironmental Services, Inc.)** – Issa Hamud, Logan City, stated that the necessary rezone of the landfill site was approved last year and a permit application was submitted which was approved last month. Hamud turned the time to Brett Mickelson, IGES, who briefly reviewed the landfill process history. Mickelson said that specific solutions regarding transportation routes were not available when the permit application was submitted and are not addressed in the permit. Once the permit is signed there is a thirty-day window for an entity to appeal. There have been no appeals thus far.

The next step is submission of a conditional use permit application. That application will come before the Planning Commission on April 4, 2013.

- **North Valley Landfill Route Proposal – J-U-B Engineers, John Powell** presented four alternative transportation routes from the transfer station to the landfill including the following:

  -Cost
  -Speed limits
  -Distance/Time
  -Right-of-way needs
  -Drifting snow
  -Local impact

  Powell asked the Council to indicate its route preference.

  Mayor Clair Christiansen, Newton, said there has always been a consensus that the transportation route should not go through Newton and Clarkston and stated concerns over the 8:00 a.m. truck traffic. Trucks on the proposed routes will also be a problem for farm machinery.

  The Council will review the transportation routes and address this issue at the March 26, 2013 Council meeting.

- **Property Tax Deferral Requests** – Executive Lemon explained four of these five requests are being asked to pay their 2008 tax penalties and interest by March 31, 2013 and the fifth one to pay the 2008 penalties and interest by July 2013. Nothing is being waived. *(Details are on file in the office of the Cache County Auditor.)*

ACTION: Motion by Council member Yeates to approve the deferral requests as explained by Executive Lemon. Robison seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **UAC Management Conference – April 10-12 @ Utah Valley Convention Center, Provo** – Lemon and Yeates may attend. Robison will let Allen know.

COUNCIL MEMBER REPORTS

Cory Yeates asked that Executive Lemon prepare a letter congratulating the area High Schools on their achievements for the Council's signatures. All three high school basketball teams made it to the state finals with Skyview winning the title and Mountain Crest securing second place.

Denise Ciebien said that, perhaps, another letter should be composed recognizing the Logan High School band that went to the presidential inauguration.

Val Potter asked if the drain pipe problem in Amalga had been addressed. Executive Lemon said the road department will clean the pipe.

Potter said the canal project tour was great and asked if the Council wanted another tour. Ciebien commented it is well worth it and encouraged other Council members to attend a tour.

Executive Lemon recommended that any comments on the letter received from Congressman Bishop about land issues should be reserved until proposals are put forth. It mostly concerns Bureau of Land Management land.

ADJOURNMENT

The Council meeting adjourned at 8:01 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val Potter
Chairman

NATIONAL CHILD ABUSE PREVENTION MONTH PROCLAMATION

Child & Family SUPPORT CENTER
Strengthening Families and Protecting Children

Whereas, the work of raising children in Cache Valley and empowering them to thrive stands among our greatest responsibilities as parents and community leaders;

Whereas, all Cache Valley children deserve to experience and enjoy the innocence of childhood in a safe and nurturing environment, free from abuse and neglect;

Whereas, child abuse —which robs children of this inalienable right—affects hundreds of Cache Valley's children annually, often impacting them negatively for the rest of their lives;

Whereas, physical, verbal, emotional, and sexual abuse are serious and growing problems that respect no religious, socioeconomic, or geographic boundaries;

Whereas, child abuse is often related to substance abuse, domestic violence, and other crimes that weaken families;

Whereas, preventing child abuse depends on the efforts of all Cache Valley residents to collectively recommit to providing care, stability, and a brighter future for our sons and daughters;

Whereas, each citizen of Cache County, Utah can play an integral role in preventing child abuse within their respective families, neighborhoods, and communities through education, active involvement, and advocacy;

Whereas, decreasing the incidence of child abuse makes a positive, substantial impact on the children of today, paving the way for them to succeed as the leaders of tomorrow;

Whereas, effective child abuse prevention programs rely on community partnerships among individuals, families, municipalities, social service agencies, schools, religious and civic organizations, law enforcement, and the business community;

Now, therefore be it resolved that Cache County, Utah hereby proclaims the month of April 2013 to be

Child Abuse Prevention Month

The Cache County Council hereby commends this observance during April 2013 to the citizens of this county, actively promoting and improving public awareness; encouraging responsible intervention; and supporting the collaborative mission of *Strengthening Families and Protecting Children.*

Val K. Potter, Council Chairman

3/12/13
Date

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Val K. Potter, Council Chairman

3/12/13
Date

ORDINANCE 2013-04

IMPLEMENTATION OF A VEHICLE EMISSIONS AND MAINTENANCE PROGRAM IN CACHE COUNTY

1.0 PURPOSE

The purpose of this ordinance to reduce air pollution levels in Cache County by requiring emission inspections of on-road motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the prescribed standards so as to:

1.1 Protect and promote the public health, safety, and welfare;

1.2 Improve air quality;

1.3 Comply with the federal regulations contained in 40 CFR part 51 subpart S;

1.4 Comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 Utah Code Annotated, 1953, as amended.

2.0 POWERS AND DUTIES

2.1 The Cache County Council (hereafter, "Council") has authority to implement a vehicle emission inspection and maintenance program under Section 41-6a-1642, Utah Code Annotated, 1953, as amended.

2.2 The Council is presently required by the EPA and the State of Utah to implement a vehicle emission inspection and maintenance program.

2.3 The Council hereby delegates its authority as an administrative body under Section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River District Board of Health (hereafter "Board"), to address all issues pertaining to the adoption and administration of the vehicle emission inspection and maintenance program.

2.4 The Council authorizes and directs the Board to adopt and promulgate rules and regulations to ensure compliance with EPA and State Implementation Plan requirements with respect to an emission inspection and maintenance program.

3.0 GENERAL PROVISIONS

3.1 The Board, in conjunction with its staff, will administer and enforce this ordinance.

3.2 The Board shall adopt vehicle emission and inspection rules and regulations which meet EPA and State Implementation Plan requirements.

3.3 The Council shall approve the initial Rules and Regulations established by the Board and all changes in Rules and Regulations.

4.0 GUIDELINES TO BE FOLLOWED BY THE BEAR RIVER BOARD OF HEALTH IN IMPLEMENTATING A VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM IN CACHE COUNTY

4.1 Vehicles registered in Cache County that are not exempt from the program (see 41-6a-1642(3), Utah Code Annotated) will be inspected on the following schedule:

4.1.1 Gasoline and natural gas powered vehicles model year 1969 and newer: No emissions inspection will be required for gasoline and natural gas powered vehicles that are six model years and newer as of January 1 of any given year. An emissions inspection will be required every other year for vehicles that are seven model years and older as of January 1 of any given year. Emissions testing on odd-numbered years for vehicles with odd-numbered model years and on even-numbered years for vehicles with even-numbered model years. No emissions inspection for vehicles model year 1968 and older.

4.1.2 Diesel powered vehicles model year 1998 and newer: No emissions inspection will be required for diesel powered vehicles that are six model years and newer as of January 1 of any given year. An emissions inspection will be required every other year for vehicles that are seven model years and older as of January 1 of any given year. Emissions testing on odd-numbered years for vehicles with odd-numbered model years and on even-numbered years for vehicles with even-numbered model years.

Diesel powered vehicles 2007 and newer will be tested using OBD technology. Diesel powered vehicles 1998-2006 will have a visual inspection to verify that proper emissions control devices are in place. Diesel powered vehicles 1997 and older are subject to the Bear River Health Department Smoking Vehicle Program.

4.2 A maximum fee for inspection shall be set by the Board and approved by the Council. Part of this fee will be retained by the entity which performs the test and part may be remitted to the Board as reimbursement for administering the program. The intent of the Council is that this fee be as low as possible, while still maintaining the financial viability of the program.

4.3. If a vehicle fails an emissions inspection, a waiver may be granted that will allow the vehicle to be registered that year. In order to qualify for a waiver, the vehicle owner/ operator must spend a minimum of $200.00 on emissions related repairs and meet any other requirements established by the Board. A waiver will be issued once during the lifetime of the vehicle. Any changes to the minimum required repair expenditure to qualify for the waiver shall be approved by the Council.

4.4 Emission inspections in Cache County will be conducted by private firms. The Board shall establish criteria to be used to identify how many and which firms are allowed to conduct inspections and the training that is required for certification.

4.5 To fund the administration of the emissions inspection and maintenance program and other air quality improvement programs, the Council authorizes an Air Pollution Control fee to be assessed upon every motorized vehicle registered in Cache County at the time of registration as provide by Section 41-1a-1223, Utah Code Annotated, 1953, amended.

4.5.1 The fee is set at $3.00 for each vehicle registration within the County under section 41-1a-215, Utah Code Annotated, 1953, as amended and at $2.25 for each vehicle registration within the county for a six month registration period under Section 41-1a-215.5, Utah Code, 1953 as amended.

4.5.2 Motor vehicle that are exempt from the registration fee, and commercial vehicles with an apportioned registration shall be exempt from this fee as per Section 41-1a-1223, Utah Code Annotated, 1953 as amended.

4.5.3 The fee shall be assessed beginning January 1, 2014.

5.0 REVIEW OF NEED FOR PROGRAM

The Council shall review the vehicle emissions and maintenance program at least every five years to evaluate the continuing need for the program.

6.0 EFFECTIVE DATE

This ordinance takes effect on March 27, 2013. 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 MARCH 12, 2013.

	In Favor	Against	Abstained	Absent
Potter		X		
Buttars		X		
White	X			
Petersen	X			
Robison	X			
Yeates		X		
Zilles	X			
Total	4	3		

STATE OF UTAH COUNTY CLERK SEAL OF CACHE COUNTY

CACHE COUNTY

By: Val K. Potter

Val K. Potter, Chairman

ATTEST:

Jill N. Zollinger

Jill N. Zollinger, County Clerk

Publication Date: March 27, 2013