

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
AUGUST 27, 2013**

**CACHE COUNTY COUNCIL
AUGUST 13, 2013**

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CACHE COUNTY COUNCIL MEETING
August 27, 2013

The Cache County Council convened in a regular session on August 27, 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: James Swink

The following individuals were also in attendance: Janeen Allen, Claine Chadwick, Mayor Clair Christiansen, Rosemary Christiansen, John Fitch, Bob Fotheringham, Ann J. Godfrey, Mayor Kendon Godfrey, Cindy Gooch, Steven Hall, Issa Hamud, Chris Harrild, Heidi Hodgson, Sharon L. Hoth, Paul Inkenbrandt, Clark Israelsen, Director Representative Ronda Menlove, Brett Mickelson, Zan Murray, Dave Nielsen, John Powell, Alexandra Rasband, Director Josh Runhaar, Mike Spindler, Annette Summers, Nathan Whiting, Helen Winings. **Media:** Shannon Nielsen (Herald Journal).

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 Zilles to approve the agenda as written. Robison seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the August 13, 2013 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS:

- UAC Mandatory Meeting** – Executive Lemon said this meeting concerns counties that contract with state prisoners as well as the possible relocation of the state prison. It will be held Thursday, August 29, 2013 at 1:30 p.m. at the

capitol building. Lemon and Sheriff Nelson will attend. Lemon invited Council members to attend.

- **Utah Housing Coalition** meeting will be September 10, 2013 in the Logan City Conference Room at noon.

ITEMS OF SPECIAL INTEREST

- **Water Master Plan Final Report** – Bob Fotheringham briefly reviewed issues addressed in the Water Master Plan including: evaluation of existing water resources and demands, determination of future water demands, educating and building public consensus and the establishment of a plan and system to manage water resources in Cache County.

Fotheringham strongly supports the creation of a water conservancy district. Recent changes allow for the election of board members in a conservancy district which will be more palatable to the county citizenry. Fotheringham asked that one of the Council members commit to attend all the meetings associated with a public education process over the next few years that will establish the groundwork for the formation of a water conservancy district in Cache County. *(The complete Cache County Water Master Plan is on file in the Cache County Water Manager's Office.)*

(Attachment 1)

ACTION: Motion by Council member White to adopt the Cache County Water Master Plan. Buttars seconded the motion. The vote was unanimous, 7-0.

- **Canal Project Update** – Zan Murray observed it has been about a year and two weeks since the contracts were signed on the project and it will be completed ahead of schedule and about \$2,000,000.00 under budget. Murray displayed pictures of various portions of the project which included: the Logan-Hyde Park-Smithfield point of diversion, the canyon segment, the valley segment, 1500 North in Logan, the Logan and Northern pipeline and Canyon Road. Construction will be completed by November 2013 and the project will close out in February 2014.
- **Utah Geological Survey (UGS) Final Report** – Paul Inkenbrandt reported on projects related to aquifer storage and recovery (ASR) in Cache Valley. Inkenbrandt said ASR is important because it:
 - Collects and saves water during wet periods
 - Helps alleviate periods of drought
 - Allows for water banking

The completed projects indicate ASR is possible in Cache Valley. Inkenbrandt is looking into the impact and feasibility of implementing injection wells, the exact paths of the water recharging to the system and possible sources and delivery methods of recharge water.

Proposed study areas are the Millville injection test and the Logan City injection test.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: AUGUST 27, 2013 – 5:30 P.M. – A T & T PROVIDENCE TOWER REZONE – Glenn Bernard requesting the rezone of 1,00 square feet of a 2.07 acre property currently in the Agricultural (A10) Zone to include the Public Infrastructure (PI) Overlay Zone located approximately 310 East 2100 South, Providence area. – Chris Harrild indicated staff has no issues with the proposal and the Planning Commission recommended approval.

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

ACTION: Motion by Council member Yeates to close the Public Hearing-August 27, 2013-5:30 p.m.-AT&T Providence Tower Rezone. Robison seconded the motion. The vote was unanimous, 7-0.

Chairman Potter directed Harrild to prepare an ordinance relative to the rezone as an agenda item for the next Council meeting.

PUBLIC HEARING: AUGUST 27, 2013 – 5:45 P.M. – MARLIN J. GRANT MINI SUBDIVISION REZONE – Marlin Grant requesting approval for the rezone of 8.60 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located approximately 3,500 South 3100 West, north of Wellsville – Chris Harrild said there are concerns with the proposed density. The surrounding area has an average density of one home per thirteen acres and the rezone would allow up to four lots with one lot per a little over two acres. The road is also a concern; it is too narrow for the proposed use. The Planning Commission recommended denial.

Chairman Potter opened the Public Hearing and invited public comment.

John Fitch, Mike Spindler and Steve Hall, residents living near the proposed rezone, spoke in opposition to the rezone.

Dave Nielsen asked what the width of the county right-of-way is on 3000 West. Harrild responded it is 66 feet.

There was no other public comment.

ACTION: Motion by Council member Yeates to close the Public Hearing – August 27, 2013-5:45 p.m.-Marlin J. Grant Mini Subdivision Rezone. Robison seconded the motion. The vote was unanimous, 7-0.

Chairman Potter directed Harrild to prepare a record of decision for denial on the Marlin J. Grant rezone request as an agenda item for the next Council meeting.

PUBLIC HEARING SET: SEPTEMBER 10, 2013 – 6:00 P.M. – OPEN 2013 BUDGET

ACTION: Motion by Council member Yeates to set a Public Hearing-September 10, 2013-6:00 p.m. to Open 2013 Budget. Petersen seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: OCTOBER 08, 2013 – 5:30 P.M.- VACATING A SECTION OF A COUNTY RIGHT-OF-WAY on parcels 02-090-0002 and 02-090-0005 located approximately 300 West near 1700 South, between Logan and Providence Cities – Director Runhaar explained that 1700 South is being rebuilt and the county is trading a right-of-way strip east of the Blackhawk development for right-of-way frontage along 1700 South.

ACTION: Motion by Council member Buttars to set a Public Hearing – October 08, 2013-5:30 p.m.-Vacating a section of a county right-of-way on parcels 02-090-0002 and 02-090-0005 located approximately 300 West near 1700 South between Logan and Providence Cities. Robison seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Buttars to convene as a Board of Equalization. White seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- o **Hearing Dates** – Executive Lemon proposed the following hearing dates:

Tuesday	September 3	1:00 – 4:30 p.m.
Thursday	September 12	9:00 a.m. – noon and 1:30 – 4:30 p.m.
Thursday	September 19	9:00 a.m. – noon and 1:30 – 4:30 p.m.
Wednesday	September 25	9:00 a.m. – noon and 1:30 – 4:30 p.m.
Thursday	September 26	9:00 a.m. – noon and 1:30 – 4:30 p.m.

ACTION: Motion by Council member Zilles to set the hearing dates as proposed. White seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Buttars seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PENDING ACTION

- **North Valley Landfill Conditional Use Permit** – Director Runhaar remarked he had nothing new from the previous public hearing and asked if the Council had any questions. Chairman Potter said Annette Summers sent a letter asking what will happen if additional entities are brought into the landfill in the future. Attorney Swink replied that if the landfill expands beyond the conditional use permit granted, it must be brought before the county for approval. Council member Yeates asked what would constitute “additional entities?” Swink said it could be bringing in refuse from other counties or many, many more trucks than originally anticipated, etc.

Chairman Potter stated a Clarkston resident asked if Clarkston is responsible for fire protection for the landfill. Executive Lemon said the landfill is in the Clarkston fire zone.

Director Runhaar reassured Chairman Potter that the Council or the Solid Waste Advisory Board can request a staff report on the landfill conditional use permit any time to be certain requirements are being observed.

Council member Yeates, referring to HB 357, asked if the county should consider doing a traffic impact study (TIS) in the landfill area.

Council member Robison said if, as previously stated, the county has no jurisdiction over state roads, what purpose would a traffic impact study serve?

Director Runhaar said the county's responsibility for a TIS is limited to the county roads. The traffic volume is so low and the road standards are so above the county's requirements that a TIS would not be productive and the only place a state TIS would have impact will be where the route connects with state roads.

Attorney Swink replied that a TIS could indicate a need for improvement of the roadway and the state has an obligation to maintain its roads.

Vice Chairman Petersen asked Runhaar if he could display a map of the roads accessing the landfill area. Runhaar did so.

Heidi Hodgson asked if Logan City wants to increase the landfill rates, will that have to go through the Council, the Solid Waste Advisory Board or who? The agreement seems to indicate that Logan City has all power in that area.

Council member Yeates responded that Logan City has asked for rate increases in the past which have been denied, so an increase is not automatically approved.

Yeates asked that if the county commissioned a TIS, could it only be on the county roads? Runhaar said, yes, the usefulness of HB 357 is that the state is required in their permitting process of landfills to look at traffic impacts and can require UDOT to do so as well.

ACTION: Motion by Council member White to approve the North Valley Landfill Conditional Use Permit. Zilles seconded the motion.

Discussion on the motion:

Council member Yeates stated he reviewed HB 357 and the fiscal note indicates the cost of a TIS would be between \$15,000.00 and \$30,000.00. Yeates asked Representative Menlove to comment on whether the county has any authority on state highways.

Representative Menlove reported she had held a public meeting in Newton where Kris Peterson, Region One UDOT Director, was present. Executive Lemon and Council member Buttars were invited but were unable to attend. Peterson said he was not aware of any of the concerns over traffic on the roads accessing the landfill as UDOT has not been contacted, but Peterson gave

several observations of ways to alleviate the traffic concerns such as varying the routes. Menlove said Peterson is a Transportation Engineer and she would listen to him.

Executive Lemon stated the County has been told it cannot specify which state roads the landfill trucks must use. Can we vary the routes? Menlove responded she is not an expert and does not know. Menlove said transportation experts should be consulted, not planners.

Council members Zilles and White noted that County Engineer Zollinger is a Transportation Engineer and worked for the state for thirty years.

Chairman Potter asked Issa Hamud for his comments. Hamud said he attended the meeting Menlove held and said he did not hear anything at the meeting that indicated anything different than what has already been addressed in the conditional use permit. Hamud asked John Powell, Transportation Engineer for JUB Engineering, to comment. Powell said he spoke with Peterson who acknowledged he was not aware of the discussion over routes to the landfill, and also acknowledged he has no jurisdiction to dictate which routes the trucks must take. Powell also spoke with a UDOT traffic engineer prior to the meeting who said a TIS was not needed. Peterson suggested a TIS for the intersection that is a point of access from the state to county road. In response to Vice Chairman Petersen's question, Powell said a TIS would take a couple of weeks.

Issa Hamud reminded the Council that the TIS at the proposed intersection would only deal with the design of the intersection; it would have nothing to do with the route(s) used by the landfill trucks.

Council member White called the question.

ACTION: Council member Yeates moved to amend the motion to have a TIS completed before the conditional use permit is granted.

Yeates clarified Director Runhaar's statement as follows: If the Council votes to approve the conditional use permit for the Northern Valley Landfill, there is still a step in the process where UDOT engineers will determine the impact on that intersection. Runhaar said that is correct.

Council member Robison commented that the citizens' concerns go beyond an intersection, they are concerned with the number of trucks going through their towns.

ACTION: Chairman Potter indicated the question had been called and asked for a vote of the Council on the original motion. The motion passed, 4 aye – Buttars, Potter, White & Zilles and 3 nay – Petersen, Robison & Yeates. (Petersen indicated his nay vote was based on concerns over procedural issues.)

Council member Petersen said he thought the vote was premature when Council member Yeates had a motion to amend on the floor. Chairman Potter responded the question had been called. Petersen responded it was a simple request for a vote and that only when you "move previous question" does a vote have to be taken. As long as there is discussion, the discussion should be concluded and Council member Yeates should have been allowed to make his amendment before the Council voted.

Director Runhaar said the following could be added to the conditional use permit
Condition 8: Necessary state and county permits for all improvements must be obtained including any traffic impact studies as required by the state for connection to UDOT facilities.

Yeates said that addresses one of the major concerns and he would like to amend the motion to approve the conditional use permit with the new wording in Condition 8.

ACTION: Motion by Council member White to reconsider. There was no second.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **2013-2014 Cloud Seeding State Contract** – Executive Lemon observed this contract is similar to previous ones and the county's cost will be between \$25,000.00 and \$26,000.00. Lemon recommends approval.

(Attachment 2)

ACTION: Motion by Council member Yeates to approve the 2013-2014 Cloud Seeding State Contract. White seconded the motion. The vote was unanimous, 7-0.

- **Cherry Creek Road in Richmond – Weekend Closure during Construction** – Director Runhaar explained that the road is being rebuilt with some Saturday work and weekend usage by the public has presented safety problems. Some Council members are opposed to the weekend closure. Executive Lemon will see what he can work out with the contractor.
- **Property Tax Abatement Request** – Executive Lemon explained the circumstances of the request and recommended approval. (*Details are on file in the Cache County Auditor's office.*)

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

OTHER BUSINESS

- ✓ **Wellsville Founders Day Parade – Monday, September 2, 2013-10:00 a.m.** – Lemon, Zilles and Yeates will attend.
- ✓ **River Heights Apple Days Parade – Saturday, September 7, 2013 – 3:30 p.m.** – Lemon, Zilles, Yeates and possibly Robison will attend.
- ✓ **USU Homecoming Parade – Saturday, September 14, 2013 – 10:00 a.m.** – Lemon, Potter, Petersen, Robison and Yeates will attend.

COUNCIL MEMBER REPORTS

Executive Lemon stated he is preparing a budget preparation schedule and will ask the Council to establish budget priorities at the September 10, 2013 and September 24, 2013 Council meetings.

Lemon has received four proposals from different insurance companies with varying deductibles. PEHP gave the best proposal on the current insurance at a 13.9% increase; if the deductible is doubled the increase is 9.5%. Most of the other proposals were over a 20% increase. Retirement costs will increase \$143,000.00. Lemon said

there is a long-term need for a source of revenue for the road department and he is, for the first time, seriously considering a tax increase.

Lemon indicated the County Seat program has asked to be on the September 10, 2013 agenda. The Council rejected the request.

Chairman Potter asked Attorney Swink to prepare a detailed report on combining elected offices for a future Council meeting.

Gordon Zilles asked Attorney Swink to report on the Davenport Road issue. Swink said the motion for summary judgment was declined and the issue will go to litigation. Swink expects at least five years before a resolution is reached.

This issue will be an item for discussion on a future agenda including recommendations from Attorney Swink.

Jon White asked why the County doesn't have a booth in the Community Building at the County Fair. Clerk Zollinger responded that the county has never had a community booth at the County Fair. Cache County has always been represented at the State Fair, but will not be there this year. None of the communities in the valley desired to prepare a booth for the State Fair.

Cory Yeates said someone has gated the Franklin Basin Road and posted a Private Property sign. The Council said it is the Keller family and Executive Lemon will contact them.

Kathy Robison reminded the Council of the Cache Valley Hunger Walk on Saturday, September 28, 2013 at Willow Park that will benefit the Cache Community Food Pantry.

Robison attended Utah's Water Future meeting and asked what is the next step? Fotheringham said the Governor will hold a state water summit in October to discuss and evaluate the input.

ADJOURNMENT

The Council meeting adjourned at 7:40 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val Potter
Chairman

Cache County's population is growing and consequently increasing stress on its most valuable resource, water. The County population has grown nearly 30 percent since 2000, and is projected to double by approximately 2050, placing progressively more stress on water resources. Any plan to address this reality should have the following purposes:

1. Evaluate existing water resources and demands;
2. Determine future water demands;
3. Educate and build consensus;
4. Create a plan for the future; and
5. Establish a plan and system to manage water resources in the County.

The recommendations in this master plan are founded on extensive analysis and evaluation of technical data and feedback from county, municipal, irrigation and environment stakeholders. This collaborative process informed the creation of an objective criterion which was used to assess and evaluate dozens of options and resulted in the proposed solutions.

Problem Statement

Cache County will not be able to protect and use its water resources efficiently without a water master plan and management system that empowers it to maximize the benefit of its existing resources and secure the Bear River water allocation.

Opportunity

Create a plan and management system that protects and conserves Cache County's long-term agricultural, environmental, and municipal water interests with an emphasis on securing its allocation entitlements pursuant to the Bear River Water Development Act.

Recommendations

Recommended Projects and Studies

Dozens of projects were evaluated using the objective criteria. The following projects are recommended based on how well they meet the objectives.

- Implement a water conservation program to conserve 25% by year 2025
- Evaluate environmental water demands and prioritize critical areas
- Bank water rights made available through agricultural to municipal conversion or through Bear River development



CACHE COUNTY WATER MASTER PLAN

- Develop Bear River water through:
 1. Aquifer Storage and Recovery to develop 5,000 to 20,000 acre feet
 2. Above ground storage reservoirs to develop up to 60,000 acre feet
- Start a canal rehabilitation program
- Construct secondary water systems

These projects:

- Develop the Bear River water allocation
- Preserve agriculture
- Extend supply for future municipal growth
- Improve understanding of environmental water needs
- Improve water efficiencies

Management System

Create a Water Conservancy District

A water conservancy district is the most viable management system to realize the stated goals and objectives, and implement the recommended projects. It also incorporates the key purposes of the water master plan. More specifically, a conservancy district:

- Protects the Bear River water allocation through planning and development
- Provides a stronger voice for Cache County on water legislation issues
- Promotes water conservation
- Provides representation for both irrigators and drinking water users
- Functions as a water bank
- Facilitates cooperation between communities and irrigation companies to complete regional projects
- Provides a funding source to plan for and help complete needed regional water projects
- Allows individual communities and irrigation companies to manage their own water systems
- Provides a local governing water board that is 100% focused on water issues.

More details of how the analysis was completed and how the recommendations were determined are given in the master plan report.



State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Resources

DENNIS J. STRONG
Division Director

RECEIVED

AUG 16 2013

August 14, 2013

EXECUTIVE

Lynn Lemon, County Executive
Cache County Corporation
199 North Main Street
Logan, Utah 84321

Jamaar
Please copy
County Council.
Thanks Lynn

Dear Lynn: *MWR 8/21/13*

In past years, both the Bear River Water Conservancy District and Cache County Corporation have participated in funding cloud seeding operations in the Bear River Region. The long-term results show consistent increases in snowfall and water supply. The Board of Water Resources has cooperated in cloud seeding projects with cost sharing from 35 to 50 percent. It is time once again to indicate your intent for the 2013-2014 cloud-seeding season. Project sponsors contract directly with a licensed cloud seeding contractor. (Currently, North American Weather Consultants is the only company licensed in Utah and is applying for a permit for the 2013-2014 season.)

In the past, a successful option has been cost sharing agreements between Bear River Water Conservancy District and Cache county and possible future involvement of Rich County. In order for this plan to continue, a letter of intent from each entity needs to be sent to my attention by October 15, 2013. Before then, you should receive information from the Cloud Seeding Contractor (NAWC) for the costs of the 2013-2014 season for your area. Based on those costs, we can then determine the amount of state funding (35 to 50 percent cost sharing, depending on the total cost of all projects). A contract will then be prepared between the division and your county for the duration of the Cloud Seeding Program. Cache County can sponsor a project on their own, if the other counties choose not to participate.

The state funding will be up to 50 percent, with a maximum state participation of \$300,000.

If you have any questions, contact me at (801) 707-8820 or davecole@utah.gov. We look forward to working with you and believe we need to maintain the important assets cloud seeding can provide to the water resources of the state. The Division of Water Resources has a web site that includes the Cloud Seeding Program. The web address for the Division of Water Resources is <http://water.utah.gov>. Position the cursor on *Planning Programs* and click on *Cloud Seeding*. You can also access the cloud seeding web page directly by using this address: <http://water.utah.gov/CloudSeeding>.

Sincerely,

Dave Cole
Operational Cloud Seeding Coordinator

- cc: Voneene Jorgensen, Bear River Water Conservancy District
- William Cox, Rich County Commission
- Roger Jones, Bear River Association of Governments
- Don Griffith, NAWC
- Todd Adams, Division of Water Resources
- Charles Holmgren, Board of Water Resources

