

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
JUNE 14, 2016**

COUNTY COUNCIL MEETING

June 14, 2016

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CACHE COUNTY COUNCIL MEETING
June 14, 2016

The Cache County Council convened in a regular session on June 14, 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: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, ShyAnn Andrus, Dayton Crites, Bella Douglas, Christy Douglas, Madison Funk, Trish Gibbs, Jessica Jensen, Justie Jensen, Clint Kerr, Director Bartt Nelson, Bailee Noble, Hadlee Noble, Dave Nielsen, LaMont Poulsen, Dianna Schaeffer, Becky Whittier, Dick Whittier, Kelli Whittier, Scott Wilkinson, **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 noted that Governor Herbert may drop in to the Council meeting and asked that the agenda be amended to allow him to speak.

ACTION: Motion by Council member Zilles to approve the agenda as amended. Erickson seconded the motion. The vote was unanimous, 5-0. Potter & Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Vice Chair Erickson to approve the minutes of the May 24, 2016 Council Meeting as amended. Zilles seconded the motion. The vote was unanimous, 5-0. Potter & Yeates absent.

ACTION: Motion by Council member Zilles to approve the minutes of the May 24, 2016 Water Conservancy District Public Hearing as written. Erickson seconded the motion. The vote was unanimous, 5-0. Potter & Yeates absent.

MINUTES FOLLOW-UP: None.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 05-21-2016 to 05-27-2016, 05-30-2016 to 06-03-2016 and 06-04-2016 to 06-10-2016 were given to the Clerk for filing.

OTHER ITEMS:

- ❑ **Compensation Committee** will meet June 30, 2016. Members are Executive Buttars, Cory Wood, James Astle, Tony Baird, Larry Jones, Bartt Nelson, Kathleen Howell, Greg Merrill, David Erickson and Gordon Zilles.
- ❑ **Water Conservancy District** met yesterday and 55 were in attendance. Several signed up to help promote the District and an account has been set up with a Tax ID number. All the communities have passed the resolution to place the issue on the ballot and public hearings will be held now until July 14, 2016. A 60-day protest period will follow. The County Council will need to approve the ballot language and Attorney Mark Anderson will draft the language in conjunction with the County Attorney's Office. The language will be presented to the Council in August.
- ❑ **Ordinance for Large Gatherings** – Executive Buttars indicated there is an issue developing with large gatherings in the county and the Council needs to establish an ordinance stipulating requirements, etc. Buttars said there is a large gathering scheduled at Cherry Peak on July 9, 2016 and the county will stage a fire truck and an ambulance at the event.

Council member White asked if the organizers will be billed for the service. Buttars responded they will.

- ❑ **Mountain Road Advisory Committee** will be meeting to tour the High Creek and Birch Creek areas. Council members are invited.
- ❑ **The Highline Trail** has opened and is very popular.
- ❑ **Fairgrounds Building** – Executive Buttars said he would like to receive ideas for funding the proposed fairgrounds multipurpose building. The project has received \$100,000.00 in RAPZ /Restaurant Tax money.
- ❑ **Budget Worksheets** were sent out today and are due back from the departments by July 15, 2016, so the 2017 budget can be developed.
- ❑ **Historic Courthouse** – Included in the budget is funding to extend the drain on the Historic Courthouse to alleviate flooding problems in the lower floor.
- ❑ **Legislators Meeting** – A Transportation Town Hall meeting is scheduled for Thursday, June 16, 2016, 6:30 to 8:30 p.m., in the Council Chambers.

CONSENT AGENDA

- ◇ **Whittier Subdivision** – Request to create a new lot (Lot 2) from an existing legal lot on 4.96 acres in the Rural 2 (RU2) Zone located at 580 South 3200 West.

COUNCIL MEMBER POTTER ARRIVED AT THE MEETING AT 6:17 p.m.

ACTION: Motion by Council member Zilles to approve the Consent Agenda – *Whittier Subdivision*. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

ITEMS OF SPECIAL INTEREST

➤ **Introduction of 2016 Cache County Rodeo Royalty**

Queen Bailey Noble
1st Attendant Madison Funk
2nd Attendant ShyAnn Andrus
Junior Queen Justie Jensen
Princess Hadlee Noble
Junior Princes Bella Douglas

Queen Bailey Noble gave the speech she presented at the competition.

GOVERNOR GARY HERBERT ARRIVED AT 5:25 p.m.

Chairman Merrill welcomed Governor Herbert and invited him to speak.

Governor Herbert thanked the Council for their service noting that local governments play a significant role in citizens' lives.

Herbert just returned from the Western Governors Association meeting which includes North Dakota, South Dakota, Texas and all points west. Utah is always praised as doing well and he is asked how they can copy Utah's success, e.g., economy, education system improvements, improved test scores and graduation rates, health care is the lowest cost in America and rated fifth in quality – those ratios are remarkable. Utah is becoming the “gold standard” of good state government and great quality of life. After spending an hour and a half with the Pew Research Center people, Governor Herbert was told Utah's secret is good people.

The U.S. Chamber of Commerce placed Utah as first in the nation as best for business in America. Their analysis credited Utah's spirit of collaboration and cooperation as being better than any state in the nation.

Herbert believes the challenge of elected officials is to bring people together and unite them in common efforts and causes.

Herbert thanked Cache County for the good work done to make Utah the best place in America to live, to raise families and to do business.

Herbert was introduced to and shook hands with the Cache County Rodeo Royalty and reminded them they are role models for others.

UNIT OR COMMITTEE REPORTS

- * **Cache County Trails Master Plan and Support RTCA – Dayton Crites** asked the Council for a letter of support to pursue a grant opportunity for a trails master plan. A plan is required to qualify for federal and state funding. The RTCA grant will effectively give the county free staff for the master plan development.

ACTION: Motion by Council member White to formalize the Council's endorsement of a trails system by means of a letter of support. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Chairman Merrill asked Crites for a quick overview of what he has done and is planning on doing. Crites offered the following:

- Highline trail
- Trail on south side of Blacksmith Fork River
- \$750,000.00 grants out – don't know what is approved yet
- Working with Logan City on consulting and schematic design and selection of an engineer for canyon connector trail
- Worked with North Logan for ordinances that incorporate trails into development practices
- Central organizing hub – website

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: June 28, 2016 – 5:30 p.m.-Agriculture Protection Area – Request for Agriculture Protection Areas in six separate areas including multiple properties and totaling 1,884.91 acres located in the Agricultural (A10) Zone at approximately 8600 North 800 West, 5800 North (Sam Fellow Road) 4800 West, 5100 North 4200 West (Sam Fellow Road), 3200 West 4600 North, 3200 West 4100 North, and 2600 North 2400 West.

ACTION: Motion by Vice Chair Erickson to set a Public Hearing-June 28, 2016-5:30 p.m.-Agriculture Protection Area. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: June 28, 2016-5:40 p.m.- Morley Rezone – Request to rezone 9.09 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 686 East 10850 South, Avon

ACTION: Motion by Vice Chair Erickson to set a Public Hearing – June 28, 2016-5:40 p.m.-Morley Rezone. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: June 28, 2016-5:50 p.m.-Hansen Rezone – Request to rezone 83.76 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at approximately 6500 North 400 West, north of Smithfield.

ACTION: Motion by Council member Robison to set a Public Hearing-June 28, 2016-5:50 p.m.-Hansen Rezone. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: June 28, 2016-6:00 p.m. – Open 2016 Budget

ACTION: Motion by Council member Potter to set a Public Hearing – June 28, 2016-6:00 p.m.-Open 2016 Budget. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING: June 14, 2016-5:30 p.m. – Kerr Basin Rezone – Request to rezone 11.25 acres to add Mineral Extraction and Excavation (ME) Overlay Zone to the existing Forest Recreation (FR40) Zone located approximately 5700 South 5400 West, west of Wellsville City – Chris Harrild explained this is on the bench where there are

other gravel pits. The proposed area is 700 feet square. The original request was for a basin to capture storm water, but due to the amount of extraction that would be occurring to create the basin, staff recommended the rezone request. Wellsville City has no concerns. Staff and the Planning Commission recommend approval.

Chairman Merrill opened the Public Hearing and invited public comment.

Clint Kerr, property owner, said there is a natural drainage that goes right where the pond will be placed.

There was no other public comment.

The Council's intent is to approve.

ACTION: Motion by Council member Zilles to close the Public Hearing-June 14, 2016-5:30 p.m.-Kerr Basin Rezone. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Chairman Merrill asked Attorney Swink if there is anything needing an Executive Session. Swink replied there is not.

Council member Zilles asked that a Public Hearing be held on the Davenport Road.

Attorney Swink remarked that an Executive Session is probably needed before the Public Hearing.

Council member Potter observed that they should have an Executive Session, then public discussion, then the Public Hearing.

Chairman Merrill asked for an Executive Session on June 28, 2016. Clerk/Auditor Zollinger interjected that June 28th is the Primary Election Day and her office will be open until 8:00 p.m. It was decided the Executive Session will be scheduled for 4:30 p.m. prior to the June 28, 2016 Council meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Nautica Subdivision** – Request for an 11-Lot Subdivision and agricultural remainder on 1.29 acres in the Agricultural (A10) Zone located at 1550 West 6700 South, Hyrum. Remanded back to the Planning Commission by the County Council – Chris Harrild reminded the Council the first time this came before them, it was with a recommendation for denial. The Council approved it with an extension of services for 200 feet. The party is asking for an extension of services for 800 feet instead so the turn-around will not intrude on another individual's property. The original request was in the works prior to Resolution No. 2015-20-A Resolution Outlining the County Council's Policy Regarding the Expansion or Continuation of Services on County Roads. The Planning Commission believes the 800 feet recommendation makes more sense than the 200 feet.

Council member Zilles reminded the Council that a similar request by another party which was also in the works prior to Resolution No. 2015-20 was denied.

Director Runhaar stated the decision before the Council is whether to expand services or have the developer put in a private road by whatever means they can. The maintenance on these two areas will not be significant, if the Council approves them, but Runhaar asked the Council to “stick to their guns” on any future such requests. The county cannot afford to continue to expand services. There is not sufficient money.

ACTION: Motion by Council member Potter to waive the rules and approve the currently proposed request from Nautica Subdivision. Robison seconded the motion. The motion passed, 4 aye – Merrill, Potter, Robison & Zilles and 2 nay – Erickson & White. Yeates absent.

Council member Robison asked how the request mentioned by Council member Zilles can be brought back before the Council. Runhaar said he will discuss this with legal and determine how it should be handled and let the Council know what he finds out.

- **Reconsideration of Property Tax Relief Request** – Executive Buttars explained the Council voted, at their last meeting, to abate one year of penalty and interest on this request and asked Deputy Auditor Schaeffer to give the Council some background on the issue. Schaffer said the property, which is a hangar at the airport that is leased from the airport, was sold; however, the County was not informed and continued to send the tax notices to the previous owner who did not notify the new owner. When the previous owner was threatened with a tax sale, he gave the County the contact information for the new owner. When the new owner was contacted, he immediately came in to pay the taxes, but disagreed with paying penalties and interest because he never received a tax notice. He assumed the airport was paying the taxes as part of the lease agreement. Because the request was already acted on at the previous meeting, there must be a motion to reconsider by one of the members of the prevailing vote. *(Details are on file in the office of the Cache County Clerk/Auditor.)*

ACTION: Motion by Vice Chair Erickson to reconsider the Property Tax Relief Request for #0170. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

ACTION: Motion by Council member Potter to waive penalty and interest on years 2012, 2013, 2014 and 2015 for #0170. The motion passed, 4 aye – Erickson, Merrill, Potter & Robison and 2 abstentions – White & Zilles. Yeates absent.

After some discussion, it was determined there is probably a disconnect between the airport manager and the county on similar properties which needs to be corrected.

- **Adoption of County Final Tax Rates and Budgets** – Deputy Auditor Schaeffer indicated the Council approved the tax rate earlier and this must be approved and sent to the State Tax Commission.

(Attachment 1)

ACTION: Motion by Council member Zilles to approve the Adoption of County Final Tax Rates and Budgets. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Discussion – 2nd Quarter Budget Report** – Executive Buttars asked Council members to let Finance Director Jensen know of any budget concerns or discussion items so he can be working on them for the report at the second meeting in July.

OTHER BUSINESS

- ✓ **Nibley City Heritage Days Parade – Saturday, June 18, 2016 at 10:00 a.m.** – Zilles, Merrill and Buttars will attend.
- ✓ **County Employees' Day of Service –Rescheduled to Wednesday, June 29, 8:00 a.m.-noon – The Family Place**
- ✓ **Lewiston 4th of July Parade – Monday, July 4, 2016-9:00 a.m.**
- ✓ **Hyrum 4th of July Parade – Monday, July 4, 2016-12:00 p.m.**
- ✓ **County Summer Party – Thursday, July 14, 2016-6:00 p.m.**

COUNCIL MEMBER REPORTS

Gordon Zilles reminded the Council of the tour of Birch Creek and High Creek from 10:00 a.m. to 1:00 p.m.

Val K Potter announced the group of Legislative candidates are hosting a transportation town hall on Thursday at 6:30-8:30 p.m. in the Council Chambers. The Director of UDOT and the Region One Director will attend. There will be a moderator and the public is invited.

Potter accompanied the Governor to some meetings in North Logan, certain local businesses and a meeting at Angies Restaurant with students.

Kathy Robison said the Farmers' Market held on the County property is asking to be able to expand on to the grass areas around the Historic Courthouse. The consensus was "no." Perhaps the market can cut some non-produce vendors.

ADJOURNMENT

The Council meeting adjourned at 8:00 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chairman

Resolution Adopting Final Tax Rates and Budgets Report 800	Form PT-800 pt-800.xls Rev. 12/07
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County: **CACHE**

Tax Year: **2016**

It is hereby resolved that the governing body of:

COUNTY ASSESSING & COLLECTING

approves the following property tax rate(s) and revenue(s) for the year: **2016**

1. Fund/Budget Type	2. Revenue	3. Tax Rate
955 County Assessing & Collecting	\$2,651,076	0.000425
Totals	\$2,651,076	0.000425

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-913 and 29-2-920.

Signature of Governing Chair

Signature: *Tracy Merrill* Date: 6/17/16

Title: CACHE COUNCIL CHAIR

Utah State Tax Commission - Property Tax Division
Tax Rate Summary (693)
ENTITY: 1020 COUNTY ASSESSING & COLLECTING

Form PT-693

Rev. 2/15

CACHE COUNTY

Tax Year: 2016

The Board of Trustees for the above special district has set the current year's tax rates as follows:

Purpose of Tax Rate (Code from Utah Code Annotated)	Auditor's Tax Rate	Proposed Tax Rate	Maximum By Law	Budgeted Revenue
955 County Assessing & Collecting 59-2-1602(4)	0.000425	0.000425		\$2,651,076
Total Tax Rate	0.000425	0.000425	Total Revenue	\$2,651,076

Certification by Taxing Entity

I, Jill N. Zollinger, as authorized agent, hereby certify that this statement is true and correct and in compliance with all sections of the Utah State Code relating to the tax rate setting process.

Signature: Jill N. Zollinger Date: 6-14-16

Title: Cache County Clerk/Auditor Telephone: 435-755-1706

Mailing address: 179 North Main St., Suite 102, Logan, UT 84321

**Utah State Tax Commission - Property Tax Division
Resolution Adopting Final Tax Rates and Budgets**

Form PT-800
Rev. 02/15

County: **CACHE**

Tax Year: **2016**

It is hereby resolved that the governing body of:

CACHE

approves the following property tax rate(s) and revenue(s) for the year: **2016**

1. Fund/Budget Type	2. Revenue	3. Tax Rate
10 General Operations	10,533,728.00	0.001782
190 Discharge of Judgement	0.00	0.000000
250 Capital Improvements		0.000000
540 Health	786,007.00	0.000133
Totals	\$11,319,735	0.001915

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-913 and 29-2-920.

Signature of Governing Chair

Signature: *Greg Merrill* Date: *6/14/16*
 Title: *CACHE COUNTY COUNCIL CHAIR*

Utah State Tax Commission - Property Tax Division

Tax Rate Summary (693)

ENTITY: 1010 CACHE

Form PT-693

Rev. 2/15

CACHE COUNTY

Tax Year: 2016

The Board of Trustees for the above special district has set the current year's tax rates as follows:

Purpose of Tax Rate (Code from Utah Code Annotated)	Auditor's Tax Rate	Proposed Tax Rate	Maximum By Law	Budgeted Revenue
10 General Operations §59-2-908	0.001700	0.001782	.003200	10,533,728
540 Health §26A-1-117	0.000133	0.000133	0.0004	786,007
Total Tax Rate	0.001833	0.001915	Total Revenue	\$11,319,735

Certification by Taxing Entity

I, Jill N. Zollinger, as authorized agent, hereby certify that this statement is true and correct and in compliance with all sections of the Utah State Code relating to the tax rate setting process.

Signature: *Jill N. Zollinger* Date: 6-14-16
 Title: Cache County Clerk/Auditor Telephone: 435-755-1706

Mailing address: 179 North Main St., Suite 102, Logan, UT 84321