

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
MARCH 29, 2016**

COUNTY COUNCIL MEETING

March 29, 2016

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CACHE COUNTY COUNCIL MEETING
March 29, 2016

The Cache County Council convened in a regular session on March 29, 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, Cory Yeates & Gordon Zilles.
Jon White absent.
County Executive: Craig "W" Buttars
County Clerk/Auditor: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Kyler Archibald, Tyla Darley, Attorney Lee Edwards, James Fournier, Abby Hansen, Tessa Hansen, Senator Lyle Hillyard, Sharon L. Hoth, Teresa Lundahl, Todd Lundahl, Joan Merrill, Richard Mueller, Director Bartt Nelson, Dave Nielsen, Jeff Nielsen, Mike Pepper, Savannah Pericun, Emmet Pruss, Representative Ed Redd, Travis Rudd, Wayne Rudd, Director Josh Runhaar, Dianna Schaeffer, Heidi Spoor, Rodney Terry, Barbara Tidwell, Robert Wright, Gordon Younker, **Media:** Clayton Gefre (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Executive Craig Buttars gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the amended agenda as written. Robison 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 March 08, 2016 Council Meeting as written. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

MINUTES FOLLOW-UP: None

Chairman Merrill recognized that Council member David Erickson received the Distinguished Service Award at the Utah State FFA Convention. Sky View High School received the Superior Chapter Award, Five-Star Chapter Award and the 100% Membership Award.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 03-05-2016 to 03-11-2016 and 03-12-2016 to

03-18-2016 were given to the Clerk for filing.

OTHER ITEMS:

- RAPZ Applications** have been received and are being reviewed by the RAPZ/Restaurant Tax Committee. They will be presented at the April 12, 2016 Council Meeting and submitted for approval by the May 24, 2016 Council Meeting.
- Unused RAPZ Funds** – Executive Buttars visited with Cornish Mayor Hansen who said Cornish is trying to put together enough money to complete their previously approved RAPZ project. Buttars recommends leaving the funding in place.
- Fairgrounds Building** – Executive Buttars has met with the Finance Committee concerning financing options for the fairgrounds building and a letter has been drafted to Nucor Steel regarding engineering and materials.
- Water Conservancy District** will be meeting with the Logan City Council next Tuesday. This is the first meeting with the municipalities to present the resolution from the County. They will be asked to pass a similar resolution.
- Water Users Conference** – The water situation for Cache shows the snow pack at 98% of normal and looks favorable.
- “We The People” Radio Program** – Executive Buttars and Attorney Swink were featured on the program and gave an update on the recent legislative session. Executive Buttars will be on the program each month after the second Council Meeting and will take different elected officials or staff members with him.

Chairman Merrill recognized Senator Hillyard and Representative Ed Redd who were in attendance.

CONSENT AGENDA

- ◇ **Kelly Spackman Subdivision 3rd Amendment** – Request for approval to amend the subdivision boundary and add an additional buildable lot on 52.64 acres located at 2977 North 2400 West in Benson, Agricultural (A10) Zone

ACTION: Motion by Council member Yeates to approve the Consent Agenda – *Kelly Spackman Subdivision 3rd Amendment*. Potter seconded the motion. The vote was unanimous, 6-09. White absent.

ITEMS OF SPECIAL INTEREST

- **Proclamation – Child Abuse Prevention Month** – Gordon Younker spoke on behalf of Esterlee Molyneux and The Family Place and thanked the Council for the county's help with their Hyrum location as well as for the county's upcoming April day of service. Service performed by county employees on that day will save them enough money to pay for a security system. Younker invited the Council to 'Stepping Up for Children' on the porch of the Historic Courthouse where 403 pairs of shoes representing each substantiated case of child abuse in the county will be displayed. Attorney General Reyes will speak.

Chairman Merrill read the proclamation to the Council.

(Attachment 1)

ACTION: Motion by Council member Potter to approved the *Proclamation – Child Abuse Prevention Month – April 2016*. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

- **UDOT SR-30 Environmental Study** – Mike Pepper introduced Rod Terry who gave a quick update on the study noting that a project to add passing lanes on SR-30 just went out to bid and some lighting will be added to the intersection at Cornish.

Pepper presented the Study Overview emphasizing it is NOT an environmental study and does not include any realignment changes. The Overview included physical, operational and environmental considerations and outreach to stakeholders such as local governments, law enforcement, special interest groups, PacifiCorp, the trucking industry and Utah State University.

Executive Buttars, Council member Zilles and Vice Chair Erickson questioned whether the satisfaction with current capacity will apply several years down the road. How far ahead are we looking? Pepper replied projections to 2040 were looked at.

Vice Chair Erickson asked what the timeline for future steps is. Pepper said that after the study is completed a schedule will be drafted. Construction is probably 2-3 years out.

UNIT OR COMMITTEE REPORTS

- **County Weed Department – Joel Merritt** praised the restructuring of weed and road departments which has made those departments more efficient and better staffed during peak work times.

Jake Forsgren reported on the digitized weed program which facilitates land owner notifications about noxious weeds on their property.

Justin Stubbs reviewed the weed list and equipment updates.

- **Approval of 2016 Cache County Weed Control Policy** – Attorney Swink observed the approval needs to be done by resolution. The resolution will be on a future Council meeting agenda.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Yeates to convene as a Board of Equalization. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Exemption Requests**
 - USU Research Foundation dba Space Dynamics Lab

ACTION: Motion by Vice Chair Erickson to approve the Property Tax Exemption Request for USU Research Foundation dba Space Dynamics Lab. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

- Strata Policy, Inc.

ACTION: Motion by Council member Yeates to deny the Property Tax Exemption Request for Strata Policy, Inc. based on evidence and the State Tax Commission's opinion. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Potter seconded the motion. The vote was unanimous, 6-0. White absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PUBLIC HEARING SET: April 12, 2016-5:30 p.m.-Esplin Andersen Rezone – Request for approval for a rezone of 5 acres from Agricultural (A10) Zone to Commercial © Zone at 4600 North 400 West, southwest of Smithfield.

ACTION: Motion by Council member Yeates to set a Public Hearing-April 12, 2016-5:30 p.m.-Esplin Andersen Rezone. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

PUBLIC HEARING SET: April 12, 2016-5:50 p.m.-Title 16 Code Amendments-*Subdivision Requirements and Review*.

ACTION: Motion by Council member Potter to set a Public Hearing-April 12, 2016-5:50 p.m.-Title 16 Code Amendments-*Subdivision Requirements and Review*. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

PUBLIC HEARING SET: April 12, 2016-6:00 p.m.-Open 2016 Budget

PUBLIC HEARING SET: April 12, 2016-6:10 p.m.-Title 17 Code Amendments – *Miscellaneous Land Use Updates and Revisions*

ACTION: Motion by Council member Yeates to set a Public Hearing April 12, 2016-6:00 p.m.-Open 2016 Budget AND set a Public Hearing April 12, 6:10 p.m.-Title 17 code Amendments-*Miscellaneous Land Use Updates and Revisions*. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2016-06-Providing for Amendments to the Service Fee Schedule of the Office of the Cache County Clerk/Auditor – Clerk/Auditor Zollinger reviewed the fee changes for the Council.**

(Attachment 2)

ACTION: Motion by Council member Potter to waive the rules and approve Resolution No. 2016-06-Providing for Amendments to the Service Fee Schedule of the Office of the Cache County Clerk/Auditor. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

Chairman Merrill asked if the county can charge a franchise fee. Attorney Swink replied his office will look into the matter.

- **Nautica Subdivision** – Director Runhaar reported this subdivision applied for a rezone in 2013 and was denied due to additional road maintenance. The staff report outlines the issues of servicing and expanding a paved road.

Executive Buttars recommended Council members visit the site before making a decision. There are possibly some options available for the applicants.

ACTION: Motion by Council member Zilles for the Council to make a properly noticed visit to the property and to table the request until the April 26, 2016 Council meeting. Potter seconded the motion. The vote was unanimous, 6-0. White absent.

- **Discussion – County Gravel Roads-County Obligations for Maintenance and/or Extension of Services** – Council member Zilles asked if the county can allow an individual to build a road at his/her own expense and agree to maintain the road. Or could an individual pay more on his/her property taxes to maintain the road? Zilles asked this to determine if it would be a way to allow an individual to build where there is not a currently serviced county road.

Director Runhaar stated there is no vehicle or channel for the county to receive those additional monies. A Special Improvement District (SID) is the only vehicle to accomplish Zilles' proposal. A SID requires all surrounding property owners' approval and participation and a board of supervisors as well as separate accounting procedures.

Attorney Edwards indicated if the road is not maintained by the individual, the county is responsible for any injury to life or property that occurs.

Council member Potter recommended contacting UAC to find out if other counties have faced this situation and how they have dealt with it.

- **Discussion – Open Public Comment at County Council Meetings** – Chairman Merrill asked for Council members' opinions on allowing public comment at each Council meeting. Merrill proposed a time at the beginning of the meeting to allow public comment on any subject. No definitive answers could be given and the individual would be referred to the appropriate Council member or county department. Merrill proposed a six-month trial period.

Council members expressed concerns that too much time taken at the beginning of the meeting would disrupt the agenda items, particularly public hearings which are scheduled for a specific time. The Council also noted that their emails and phone numbers are public knowledge and any citizen can contact them about their concerns.

Council member Potter stated public comment was tried in other public offices/councils he has participated in and were not successful. Potter asks citizens who have concerns to give them to him in writing or by email so he can have something in hand to take to the appropriate persons to address the issue. If the public voices a concern in a public meeting and the Council cannot respond specifically to that issue, the individual will go away frustrated.

Generally, the Council was not in favor of the public comment period.

OTHER BUSINESS

- ✓ **Budget Workshop – *April 12, 2016 at 3:00 p.m.** – Chairman Merrill asked Council members to give a brief report of the meetings they have had with individual department heads or elected officials at the beginning of the workshop. Executive Buttars said that Finance Director Cameron Jensen asked that the meeting be moved to the second meeting in April. He will have more financial data available. The Workshop will be *April 26, 2016 at 3:00 p.m.

Chairman Merrill asked what impact the 5% increase on gas tax has had on the budget, if any. Director Runhaar indicated that the projected amount appeared to eliminate the deficit in the road department from last year.

- ✓ **UAC Management Conference – April 13-15-Davis Conference Center** – Executive Buttars will attend, Chairman Merrill may attend and Vice Chair Erickson will attend on April 13th only.
- ✓ **Smithfield Health Days Parade – Saturday – May 14, 2016 – 10:00 a.m.**

COUNCIL MEMBER REPORTS

Val Potter reminded the Council that the Utah State Republican Convention will be April 23, 2016.

Dave Erickson reminded the Council of the Cache County Republican Convention on April 8, 2016.

Greg Merrill announced there will be a Volunteer Recognition Ceremony on April 5, 2016 in the Council Chambers from 3:00 – 4:30 p.m.

Executive Craig Buttars showed the Council the logo the Cache Water District has approved.

EXECUTIVE SESSION

ACTION: Motion by Council member Zilles to adjourn to an Executive Session for a discussion of pending litigation (Utah Code 52-4-205(1)(c)). Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

The Council adjourned to an Executive Session at 7:33 p.m.

ACTION: Motion by Council member Zilles to adjourn from the Executive Session at 7:50 p.m. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

ACTION: Motion by Council member Zilles to adjourn from the Council meeting at 7:50 p.m. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

ADJOURNMENT

The Council meeting adjourned at 7:50 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chair

CHILD ABUSE PREVENTION MONTH PROCLAMATION

CACHE COUNTY'S GREATEST ASSET IS OUR CHILDREN,
NOW AND FOR THE FUTURE.

WHEREAS; ALL CHILDREN deserve to grow up in a safe and nurturing environment to ensure they reach their full potential.

WHEREAS; CHILD ABUSE is a serious and growing problem affecting millions of our nation's children and thousands of children in Utah annually; and,

WHEREAS; CHILD ABUSE respects no racial, religious, class or geographic boundaries; and,

WHEREAS; IT IS IMPORTANT for all citizens of Cache County to become more aware of child abuse and the critical need for prevention within their respective neighborhoods and community; and,

WHEREAS; DECREASING the occurrence of child abuse relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today, who will become the leaders of tomorrow;

THEREFORE; I, _____, do hereby proclaim April 2016 as Child Abuse Prevention Month. I support child abuse prevention efforts and education, and I encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this 29th day of March 2016

*need
signed
copy*

Gregory Merrill, Cache County Council Chair

**Child & Family**
SUPPORT CENTER
Strengthening Families and Protecting Children
380 West 1400 North • Logan, UT 84341
ChildandFamilySupportCenter.org

CACHE COUNTY, UTAH

RESOLUTION NO. 2016-06

A RESOLUTION PROVIDING FOR AMENDMENTS TO THE SERVICE FEE SCHEDULE OF THE OFFICE OF THE CACHE COUNTY CLERK/AUDITOR.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is appropriate and necessary that the service fee schedule for services of the Office of the Cache County Clerk/Auditor be amended.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED THAT:

Section 1: Service Fees Schedule.

The Service fees schedule attached hereto is hereby approved for the office of the Cache County Clerk/Auditor superceding all prior service fee schedules for that office.

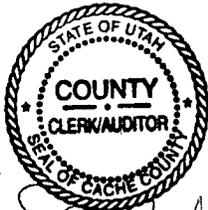
Section 2: Effective Date.

This resolution shall become effective immediately.

DATED this 29th Day of March, 2016

CACHE COUNTY COUNCIL:

By: Gregory Merrill
Gregory Merrill, Chairman



ATTEST TO:

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



Jill N. Zollinger
Cache County Clerk/Auditor
179 North Main Suite 102
Logan, UT 84321
Phone: 435.755.1460 | FAX: 435.755.1980
www.cachecounty.org/clerk

CACHE COUNTY Office of the County Clerk/Auditor

FEE SCHEDULE

Marriage License	\$40.00
Certified Copy	\$ 10.00
Uncertified Copy	\$ 5.00
Document Certification	\$ 5.00
Notarial Certificate	\$ 5.00
General Copies	\$ 0.25
DVD or CD Copy	\$5.00
Returned Check Fee	\$25.00
Voter Information	
Setup Fee (<i>In Addition To Other Charges.</i>)	\$25.00
Disk	one half cent per name
Hard Copy	one cent per name
Labels	2 cents per name
Voter District Guide	\$5.00
Voter Information Card replacement	\$2.00
Business License Fees	
Home Occupation Business	\$55.00
Contractors (<i>Home is base of business but does contracting work away from their home</i>) ..	\$80.00
Commercial Business (<i>Less than 10 Employees</i>)	\$105.00
Commercial Business (<i>More than 10 Employees</i>)	\$230.00
Fire Inspection Fee	\$20.00
Late Fee	\$50.00
Late Fee (<i>non-compliance after 45 days notification</i>)	\$500.00
Temporary Business (<i>Non-permanent Basis or Transit Business Person</i>)	\$60.00 per calendar day of operation
Fair Fees	
Fair Booth Fee (<i>With Electricity</i>)	\$200.00 -1,500.00
(<i>Without Electricity</i>)	\$200.00
Parking Pass	\$5.00
Mutton Bust	\$15.00
Cache Valley Idol Contest	\$20.00-25.00
Rodeo Tickets	\$10.00-15.00
Carnival Pre-Sale Tickets	\$20.00

Effective Date: April 4, 2016