

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
MAY 12, 2015**

**COUNTY COUNCIL MEETING
May 12, 2015**

<u>NATURE OR ORDER OF PROCEEDING</u>	<u>DATE</u>
BLACK AND WHITE DAYS – Richmond-Governor’s Visit.....	2,5
BOARD OF EQUALIZATION – Findings of Fact-IHC Logan Regional Hospital	3
BOOTH, MARTIN – Public Comment.....	4
BUDGET – Public Hearing Set–May 26, 2015-6:00 p.m.-Open 2015 Budget	3
CDBG SECOND PUBLIC HEARING	2
DISPOSITION OF REAL PROPERTY – Public Hearing-May 12, 2015-5:45 p.m.....	4
DIVISION OF WILDLIFE RESOURCES – Proposed Land Trade.....	2
ELECTED OFFICIAL DAYS – Lagoon-June 7-11, 2015	6
EMISSIONS PROGRAM – Public Hearing-May 12, 2015-5:30 p.m.-Proposed Changes to County	3
FIRE EXERCISES.....	1
GOVERNOR’S VISIT – Richmond Black & White Days.....	2
IHC LOGAN REGIONAL HOSPITAL – Findings of Fact	3
LAGOON DAY – Elected Official Days-Jun 7-11, 2015.....	6
LAND TRADE – Division of Wildlife Resources-Proposed	2
NIELSEN, DAVE – Public Comment	4
ORDINANCE REVIEW BOARD	1
PROCLAMATION – Law Enforcement Week/Peace Officers’ Memorial Day	2
PROPERTY TAX SETTLEMENT REQUEST	5
PUBLIC COMMENT – Booth, Martin	4
PUBLIC COMMENT – Nielsen, Dave.....	4
PUBLIC HEARING – May 12, 2015-5:30 p.m.-Proposed Changes to County Emissions Program	3
PUBLIC HEARING SET – May 26, 2015-6:00 p.m.-Open 2015 Budget	3
RAPZ/RESTAURANT TAX COMMITTEE – Recommendations of	4
TAX SALE – 2015-Notice of	5
USACCC SUMMER CONFERENCE	5
WARRANTS – 05-02-2015 to 05-08-2015.....	1
WEED CONTROL POLICY – 2015.....	5

**CACHE COUNTY COUNCIL MEETING
May 12, 2015**

The Cache County Council convened in a regular session on May 12, 2015 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Kathy Robison
Vice Chairman: G. Gregory Merrill
Council Members: David Erickson, Val Potter, Jon White, Cory Yeates & Gordon Zilles.
County Executive: Craig "W" Buttars
County Clerk/Auditor: Jill N. Zollinger
County Attorney: Lee Edwards

The following individuals were also in attendance: Janeen Allen, Troy Cooper, Steven Cox, Chris Dallin, Kim Datwyler, Justin Dolling, Josh Greer, Bruce Hall, Kyle Hansen, Wendi Hassan, Alton Hebdon, Sharon L. Hoth, Sheriff Chad Jensen, Grant Koford, Therese Meyer, Dave Nielsen, Jonathan Rash, Alan Robinson, Director Josh Runhaar, **Media:** Lis Fetty (Herald Journal), Jennie Christensen (KVNU).

Chairman Robison asked Vice Chair Merrill to conduct the meeting because she had laryngitis.

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member David Erickson gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Potter to approve the agenda with item 12d – *Property Tax Deferral Request* – deleted. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the April 28, 2015 Council meeting as written. Zilles seconded the motion. The vote was unanimous, 6-0. White absent.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the period 05-02-2015 to 05-08-2015 were given to the Clerk for filing.

OTHER ITEMS:

- Fire exercises at burn tower** – Executive Buttars received an invitation from Chief Hammer for the Council to participate in fire exercises at the burn tower on May 20, 2015.
- Ordinance Review Board** – Executive Buttars reported Attorney Lee Edwards has requested that the ordinance review board be activated to assure the County is consistent with state law as changes are made and brought to the Council.

Council member White arrived at the meeting.

- ☐ **Governor Herbert** will be visiting the Richmond Black and White Days and Lincoln Elementary School Friday, May 15, 2015.

ITEMS OF SPECIAL INTEREST

- **Proposed Land Trade – Division of Wildlife Resources (DWR)** – Justin Dolling, Regional Supervisor for DWR, said Bruce Hall has proposed a possible land trade of 1.45 acres of land along the Blacksmith Fork River near Hyrum for 40 acres of his land next to Hardware Ranch Wildlife Management Area. Hall would like to sell it to DWR and receive the 1.45 acres as part of his compensation. Dolling asked if the Council has any concerns about the proposal.

ACTION: Motion by Council member White to thank Dolling for his presentation with no comment from the Cache County Council. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING – CDBG SECOND PUBLIC HEARING: MAY 12, 2015 – 5:15 P.M. – Executive Buttars opened the CDBG Second Public Hearing noting its purpose is to allow all citizens the opportunity to provide input on 2015 Community Development Block Grants (CDBG) projects that were awarded. The county has amended its capital investment plan and decided to apply for funds on behalf of Neighborhood Nonprofit Housing.

<u>Entity requesting CDBG funding</u>	<u>Project</u>	<u>Amount</u>
Neighborhood Nonprofit Housing	Infrastructure to serve moderate income structures	\$100,000.00

Buttars said Neighborhood Nonprofit Housing’s CDBG project request was approved and they will receive \$100,000.00 to build infrastructure to serve moderate income housing development.

Executive Buttars invited Neighborhood Nonprofit Executive Director Kim Datwyler to explain the project to those in attendance. Datwyler said the project is on an 80-acre parcel southeast of Mountain Crest High School where housing for moderate income persons will be built through the organization’s self-help program. Datwyler expressed appreciation for the County’s sponsorship of the project.

Executive Buttars opened the Public Hearing and invited public comment. There was none.

Copies of the capital improvement list are on the Cache County website or by request.

ACTION: Motion by Council member Zilles to close the CDBG Second Public Hearing. Erickson seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- **Proclamation – Law Enforcement Week/Peace Officers’ Memorial Day** – Sheriff Chad Jensen explained that National Law Enforcement Memorial Week is to honor fallen law enforcement officers. Jensen asked the Council to adopt the proclamation for Cache County. The week began with a flag ceremony and Logan City held its Memorial Banquet

last night. Each morning at 9:00 a.m. the Sheriff's department will have a moment of silence to honor the four fallen Cache County deputies. The Cache County Law Enforcement Banquet will be held in the University Ballroom Wednesday, May 13, 2015 at 6:30 p.m. A closing flag ceremony will be at 5:00 p.m. on Friday, May 15, 2015.

Executive Buttars read the proclamation and Vice Chair Merrill stated his appreciation of Cache County law enforcement officers' dedication to the law and county citizens.

(Attachment 1)

ACTION: Motion by Council member Erickson to adopt the Proclamation designating May 15, 2015 as Peace Officers' Memorial Day, and the week of May 10-16, 2015 as National Law Enforcement Week. White seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

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

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Findings of Fact** IHC Logan Regional Hospital

(Attachment 2)

ACTION: Motion by Council member White to approve the Findings of Fact for IHC Logan Regional Hospital. Yeates seconded the motion. The vote was unanimous, 7-0.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PUBLIC HEARING SET: MAY 26, 2015-6:00 P.M.-OPEN 2015 BUDGET

ACTION: Motion by Council member Yeates to set a Public Hearing-May 26, 2015-6:30 p.m. to Open 2015 Budget. White seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING – MAY 12, 2015-5:30 P.M.-PROPOSED CHANGES TO COUNTY

EMISSIONS PROGRAM – Vice Chair Merrill asked Josh Greer, Bear River Health Department, to explain the changes.

Greer said the major changes are involving how waivers are issued. New wording allows for repairs to be done before the official test and still count towards the waiver. Greer believes this will better serve the public and still meet the needs and requirements of the emissions program.

Vice Chair Merrill asked what percentage of vehicles pass the first time. Greer said 85% pass the first time and the majority of those returning a second time pass. Tail pipe testing has about a 78% pass rate the first time.

Vice Chair Merrill opened the Public Hearing and invited public comment.

Martin Booth asked for an explanation of the waivers and what is meant by people being proactive. The waiver process was explained and proactive refers to citizens who believe their vehicle will not pass emissions testing and take the vehicle in for repairs before the test. Those repairs will now count toward the waiver requirements.

Booth also asked why the county chose to impose the cost of emission testing equipment on individual shops. Why not have emission testing locations in the north and south ends of the valley run by the county? Council member White replied their choice was to leave it up to free enterprise. Shop owners could choose whether to purchase the equipment and become an emissions testing site. Council member Potter added the county did not want to create a bureaucracy with county or state operated inspection sites. Potter also reminded Booth that the county was forced to institute vehicle emissions testing by the State DAQ and the EPA. Failure to do so would have prompted penalties of approximately \$50,000.00 a day to the county and cutting of all federal transportation funding to the state.

There was no other public comment.

ACTION: Motion by Council member Yeates to close the Public Hearing-May 12, 2015-5:30 p.m.-Proposed Changes to County Emissions Program. White seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING – MAY 12, 2015-5:45 P.M.-DISPOSITION OF REAL PROPERTY – Executive Buttars stated that an individual wants to purchase 1.6 acres of county-owned property adjacent to his property. It is also adjacent to three other property owners and a road bisects the property. Buttars asked Attorney Edwards to explain the process for disposal of real property by the county.

Attorney Edwards explained that in this case the county must first declare the property as surplus property and authorize the County Executive to dispose of the property and the disposition must be approved by the Council by resolution with reasonable notice given at least 14 days before the disposition. Disposition of the property will not vacate any county right-of-way (road).

Director Runhaar pointed out that the property is located in Clarkston. Runhaar also stated a series of boundary adjustments may be the best solution.

Vice Chair Merrill opened the Public Hearing and invited public comment.

Dave Nielsen asked if the value of the parcel has been determined. Executive Buttars said it has not; however, fair market value is required.

There was no other public comment.

ACTION: Motion by Council member Zilles to close the Public Hearing-May 12, 2015-5:45 p.m.-Disposition of Real Property. Yeates seconded the motion. The vote was unanimous, 7-0

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Recommendations of Restaurant/RAPZ Tax Committee** – Vice Chair Merrill observed that there was over \$2 million of Restaurant/RAPZ Tax money available and requests were for over \$4 million. The recommendations of the Committee after review and scoring of the requests is presented for the Council's review.

Council member Potter remarked that due to the Governor's request to cut and conserve water in this exceptionally low-water year, requests for splash pads were not considered.

Wendi Hassan, CVCA, thanked the Council for any support awarded.

Vice Chair Merrill interjected that as he goes around the county, he is always impressed with the number of places/programs funded in part or whole by RAPZ/Restaurant Tax.

Council member White agreed the funding is especially helpful to small communities.

Applicants will be informed of the recommended allocations and those recommendations will be on the May 26, 2015 Council agenda for approval.

- **2015 Weed Control Policy** – Director Josh Runhaar referred the Council to additions which update the fee schedule and require organic farms to provide buffer areas in keeping with county and state codes.

Council member Potter left the meeting at 6:27 p.m.

- **2015 Notice of Tax Sale** – Clerk/Auditor Jill Zollinger reported there are five parcels on the May 29, 2015 tax sale. Three of the parcels will be addressed in the next agenda item – *Property Tax Settlement Request* – and, depending on the Council's action, may be removed from the tax sale list. *(Details are on file in the office of the Cache County Clerk/Auditor.)*
- **Property Tax Settlement Request** – Clerk/Auditor Zollinger explained that these three parcels, owned by the same individual, were before the Council as deferral requests two weeks ago. Those requests were denied and the request is now for a settlement – full payment of taxes due with penalties and interest waived. *(Details are on file in the office of the Cache County Clerk/Auditor.)*

Executive Buttars added the property owner spoke with him today and has the money to pay, if approved. Payment must be received before May 29, 2015. Buttars recommends approval.

Council members noted these parcels have been in arrears for several years.

ACTION: Motion by Council member Yeates to waive the interest and penalties as requested with full payment of taxes on three parcels (0041, 0043, 0044) to Cache County on or before May 28, 2015. White seconded the motion. The motion passed, 5 aye – Merrill, Robison, White, Yeates & Zilles and 1 nay – Erickson. Potter absent.

Council member Potter returned to the meeting at 6:36 p.m.

OTHER BUSINESS

- ✓ **Black & White Days Parade – Saturday, May 16, 2016 at 5:00 p.m.** – Buttars, Erickson, Merrill Potter and Zilles will attend and will meet at State Street and 400 South.
- ✓ **2015 USACCC Summer Conference** – Friday, June 19, 2015 at the Riverwoods Conference Center.

COUNCIL MEMBER REPORTS

Cory Yeates received good general information at UAC on the state's efforts to try to secure federal lands back to the states. There was a great deal of discussion about gas tax and its effects on counties. Cache County should see at least a 20% bump in initial B & C road funds from the state.

Jon White thanked the RAPZ Committee for their time and effort.

Gordon Zilles reported that the Victims' Advocacy Council he attended was time well spent and praised the program.

Val Potter thanked Merrill for his email comments on Davenport Road.

David Erickson did a "ride-along" with a Deputy Sheriff from 8:00 p.m. to 1:00 a.m. and was impressed with what officers do.

Greg Merrill referred the Council to his email listing questions on the Davenport Road issue he would like addressed.

Executive Buttars remarked that the recently passed legislation which takes away a minor's right to waive his/her right to an attorney is being interpreted by some judges as meaning that an attorney is even needed for curfew cases. Buttars said they are currently working with those judges on the interpretation of the law. The Justice Reinvestment Act – lowering of drug offenses to misdemeanors – will need a county match of funds.

Executive Buttars reminded the Council of the Utah Trust hot dog/ice cream social on May 22, 2015. Council members are needed to serve beginning at 11:30 a.m.

Janeen Allen announced that Elected Official Days at Lagoon will be June 7-11, 2015.

ADJOURNMENT

The Council meeting adjourned at 6:55 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Vice Chair



PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15, 2015 as Peace Officers' Memorial Day, and the week of May 10 – 16, 2015 as National Law Enforcement Week; and

WHEREAS, the members of the Cache County Sheriff's Office play an essential role in safeguarding the rights and freedoms of Cache County; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Cache County Sheriff's Office unceasingly provide a vital public service;

NOW THEREFORE, in recognition of all law enforcement officers and in particular the men and women in the Cache County Sheriff's Office, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaim the week of May 10 through May 16, 2015 as

LAW ENFORCEMENT WEEK

and call upon all citizens of Cache County and all patriotic, civic and educational organizations to observe this week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens,

and Friday, May 15, 2015 as

PEACE OFFICERS' MEMORIAL DAY

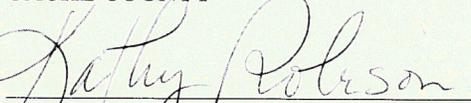
and further call upon all citizens of Cache County to honor those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, as Chair of the County Council and County Executive, we have hereunto set our hand this 12th day of May, 2015.

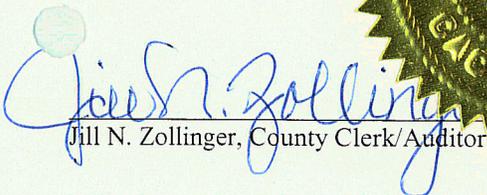
Attest:



CACHE COUNTY


Kathy Robison, Council Chair


Craig W Buttars, County Executive


Jill N. Zollinger, County Clerk/Auditor

**BEFORE THE BOARD OF EQUALIZATION
OF CACHE COUNTY**

RE: Application for Property Tax Exemption
of
IHC HEALTH SERVICES, INC.
for
LOGAN REGIONAL HOSPITAL

FINDINGS AND DETERMINATION
FOR TAX YEAR 2015

FINDINGS AND DETERMINATION FOR TAX YEAR 2015

This matter came before the Board of Equalization of Cache County on March 30, 2015 on the verified application for property tax exemption submitted by IHC HEALTH SERVICES, INC., (IHC) for the LOGAN REGIONAL HOSPITAL (LRH).

FINDINGS

Based upon the verified application, supplemental documentation, and matters presented to the Board of Equalization at the hearing on March 30, 2015, the Board of Equalization finds that:

1. IHC is the owner of record of the LRH which is located on the real property described in the attachment "Exhibit A" Real Property Schedule. *Supplementary information submitted by IHC:*

- "2015 Fleet Inventory" listing vehicles owned by the Logan Regional Hospital*
- "2015 Charity Plan" USTC Nonprofit Hospital Standards and IHC application of same*
- "List of Tenants"*
- "List of Personal Property"*
- "List of Current Personal Property Accounts"*

2. On March 30, 2015, Board of Equalization member, Val K. Potter met with IHC representatives, Kyle Hansen, CEO/Administrator, Chris Dallin, Director of Communications/Government Affairs, and Alan Robinson, Finance Director at LRH. Also attending were County Assessor, Kathleen Howell and Deputy Auditor Dianna Schaeffer. The hospital representatives gave a short presentation, after which additional documentation was requested by Howell and Schaeffer regarding:

- Revise real property to reflect New Budge Building at 75% taxable
- Provide a list of all tenants
- Tie Schedule B personal property to a physical location and resubmit
- Submit accounting data for LRH substantiating local "gift" of over \$1.5 million

3. The relevant laws, rules, and standards for determining exemption status of non-profits include:

- Utah Code Annotated 59-2-1101 and 59-2-1102
- Utah Administrative Code R884-24P-35 Annual Statement for Certain Exempt Uses of Property
- Utah State Tax Commission (USTC) Standard 2.18 Filing Annual Signed Statement
- USTC Appendix 2D Nonprofit Hospital & Nursing Home Charitable Property Tax Exemption Standards

These regulations are not mutually exclusive. According to USTC Standard 2.18 and Administrative Code R884-24P-35 the applicant must annually submit "any other information the county may require." In addition, the last paragraph of Appendix 2D Nonprofit Standard V states:

"Institutions seeking exemption are required to show: (a) accounting data establishing the amount and value of unreimbursed care to medically indigent persons, and subsidized patients; (b) accounting data establishing unreimbursed value of community education and service programs, including research and professional

education programs; (c) accounting data establishing the amount and uses of volunteer time and donated funds, and (d) descriptions of intangible or unquantifiable community gifts.”

It is recommended that the requested exemption be granted to the applicant for the tax year 2015 on the basis that IHC/LRH property qualifies under USTC Appendix 2D Nonprofit Hospital and Nursing Home Charitable Property Tax Exemption Standards, and they have provided some accounting data to substantiate the local gift to the community that Howell estimates is well over \$1.5 million.

4. The total market value is disclosed on the parent parcel (historical parcel number) marked 100% tax exempt. But we recognize that there are for-profit activities performed on the hospital campus and these taxable market values have been determined based on the annual statement for continued tax exemption provided from IHC and LRH. These for-profit activities have been reported on a shadow parcel number.

5. Personal property details submitted to the County Assessor on April 27, 2015 will also be exempted.

6. The Board of Equalization, in a public meeting held May 12, 2015, upon lawful notice, met and reviewed the requests for tax exemption as contained in these findings and supporting documentation.

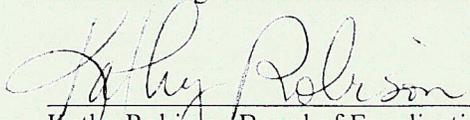
DETERMINATION

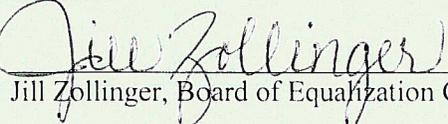
The Board of Equalization of Cache County, Utah, determines that IHC/ LRH is eligible for an exemption from property taxes for portions of the real property described in the attachments, the personal property filed separately, and vehicles listed herein for the tax year 2015.

The foregoing findings were discussed and voted on by the following members of the Board of Equalization on May 12, 2015.

COUNCIL MEMBER	APPROVE	DENY	ABSENT/ABSTAIN
Kathy Robison	X		
Val K. Potter	X		
David Erickson	X		
Greg Merrill	X		
Jon White	X		
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved denied as written this 12th day of May, 2015.


Kathy Robison, Board of Equalization Chair

Attested:

Jill Zollinger, Board of Equalization Clerk

