

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
DECEMBER 03, 2013**

**CACHE COUNTY COUNCIL
December 03, 2013**

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**CACHE COUNTY COUNCIL MEETING
December 03, 2013**

The Cache County Council convened in a regular session on December 03, 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, Emily Anderson, Mike Anderson, James Astle, Mikelshan Bartschi, Robert Bergsjo, Ralph Chertkow, Stephen Durrant, Steve Durrant, Sharon L. Hoth, Cameron Jensen, Jared Keller, Thad Kunz, Troy Liquin, Lieutenant Brian Locke, Byron A. Lopez, Phillip Lucas, Jennifer Moser, Neil Murray, Brad Nelson, Sheriff Lynn Nelson, Dave Nielsen, Shannon Nielsen, Todd Parker, Doyle Peck, Sallie Pilkington, Director Josh Runhaar, Deputy Brad Slater, Kellie Slater, Pam Slater, Dennis Spraggins, Reed Tanner, David Walker, **Media:** Shannon Nielsen (Herald Journal), Jenny Christensen (KVNU).

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 Yeates to approve the amended agenda as written. Zilles seconded the motion. The vote was unanimous, 6-0. Buttars absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the November 26, 2013 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS:

- ❑ **Sage Grouse Meetings** – Executive Lemon announced a Sage Grouse meeting on December 12, 2013 at 10:00 a.m. at the Box Elder County Offices in Brigham City. Lemon and Director Runhaar will attend.
- ❑ **Mount Horeb Northwest Latin Conference of the International Pentecostal Holiness Church Late Tax Exemption Request** – Executive Lemon explained the church filed in 2009, not in 2010, filed again in 2011, didn't file in 2012, filed again in 2013. Lemon recommends abating the 2012 tax with the warning that they need to file every year in the future. The Council concurred and this will be on the December 10, 2013 agenda.

Council member Buttars arrived at the meeting.

- ❑ **Secure Rural Schools Funding Election** – Executive Lemon stated he has submitted an election to use the Secure Rural Schools funding as it has been used in the past, but there is still no guarantee the county will receive any funds this year.
- ❑ **American Lands Council** – Executive Lemon has been in touch with Doug Heaton who wants to make a presentation to the County Council on the value of Cache County participating in the American Lands Council. Heaton's presentation is scheduled for the December 10, 2013 Council meeting.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfer**

Road – Class B

Transfer \$11,500.00 from

Road Maintenance

to

Prof & Tech-Eng & Admin

for iWorQ Signage Monitoring Program

(Attachment 1)

ACTION: Motion by Council member Zilles to approve the budget transfer. Robison seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2013-18 – Adoption of 2014 Salaries for Elected Officials** – Chairman Potter invited discussion on the proposed ordinance. There was none.

(Attachment 2)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2013-18 – Adoption of 2014 Salaries for Elected Officials. Robison seconded the motion. The vote was unanimous, 7-0.

Ordinance No. 2013-18: The motion passed 7-0.

	<u>BUTTARS</u>	<u>PETERSEN</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Ordinance No. 2013-19 – Adoption of 2014 Salaries for County Council Members** – Chairman Potter noted that there is no salary increase for Council members.

(Attachment 3)

ACTION: Motion by Council member Buttars to waive the rules and approve Ordinance No. 2013-19 – Adoption of 2014 Salaries for County Council Members. Yeates seconded the motion. The vote was unanimous, 7-0.

Ordinance No. 2013-19: The motion passed 7-0.

	<u>BUTTARS</u>	<u>PETERSEN</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Resolution No. 2013-29 – Adoption of 2014 Cache County Budget (NO ACTION TAKEN)** – Executive Lemon indicated this resolution is based on a 10% tax increase and includes a 2% salary increase for employees.

Vice Chairman Petersen asked if passing the resolution invokes the 10% tax increase. Lemon responded it does because the budget is based on the 10% increase.

Lemon reminded the Council that they still have the option of not increasing the tax by 10% and the county would have to take money from the general fund for road projects this year, but would probably be looking at a tax increase next year.

Council member Zilles asked if assessing and collecting monies can be used for salaries. Lemon said yes but only for salaries in the Assessor's Office.

Council member Yeates said he has met with the Sheriff's Office and the Assessor's Office and proposed the following:

Add \$300,000.00 in wages and benefits to the Sheriff's Office to bring starting wage up to \$16.50 by eliminating 401k contributions for post retired county employees, using the Sheriff's overtime money (assuming there will be less overtime due to lower turnover) and tap the reserve fund for \$163,000.00.

Yeates said this is in addition to the 2% salary increase already in the budget.

Council member White commented that Planning and Development needs salary adjustments, too.

Executive Lemon suggested earmarking the funds Yeates has identified and have the Sheriff's Office come back with a plan for distribution of the additional money.

Council member Zilles remarked there might be the possibility of tapping into the Sheriff's training budget if turnover is reduced.

Council member Buttars asked Deputy Slater what effect the compression of salaries has on the department. Slater said it can be demoralizing, but Yeates' proposal does address that issue somewhat.

Council member Robison said she would like to see some sort of accounting if this is approved to see if it works.

Chairman Potter asked Attorney Ciebien if there is an issue with the elimination of the 401k contribution for post retired employees. Ciebien said she understands that Attorney Linton contacted the Utah Retirement System office and was told the county can do whatever they want in that regard.

Buttars said he was under the impression that a salary cannot be lowered while in office, but this is over and beyond salary, correct? Isn't the county basically taking compensation from some employees and giving it to others – robbing Peter to pay Paul? Cameron Jensen said this is not salary, this is 401k or retirement contribution. Buttars replied those employees affected should be notified. Executive Lemon said they will be sent a letter prior to the December 10, 2013 Council meeting.

Buttars said the county is not bound to a 10% tax increase, could do a 5% this year and use the reserve fund balance. Robison asked if there is a minimum requirement for a county fund balance? Lemon said there is not, only a maximum.

Council member White said he is partial to the 10% increase so there doesn't have to be another increase next year.

Chairman Potter asked if all departments had been looked at to see if there are further cuts possible. Lemon said they're budgeted pretty tight right now.

Council member Zilles has received calls supportive of paying additional money for wages for the Sheriff's Department.

ACTION: Motion by Council member Buttars to not increase the property tax for 2014 and use bond repayment funds to meet the budget needs this year. Petersen seconded the motion. The motion failed, 3 aye – Petersen, Potter & Buttars and 4 nay – Robison, White, Yeates & Zilles.

White again expressed support for leaving the tax increase at 10%.

Petersen prefers a 5% increase this year and a 5% increase next year because of the size of the tax increase from the recent bond elections.

ACTION: Motion by Council member Robison to raise the property tax 5% for 2014 and make up the difference from the reserve fund or bond repayment fund. Petersen seconded the motion. The motion passed, 4 aye – Buttars, Robison, Petersen & Potter and 3 nay – White, Yeates & Zilles.

Executive Lemon asked what the Council wanted to do about Yeates' proposal – put a \$300,000.00 line item in and have Sheriff's office come back with a proposal on how to raise salaries? Yeates concurred.

Lemon said the new budget will have \$300,000.00 in it for compensation adjustments and a letter will be sent to the post retired employees notifying them of the intent to discontinue their 401k/Retirement contribution.

- **Adoption of 2014 Capital Improvements Plan (NO ACTION TAKEN)** – Executive Lemon noted this can't be prepared until after the budget is adopted and will be brought to the Council at the first meeting in January 2014.
- **Penalty and Interest Abatement Request** – Executive Lemon gave documentation to the Council showing that this individual owns two pieces of property listed with the same address. Taxes were paid twice on one home and were not paid on the other home. Lemon has discussed this with the Auditor and Treasurer offices and recommends waiving the \$393.40 tax for 2012. *(Details are on file in the Auditor and Treasurer Offices.)*

ACTION: Motion by Council member Yeates to approve the Penalty and Interest Abatement Request for 06-092-0018. Buttars seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **Cache County Employee Christmas Dinner – December 11, 2013, 6:30 p.m. Riverwoods Conference Center**

COUNCIL MEMBER REPORTS

Craig Petersen read his letter of resignation effective December 31, 2013 necessitated by his election as Mayor of Logan City. Petersen has sent a copy of his resignation to the Cache County Republican Party as well.

Cory Yeates observed that the Council needs to notify the Republican Party of the Council vacancy as well. Chairman Potter said he will see that a letter is sent.

Jon White asked that the South Canyon and Mt. Pisgah Roads be closed now for the winter season. Executive Lemon will attend to it.

ADJOURNMENT

The Council meeting adjourned at 7:00 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val Potter
Chairman

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: ROADS-CLASS B

DATE: 02-Dec-13

Amount to be transferred -- (rounded to the nearest dollar) \$ 11,500

Transfer From ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
200-4415-410	ROAD MAINTENANCE	\$ 926,000		\$ (11,500)	\$ 914,500

Transfer To ---

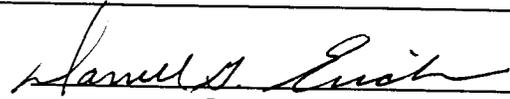
200-4415-310	PROF & TECH-ENG & ADMIN	\$ 5,000	\$ 11,500		\$ 16,500
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Totals \$ 11,500 \$ (11,500) \$ -

Net adjustment \$ -

Description of needs and purpose of transfer ---

iWorQ SIGNAGE MONITORING PROGRAM


Department Head

Recommendation: Approval Disapproval

Date: 02-Dec-13

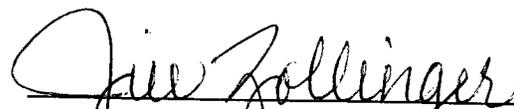

Cache County Auditor

Recommendation: Approval Disapproval

Date: 02-Dec-13


Cache County Executive

Consented by the Cache County Council meeting in regular session on the 3rd day of December, 2013.


Cache County Clerk

**CACHE COUNTY
ORDINANCE NO. 2013-18**

AN ORDINANCE PROVIDING FOR CHANGES OF SALARIES FOR CACHE COUNTY OFFICERS FOR 2014 AND SUPERSEDING PRIOR RESOLUTIONS AND ORDINANCES.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that a public hearing regarding the proposed county budget for 2014 including the change of salaries for the Cache County Officers for 2014 was conducted on November 26, 2013, in accordance with Section 17-16-14, *Utah Code Annotated*, upon lawful notice; that the *Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984*, authorizes the modification of the salaries for all elected county officers by ordinance; that the budget for Cache County officers has been adopted by the Cache County Council in accordance with the applicable law; and that an ordinance providing for a salary change for the elected county officers is appropriate for carrying into effect the approved salary changes.

Now therefore, the Cache County Council ORDAINS as follows:

SECTION 1: OFFICER'S SALARIES

The salaries for county officers for the period January 1, 2014 through December 31, 2014 shall be as follows:

County Executive/Surveyor	\$ 98,157
County Assessor	\$ 75,753
County Attorney	\$ 111,395
County Auditor*	\$ 0
County Clerk	\$ 75,753
County Recorder	\$ 75,753
County Sheriff	\$ 86,109
County Treasurer**	\$ 76,639

* In 2014, the County Auditor will serve on a part-time basis in exchange for health insurance benefits.

** Includes insurance stipend of \$ 886

SECTION 2: REPEALER

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with this ordinance, are hereby repealed and superseded by this ordinance to the extent of such conflict. Otherwise such resolutions and ordinances shall remain in full force and effect.

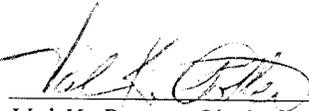
SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon approval and publication in the manner by law.

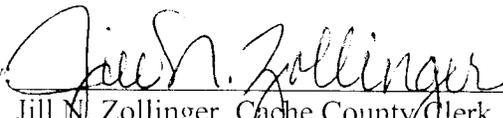
This ordinance was adopted by the Cache County Council on the 3rd day of December, 2013 upon the following vote:

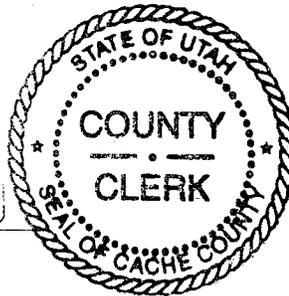
	IN FAVOR	AGAINST	ABSTAINED	ABSENT
POTTER	X			
PETERSEN	X			
BUTTARS	X			
ROBISON	X			
WHITE	X			
YEATES	X			
ZILLES	X			
TOTAL	7			

CACHE COUNTY COUNCIL

By: 
Val K. Potter, Chairman

ATTESTED:

By: 
Jill N. Zollinger, Cache County Clerk



Publication date: December 18, 2013

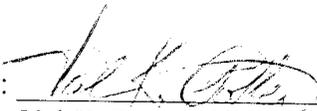
SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon approval and publication in the manner by law.

This ordinance was adopted by the Cache County Council on the 3rd day of December, 2013 upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
POTTER	X			
PETERSEN	X			
BUTTARS	X			
ROBISON	X			
WHITE	X			
YEATES	X			
ZILLES	X			
TOTAL	7			

CACHE COUNTY COUNCIL

By: 
Val K. Potter, Chairman

ATTESTED:

By: _____
Jill N. Zollinger, Cache County Clerk

Publication date: December 18, 2013

**CACHE COUNTY
ORDINANCE NO. 2013-19**

AN ORDINANCE PROVIDING FOR SALARIES FOR MEMBERS OF THE CACHE COUNTY COUNCIL FOR 2014 AND SUPERSEDING PRIOR RESOLUTIONS AND ORDINANCES.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that a public hearing regarding the proposed county budget for 2014 including the establishment and change of salaries for members of the Cache County Council for 2014 was conducted on November 26, 2013, in accordance with Section 17-16-14, *Utah Code Annotated*, upon lawful notice; that the *Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984*, authorizes the modification of the salaries of the members of the Cache County Council only by ordinance; and that the County Council deems it appropriate and reasonable to establish salaries for members of the Cache County Council for the period commencing January 1, 2014 and ending December 31, 2014.

Now therefore, the Cache County Council ORDAINS as follows:

SECTION 1: COUNTY COUNCIL SALARIES

The salaries earned for members of the Cache County Council for the period January 1, 2014 through December 31, 2014 shall be as follows:

COUNCIL MEMBER – Regular salary or equivalent benefit for each member	\$ 9,793
COUNCIL CHAIR (in addition to regular salary)	\$ 1,800

SECTION 2: REPEALER

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with this ordinance, are hereby repealed and superseded by this ordinance to the extent of such conflict. Otherwise such resolutions and ordinances shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon approval and publication in the manner by law.

This ordinance was adopted by the Cache County Council on the 3rd day of December, 2013 upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
POTTER	X			
PETERSEN	X			
BUTTARS	X			
ROBISON	X			
WHITE	X			
YEATES	X			
ZILLES	X			
TOTAL	7			

CACHE COUNTY COUNCIL

By: 
Val K. Potter, Chairman

ATTESTED:

By: 
Jill N. Zollinger, Cache County Clerk



Publication date: December 18, 2013