

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
NOVEMBER 11, 2014**

CACHE COUNTY COUNCIL
NOVEMBER 11, 2014

ABATEMENT OF TAXES DUE TO GREENBELT ERROR 6

APPOINTMENT– Atwood, Cheryl-Bear River Board of Health 2

APPOINTMENT– Buttars, Craig “W”-Bear River Board of Health 2

APPOINTMENT– Ernstrom, Reed-Bear River Board of Health..... 2

APPOINTMENT– Swink, James-Bear River Board of Health 2

APPOINTMENT– Jackson, Brian K-Deputy Cache County Attorney..... 2

ATWOOD, CHERYL – Appointment-Bear River Board of Health 2

BUDGET – Review of 2015 7

BUTTARS, CRAIG “W” – Appointment-Bear River Board of Health..... 2

CDBG –1st CDBG Public Hearing – November 11, 2014-5:15 p.m..... 2

**CACHE COUNTY REDEVELOPMENT AGENCY – Set Public Hearing for November 25, 2014 at
6:15p.m.-To Adopt 2015 Budget..... 7**

CHRISTMAS DINNER – Cache County Employees 7

CIRCUIT BREAKERS APPLICATIONS 5

CLERK/AUDITOR RESPONSIBILITIES..... 6

**ELECTED OFFICIALS’ SALARIES – Ordinance No. 2014-11-Proposed Ordinance-Amendments
relating to..... 3**

EMPLOYEES COMPENSATION FOR 2015..... 6

ERNSTROM, REED – Appointment-Bear River Board of Health..... 2

FAITH EXCHANGE WELCOME WEEKS (F.E.W.W.) – Proclamation..... 3

FOX HOLLOW REZONE – Record of Decision..... 3

HARDSHIP APPLICATIONS 5

HILLYARD, SENATOR LYLE – Legislative Update 1

HOLIDAY – Changing 2014 Christmas Holiday day off from December 24th to December 26th 7

| | |
|---|----------|
| JACKSON, BRIAN K – Appointment-Deputy Cache County Attorney..... | 2 |
| LEGISLATIVE UPDATE – Hillyard, Senator Lyle | 1 |
| NORTH LOGAN CITY – Preliminary Subdivision Application to..... | 5 |
| NORTH VALLEY LANDFILL – Request from Logan City Regarding Road to..... | 5 |
| ORDINANCE NO. 2014-11 – Proposed Ordinance-Amendments relating to Elected Officials’ Salaries ... | 3 |
| PROCLAMATION – Faith Exchange Welcome Weeks (F.E.W.W.) | 3 |
| PUBLIC HEARING – November 11, 2014-5:15 p.m.-1st CDBG | 2 |
| PUBLIC HEARING SET - November 25, 2014 at 6:15p.m.-To Adopt 2015 Budget-Cache County Redevelopment Agency | 7 |
| RESOLUTION NO. 2014-22 – Authorizing County Executive to execute an Interlocal Agreement with the Salt Lake Chamber of Commerce – The Transportation Coalition | 4 |
| REZONE – Record of Decision – Fox Hollow | 3 |
| SALARIES – Ordinance No. 2014-11-Proposed Ordinance-Amendments relating to Elected Officials’ | 3 |
| SALARIES AND COMPENSATION FOR COUNCIL MEMBERS..... | 6 |
| SALT LAKE CHAMBER OF COMMERCE – THE TRANSPORTATION COALITION – Resolution No. 2014-22-Authorizing County Executive to execute an Interlocal Agreement with the | 4 |
| SUBDIVISION APPLICATION TO NORTH LOGAN CITY – Preliminary..... | 5 |
| SWINK, JAMES – Appointment-Bear River Board of Health | 2 |
| TAXES DUE TO GREENBELT ERROR – Abatement of..... | 6 |
| TRANSPORTATION COALITION – Resolution No. 2014-22-Authorizing County Executive to execute an Interlocal Agreement with the Salt Lake Chamber of Commerce-The..... | 4 |
| UAC ANNUAL CONVENTION..... | 7 |
| VICTIM SERVICES AND VAWA REPORT | 2 |
| WARRANTS – 10-25-2014 to 10-31-2014, 11-01-2014 to 11-07-2014..... | 2 |

CACHE COUNTY COUNCIL MEETING
November 11, 2014

The Cache County Council convened in a regular session on November 11, 2014 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Val Potter
Vice Chairman: Kathy Robison,
Council Members: Craig "W" Buttars, G. Gregory Merrill, Jon White, Cory Yeates & Gordon Zilles
County Executive: M. Lynn Lemon
Deputy County Clerk: **Jill N. Zollinger absent.**
County Attorney: Tony Baird

The following individuals were also in attendance: Janeen Allen, Lance Anderson, Issa Hamud, Sharon L. Hoth, Devin Jones, Dave Nielsen, Tim Rawlings, Director Josh Runhaar, Terry Warner **Media:** Shannon Nielsen (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Craig "W" 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 agenda as written. Zilles 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 28, 2014 Council meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- **Legislative Update – Senator Lyle Hillyard** reported that the legislature is aware of the problems with transportation funding. Several funding options have been discussed in the legislature and Hillyard supports a user fee method and also wants UDOT to consider utilizing smaller local companies more often for their projects.

There is an ending surplus for the fiscal year of \$112 million, but \$105 million is education money and only \$7 million is the general fund. In mid-October the projection for collections for the current fiscal year general fund is either \$25 million over or \$25 million short. General fund money comes primarily from sales tax. Hillyard believes internet purchases decrease the amount of sales tax collected and this problem will persist and intensify.

Senator Hillyard cautioned the Council to watch over Cache County's water. There are plenty of interests in the Salt Lake area who are seeking to bring water from Cache

County down. Hillyard praised Bob Fotheringham's efforts to safeguard Cache County water and keep Hillyard informed.

Council member Yeates asked Senator Hillyard his position on Condition of Probation payments. Hillyard said it doesn't make sense to pay counties Condition of Probation money when Utah is losing guards at the state prison to higher paying guard positions. He is supportive of jail contracting.

UNIT OR COMMITTEE REPORTS

- ❑ **Victim Services and VAWA Report – Terry Warner** stated her office has seen an increase in family violence cases. A Family Summit was held in October to help people be aware of community resources that are available to help families dealing with violence. Her office also sponsored a Transportation Safety Fair in conjunction with the Top of Utah marathon. Changes have been made in the way investigative interviews are conducted. Cache County's VAWA program is functioning well and was chosen to be highlighted to Congress last spring. Warner said they are on target to be one of the cities to host the national Amber Alert.

Warner observed that her office still has the same number of victim advocates they began with in 1998. They have a very heavy caseload of over two hundred cases at any given time.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

| | | |
|-----------------------------|------------------------------|-------------------|
| <u>APPOINTMENTS:</u> | Bear River Board of Health | James Swink |
| | Bear River Board of Health | Craig "W" Butters |
| | Bear River Board of Health | Cheryl Atwood |
| | Bear River Board of Health | Reed Ernstrom |
| | Deputy Cache County Attorney | Brian K. Jackson |

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

WARRANTS: Warrants for the periods 10-25-2014 to 10-31-2014 and 11-01-2014 to 11-07-2014 were given to the Clerk for filing.

OTHER ITEMS:

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: NOVEMBER 11, 2014 – 5:15 P.M. – 1ST CDBG PUBLIC HEARING
Executive Lemon opened the Public Hearing and asked if there was anyone present for the CDBG Public Hearing. There was no response. The purpose of the 1st CDBG Public Hearing is to gain citizen input as to their needs and potential CDBG projects. A city or county may have a particular project in mind. This project can be identified during the hearing; however, at this point they should be open to any project identified by the public and entertain sponsorship proposals from nonprofit groups. Input from this hearing will be considered by the city or county's elected officials to determine which projects will be identified in the jurisdiction's capital improvement plan. All CDBG projects must be included in this plan. Anyone in attendance for the CDBG Public Hearing should sign the roll including their name, address and phone number.

Executive Lemon indicated Cache Senior Citizen Director Kristine Johnson is recuperating from knee surgery and could not be in attendance for her CDBG request. Lemon asked if there was anyone else present who wished to request sponsorship of a CDBG project. There was no response.

Lemon presented a request from the Cache Senior Citizen Center for \$90,000.00 to buy two Meals on Wheels vehicles.

There is approximately \$600,000.00 available in the Bear River Region for CDBG projects. \$350,000.000 of that is available for projects to be rated and ranked. Any project that displaces low or moderate income persons will most likely not receive funding.

ACTION: Motion by Council Buttars to close the 1st CDBG Public Hearing. Robison seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- **Proclamation – Faith Exchange Welcome Weeks (F.E.W.W.)** – Vice Chair Robison read the proclamation aloud.

(Attachment 1)

ACTION: Motion by Council member Buttars to approve the Proclamation – Faith Exchange Welcome Weeks (F.E.W.W.). Zilles seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Record of Decision – Fox Hollow Rezone – Duane Williams requesting a rezone from the Agricultural (A10) Zone to the Rural (RU5) Zone on 4936 acres located approximately 300 North Highway 23, north of Mendon** – Director Runhaar said a Public Hearing was held on the rezone at the last Council meeting and the Cache County Planning Commission recommends denial.

(Attachment 2)

ACTION: Motion by Council member White to deny the Fox Hollow Rezone request. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Ordinance No. 2014-11 – Proposed Ordinance – Amendments relating to Elected Officials' Salaries** – Chairman Potter informed the Council there has never been an ordinance requiring full-time work for full-time pay nor one addressing part-time work/pay for elected officials.

Council member White said the ordinance should only state that when a person runs for a county office, it is a full-time job.

Potter, Merrill and Yeates are supportive of the proposed ordinance.

Chairman Potter asked Attorney Baird for a legal perspective. Baird said the code gives the Council the authority to set compensation for elected officials; however, presently if someone is not performing the work he/she is supposed to perform, the Council doesn't have a way to address the situation.

Council member Buttars asked about an individual who might have temporary health issues and can't work thirty hours a week, but needs insurance.

(Attachment 3)

ACTION: Motion by Council member Buttars to waive the rules and amend Ordinance No. 2014-11-An Ordinance Amending Sections 2.08.030, 2.121.120 and 2.28.030 of the Cache County Code Relating to the Powers and Duties of the County Executive and the County Council as follows. Section C, page 4, "and the county officer (*strike the word 'will' and replace with 'may'*) not receive other compensatory benefits (*add the words 'unless approved by the County Council'*)." Zilles seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2014-11-An Ordinance Amending Sections 2.08.030, 2.121.120 and 2.28.030 of the Cache County Code Relating to the Powers and Duties of the County Executive and the County Council-as amended. Zilles seconded the motion. The motion passed, 6 aye – Buttars, Merrill, Potter, Robison, Yeates & Zilles and one abstention – White.

Ordinance No. 2014-11: The motion passed 6-1.

| | <u>BUTTARS</u> | <u>MERRILL</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 | 6 |
| NAY | | | | | | | | 0 |
| ABSTAINED | | | | | X | | | 1 |
| ABSENT | | | | | | | | 0 |

- **Resolution No. 2014-22 – Authorizing County Executive to execute an Interlocal Agreement with the Salt Lake Chamber of Commerce – The Transportation Coalition** – Executive Lemon said this is a coalition of the Utah Association of Counties, the Utah League of Cities and Towns and the Salt Lake Chamber. The Salt Lake Chamber is the lead in organizing a group for lobbying the legislature for transportation funding and is asking each county to contribute \$3,000.00 within thirty days. Lemon commented that if it is successful in getting transportation funding, it is well worth the money.

(Attachment 4)

ACTION: Motion by Council member Yeates to approve Resolution No. 2014-22-Authorizing the County Executive to Execute an Interlocal Agreement with the Salt Lake Chamber of Commerce-The Transportation Coalition. Robison seconded the motion. The vote was unanimous, 7-0.

- **Hardship Applications** – Chairman Potter asked Council members to voice their concerns with any of the applications. Executive Lemon replied to a concern over salary on one of the applications that the party had withdrawn their IRA; the actual salary was \$11,000.00. *(Details are on file in the Cache County Finance Office.)*

ACTION: Motion by Council member Yeates to approve the Hardship Applications. White seconded the motion. The vote was unanimous, 7-0.

- **Circuit Breaker Applications** – Executive Lemon explained that applicants have been allowed to sign a certificate of transfer of ownership to qualify for the circuit breaker. Cameron Jensen recommends approving the current circuit breaker applications with the admonition that the parties will not be eligible in the future, but they may be eligible for a hardship application. Lemon said this will be for the current 2014 year only.

ACTION: Motion by Council member Yeates to approve the Circuit Breaker Applications this year and directing that a letter be sent notifying the individuals they will not qualify next year. White seconded the motion. The vote was unanimous, 7-0.

- **Discussion – Request from Logan City Regarding Road to North Valley Landfill** – Attorney Kymber Housley is requesting the Council to approve in lieu of condemnation letters that will only be sent to property owners who have requested them. The letter essentially gives the property owners favorable tax treatment, allows them to keep their land in CRP and avoids rollback tax, etc. Logan City is not allowed to condemn outside of its jurisdiction, so they have to come to the County to do it.

Council member Merrill suggested that since these letters will produce negative PR for the county and not Logan City and Cache County is being charged for trashcans at the fairgrounds, perhaps there can be some annual fee paid to Cache County for being a part of this that would offset the fee on trashcans. Housley remarked that is a possibility.

There will be a rewrite with “softer” language to be brought before the Council at a future Council meeting.

(Attachment 5)

- **Preliminary Subdivision Application to North Logan City** – Lance Anderson asked the Council to approve the signing of the preliminary plat application by the County and to allow the area north of the Ice Arena via Meadowview Park or an area east of the Ice Arena to be used as a staging area for building materials. The Council concurred that the staging area will be north of the Ice Arena.

Anderson and attorneys for Cache School District and Cache County have met and worked out some of the concerns with the interlocal agreements. A final draft will be presented to the Council at the November 25, 2014 Council meeting.

Wellsville has withdrawn from the agreements and Nibley City will take those additional ten acres.

Anderson reminded the Council that the Ice Arena property is still under Cache County ownership and needs to be deeded to the North Park Interlocal Cooperative (NPIC).

ACTION: Motion by Council member White to approve the signing by the County of the preliminary plat application for the Cache Recreation Complex. Robison seconded the motion. The vote was unanimous, 7-0.

- **Abatement of Taxes due to Greenbelt Error** – Executive Lemon stated that the Assessor's Office acknowledges there was an error and the tax abatement should be approved.

(Attachment 6)

ACTION: Motion by Council member Buttars to approve the abatement of taxes due to an error. Zilles seconded the motion. The vote was unanimous, 7-0.

- **Discussion – Clerk/Auditor Responsibilities** – Council member Merrill said he, Executive Lemon, Executive-Elect Buttars, Cameron Jensen and Clerk/Auditor Zollinger will meet to discuss the proposed responsibilities and report back to the Council on their conclusions.
- **Discussion – Employee Compensation for 2015** – Executive Lemon observed that the Council agreed on an amount for employee compensation in the budget rather than a percent and Human Resources Director Smith has asked how the Council wants that to be distributed.

Chairman Potter said he believes Executive Lemon, Executive-Elect Buttars and Director Smith need to meet and come back with recommendations to the Council as to which departments will receive what amount. Yeates noted market should be consulted as part of the decision process. Chairman Potter asked Executive Lemon and Janeen Allen to contact him and the afore-mentioned three individuals by next Monday to schedule a meeting.

- **Discussion – Salaries and Compensation for Council Members** – Chairman Potter turned the time to Council member Zilles. Zilles said the County used to give Council members the option of a salary or the County insurance. That was changed and in order for him to get the County insurance for him and his spouse now he would have to pay \$3,000.00 to \$4,000.00 over and above the compensation. Zilles cited salary comparisons from other counties and said Cache County is far behind. Zilles asked the Council to consider increasing Council members' salaries to cover the whole cost of insurance for a Council member and spouse and once again allow the Council members the option of salary or insurance. Zilles believes the option makes running for a Council seat appealing to more individuals.

Council member Buttars and Robison resisted the idea of increasing Council salaries. Buttars pointed out that tying the compensation to insurance costs could result in a fairly large increase some years and Council members ran for and were elected to the position knowing what the salary was.

Council member Merrill indicated that just last week the Council said there was no money for a new position. This is approximately the same amount– where does the money come from?

ACTION: Motion by Council member Zilles that for the year 2015 Council member compensation will be the equivalent of the cost of insurance for husband and wife (\$12,500.00) and give Council members the option to take insurance or compensation. Yeates seconded the motion. The motion passed, 5 aye – Merrill, Potter, White, Yeates & Zilles and 2 nay – Buttars & Robison.

- **Discussion – Changing 2014 Christmas Holiday day off from December 24th to December 26th** – Executive Lemon told the Council the Employee Compensation Committee has asked for Friday, December 26, 2014 off instead of December 24, 2014 (Christmas Eve). Sharon Hoth mentioned that the County Clerk’s office has already had inquiries about purchasing marriage licenses during Christmas week and people have been told the office would be open on Friday, December 26, 2014.

It was the consensus of the Council to trade the two days. The County Offices will be open on Wednesday, December 24, 2014 (Christmas Eve) from 8:00 a.m. to 5:00 p.m. and will be closed Thursday, December 25, 2014 and Friday, December 26, 2014.

- **Review of 2015 Budget** – Lemon said there will be an updated budget at the next Council meeting. It is very close to being balanced. The General Fund is out of balance \$2,788.00 and Assessing and Collecting is out of balance \$6,084.00; however, there are adjustments to be made that will work it out.

Council member Zilles remarked that an employee has been taken out of the Treasurer’s office and asked if there will be another person hired. Executive Lemon said the Treasurer’s office is a three-person office.

OTHER BUSINESS

- ✓ **UAC Annual Convention – November 12-14, 2014 – Dixie Center, St. George** – Lemon, Buttars, Potter, Yeates, Robison, Zilles and Merrill will attend.
- ✓ **Cache County Employees Christmas Dinner** – Wednesday December 10, 2014 at 6:30 p.m.-Riverwoods Conference.

COUNCIL MEMBER REPORTS

There were no reports.

The Council meeting adjourned to the Cache County Redevelopment Agency at 8:11 p.m.

THE COUNCIL CONVENED IN A MEETING OF THE CACHE COUNTY REDEVELOPMENT AGENCY

ACTION ITEMS:

1. **Set Public Hearing for November 25, 2014 at 6:15 p.m. – To Adopt 2015 Budget**

Cache County Council
11-11-2014

ACTION: Motion by Council member Yeates to set a Public Hearing for November 25, 2014 at 6:15 p.m. – To Adopt 2015 Budget. Robison seconded the motion. The vote was unanimous, 7-0.

ADJOURNMENT

The Council adjourned from the Cache County Redevelopment Agency at 8:12 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val K. Potter



Cache Community Connections

Proclamation
Faith Exchange Welcome Weeks
November 2014

WHEREAS, Cache County is a community of individuals reflecting a wide spectrum of religious beliefs and cultures, and

WHEREAS, harmony within any religiously diverse community is, in good measure, based upon understanding and respect for individuals having various doctrinal viewpoints, and

WHEREAS, the religious and civic leaders of this community share the belief that understanding and compassion are vital to the well-being of the citizens of Cache County, and

WHEREAS, the religious and civic leaders are aware that many citizens of Cache County lack a comfortable mechanism by which they can gain greater awareness of the belief systems of friends and neighbors,

LET IT BE RESOLVED that Cache County declares November 2014 as Faith Exchange Welcome Weeks, a month during which friends and neighbors may visit each other's places of worship with the full assurance that there will be heartfelt welcoming and no proselytizing.

In Witness thereof, I hereunto set my hand on this 23rd day of September, 2014.

Thomas Bailey

Cache Mayor's Association Chair

M. Lynn Lemon

Cache County Executive



WHEREAS, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 *et seq.*, as amended (the “Act”), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development, and;

WHEREAS, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the County’s legislative body, following a public hearing, a proposal that represents the Planning Commission’s recommendations for zoning the area within the county, and;

WHEREAS, on 02 October 2014 at 5:40 P.M. the Planning Commission held a public hearing for a request to rezone parcel 12-036-0005, 49.6 acres of property, from the Agricultural (A-10) Zone to the Rural 5 (RU5) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and at which meeting a recommendation of denial (7-0) was provided to the County Council for final action, and;

WHEREAS, on 28 October 2014 at 5:45 P.M., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments, and;

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, and the information provided by county staff, the Council has determined that it is not in the best interest of the citizens of Cache County to approve said rezone;

NOW THEREFORE, the Cache County Council denies the Fox Hollow Rezone based on the following findings of fact:

1. The proposed density is not consistent with the existing density of the surrounding area.
2. The county is unable to bear the short and long term cost to serve and maintain access to residential areas in the unincorporated county. The property is also not contiguous to other existing developed areas requiring service.

CACHE COUNTY COUNCIL

Val Potter, Chair
Cache County Council

ATTEST:

Jill Zollinger
Cache County Clerk



**CACHE COUNTY
ORDINANCE NO. 2014-11**

**AN ORDINANCE AMENDING SECTIONS 2.08.030, 2.12.120 AND 2.28.030 OF THE
CACHE COUNTY CODE RELATING TO THE POWERS AND DUTIES OF THE
COUNTY EXECUTIVE AND THE COUNTY COUNCIL**

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, hereby amends Sections 2.08.030, 2.12.120 and 2.28.030 of the Cache County Code as follows:

PREAMBLE AND FINDINGS

Whereas, Utah Code Ann. § 17-16-14 empowers the Cache County Council with the authority to set the salaries of county officers; and,

Whereas, the Cache County Council wants to ensure that county officers are compensated commensurate with the work they perform for the County; and

Whereas, the Cache County Council finds that this amendment reasonably furthers the health, safety, and general welfare of the citizens of Cache County:

Now, Therefore, pursuant to the statutory authority granted the Cache County Council, the Cache County Council amends Sections 2.08.030, 2.12.120 and 2.28.030 of the Cache County Ordinances as follows:

SECTION 2.08.030 shall be amended as follows:

The County Executive, as chief executive of the county, shall have the power and it shall be his duty to:

- A. Carry out programs and policies established by the County Council;
- B. Direct and organize the management of the county in a manner consistent with the optional plan;
- C. Faithfully enforce all applicable laws and county ordinances;

D. Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, confer with and make recommendations to the county council concerning whether county officers should be compensated on a full-time or part-time basis, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;

E. Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the County Council;

F. Serve as and perform the duties of the budget officer of the county, as provided in the uniform fiscal procedures act for counties, which shall be applicable except as otherwise provided herein;

G. Supervise and direct centralized budgeting, accounting, personnel management, purchasing and other service functions of the county;

H. Conduct planning studies and make recommendations to the County Council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and

I. Exercise a power of veto over ordinances enacted by the County Council, including an item veto upon budget appropriations. (Organic Act 1984; amd. Ord. 2000-05)

SECTION 2.12.120 shall be amended as follows:

The County Council is the legislative body of Cache County, and is vested with all legislative and policy determining powers of the county. Within the scope and subject to the limits of its lawful powers and duties, the County Council shall exercise all legislative power authorized by law. Pursuant to this legislative power, the County Council shall:

A. Enact ordinances and adopt resolutions necessary and appropriate to establish official policy and to facilitate the discharge of any powers and responsibilities of Cache County.

B. Consider, alter, modify and adopt the annual budget and such other periodic or long range budgets and plans or programs as will, in the judgment of the council, facilitate efficiency, economy and orderly administration of the duties and responsibilities of Cache County. Budgeting procedures shall conform to the uniform fiscal procedures for counties act.

C.

~~(i) Subject to the conditions in paragraphs C(ii) and C(iii) below regarding county officers, establish by ordinance a compensation plan for all county officers, assistants, deputies, clerks and other employees, with optional provisions to convert county officers' existing and/or future yearly salaries from full-time to part-time salaries, or from part-time salaries to full-time salaries, as the council in its discretion may deem appropriate.~~

(ii) Changes to an existing current calendar or subsequent calendar year salary of a current county officer during the officer's current term, must be preceded by public notice and public hearing regarding such proposed change as governed by Cache County Code Section 2.12.260.

(iii) Future salary changes for a county office applicable in a new term following the current term of that office need not be preceded by a public hearing provided public notice of such future change is given and the change has been duly enacted no later than thirty days prior to the deadline to declare candidacy for election or re-election to that office; otherwise, such future change must be preceded by public notice and public hearing regarding such change as governed by Cache County Code Section 2.12.260.

D. Establish and adopt, by ordinance, a comprehensive administrative code, which shall comprise the rules and regulations governing the procedures, duties and systems of office, departmental and agency management, control, accounts, records and reports for all offices, departments and agencies of the county.

E. Adopt by ordinance rules of procedure, which may be included as part of the administrative code, governing the time, place, conduct and order of business of its meetings and hearings, and the matter of introduction, publication, consideration, and adoption of ordinances and resolutions.

F. Request information from the County Executive, and conduct public hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to the county, its business or affairs, or an officer thereof. In connection with such public hearings, the council may require the attendance of witnesses, documents and other evidence, administer oaths and take testimony.

G. Provide for an annual independent audit, and if it deems it necessary at any time for a special audit of accounts to be made by a certified public accountant or firm of such accountants.

H. Establish and define the duties and functions of appointed boards and commissions deemed appropriate to expedite and facilitate the duties of the council or any office, department or agency of the county.

I. Employ on a temporary or permanent basis, professionally qualified experts and consultants to study, assist, advise or prepare reports concerning any aspect of county functions, responsibilities or administration. (Organic Act 1984; amd. Ord. 2000-05)

SECTION 2.28.030 shall be amended as follows:

A. The full-time 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 Clerk/Auditor | \$ 75,753 |
| County Recorder | \$ 75,753 |
| County Sheriff | \$ 86,109 |
| County Treasurer | \$ 75,753 |

B. The County Council, consistent with Cache County Code Section 2.12.120(C), may adjust the foregoing county officer salaries from full-time salaries to part-time salaries, or from part-time salaries to full-time salaries as the council in its discretion may deem appropriate. This includes adjustments to existing salaries made at any time during the current or subsequent pay periods within the current term of office, consistent with Cache County Code Section 2.12.120(C)(ii); and it applies to adjustments to future salaries for pay periods during a term of office after the current term of office, consistent with Cache County Code Section 2.12.120(C)(iii).

C. A county officer will be paid a part-time salary if the county officer gives notice that he or she chooses to work, or the County Council finds that the county officer in fact works, less than thirty (30) hours per week, in which case the part-time salary will be an hourly wage based upon the pro-rated amount of the full-time salary and the county officer may not receive other compensatory benefits unless approved by the County Council.

These Amendments to CACHE COUNTY ORDINANCES shall become effective fifteen (15) days after their passage and upon proper publication in a newspaper published and having general circulation in Cache County.

This ordinance was approved and adopted by the Cache County Council on the 11th day of November, 2014, upon the following vote:

| | In Favor | Against | Abstained | Absent |
|---------|----------|---------|-----------|--------|
| Potter | X | | | |
| Robison | X | | | |
| Buttars | X | | | |
| Merrill | X | | | |
| White | | | X | |
| Yeates | X | | | |
| Zilles | X | | | |
| Total | 6 | | 1 | |



CACHE COUNTY COUNCIL

By: Val K. Potter
Val K. Potter, Chairman

ATTEST:

By: Jill N. Zollinger
Jill N. Zollinger, Cache County Clerk

Publication Date: November 26, 2014

**CACHE COUNTY
RESOLUTION 2014-22**

**A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO
EXECUTE AN INTERLOCAL AGREEMENT WITH THE SALT LAKE CHAMBER OF
COMMERCE FOR PROFESSIONAL CONSULTANT SERVICES FOR THE UTAH
TRANSPORTATION COALITION PROJECT**

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into an Interlocal Agreement for professional consultant services for the Utah Transportation Coalition Project.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the Interlocal Agreement for professional consultant services for the Utah Transportation Coalition Project.

This Resolution shall take effect immediately upon adoption.

DATED this 11th day of November, 2014.

CACHE COUNTY COUNCIL

By: _____

Val K. Potter, Council Chairman



ATTEST:

By: _____

Jill N. Zollinger, Cache County Clerk

CACHE COUNTY
RESOLUTION 2014-22

EXHIBIT A

AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
CACHE COUNTY
and
Salt Lake Chamber of Commerce

THIS AGREEMENT made and entered into this 11th day of November, 2014, by and between CACHE COUNTY, a municipal corporation (hereinafter referred to as "County", and SALT LAKE CHAMBER (hereinafter referred to as "Consultant").

The County and Consultant agree as follows:

1. **RETENTION AS CONSULTANT**

County hereby retains Consultant, and Consultant hereby accepts such engagement, to perform the services described in Paragraph 2. Consultant warrants it has the qualifications, experience and facilities to properly perform said services.

2. **DESCRIPTION OF SERVICES**

Task 1: Transportation Issues Research and Analysis:

The Consultant shall research and analyze transportation funding in Utah at both the State and local level, and use this data to suggest improvements and enhancements to funding transportation in Utah.

These Services shall be completed on June 30, 2015.

Task 2: Transportation Issue Advocacy and Public Awareness Campaign:

The Consultant shall create an issue advocacy and public awareness campaign related to Utah's need for improved transportation, and how improved transportation can benefit Utah's economy, air quality, and quality of life. This advocacy and public awareness campaign will include strategic communications planning, advertising media, advertising purchases, public events, online media, social media, editorial content, and other communications tools.

These Services shall be completed on June 30, 2015.

Task 3: Transportation Issue Local Government Tool Kit:

The Consultant shall deliver to each municipality a Transportation advocacy tool kit, consisting of but not limited to social media content, utility bill insert content, a County specific fact sheet detailing transportation funding in the individual municipality, editorial content for local papers, website content, and other items to support and aid local governments in discussing their transportation needs with residents.

These Services shall be completed on June 30, 2015.

Task 4: Legislative and Governmental Relations:

The Consultant shall work with the Utah League of Cities and Towns and the Utah Association of Counties to educate legislators about state and local transportation funding issues. No lobbyists will be engaged in this effort; however individuals required by State law to register as lobbyists working on behalf of these organizations will be involved.

These Services shall be completed on June 30, 2015.

3. **COMPENSATION**

The total compensation payable to **Consultant** by **County** for the Services described in paragraph 2 shall not exceed the sums described in the attached proposal, and shall be earned on the basis as indicated in the **Consultant's** attached proposal.

All payments shall be made within thirty (30) calendar days after execution of this *Agreement*.

EXTRA SERVICES

No other extra services are authorized by this *Agreement*.

4. **PROGRESS AND COMPLETION**

The **County** and the **Consultant** are aware that many factors outside the **Consultant's** control may affect the **Consultant's** ability to complete the Services to be provided under this *Agreement*. The **Consultant** will perform these Services with reasonable diligence and expediency consistent with sound professional practices.

5. **PERSONAL SERVICES/NO ASSIGNMENT/SUBCONTRACTOR**

This Agreement is for professional services, which are personal services to the **County**. The following persons are deemed to be a key member(s) of or employee(s) of the **Consultant's** team, and shall be directly involved in performing or assisting in the performance of this work.

- Abby Albrecht, Granite Construction and Utah Transportation Coalition
- Justin Jones, Salt Lake Chamber of Commerce
- Cameron Diehl, Utah League of Cities and Towns
- Lincoln Shurtz, Utah Association of Counties

The **Consultant** will subcontract the following portions of the work out to other parties:

- Penna Powers: strategic communications, public relations, and consulting services.
- Insert Description of Contracted Work

This *Agreement* is not assignable by **Consultant** without the **County's** prior written consent.

6. **HOLD HARMLESS AND INSURANCE**

Consultant shall defend, indemnify and hold the **County**, its elected Officials, officers, and employees, harmless from all claims, lawsuits, demands, judgments or liability including, but not limited to general liability, automobile and professional errors and omissions liability, arising out of, directly or indirectly, the negligent performance, or any negligent omission of the **Consultant** in performing the services described.

Consultant shall, at **Consultant's** sole cost and expense and throughout the term of this *Agreement* and any extensions thereof, carry:

(1) Workers compensation insurance adequate to protect Consultant from claims under workers compensation acts.

(2) Professional errors and omissions insurance in the amount of \$2,000,000, and

(3) General personal injury and property damage liability insurance and automobile liability insurance with liability limits of not less than \$2,000,000 each claimant and \$2,000,000 each occurrence for the injury or death of person or persons and property damage.

All insurance policies shall be issued by a financially responsible company or companies authorized to do business in the State of Utah.

7. **RELATIONSHIP OF THE PARTIES**

The relationship of the parties to this *Agreement* shall be that of independent contractors and that in no event shall **Consultant** be considered an officer, agent, servant, or employee of **County**. The **Consultant** shall be solely responsible for any workers compensation, withholding taxes, unemployment insurance and any other employer obligations associated with the described work.

8. **TERMINATION BY COUNTY**

The **County**, by notifying **Consultant** in writing, may upon ten (10) calendar days notice, terminate any portion or all of the services agreed to be performed under this *Agreement*.

9. **WAIVER/REMEDIES**

Failure by a party to insist upon the strict performance of any of the provisions of this *Agreement* by the other party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such party's right to demand strict compliance by such other party in the future. No waiver by a party of a default or breach of the other party shall be effective or binding upon such party unless made in writing by such party, and no such waiver shall be implied from any omission by a party to take any action with respect to such default or breach. No express written waiver of a specified default or breach shall affect any other default or breach, or cover any other period of time, other than any default or breach and/or period of time specified. All of the remedies permitted or available to a party under this *Agreement* or at law or in equity shall be cumulative and alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy.

10. **CONSTRUCTION OF LANGUAGE**

The provisions of this *Agreement* shall be construed as a whole according to its common meaning and purpose of providing a public benefit and not strictly for or against any party. It shall be construed consistent with the provisions hereof, in order to achieve the objectives and purposes of the parties. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neutral genders and vice versa.

11. **MITIGATION OF DAMAGES**

In all situations arising out of this *Agreement*, the parties shall attempt to avoid and minimize the damages resulting from the conduct of the other party.

12. **GOVERNING LAW**

This *Agreement*, and the rights and obligations of the parties, shall be governed and interpreted in accordance with the laws of the State of Utah.

13. **CAPTIONS**

The captions or headings in the *Agreement* are for convenience only and in no other way define, limit or describe the scope or intent of any provision or section of the *Agreement*.

14. **AUTHORIZATION**

Each party has expressly authorized the execution of this *Agreement* on its behalf and acknowledges it shall bind said party and its respective administrators, officers, directors, shareholders, divisions, subsidiaries, agents, employees, successors, assigns, principals, partners, joint ventures, insurance carriers and any others who may claim through it to this *Agreement*.

15. **ENTIRE AGREEMENT BETWEEN PARTIES**

Except for **Consultant's** proposals and submitted representations for obtaining this *Agreement*, this *Agreement* supersedes any other *Agreements*, either oral or writing, between the parties hereto with respect to the rendering of services, and contains all of the covenants and *Agreements* between the parties with respect to said services. Any modifications of this *Agreement* will be effective only if it is in writing and signed by the party to be charged.

16. **SEVERABILITY**

If any provision in this *Agreement* is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

17. **NOTICES**

Any notice required to be given hereunder shall be deemed to have been given by depositing said notice in this United State mail, postage prepaid, and addressed as follows:

TO COUNTY: Cache County
179 North Main Street
Logan, Utah 84321
Attention: County Clerk

TO CONSULTANT: Utah Transportation Coalition
c/o Salt Lake Chamber of Commerce
175 East 400 South, Suite #600
Salt Lake County, Utah 84

18. **ADDITIONAL TERMS/CONDITIONS**

Additional terms and conditions of this Agreement are:

IN CONCURRENCE AND WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES EFFECTIVE ON THE DATE AND YEAR FIRST WRITTEN ABOVE.

CACHE COUNTY:

Attest

M. Lynn Lemon, County Executive

Jill N. Zollinger, County Clerk

Print Name

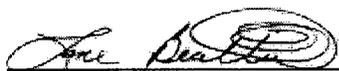
Approved as to Form

Date

County Legal Counsel

CONSULTANT:

Signature



Lane Beattie, President and Chief Executive Officer

Date

State of Utah)

:ss

County of Salt Lake)

On this _____ day of _____, 2014, personally appeared before me, _____, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he/she is the President and Chief Executive Officer, of The Salt Lake Chamber of Commerce, a corporation, and said document was signed by him/her in behalf of said corporation by authority of its bylaws or of a Resolution of its Board of Directors, and he/she acknowledged to me that said corporation executed the same.

Notary Public

FORM OF CONDEMNATION LETTER

Date

*Property Owner
address*

Dear Property Owner:

In lieu of condemnation proceedings, and associated litigation, the City of Logan has agreed to purchase, through a negotiated sale, that certain real property located at *property address*, Utah and more particularly described on Exhibit "A".

You are hereby informed in writing by the undersigned representative of Cache County, a governmental entity authorized to acquire real property in the County of Cache by eminent domain, that Cache County has the power and intent to acquire your property by condemnation or eminent domain and will, in fact, acquire the property by condemnation action or proceedings for the purposes of developing a public road.

The Cache County Council has authorized me to issue this letter indicating that if you do not sell your fee title interest in the property described on Exhibit "A" to the City of Logan on a voluntary basis at fair market value, necessary steps will be undertaken to condemn your property interest by the power of eminent domain.

While Cache County believes that the acquisition of your fee title property interest constitutes an involuntary conversion of the property interest being acquired pursuant to the provisions of Section 1033 of the Internal Revenue Code, you should seek competent tax advice or legal counsel and not rely on this letter except to the extent it demonstrates the intent of Cache County.

EXHIBIT "A"

LEGAL DESCRIPTION

November 11, 2014

From: Darrel L. Gibbons

956 East 800 South

Lewiston, Utah 84320

Consultant for Logan City Environmental Department

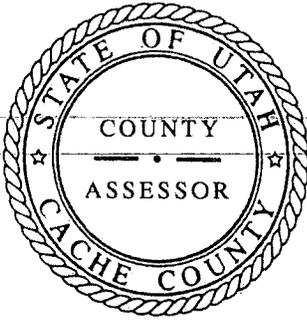
To: Logan City Mayor, Logan City Attorney, Logan City Environmental Department Director, Cache County Executive, Cache County Attorney, Cache County Council

Topic: CRP (Conservation Reserve Program) rules, CRP Contracts, Right of Way sales and Condemnation

After discussions with Bruce Lundquist, FSA director for Cache County, it is my understanding that the following rules will apply to right of way properties acquired either by voluntary sales or condemnation.

1. **Properties voluntarily sold:** The seller will be required to notify the FSA of the sale of the property. The CRP contracts will remain valid and honored. When the proposed road is surveyed and markers are in place, the FSA will provide a new GPS survey of the property included in the contract. The acres sold will be subtracted from the current contract. Penalties and interest will be calculated on the acres sold. (Logan City has agreed to pay all Penalties and Interest. The property seller will be held harmless.)
2. **Properties sold under threat of Condemnation:** The seller will be required to notify the FSA of the sale of the property. The CRP contracts will remain valid and honored. When the proposed road is surveyed and markers are in place, the FSA will provide a new GPS survey of the property included in the contract. The Acres sold will subtracted from the current contract. No penalties or interest will be calculated on the acres sold.
3. **Condemnation:** The same rules apply as those for Properties sold under threat of condemnation.

I advocate the adoption of a resolution or a letter threatening condemnation. This will simplify the process for the seller and the purchaser of the right of way properties. There are a number of property owners who strongly believe that the County Council does not have a willingness to condemn their properties. They would block the road accessing the North Valley Landfill. The County Council needs to send a clear message that they are in support of the establishment of the proposed landfill and will pursue a course to ensure that the citizens of the county will have a safe and long term solution for the proper disposal of waste generated in Cache County!



CACHE COUNTY

Office of the County Assessor

179 NORTH MAIN • LOGAN, UTAH 84321

(435) 755-1590 • Fax (435) 755-1989

KATHLEEN C. HOWELL

November 5, 2014

Memo: Concerning parcel #04-005-0007

From: Kathleen C. Howell, Assessor

Attached you will find all of the information from our office concerning the above referenced parcel. This property has been in greenbelt for many years and the parcel was divided and the name changed in 2012. The law requires when any change is made to the property the owner must reapply for greenbelt status. Greenbelt documents were mailed to Mr. Waite to reapply for greenbelt status. Mr. Waite filed the necessary papers at that time. They are all attached. The appraiser handling the change noted in the file that the property was in the CRP (crop reduction program), but it was going to be coming out. She made a note to visit the property in August of 2013 to make certain the property was being farmed. She inspected the property on 8/28/2013 and found that the property wasn't being farmed. She took the property out of greenbelt and mailed the rollback letter to Mr. Waite. The law requires that if the taxpayer doesn't agree with this action, the property owner should file an appeal within 30 days after the mailing of the rollback notice.

Mr. Waite was on a mission in Hawaii at the time, and upon receiving the rollback letter contacted Jack Nixon and asked him to contact our office and take care of things. We have no record of ever talking to Mr. Nixon about the property and the rollback was attached and property removed from the greenbelt.

Mr. Waite received a Truth and Taxation notice in July of 2014 showing that the property had been removed from greenbelt, but he merely looked at the value, and because it was the same as the prior year believed nothing had changed. He didn't file an appeal or address his concern to the Assessor's office until he received his tax notice the end of October 2014. That is when he contacted me and expressed concern.

Mr. Waite has provided additional documentation showing the land is still in the CRP. He is asking you to abate the rollback tax and allow the property back in greenbelt for the 2014 tax year. In order for the computer system to track the values of the property and be able to compute rollback properly if and

when the property is removed from greenbelt, I would recommend providing Mr. Waite with a corrected tax notice, rather than a cancellation of tax or rollback. The end result is the same to Mr. Waite, but by making the change in the computer the history of the parcel is tracked and handled properly.

I believe because the documentation Mr. Waite provided at the time of reapplication for greenbelt clearly stated it would remain in the CRP it should be considered an error on the part of the Assessor's office and Mr. Waite should not be penalized.

If you have any questions I am happy to address them.