

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
JANUARY 26, 2016**

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January 26, 2016**

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CACHE COUNTY COUNCIL MEETING
January 26, 2016

The Cache County Council convened in a regular session on January 26, 2016 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: G. Gregory Merrill
Vice Chairman: David Erickson
Council Members: Val Potter, Kathy Robison, Jon White, & Gordon Zilles.
Cory Yeates absent.
County Executive: Craig "W" Buttars
County Clerk/Auditor: Sharon L. Hoth (**Jill N. Zollinger absent**)
County Attorney: James Swink

The following individuals were also in attendance: Russ Akina, Janeen Allen, Dennis Andersen, Chad Booth, Attorney Lee Edwards, Jeremiah Esplin, Chris Harrild, Lee Ivie, Sheriff Chad Jensen, Director Bartt Nelson, Dave Nielsen, Savannah Perkins, Director Josh Runhaar, Glen Thornley, Director Cory Wood, **Media:** Clayton Gefre (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Vice Chair Erickson gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

Chairman Merrill asked to add Item 4a – *Follow-up to previous Council meeting* – to the agenda.

ACTION: Motion by Council member Potter to approve the agenda as amended. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the January 12, 2016 Council Meeting. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Chairman Merrill noted that Roberts Rules of Order will be followed in the future and if there are no corrections or additions to the minutes, they may be approved without a motion or vote.

FOLLOW-UP ITEMS FROM PREVIOUS COUNCIL MEETING

Chairman Merrill asked who will be appointed to the Public Relations Committee. Executive Buttars replied that Chairman Merrill and Council member Robison will be on the Committee and he will bring additional names to the next Council meeting for approval.

Chairman Merrill indicated that an item for discussion on the February 9, 2016 Council meeting agenda will be whether interns will be of benefit to some county offices/departments. Director Cory Wood will make the presentation.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

<u>APPOINTMENTS:</u>	Sean Dustin Marshall	Deputy County Attorney Special Investigator
	Phillip K. Olsen	Cache County Planning Commission
	Rob Smith	Cache County Planning Commission
	Mayor Thomas Bailey	Solid Waste Advisory Board
	Lloyd Berentzen	Solid Waste Advisory Board
	James Brackner	Solid Waste Advisory Board
	Craig W. Buttars	Solid Waste Advisory Board
	Mayor Kendon Godfrey	Solid Waste Advisory Board
	Issa Hamud	Solid Waste Advisory Board
	Mayor Craig Petersen	Solid Waste Advisory Board
	Mayor Darrell Simmons	Solid Waste Advisory Board
	Jon White	Solid Waste Advisory Board

ACTION: Motion by Council member White to approve the recommended appointments. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

WARRANTS: Warrants for the periods 12-24-2015 to 12-31-2015, 01-01-2016 to 01-08-2016, and 01-09-2016 to 01-15-2016 were given to the Clerk for filing.

OTHER ITEMS:

- UAC Urban Caucus Meeting** was held in Salt Lake County and Executive Buttars attended. The Governor and Lieutenant Governor were in attendance as well. Bylaw items are being considered. Membership is not exclusive and one can still be involved in rural or suburban caucuses. A written request from the county's governing body or Executive is needed for membership. Buttars feels this is a valuable opportunity for Cache County involvement.

(Attachment 1)

- UAC Board Membership** – Adam Trupp told Executive Buttars that UAC still hasn't determined the source they will use to meet the 100,000 county population threshold for a county to have two board members. Once this is determined they will consider Cache County's recommendations of David Erickson and Gordon Zilles for members and they will be notified of the Board's meetings.
- Sales Tax Report** – Executive Buttars reviewed the 4th Quarter Sales Tax Report and commented on significant increases in all funds.

(Attachment 2)

- Internships** – Human Resources Director Cory Wood will report on this issue at the February 9, 2016 Council meeting. Buttars believes the conclusion will be that it is not in the best interests of the County to use unpaid interns because of legal issues.
- BRAG Meeting** with the Governor on Friday, January 29, 2016. Buttars distributed a list of possible topics for discussion with the Governor including: Bear River

Development Pipeline, County Resource Management Planning, Regional Connectivity and Transportation Corridors, Transportation and Trails, Employment and Economic Growth, and Air Quality.

- ❑ **Logan City Meeting** –Executive Buttars and Bob Fotheringham met with Logan Mayor Petersen and staff to discuss the proposed Water Conservancy District. Logan City recommends Attorney Kymber Housley as a member of the Working Group for the Conservancy District. The Group’s first meeting will be Monday, February 1, 2016 at 2:00 p.m.
- ❑ **Sites for Future Businesses Tour** – Executive Buttars was a sponsor and presented information on Cache County and will email the site selectors the link for the “*Logan - On the Edge*” video. Jeff Edwards and J. Kevin Bischoff, EDC (Economic Development Corporation of Utah), both made favorable comments about Cache County.
- ❑ **Economic Development Summit** – Buttars would like to have an economic development summit where Cache County would interact with the cities, university, Chamber of Commerce, Downtown Alliance, etc. These entities could “piggyback” on one another’s efforts and develop a more synergistic relationship. Thus, making sure that money spent for economic development is spent where it is the most beneficial to the county.
- ❑ **County Special Investigator** – Council member Zilles asked that Attorney Sean Dustin Marshall be invited to the next Council meeting to introduce himself to the Council.

CONSENT AGENDA

- ◇ **Victor Israelsen Subdivision 1st Amendment** – Request to add an additional buildable lot to an existing 1-lot subdivision located on 38.01 acres at 1795 South 2400 West, west of Logan in the Agricultural (A10) Zone – Chris Harrild stated staff recommends approval with the five conditions of approval as listed on the attached Staff Report.

(Attachment 3)

ACTION: Chairman Merrill explained that with no objections to the Consent Agenda item-*Victor Israelsen Subdivision 1st Amendment*-it may be approved without a vote. There were no objections and the item is approved.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: January 26, 2016-5:30 p.m.-Resolution No. 2016-01-Declaration and Disposition of Surplus Property – Chairman Merrill opened the Public Hearing and invited Director Runhaar to explain the Resolution. Runhaar remarked this is a 16 ½ x 300 feet property that was deeded to the county years ago and the landowner has agreed to take it back.

There was no public comment.

ACTION: Motion by Council member White to close the Public Hearing-January 26, 2016-5:30 p.m.-Resolution No. 2016-01-Declaration and Disposition of Surplus Property. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: February 9, 2016-6:00 p.m.-Open 2016 Budget

ACTION: Motion by Council member Potter to set a Public Hearing-February 9, 2016-6:00 p.m.-Open 2016 Budget. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: February 9, 2016-5:30 p.m.- Whittier Rezone-A Request for the rezone of 5 acres from the Agricultural (A10) Zone to the Rural (RU2) Zone, located at 580 South 3200 West, west of Logan

ACTION: Motion by Council member White to set a Public Hearing-February 9, 2016-5:30 p.m.-Whittier Rezone. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

ITEMS OF SPECIAL INTEREST

- **County Seat Television Program – Chad Booth** reported that twenty-four counties are participating with sponsorships this year and are broadcasting twice a week – the usual Sunday morning spot and Saturday at 11:00 p.m. Booth asked Cache County to consider being a sponsor. Booth said he never hears from anyone on the Council on issues they would like to see addressed. Executive Buttars asked if the County Seat Program is willing to do a segment on water conservancy districts and how one can benefit Cache County. Booth said definitely. The first part of April would be a prime time to air the segment. The cost is negotiable. Booth will be meeting with the Governor soon and asked if Council members had any issue they would like to bring to his attention. Council member Potter suggested transportation and the proposed amendment to sales tax distribution for transportation needs. Chairman Merrill thanked Booth for his attendance and information.
- **Report and Information on Public Promotion Legal Issues – Lee Edwards** shared a handout listing “cans” and “cannots” on public officials’ involvement during ballot proposition elections. Executive Buttars asked at what point is the ballot proposition considered on the ballot. Edwards responded once the proposition is approved by the Council for inclusion on the ballot. Chairman Merrill asked when that should occur. Buttars said the deadline for inclusion on the ballot is in August. In response to questions about the funds set aside for public information about the water conservancy district, Buttars said it will be used in the process of getting the working group together and reviewing bylaws, etc. Once it is officially on the ballot the county can only provide information. Chairman Merrill asked the County Attorney to make sure that whatever the county does is proper and legal.

(Attachment 4)

UNIT OR COMMITTEE REPORTS

- * **Airport – Lee Ivie, Airport Manager** presented a powerpoint on the economic impact of the Logan-Cache Airport including:
 - Employees
 - Contracted services
 - Jobs directly based at the airport
 - Corporate jets based at airport
 - Property taxes collected on hangars
 - Land leases, miscellaneous fees
 - Charter services
 - Fuel sales
 - Corporate users from out of town
 - Local corporate users
 - Tracking IFR (Instrument Flight Rules) flights
 - Military aircraft
 - Traffic counts

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2016-01 – Authorizing Conveyance of Real Property**

(Attachment 5)

ACTION: Motion by Council member Potter to waive the rules and approve Resolution No. 2016-01-Authorizing Conveyance of Real Property. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Esplin Andersen Subdivision – Request for a 2-lot subdivision on 5 acres located at 4560 North 400 West, west of Smithfield in the Agricultural (A10) Zone** – Chris Harrild reviewed the staff report's recommendation for approval based on the Conditions of Approval (see attachment).

(Attachment 6)

ACTION: Motion by Vice Chair Erickson to approve the subdivision with the Findings of Fact and Conditions of Approval from Development Services. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Update and Request for Extension of Logan City RAPZ Projects** – Russ Akina explained the reasons for the extension requests. Council member Potter asked if the property owners' concerns concerning the Canyon Road Trail might prevent this project from being completed. Akina said he does not anticipate that.

Vice Chair Erickson observed that when entities are submitting RAPZ funding requests for large projects, they should state if they think any might be a three-year project and/or do the project in phases. Executive Buttars will have Finance Director Jensen give a report on RAPZ projects that should have been completed at the February 9, 2016 Council meeting.

Vice Chair Erickson expressed a desire to wait until Director Jensen's report before acting on Logan's request.

(Attachment 7)

ACTION: Motion by Council member Potter to approve Logan City's request for extension of Logan City RAPZ projects. Zilles seconded the motion. The motion passed, 5 aye – Merrill, Potter, Robison, White & Zilles and 1 nay – Erickson. Yeates absent.

- **Discussion: Building Inspections for Smithfield City** – Director Runhaar stated that Smithfield City's one and only building inspector is retiring in March and the City has asked Cache County to take over inspections for them and Smithfield will receive 20% of the inspection fees. The problem a city has with a single inspector is that when he/she is at training, no inspections can be accomplished. Additionally, commercial and residential inspections require different certifications. If the county agrees, an interlocal agreement will be submitted for the Council's approval and another county building inspector will be needed. Runhaar reported that Smithfield receives about \$190,000.00 a year in building inspection fees. The cost to the county for another inspector will be \$60,000.00 a year. Runhaar asked for the Council's approval for Cache County to do building inspections for Smithfield as well as approval for the additional inspector position for the county.

ACTION: Motion by Council member White to approve Smithfield City's request for Cache County to take over their building inspections and to approve an additional building inspector position for Cache County. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Update on New Development and County Roads** – Director Runhaar referred the Council to Resolution No. 2015-20-A Resolution Outlining the County Council's Policy Regarding the Expansion or Continuation of Services on County Roads- which basically put a hold on expansion of roads until revenues and maintenance problems are resolved. Runhaar reviewed current standards on gravel roads and paved roads. A road standards update is in process and a county general plan is slated to start in 2016. The transportation and land use sections of the general plan will impact roads.

Executive Butters left the meeting at 7:38 p.m.

In an attempt to improve efficiencies on existing roads Runhaar said the old standard practice of spreading sand, crushed grit and salt on the roads to melt ice and snow has been changed to a mixture of Blue Ice Kicker and salt. This should be more effective because it sticks to the road better, activates faster and is effective at lower temperatures than the old standard mix. Clean up in the spring is quicker and less costly.

The county has two options if it chooses to expand services by allowing development to occur where services do not already exist. Diminish what the

county is doing on existing roads or trade out one road for another. Saying no is never preferred but sometimes required

OTHER BUSINESS

- ✓ **County Legislature Day – January 29, 2016**
- ✓ **Meetings with Legislators during 2016 Legislative Session** – Saturdays from 7:30 a.m.-9:00 a.m. beginning January 30, 2016 and running through March 5, 2016-Cache County Administration
- ✓ **Attorney General Sean Reyes** Meeting –February 17, 2016 - 1:00 p.m. with the Executive and Council in the Cache County Historic Courthouse.
- ✓ **Shooting of Law Enforcement Officer** – Chairman Merrill asked Sheriff Chad Jensen to comment on the funeral for Officer Barney who was killed in the line of duty. Sheriff Jensen said he was amazed to see the support. There were probably over 2,000 law enforcement officers from all over the country and France and England. Barney's wife spoke and Sheriff Jensen was impressed when she said, "You've heard it said the badge makes you one. I understand it now – you have to be one to do this job. You have to mourn together to perform together." The officer who carries the honor flag has done hundreds of law enforcement funerals around the country and has never seen the level of community support he saw at Barney's funeral in West Valley City.

Chairman Merrill asked those present to observe a minute of silence in honor of officers who have lost their lives serving us.

Chairman Merrill thanked those present for their reverence and respect.

COUNCIL MEMBER REPORTS

There were no reports.

ADJOURNMENT

The Council meeting adjourned at 7:55 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chair

UAC URBAN COUNTIES CAUCUS

Overall Role and Purpose

The Utah Association of Counties Urban Counties Caucus is responsible to advance the interests of the people who live in the urban counties of Utah.

Key Responsibilities

The Urban Counties Caucus's specific responsibilities include:

- Forming an urban county organization with UAC staff assistance for the purpose of developing proposed modifications to the organization and operation of the Utah Association of Counties that will make it an effective voice for urban counties.
- Developing a consensus among member counties on State legislative issues.
- Articulating and advocating policy on issues of concern to urban county populations and governments.
- Gathering and reporting to urban counties information on legislative, executive, and administrative actions at the state and federal levels.
- Assisting urban counties in implementing new laws and regulations.
- Promoting communication and harmony between urban counties in areas of common concern, namely: economic development, health, justice, resilience, technology, transportation, and infrastructure.
- Selecting a caucus chair to lead the group.
- Selecting a governing board.

Meetings

The caucus shall meet at least three (3) times a year, or when necessary at the call of the caucus chairperson. Meeting dates and times should be specified at the beginning of the calendar year. The general schedule shall be as follows:

- February: in-person meeting to receive a legislative update and to advocate on issues of concern to urban county populations and governments.
- June: in-person meeting to discuss areas of common concern, including: economic development, health, justice resilience, technology, transportation, and infrastructure.
- September Board Meeting: The Caucus shall meet to set Legislative priorities for the coming year and to set long-range plans for becoming a voice for urban counties.

Special meetings of the caucus may be called by the Chair if the members have been notified by e-mail, or mail of the time, place, and purpose of such a meeting at least three days prior to such a meeting. No business may be conducted at a special meeting except as stated in such notice.

Members

Any county designated as containing "urban" areas by the Utah State Association of County Commissions and Councils may become a member of the Caucus upon written request by the county's commission, council, or Executive.

The Governing Board shall be composed of one elected representative from each county commission or council and at least one county executive maintaining the membership of its supervisors in the Caucus. Each representative shall be a member of the county board and shall be selected by that board at the beginning of the calendar year.

Reports

The committee shall submit the association a report on legislative priorities as well as areas of focus.

SALES TAX REPORT

FOR THE 4th QUARTER OF 2015

Fund	Budget	Received*	Still Needed / (Surplus)	Projected Revenue	Projected Surplus/(Deficit)
General	\$4,550,290	4,155,322	\$394,968	\$4,653,216	\$102,926
Municipal Services	780,815	715,953	64,862	800,842	20,027
Restaurant Tax	1,328,693	1,224,918	103,775	1,374,768	46,075
RAPZ Tax	1,323,455	1,228,855	94,600	1,382,289	58,834
Capital Projects - CCCOG	3,334,196	3,069,914	264,282	3,453,222	119,026
Visitors Bureau	450,000	497,895	(47,895)	531,371	81,371
Total Sales Taxes	\$11,767,449	\$10,892,856	\$874,593	\$12,195,707	\$428,258

*December sales tax amounts have not yet been received. Analysis is as of November.

General Fund

Year-to-date totals as of November are record setting, with nearly \$4.16 million collected. The total projection for the year is more than \$4.65 million, or a 5.1% increase over last year. This amount is almost \$103 thousand more than the budget. Since 2010 sales tax figures for the general fund have increased by more than \$935 thousand annually, or an increase of 25.2%. These funds are derived 50% point of sale and 50% based on a state reallocation formula as determined by the state tax commission.

Municipal Services Fund

Sales taxes generated from the unincorporated areas of the county recorded a fairly average month in November, totaling \$58,588. Year-to-date figures, however, are the strongest since 2010, amounting to nearly \$716 thousand. The total projection for the year is nearly \$801 thousand, or a 2.3% increase over last year. This amount exceeds the budget by more than \$20 thousand.

Restaurant Tax Fund

Taxes collected for November are \$93,528 and are more than \$1.22 million year-to-date. Total projections for the year are nearly \$1.38 million, or a 7.8% increase over last year. The projected surplus over the budget is more than \$46 thousand. This tax is a 1% tax on restaurant sales.

RAPZ Tax Fund

Taxes collected for November are \$113,181 and are nearly \$1.23 million year-to-date. Total projections for the year are more than \$1.38 million, or an 8.4% increase over last year. The projected surplus over the budget is almost \$59 thousand. This tax is a 0.1% sales tax (1 cent on every \$10 spent).

Capital Projects – CCCOG Fund

Sales tax for transportation projects is experiencing its strongest year on record. November's total collection is \$283,045 and the year-to-date amount is nearly \$3.07 million. The annual projection amounts to more than \$3.45 million, or an 8.2% increase over last year, with a projected surplus of more than \$119 thousand. Sales tax figures for the CCCOG Fund have increased by more than \$654 thousand annually, or an increase of 23.4%, since 2010.

Visitors Bureau Fund

The transient room tax has seen a significant increase this year. The annual projection for this year is over \$531 thousand, or an 18.9% increase over last year. The year-to-date amount as of November of nearly \$498 thousand is higher than the annual totals for all prior years. Sales tax figures for the Visitors Bureau Fund have increased by more than \$190 thousand annually, or an increase of 56.0%, since 2010. The projected surplus is over \$81 thousand.

STAFF REPORT: VICTOR ISRAELSEN SUBDIVISION 1ST AMENDMENT

07 January 2016

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Andrew Israelsen

Parcel ID#: 11-028-0025

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Chris Harrild - Senior Planner

Project Address:

~1795 North 2400 West

West of Logan

Current Zoning:

Agricultural (A10)

Acres: 38.01

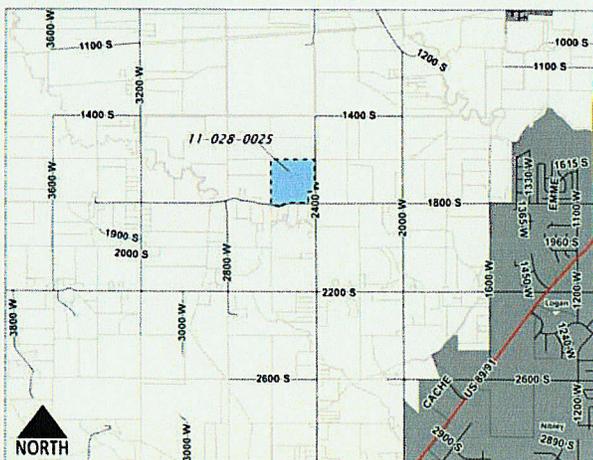
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review and make a recommendation to the County Council regarding the proposed amendment to the Victor Israelsen Subdivision.

Ordinance:

As per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, this proposed subdivision qualifies for a development density of one (1) unit per ten (10) acres.

Summary:

This subdivision was created via CUP in 1986. It currently consists of one parcel with an existing dwelling and an agricultural parcel. The intent of this proposal is to divide an additional buildable lot from the existing agricultural parcel with access to the new parcel from 1800 South.

Access:

- The current Cache County Manual of Roadway Design and Construction Standards §2.5 specifies that:
 - ▶ Roads serving more than three dwellings must meet the minimum standard of a 22' wide paved surface with 1' wide gravel shoulders.
 - ▶ Roads serving 3 or fewer dwellings must meet the minimum standard of a 20' wide gravel surface; a 2' wide gravel shoulder may also be required.
- Access to the proposed lot is from county road West 1800 South; the county performs winter maintenance on this road.
- West 1800 South meets and/or exceeds the county minimum standard. At this location the county road currently serves more than 3 dwellings, provides farm access, and has an average paved width of 21.5', with 1.5' wide gravel shoulders.
- Staff recommends that a design exception be granted for the substandard portions of West 1800 South as the total road width exceeds the minimum standard.

Water & Septic:

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for both building lots within the proposed subdivision.
- The proposed lot is feasible for an on-site septic tank system.

Service Provision:

- The residents shall provide sufficient shoulder space on West 1800 South for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane for Monday collection.
- A school bus stop is located at 2400 West 1800 South at the southeast corner of the proposed subdivision.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- Access for emergency services is adequate. Water supply will be provided by the Logan City Fire Department.

Public Comment:

Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

STAFF DETERMINATION AND FINDINGS OF FACT (5)

It is staff's determination that the Victor Israelsen Subdivision 1st Amendment, on parcel 11-028-0025 located at approximately 1795 North 2400 West, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Victor Israelsen Subdivision 1st Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Victor Israelsen Subdivision 1st Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Victor Israelsen Subdivision 1st Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.

4. The Victor Israelsen Subdivision 1st Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. A design exception is hereby granted for the substandard portions of West 1800 South as the total road width exceeds the minimum standard.

CONDITIONS OF APPROVAL (5)

The following conditions must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation, adequate, approved, domestic water rights shall be in place for all building lots within the subdivision.
3. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.
4. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way.
5. The proponent shall provide sufficient shoulder space on West 1800 South for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.

Public Official Involvement During Ballot Proposition Elections

County Officials Can:

- Provide a “brief statement” about the public entity’s position and the reason for that position.
- Public official can advocate for or against a ballot proposition and may speak, contribute personal money, or otherwise exercise his/her First Amendment rights independent of the public entity and without using public funds or resources.
- Provide factual information and equal access.
- Encourage voters to vote.

County Officials Cannot:

- Cannot use public funds to influence the ballot proposition.
- Use the email of a public entity to send an email to advocate for or against a ballot proposition.

**CACHE COUNTY
RESOLUTION 2016-01**

A RESOLUTION AUTHORIZING CONVEYANCE OF REAL PROPERTY

WHEREAS the Cache County owns a small piece of real property identified by tax id number 10-043-0023 and Cache County does not have a current or future interest in this real property; and

WHEREAS the County Executive intends to execute a quit claim deed conveying all right, title and interest in the real property described in this resolution and attached as Exhibit A to an adjoining property owner; and

WHEREAS, Utah Code Ann. Section 17-50-312 provides that the county legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of and requires the County to provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment and allow an opportunity for public comment on the proposed disposition; and

WHEREAS, prior to the disposition said Property, Cache County Ordinance 3.40.010 requires the Cache County Council to declare said property as "Surplus Property"; and

WHEREAS Cache County Ordinances 3.40.020 and 3.40.040 establish the procedures and protocols that must be followed prior to declaring the property as "Surplus Property" before it can be conveyed; and

WHEREAS the Cache County Council must hold a public hearing before it can be disposed of by conveyance to Suzanne Mitton; now

THEREFORE, the Cache County Council finds as follows:

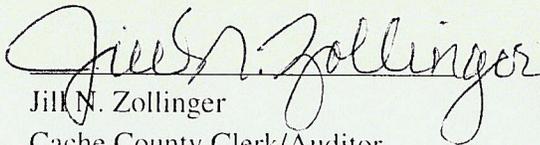
1. That it is in the public interest that the subject real property be disposed of as surplus property. In determining whether the property shall be declared surplus, the County Council has taken into consideration:
 - a. Whether the county has, or anticipates that it will have, no practical, economical, efficient or appropriate use for the property currently or in the reasonably foreseeable future.
 - b. Whether the purpose served by the property can be better accomplished by other alternatives or property.
 - c. Whether the purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the county council.

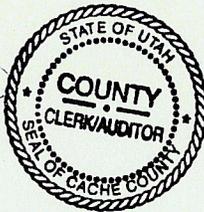
- d. Whether the property is so damaged, depreciated or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive or impractical.
- e. Whether the purposes and interests of the county would be better served by the declaration of the property as surplus and the disposition of that property.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" shall be declared surplus, and that such surplus property may be disposed of by the County Executive by executing an appropriate deed to Suzanne Mitton. This resolution takes effect immediately upon adoption.

Dated this 26th day of January 2016.

ATTESTED TO:


Jill N. Zollinger
Cache County Clerk/Auditor



CACHE COUNTY COUNCIL

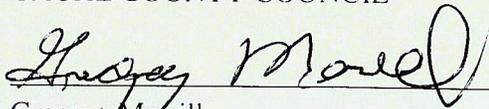
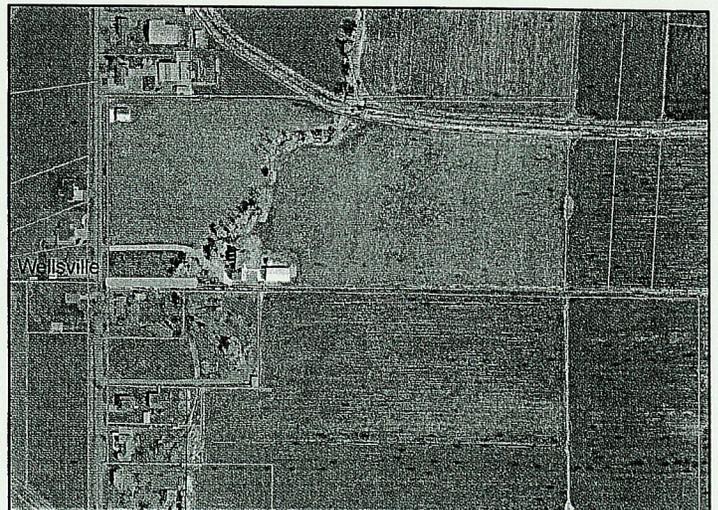
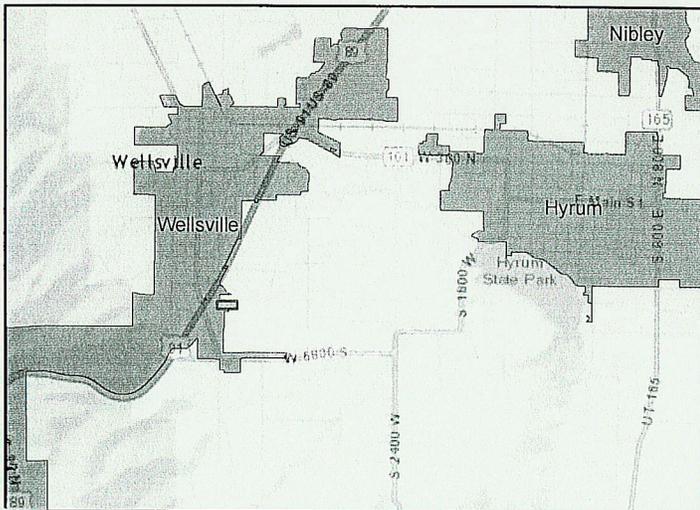

Gregory Mettrill
Council Chair



Exhibit A

BEG 2 RDS E OF SW COR NW/4 SW/4 SEC 11 T 10N R 1W & TH E 300 FT TH N 16 FT TH W 300 FT TH S 16 FT TO BEG
 CONT 0.11 AC



Summary:

This request intends to divide the 1970 parcel 04-013-0001 into two (2) developable lots. This request originated through county enforcement action regarding a vehicle repair business, Trail Riders Repair, that was operating without license or approval. Said business was operating from what was permitted as an agricultural structure on the north half of the property. If the subdivision is approved, it is the stated intent of Mr. Esplin, the operator of said business, to then pursue a rezone of the northern parcel, Lot 1. This type of use is permitted as a conditional use in both the Commercial and Industrial Zones. If both the subdivision and a rezone are approved, a conditional use permit for the commercial business must then be obtained.

Access:

- The current Cache County Manual of Roadway Design and Construction Standards §2.5 specifies that:
 - ▶ Roads serving a commercial business or more than three dwellings must meet the minimum standard of a 22' wide paved surface with 1' wide gravel shoulders.
 - ▶ Roads serving 3 or fewer dwellings must meet the minimum standard of a 20' wide gravel surface; a 2' wide gravel shoulder may also be required.
- Access to the lots is from county roads West 4600 North and North 400 West; the county performs winter maintenance on both of these roads.
- West 4600 North does not meet the minimum county standard. At this location West 4600 North has an average paved width of 20', with 2' wide gravel shoulders, and currently serves more than 3 dwellings and provides agriculture access. This proposal would add service for two (2) dwellings and potentially a commercial business.
- Staff recommends that a design exception be granted for the substandard portions of West 4600 North as the total road width meets the minimum standard, and it is not practical to construct a 2' wide paved roadway surface.
- North 400 West does not meet the minimum county standard. At this location North 400 West currently provides agriculture access only and the width of the roadway is unknown due to the presence of snow on and bordering the roadway. This proposal would add service for two (2) dwellings and potentially a commercial business. Once an accurate measure of the road width can be obtained, the proponent must improve their portion of North 400 West to a total width of 12' from the center line of the existing roadway, and consisting of a 10' wide gravel travel lane with 2' wide gravel shoulder along the entirety of the property boundary that fronts North 400 West if the existing width is insufficient as per the County Road Manual so that the total access width is no less than a 24' gravel surface.
- The portions of 400 West that are north and south of 4600 North are not aligned with each other. Any widening of 400 West at this location would be more beneficial if made to the west of the existing roadway as a widening to the east of the southern portion of 400 West that fronts the property proposed for division would increase the misalignment. There are also multiple power poles positioned on the east side of 400 West to the north and south.
- If and/or when a commercial business is placed at this location a private paved access originating from 4600 North and not from 400 West is required in compliance with existing county maintenance practices and Resolution 2015-20 as adopted by the County Council.

Water & Septic:

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- An updated letter indicating septic system feasibility from the Bear River Health Department must be provided.
- If future development disturbs land area greater than 5,000 sf. a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan shall be required.

Service Provision:

- The residents shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane of 400 West.
- A school bus stop is located at 762 West 4600 North.
- Water supply for fire suppression will be provided by the Smithfield City Fire Department. Access for emergency services is adequate.

Sensitive Areas:

- This property is located within the Airport Limitation Area and has received Federal Aviation Administration (FAA) review and a determination of “no hazard to air navigation” for the existing structure on the proposed Lot #1, and as per §17.17.100 [B] of the County Code, additional FAA notification is not required for structures of a similar height. However, if any proposed structure exceeds the height of the existing structures and may adversely affect air navigation, then further review of the FAA may be required.

Public Comment:

Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

STAFF DETERMINATION AND FINDINGS OF FACT (5)

It is staff’s determination that the Esplin Andersen Subdivision located on parcel 04-013-0001 at approximately 4560 North 400 West is in conformance with the Cache County Ordinance requirements and should be approved. This determination is based on the following findings of fact:

1. The Esplin Andersen Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns rose within the public and administrative records.
2. The Esplin Andersen Subdivision has been revised and amended to conform to the requirements of the Cache County Code, State Code, and the requirements of various departments and agencies.
3. The Esplin Andersen Subdivision conforms to the subdivision amendment requirements of the Cache County Subdivision Ordinance.
4. The Esplin Andersen Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. A design exception is hereby granted for the substandard portions of West 4600 North as the total road width meets the minimum standard, and it is not practical to construct a 2’ wide paved roadway surface.

CONDITIONS OF APPROVAL (5)

The following conditions must be met prior to recordation, and/or adequate financial surety must be provided by the proponent for the developments to conform to the County Ordinance and the requirements of county service providers.

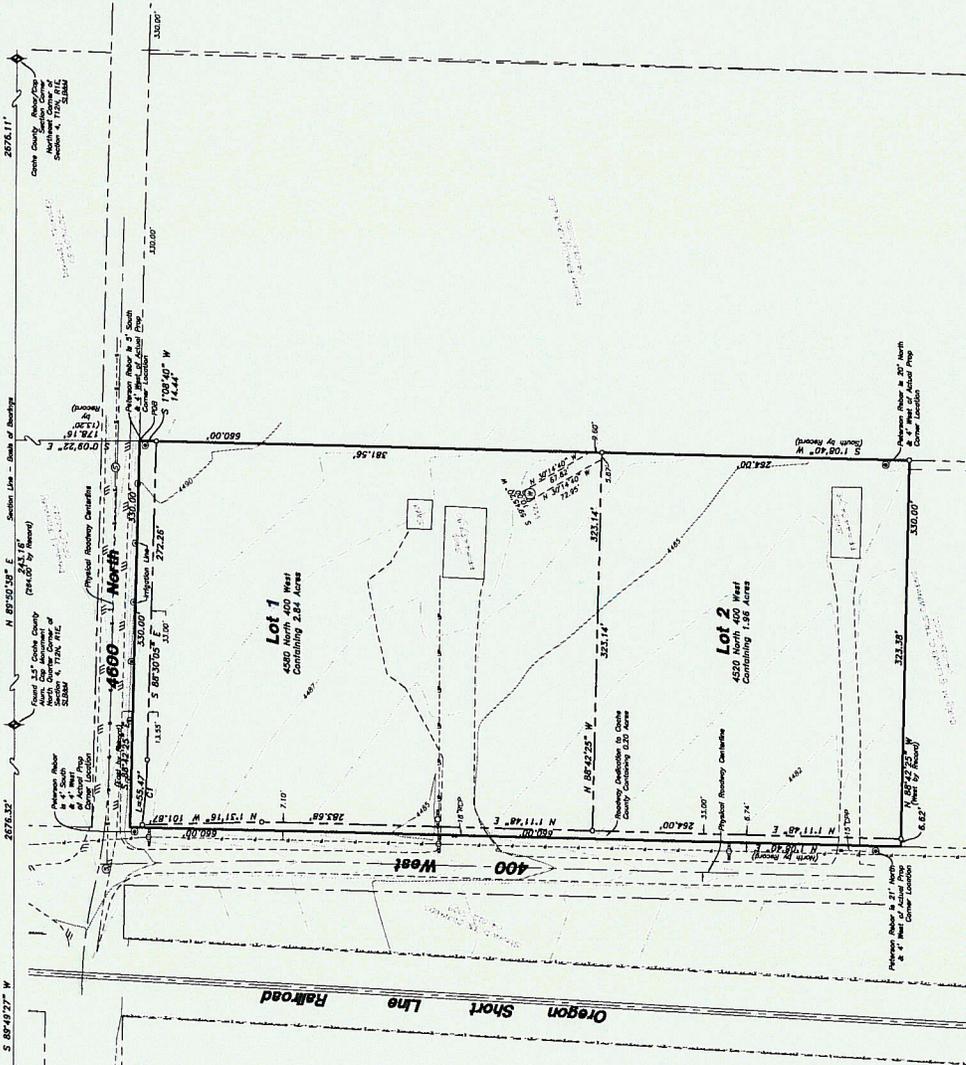
1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. Adequate, approved, domestic water rights shall be in place for all building lots within the subdivision.
3. The applicant shall reaffirm their 33’ portion of Cache County’s 66’ wide right-of-way for all county roads along the proposed subdivision boundary.
4. As is applicable following an accurate measure by the county of the roadway width, the proponent must improve their portion of North 400 West to a total width of 12’ from the center line of the existing roadway; consisting of a 10’ wide gravel travel lane with 2’ wide gravel

shoulder along the entirety of the property boundary that fronts North 400 West so that the total access width is no less than a 24' gravel surface.

5. The design of North 400 West shall be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans shall be submitted and shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering review of the private road shall be borne by the proponent.

Esplin Andersen Subdivision

Near Smithfield City, Cache County, Utah
 A Part of the North Half of Section 4,
 Township 12 North, Range 1 East, Salt Lake Base & Meridian



SURVEYOR'S CERTIFICATE
 I, Clinton C. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I have surveyed and subdivided the above described land, and have subdivided said tract of land hereinto in accordance with the dimensions shown, and the same has been correctly surveyed and all streets are the dimensions shown.

SUBDIVISION BOUNDARY
 A Part of the North Half of Section 4, Township 12 North, Range 1 East of the Salt Lake Base and Meridian.

Beginning 242.19 Feet North 89°50'35" East Along the North Line of the Northwest Quarter of Section 4, Township 12 North, Range 1 East of the Salt Lake Base and Meridian (13.20 Feet South by Record) of the Northwest Corner of said Northwest Quarter and thence South 07°00'40" West (South by Record) 660.00 Feet, Thence North 89°50'35" East (South by Record) 660.00 Feet, Thence South 89°42'25" East 136.00 Feet to the Point of Beginning, Containing 5.00 Acres.



Clifton C. Hansen
 P.L.S. No. 780130

Date _____

Jeremiah Esplin Date _____
 Dennis Anderson Date _____

OWNER'S DEDICATION
 Know all men by these presents that we the undersigned owners of the tract of land depicted and described herein, having caused the same to be subdivided into lots and sections, do hereby dedicate to the public the easements, rights, and interests therein, and do hereby grant to the county the right to make any and all improvements for the construction, maintenance, and repair of said roadway. Further we dedicate to the future owners of the lots and sections therein, the easements, rights, and interests therein for the use of a utility water line and well.

ACKNOWLEDGMENT

On this _____ day of _____, 2016, Jeremiah Esplin and Dennis Anderson, as Persons of Legal Capacity, Personally Appeared before me, the undersigned, a Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners' Dedication, and acknowledged to me they signed it freely and voluntarily and for the Purpose therein mentioned.

LEGEND

- Subdivision Boundary Line
- Adjoining Property Line
- Easement Line
- Existing Overhead Power
- Existing Underground Power
- Edge of Asphalt
- Power Pole
- Irrigation River
- Well Head
- Section Corner
- Found Survey Point
- S 81° 5/8" by 24" Reborn with Cap

Scale
 1" = 50'
 1/2" = 25'

North Arrow

GENERAL NOTES:

- Utility Water: Cache County has not determined the availability or adequacy of utility water in any of the lots identified. All owners are advised of this requirement to obtain an approved utility water source and comply with all other requirements for the issuance of a zoning ordinance, prior to the issuance of a building permit.
- Storm Water Drainage: Compliance with the standards of the Cache County Manual of Regulatory Design and Construction Standards and the standards of the Utah Department of Transportation (UDOT) is required. The applicant is responsible for obtaining all necessary permits, or the submission of any studies, plans, or other drawings without which the subdivision is not to be approved by the State Water Engineer's Office.
- Agricultural Use: The applicant is advised that the land shown on this map may be subject to the applicable zoning, and must be used in accordance with applicable zoning regulations. The applicant is advised that the land shown on this map may be subject to the applicable zoning, and must be used in accordance with applicable zoning regulations.
- Subdivision Line for Primary Buildings: 12.00' on Side, 30.00' on Front, 30.00' on Rear

BEAR RIVER HEALTH DEPARTMENT APPROVAL

This subdivision described in this plat has been approved by the Bear River Health Department, A.D. _____, 20____.

Director _____
 Deputy Director _____

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I certify that the above described subdivision is correct and in accordance with the information on file in this office and further, it meets the minimum standards for plats required by county ordinance and state law.

Deputy County Surveyor _____
 Director _____

COUNTY ATTORNEY APPROVAL

I certify that this plat is in form as required by State law and County ordinance.

County Attorney _____
 Deputy County Attorney _____

DEVELOPER
 Dennis Anderson
 Smithfield, Utah 84335
 (435) 776-0510

RECORD CHAIRMAN
 Dennis Anderson &
 Jeremiah Esplin
 6445 North 2400 West
 Smithfield, Utah 84335

Project Location

Curvature
 C1
 R = 514.75'
 Δ = 570.00"
 LC = 55.45'
 S = 65°42'46" E

NARRATIVE
 The Purpose of this Survey was to subdivide the existing parcel as shown and described herein. This Survey was Directed by Dennis Anderson. The Control used to Establish the Property Corners was the Northwest Corner of Section 4, Township 12 North, Range 1 East, Salt Lake Base and Meridian. The Reference Point was the Northwest Corner of said Northwest Quarter of Section 4, Township 12 North, Range 1 East of the Salt Lake Base and Meridian. The bearings and distances were measured and calculated in accordance with the 1983 Utah North, State Plane NAD83(2011) Calculated Bearings.

ADVANCED
 LAND SURVEYING, INC.
 675 N. Main Street, Suite 200
 Logan, Utah 84301
 (435) 776-9545 / (435) 344-4581
 www.advancedland.com



Cache County Recorder

RESTAURANT AND RAPZ TAX AWARDS - LOGAN CITY

BALANCES AS OF JANUARY 25, 2016

Year*	Project	Source	Awarded	Distributed	Balance	% Spent
2012	Canyon Road Canal Trail Last Invoice: 12/29/2015	Restaurant	\$ 130,000.00	\$ 104,762.06	\$ 25,237.94	80.6%
2012	Sidewalk Connections Across Railway Last Invoice: 12/30/2015	Restaurant	20,000.00	8,179.70	11,820.30	40.9%
2013	Canyon Road Canal Trail Slide Area Last Invoice: 11/13/2015	Restaurant	100,000.00	66,347.93	33,652.07	66.3%
2013	Lundstrom Park Trail Last Invoice: 12/30/2015	Restaurant	70,000.00	51,408.34	18,591.66	73.4%
2014	Bridger Park - Phase III Last Invoice: 12/30/2015	Restaurant	160,000.00	59,720.08	100,279.92	37.3%
2014	Rendezvous Park Trail Extension Last Invoice: None Submitted	Restaurant	25,000.00	-	25,000.00	0.0%
TOTALS			\$ 505,000.00	\$ 290,418.11	\$ 214,581.89	

*NOTE: Awards prior to 2014 are expired, but can continue at the discretion of the County.

Craig Buttars - RAPZ Projects Update

From: Russ Akina <russ.akina@loganutah.org>
To: Cameron Jensen <Cameron.Jensen@cachecounty.org>
Date: 1/6/2016 4:51 PM
Subject: RAPZ Projects Update

Cameron,

Here is an update on the following projects funded by RAPZ and the City's request:

Canyon Road Canal Trail

There is \$25,237.94 remaining in project. Completed work includes filling in open canal to slide area, installation of spring water collection pipe, and trail connection at the slide site. Remaining task is installation and compaction of road base between the USU Ropes Course Road and the slide area. Greatest degree of difficulty has been achieving individual property owner consent for the installation of the road base, but progress is being made, just slower than was anticipated. The City is requesting until June 30 to complete road base placement and compaction.

Canyon Road Canal Trail Slide Area

This area is now referred to as Canyon Road Park. There is a balance of \$33,652.07 remaining. The work remaining is the purchase and installation of 8 benches, 12 trees, and additional railing for the switchback area of the park trail. It is estimated that the remaining work will cost \$13,000 to complete. This will leave a balance back to the County in the amount of \$20,652.07. The City is requesting an additional 90 days (to March 30) to purchase and receive invoices for the materials needed in order to close out the project.

Lundstrom Park Trail

There is \$18,591.66 remaining in project. The asphalt is installed, but remaining work is irrigation installation for the planting of 16 trees along the trail, and installation of 4 sitting benches. The City is requesting an extension to June 30 to complete the irrigation installation, but will purchase the needed materials this winter and submit invoices shortly upon notice of approval of this request by the County.

--

Russ Akina
Director of Parks and Recreation
City of Logan