

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
FEBRUARY 23, 2016**

COUNTY COUNCIL MEETING

February 23, 2016

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**CACHE COUNTY COUNCIL MEETING
February 23, 2016**

The Cache County Council convened in a regular session on February 23, 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, 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, Kaylene Ames, Paul Berntson, Susan Grimnes, Paul Hansen, Alton Hebdon, Sheriff Chad Jensen, Troy Liquin, Joan Merrill, Director Bartt Nelson, Dave Nielsen, Jill Parker, Savannah Perkins, Tim Rawlings, Director Josh Runhaar, Director Mike Stauffer, Becky Whittier, Dick Whittier, Mayor David Wood, Director Cory Wood, **Media:** Clayton Gefre (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Yeates 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. White seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Potter to approve the minutes of the February 09, 2016 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

MINUTES FOLLOW-UP

Sunshine Terrace Proposal – Bryan Erickson – Executive Buttars contacted the three counties which are current UPL participants and they all gave a favorable report. Attorney Edwards said Sunshine Terrace Foundation can begin drafting the documents for the county to review and it is important to have a nonappropriation clause so the county can terminate the agreement if Federal funding dries up.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: Mike Johnson Solid Waste Advisory Board
Nolan Gunnell Cache County Planning Commission

ACTION: Motion by Vice Chair Erickson to approve the recommended appointments. Robison seconded the motion. The vote was unanimous, 7-0.

WARRANTS: Warrants for the periods 01-30-2016 to 02-05-2016, 02-06-2016 to 02-11-2016 and 02-12-2016 to 02-19-2016 were given to the Clerk for filing.

OTHER ITEMS:

- **Bridgerland Water Group** - Executive Buttars reported the Bridgerland Water Working Group made the decision to move forward with the resolution process to place the formation of a water conservancy district on the ballot by unanimous vote. They also unanimously approved the name Cache Valley Water Conservancy Group. The Cache County Council must formally give permission to use the word "Cache." Executive Buttars said he will recommend the Group send the minutes of their meetings to the County Council to keep them apprised of what is happening. The Working Group will meet every two weeks on Mondays and the Chair, Buttars, Fotheringham and Josh King will meet in between on the off Mondays to go over the agenda for the coming meeting.

The Working Group meetings are going well and are well attended. The recommendation is that a member comes from each of the seven districts of the County Council with four additional at large members. Executive Buttars asked Council members to consider Mayors and City and Town Council members they would recommend to serve as advisory members to the Group. Eventually, the majority of the conservancy district will be composed of elected officials and it will be best if they are familiar with the whole process.

ITEMS OF SPECIAL INTEREST

- **Annual Bear River Health Department Report** – Lloyd Berentzen and Jill Parker reported on the following:
 - * Flu clinics
 - * Substance abuse treatment
 - * Suicide prevention
 - * Restaurant inspections
 - * Immigration services

ACTION: Motion by Council member Yeates to accept the Annual Bear River Health Department Report. Potter seconded the motion. The vote was unanimous, 7-0.

UNIT OR COMMITTEE REPORTS

- * **Children's Justice Center** – Mike Stauffer is retiring and introduced Joan Liquin as his replacement.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

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

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

• **Property Tax Exemption Requests**

- Alpine Church (formerly Maranatha Baptist Church)
- American West Heritage Center
- Boy Scouts of American – Trapper Trails Council
- Cache County Children’s Justice Center
- Cache Valley Bible Evangelical Free Fellowship Church
- Centro de la Familia de Utah
- Common Ground Outdoor Adventures
- Community Nursing Services
- Emmanuel Baptist Church
- Family Information and Resource – personal property only
- Neighborhood Non-Profit Housing Corporation
- New Life Fellowship (formerly Cache Valley Christian Center)
- North American Islamic Trust, Inc.
- Oriental Mission Church
- Second Baptist Church

ACTION: Motion by Council member Yeates to approve the Property Tax Exemption Requests with the exception of Nordic United who also requested exemption, but for which the Council requested additional information before rendering a decision. Potter seconded the motion. The vote was unanimous, 7-0.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PUBLIC HEARING SET: March 08, 2016-5:30 p.m.-Resolution No. 2016-04-Authorizing Conveyance of Real Property

ACTION: Motion by Council member White to set a Public Hearing March 8, 2016 at 5:30 p.m.-Resolution No. 2016-04-Authorizing Conveyance of Real Property. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: February 23, 2016-6:00 p.m.-Resolution No. 2016-02-Declaring Certain Real Property as Surplus Property – Chairman Merrill opened the public hearing and invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing-Resolution No. 2016-02-Declaring Certain Real Property as Surplus Property. Robison seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **Resolution No. 2016-02-Declaring Certain Real Property as Surplus Property**

(Attachment 1)

ACTION: Motion by Council member Yeates to approve Resolution No. 2016-02-Declaring Certain Real Property as Surplus Property. Erickson seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2016-01 – Whittier Rezone- Request for Rezone of 5 Acres from Agricultural (A10) Zone to Rural (RU2) Zone, located at 580 South 3200 West, west of Logan**

(Attachment 2)

ACTION: Motion by Vice Chair Erickson to approve Ordinance No. 2016-01-Whittier Rezone. White seconded the motion. The vote was unanimous, 7-0.

Ordinance No. 2016-01: The motion passed 7-0.

	<u>ERICKSON</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	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Property Tax Relief Requests**
 - 0109 & 0110 (Details are on file in the office of the Cache County Clerk/Auditor.)

ACTION: Motion by Council member White to deny the property tax relief requests for 0109 & 0110. Zilles seconded the motion. The vote was unanimous, 7-0.

- **Requests for Extension of RAPZ Projects** – Executive Buttars reviewed the RAPZ projects that are overdue and noted that the Providence Canyon Trail came in under budget and Providence is fine with the remaining funding being returned to the county RAPZ fund. He has not had a response from Cornish on its project and will report on it at the March 29, 2016 Council meeting.

(Attachment 3)

ACTION: Motion by Vice Chair Erickson to approve a short funding extension of the expired RAPZ projects except (1) Providence Canyon Trail funds will be returned to the county RAPZ fund and (2) Cornish parking lot, fence and picnic tables project until the status of their project is received by the county. Yeates seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **Meetings with Legislators during 2016 Legislative Session** – Saturdays from 7:30 a.m. to 9:00 a.m. beginning January 30, 2016 and running through March 5, 2016 – Cache County Administration Building Multipurpose Room. Executive Buttars indicated these meetings are still well attended.
- ✓ **2016 UAC Management Conference – April 13-15 at Davis Conference Center**

COUNCIL MEMBER REPORTS

Gordon Zilles is pleased with the progress of Representative Draxler's bill on the distribution of the transportation tax money. Executive Buttars reported that it will be presented in the Senate tomorrow at 8:00 a.m.

Janeen Allen reported that Dale Major asked her to express his appreciation to the County for the RAPZ funding for the Cowboy Rendezvous.

ADJOURNMENT

ACTION: Motion by Vice Chair Erickson to adjourn. Zilles seconded the motion. The vote was unanimous, 7-0.

The Council meeting adjourned at 6:29 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chairman

**CACHE COUNTY
RESOLUTION 2016 - 02**

A RESOLUTION DECLARING CERTAIN REAL PROPERTY AS SURPLUS PROPERTY

WHEREAS, Cache County intends to sell real property described in Exhibit "A"; 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

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

WHEREAS Cache County Ordinances Sections 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 to a purchaser; and

WHEREAS the Cache County Council must hold a public hearing pursuant to Cache County Ordinance Section 3.40.040(B) before, by motion and vote, the Cache County Council can declare the Property as "Surplus Property" so that it can be conveyed to a purchaser; now

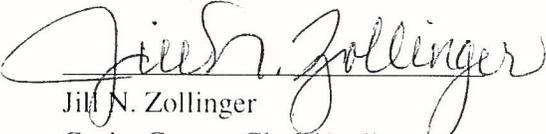
THEREFORE, the Cache County Council finds as follows:

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 subject to the provisions of Cache County Code Chapter 3.40. This resolution takes effect immediately upon adoption.

Dated this 23rd day of February 2016.

ATTESTED TO:


Jill N. Zollinger
Cache County Clerk/Auditor

CACHE COUNTY COUNCIL

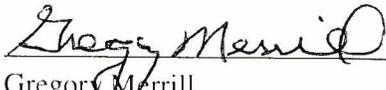
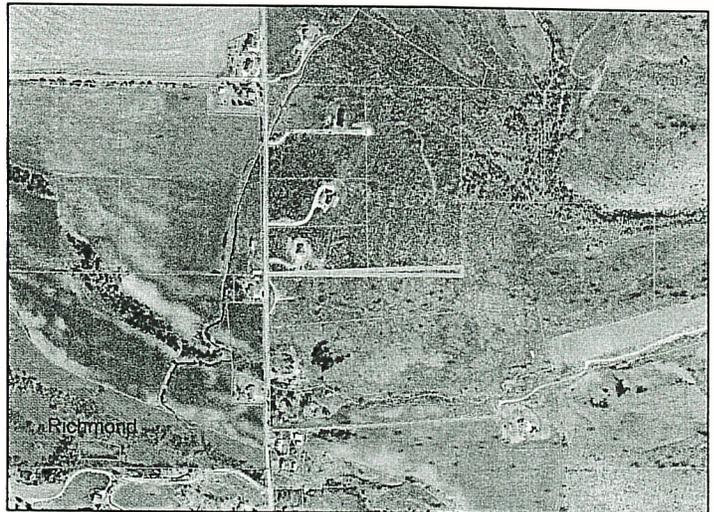
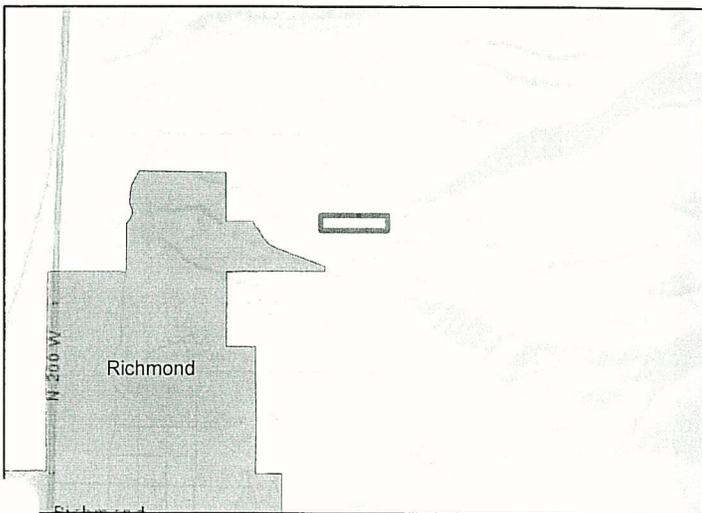

Gregory Merrill
Council Chair



Exhibit A

THE NW/4 OF THE NE/4 SEC 24 T 14N R 1E CONT 39.09 AC BY SVY OF THE RESERVE SUBD
LESS: THE RESERVE SUBDIVISION CONT 38.23 AC NET 0.86 AC



ORDINANCE NO. 2016-01
CACHE COUNTY, UTAH
WHITTIER REZONE

AN ORDINANCE AMENDING THE COUNTY ZONING MAP

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 proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission's recommendations for zoning the area within the county, and;

WHEREAS, the act also provides certain procedures for the county's legislative body to adopt or amend the land use ordinance and zoning map for the county, and;

WHEREAS, the County Council caused notice of the hearing to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on January 7, 2016, 5:40 p.m., the Planning Commission held a public hearing for a rezone of property from the Agricultural (A10) Zone to the Rural 2 (RU2) 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;

WHEREAS, on January 7, 2016 the Planning Commission recommended the approval of said rezone (5, 0) and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on February 9, 2016, 5:30 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 recommendation of county staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones parcel 11-002-0023, a 5 acre property as described within Exhibit A, and currently zoned as the Agricultural (A10) Zone, to the Rural 2 (RU2) Zone.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the county's zoning map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

4. Findings

A. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:

- i. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.
- ii. Is served by suitable public roads

5. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this ordinance.

6. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

7. Exhibits.

Exhibit A: Description/map of parcel 11-002-0023.

Exhibit B: Zoning Map of Cache County

8. Effective Date.

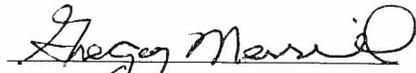
This ordinance takes effect on March 9, 2016. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the county as required by law.

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APPROVED AND ADOPTED this 23rd day of February, 2016.

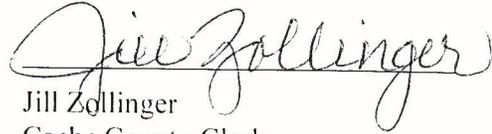
	In Favor	Against	Abstained	Absent
Potter	X			
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL



Greg Merrill, Chair
Cache County Council

ATTEST:



Jill Zollinger
Cache County Clerk

Publication Date:

March 9, 2016

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Exhibit A: Ordinance 2016-01
Description/Map of Parcel 11-002-0023

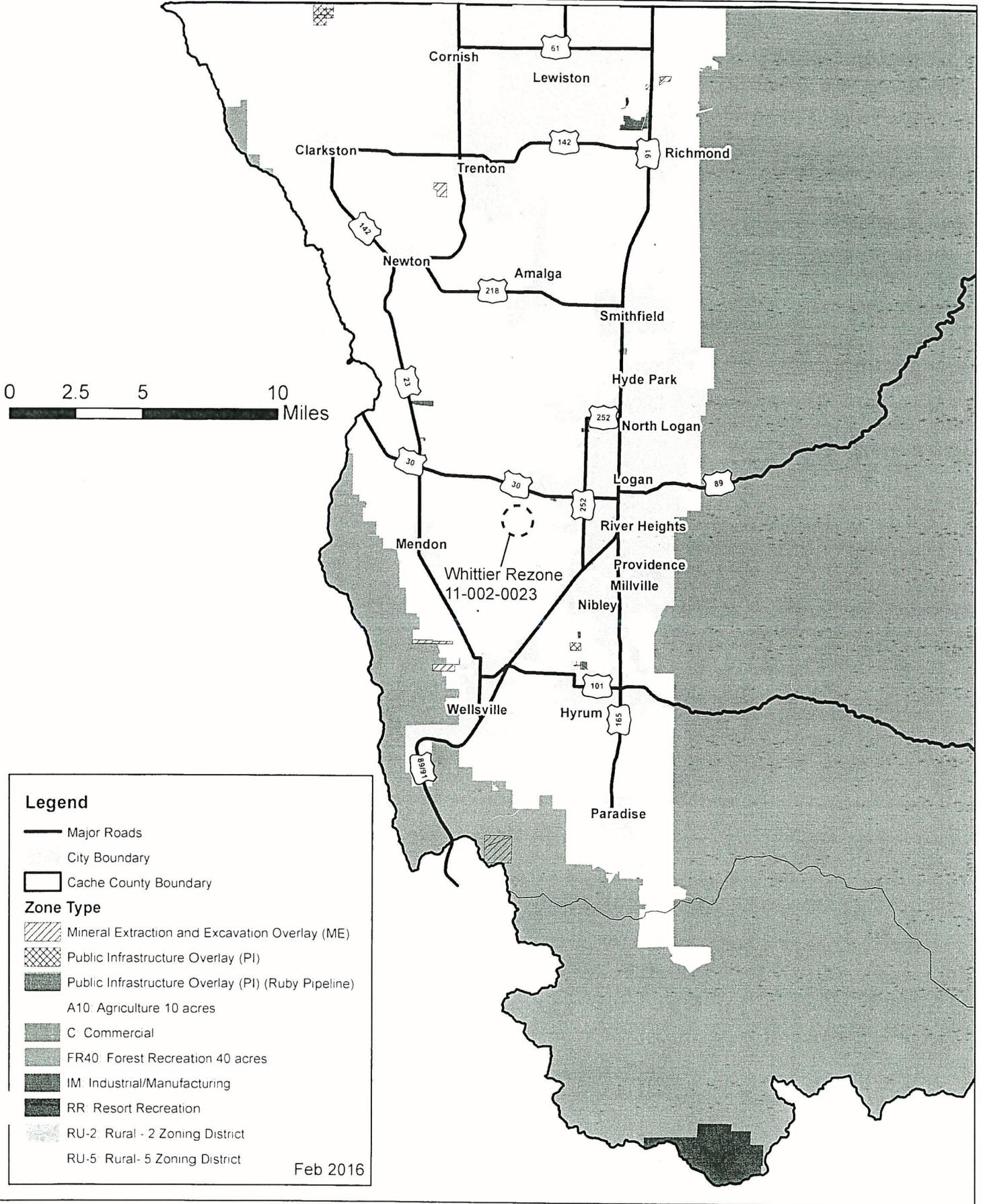


Whittier Rezone 11-002-0023

BEG S 89°48'W 971.93 FT & N 23'29" W 129.53 FT FROM SE COR LOT 53 RICHLAND ACRES SUBD NW/4 SEC 1 T 11N R 1W TH S 89°49'W 336.38 FT N 0°23'29" W 388.59 FT N 89°48'E 336.38 FT S 0°23'29"E 388.59 FT TO BEG CONT 3 AC
 ALSO: BEG AT NE COR SD TRACT & TH S 89°48'W 336.38 FT TH N 0°23'29" W 129.53 FT TH N 89°48' E 336.38 FT TH S 29' 29" E 129.53 FT TO BEG 1 AC TOTAL 4 AC
 ALSO: BEG S 89°48' W 971.93 FT FROM SE COR LT 53 RICHLAND ACRES SUBD & TH S 89°48' W 336.38 FT ALG N LN OF CO ROAD TH N 0°23'29" W 129.53 FT TH N 89°48' E 336.38 FT TH S 0°23'29" E 129.53 FT TO BEG CONT 1.0 AC CONT 5 AC IN ALL

February 17, 2016

Exhibit B: Ordinance 2016-01 Zoning Map of Cache County



EXPIRE APZ AND RESTAURANT TAX AWARDS

FOR THE YEAR ENDED DECEMBER 31, 2015

Award Year	Award Number	Entity	Project	Award Amount	Total Spent	Remaining Balance	Last Invoice Date
2006	19524	Daughter of Utah Pioneers	Preservation Project	4,000.00	1,712.34	2,287.66	12/7/2015
2007	20044	Providence City	Providence Canyon Trail	45,000.00	16,946.56	28,053.44	11/4/2010
2010	22062	Logan City	1700 South Park	46,470.00	2,138.75	44,331.25	7/30/2015
2013	25656	Amalga Township	Building w/Kitchen Facilities and Storage	10,000.00	-	10,000.00	
2013	25681	Wellsville Foundation	Structure Upgrade - Civic Center/Cultural Hall	10,000.00	8,915.61	1,084.39	1/30/2015
Total RAPZ Taxes				115,470.00	29,713.26	85,756.74	
2012	25250	Logan City	Canyon Road Canal Trail	130,000.00	104,762.06	25,237.94	12/29/2015
2012	25253	Logan City	Sidwalk Connection Across Railway	20,000.00	8,179.70	11,820.30	12/30/2015
2013	25638	Logan City	Canyon Road Canal Trail Slide Area	100,000.00	66,347.93	33,652.07	11/13/2015
2013	25639	Logan City	Lundstrom Park Trail	70,000.00	51,408.34	18,591.66	12/30/2015
2013	25642	Cornish Town	Parking Lot, Fence, and Picnic Tables	30,000.00	6,928.22	23,071.78	2/21/2014
2013	25643	Richmond City	Playground Area	75,000.00	73,110.14	1,889.86	8/21/2015
Total Restaurant Taxes				425,000.00	310,736.39	114,263.61	
Total Expired Awards				540,470.00	340,449.65	200,020.35	