

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
OCTOBER 11, 2016**

COUNTY COUNCIL MEETING

October 11, 2016

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**CACHE COUNTY COUNCIL MEETING
October 11, 2016**

The Cache County Council convened in a regular session on October 11, 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:	Kathy Robison, Jon White, Cory Yeates & Gordon Zilles Val Potter absent.
County Executive:	Craig "W" Buttars
County Clerk/Auditor:	Jill Zollinger
County Attorney:	Lee Edwards

The following individuals were also in attendance: Janeen Allen, Joseph Anderson, Fred Bland, Terri Bland, Shawn Bliss, Alex Buxton, Dory Clawson, Doug Clawson, Sean Damitz, Jennifer Duncan, Jessica Dryden, Bevan Erickson, Chief Rod Hammer, Anne Hedrich, Sharon L. Hoth, Chad Hutchings, Heidi Hyatt, Finance Director Cameron Jensen, Carole Justice, Britton Lund, Donna Jones Morris, Director Bartt Nelson, Scott Nielsen, Mark Nordstrom, Stephanie Parish, Patty Richardson, Andrea Simisky, Barbara Tidwell, Frankie Urrutia-Smith, **Media:** Clayton Gefre (Herald Journal, Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Vice Chair Erickson to approve the agenda as written. White seconded the motion. The vote was unanimous, 5-0. Potter & Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the September 27, 2016 Council Meeting 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 09-24-2016 to 09-30-2016 were given to the Clerk for filing.

OTHER ITEMS:

- Sheriff's Planning Meeting** – October 12, 2016 at 2:30 p.m. All Council members are invited.

- Water Conservancy District** – Fundraising efforts are continuing and two flyers will be sent out soon. The County Voter Information Pamphlet has information on Proposition 11, the creation of the Cache Water District, as does vote.utah.gov.
- Ballots for the November 8, 2016 General Election** will be mailed October 18, 2016.
- Utah Local Governments Trust** – Executive Buttars received two checks – \$2,687.95 for CCEMS and \$12,549.98 for Cache County.
- Tourism Tax Advisory Board** – County Attorney Baird is drafting bylaws for the Board to be presented to the Council.
- Multi-Purpose Building** – Plans with seating capacity, etc. have been received and will be emailed to the Fairgrounds Advisory Board. The cost of construction should be available after November 1, 2016.
- Land Transfer** – The 6F transfer is about ready for the Green Canyon High School land. Buttars will keep the Council informed as it progresses.
- Bond Refinance** is completed and saves about \$68,000.00 this coming year and over \$400,000.00 over the life of the bond.
- Bookmobile** – Executive Buttars met with Shawn Bliss and Britton Lund and had a beneficial discussion. The County needs to be sure things are being done in as efficient a manner as possible with tax payers' funds. Through misinformation some citizens were concerned they were losing the County Library in Providence. This is not the case. Only the Bookmobile is being reviewed.

UNIT OR COMMITTEE REPORTS

- * **USU Extension – Adrie Roberts** updated the Council on the following:
 - o Grant funding received by Clark Israelsen
 - o Grant for Latino finance classes
 - o Food Sense Program
 - o Water Checks
 - o Cache Maker Program
 - o Evelyn Andrew retiring November 1, 2016
 - o Internships
 - o Wellness
 - o Open enrollment
 - o Introduced Dr. Selina Willie as Latina Program Outreach Specialist
 - o Thanked Cache County for support

Council member Yeates arrived at the meeting at 5:25 p.m.

Chairman Merrill noted that because the Executive and Council members have received many inquiries about the Bookmobile's future, the Chair has the discretion of allowing public comments.

Executive Buttars explained that his budget proposal does contain funding for the Bookmobile through June 30, 2017. In the meantime, he would like to increase dialog and collaboration with other libraries and the state library system to find better ways to meet the needs of people in the county without a duplication of services. He would especially like to increase the visibility of library opportunities online.

Chairman Merrill invited comments and asked that individuals limit their time to 3-4 minutes each with a total time for all comments of 15 minutes.

Chad Hutchings – Logan – used the Bookmobile services growing up in Sandy, Utah when it was a small farm community and urged the County to do all it can to maintain access to library services.

Donna Jones Morris, State Librarian, also wants to check out duplication of services and the Bookmobile benefits to citizens. She wants to help the County Library in Providence and observed a similar hearing on Bookmobile services was recently held in Utah County and the decision was to retain the Bookmobile. The state pays 30% of Bookmobile costs and feels invested in the program. Jones Morris asked citizens attending for this issue to stand and 13-15 people stood.

Doug Clawson, River Heights City Council, supports the Bookmobile and asked when the decision would be made to fund or defund the Bookmobile. Chairman Merrill said there would be public hearings and the decision would be made by November 8, 2016.

Sean Damitz, Smithfield, and his family use the Bookmobile regularly and it is always busy. He supports the Bookmobile as a great resource for the rural residents of the county.

Heidi Hyatt, Mendon, uses the Bookmobile and used it when she lived in Nibley. Mendon is getting its own library, but she still intends on using the Bookmobile and the County Library. She does not consider these as duplication of services; the collections are complementary, not competitive. Many people don't even know there is a County Library; it needs more promotion.

Chairman Merrill thanked all for their input.

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, 6-0. Potter absent.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

BOARD OF EQUALIZATION

- **Approve Recommendations of Hearing Officers for Board of Equalization and Greenbelt Appeals**

ACTION: Motion by Vice Chair Erickson to accept the Recommendations of the Hearing Officers for Board of Equalization and Greenbelt Appeals. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PUBLIC HEARING SET: October 25, 2016-5:30 p.m.-Agriculture Protection Area –
Request by Nelda Bair and Robert Bair for an Agriculture Protection Area southwest of Richmond.

ACTION: Motion by Council member Zilles to set a Public Hearing-October 25, 2016-5:30 p.m.-Agriculture Protection Area. – Request by Nelda Bair and Robert Bair for an Agriculture Protection Area southwest of Richmond. Erickson seconded the motion. The vote was unanimous, 6-0. Potter absent.

PUBLIC HEARING SET: October 25, 2016-5:40 p.m.-Title 17 Amendments –
Amendments to County Land Use Ordinance 17.07 Definitions and 17.09 Schedule of Zoning Uses to create a separate use category and definition for Crematoriums.

ACTION: Motion by Council member Robison to set a Public Hearing-October 25, 2016-5:40 p.m.-Title 17 Amendments – Amendments to County Land Use Ordinance 17.07 Definitions and 17.09 Schedule of Zoning Uses to create a separate use category and definition for Crematoriums. Erickson seconded the motion. The vote was unanimous, 6-0. Potter absent.

PUBLIC HEARING SET: October 25, 2016-6:00 p.m. - Open 2016 Budget

ACTION: Motion by Vice Chair Erickson to set a Public Hearing-October 25, 2016-6:00 p.m.-Open 2016 Budget. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2016-16-Nielsen Rezone** - Request for a rezone of 5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 100 West 6600 South, south of Hyrum – Director Runhaar reminded the Council of the Planning Commission’s recommendation of approval.

(Attachment 1)

Ordinance No. 2016-16: The motion passed 6-0. Potter absent.

	<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	6
NAY								0
ABSTAINED								0
ABSENT			X					1

ACTION: Motion by Council member Robison to waive the rules and approve Ordinance No. 2016-16-Nielsen Rezone-Request for a rezone of 5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 100 West 6600 South, south of Hyrum – Director Runhaar reminded the Council of the Planning Commission’s recommendation of approval. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

- Consideration for adoption of a resolution of inducement for not to exceed \$3,000,000.00 of business development revenue refunding bonds; approving a memorandum of agreement with Sunshine Terrace Foundation, Inc., In connection with the issuance by Cache County o its business development revenue Refunding bonds to refinance the costs of the expansion of the existing building and the furnishing and Equipping of such building for use as a rehabilitation facility (the “Project”); and authorizing the execution and delivery of a memorandum of agreement by and between Cache county and Sunshine terrace Foundation, Inc. with respect to refinancing the Project; and related matters – Alex Buxton, representing Zions Bank, explained the refinancing process and assured the Council the County is not liable for any payments. Brad Patterson reminded the Council that a TEFRA hearing (Tax Equity and Fiscal Responsibility Act) must be held prior to adopting the resolution.

ACTION: Motion by Council member Zilles to set a Public Hearing – November 8, 2016-5:30 p.m.-TEFRA. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

- 2017 County Council Meeting Schedule and County Offices Holiday Schedule

(Attachment 2)

ACTION: Motion by Council member White to approve the 2017 County Council Meeting Schedule and Holiday Schedule. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.

OTHER BUSINESS

- ✓ UAC Annual Convention – November 16-18, 2016 – Dixie Convention Center, St. George – All Council members will attend.

COUNCIL MEMBER REPORTS

Gordon Zilles reported numerous texts and contacts about the Bookmobile.

Dave Erickson again asked about the survey done by Brandy Grace at UAC that compared counties. Buttars will find out about it.

Erickson invited the Council to attend the Liberty’s Light patriotic program Friday at Skyview.

Kathy Robison urged the Council to take the state librarian’s suggestion and thoroughly review the Bookmobile issue before making a decision.

Jon White said the Bookmobile issue is a hot topic in Paradise as well. He supports funding the Bookmobile

Greg Merrill remarked the Council needs to make a decision on whether the tax rate is going to be held the same because the mailing from the Treasurer’s office is going out on the 26th of October and the printer needs the wording now so the set up for 46,000 mailers can be accomplished. After some discussion, it was decided to print it now and hold for

Cache County Council
10-11-2016

mailing until after the October 25, 2016 Council meeting when the Council can make the official decision on the certified tax rate.

ACTION: Motion by Council member White to authorize the printing of the tax notices indicating the certified tax rate will remain the same. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.

Executive Craig Buttars commented he doesn't think there is a lot of opposition to the Water District.

ADJOURNMENT

The Council meeting adjourned at 6:40 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chair

ORDINANCE NO. 2016-16

CACHE COUNTY, UTAH

NIELSEN 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 September 1, 2016, at 5:35 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 September 1, 2016 the Planning Commission recommended the approval of said rezone (4, 0) and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on September 27, 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, and the findings of fact and Planning Commission conclusion identified in the staff report, 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:

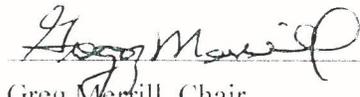
1. Statutory Authority.
The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).
2. Approval of Rezone.
The County Council hereby rezones parcel 01-071-0007 as described within Exhibit A, currently zoned 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. Conclusions.
 - A. The location of the subject property is compatible with the purpose of the proposed Rural 2 (RU2) Zone.
 - B. The subject property is suitable for development within the Rural 2 (RU2) Zone district without increasing the need for variances or special exceptions.
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 number 01-071-0007.
Exhibit B: Zoning Map of Cache County
8. Effective Date.
This ordinance takes effect on October 26, 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 11th day of October, 2016.

	In Favor	Against	Abstained	Absent
Potter				X
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL



Greg Merrill, Chair
Cache County Council

ATTEST:



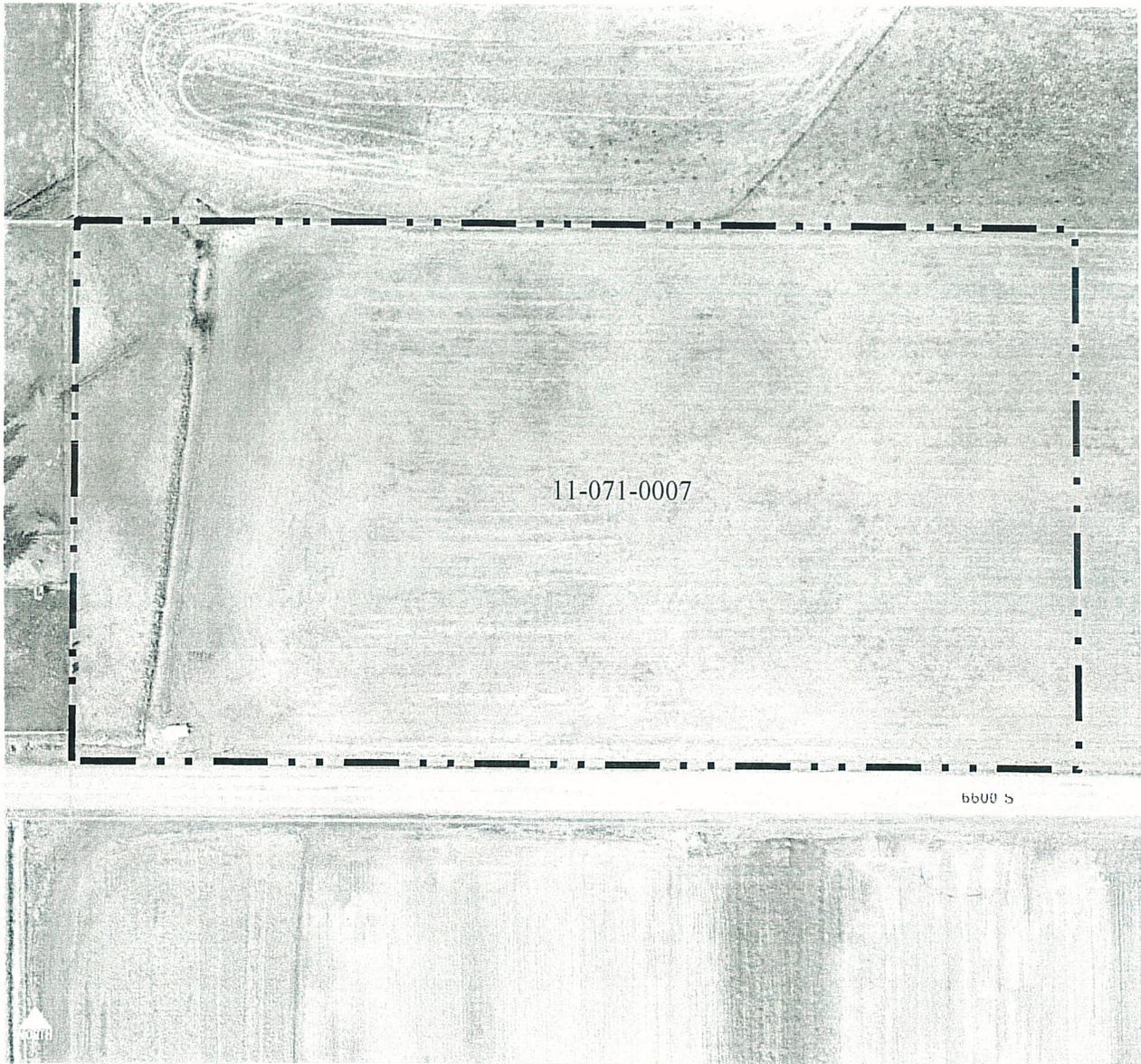
Jill Zollinger
Cache County Clerk

Publication Date:

October 26, 2016

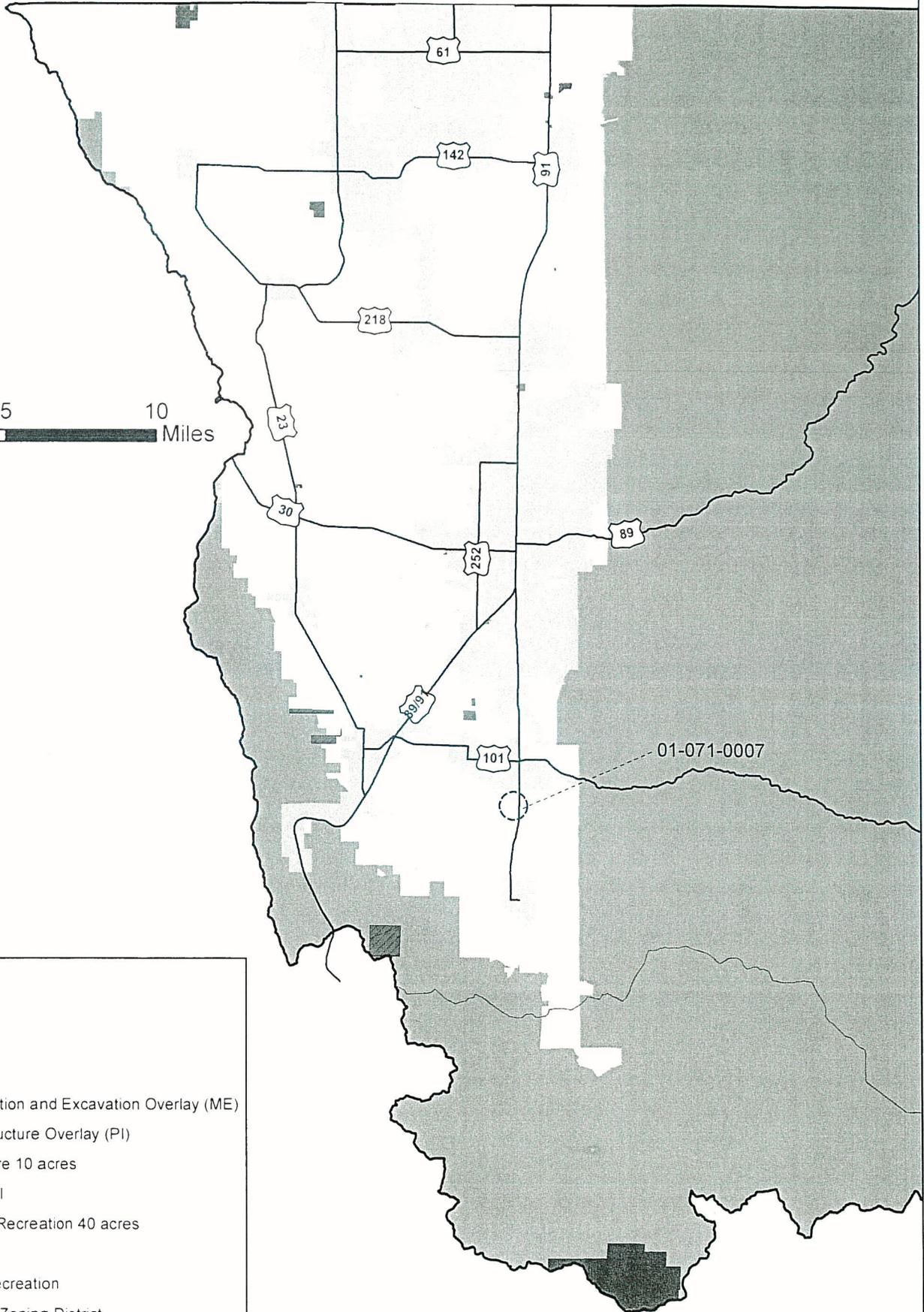
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Exhibit A



Legal Description: 11-071-0007
BEG 40 RDS W OF SE COR SEC 9 T 10N R 1E & TH W 40 RDS TH N 20 RDS TH E40 RDS
TH S 20 RDS TO BEG CONT 5 AC

Exhibit B: Ordinance 2016-16 Zoning Map of Cache County



Legend

- Major Roads
- City Boundary

Zone Type

- Mineral Extraction and Excavation Overlay (ME)
- Public Infrastructure Overlay (PI)
- A10: Agriculture 10 acres
- C: Commercial
- FR40: Forest Recreation 40 acres
- I: Industrial
- RR: Resort Recreation
- RU2: Rural 2 Zoning District
- RU5: Rural 5 Zoning District



NOTICE OF THE ANNUAL CACHE COUNTY COUNCIL MEETING AND COUNTY OFFICES HOLIDAY SCHEDULE

PUBLIC NOTICE is hereby given that the 2017 meeting schedule of the Cache County Council is as follows:

JANUARY	10	and	24	JULY	11	and	25
FEBRUARY	14	and	28	AUGUST	8	and	22
MARCH	14	and	28	SEPTEMBER	12	and	26
APRIL	11	and	25	OCTOBER	10	and	24
MAY	9	and	23	NOVEMBER	14	and	21
JUNE	13	and	27	DECEMBER	5	and	12

Regular meetings of the Council will be held in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 beginning at 5:00 p.m. unless notice is given otherwise. Special and emergency meetings may be called as necessary pursuant to Utah State law.

The following legal holidays will be observed in 2017 by Cache County Government. County offices, except emergency services, shall be closed on these days:

JANUARY	2	Monday	New Year's Day
JANUARY	16	Monday	Dr. Martin Luther King Day
FEBRUARY	20	Monday	Presidents' Day
MAY	29	Monday	Memorial Day
JULY	4	Tuesday	Independence Day
JULY	24	Monday	Pioneer Day
SEPTEMBER	4	Monday	Labor Day
OCTOBER	9	Monday	Columbus Day
NOVEMBER	10	Friday	Veterans Day
NOVEMBER	23	Thursday	Thanksgiving Day
NOVEMBER	24	Friday	Personal Preference Day
DECEMBER	25	Monday	Christmas Day
DECEMBER	26	Tuesday	Christmas Holiday Preference

And all days which may be set apart by the President of the United States or the Governor of the State of Utah by proclamation as days of fast or thanksgiving shall also be observed as legal holidays.

Witness my hand and official seal this 11th day of October, 2016.

Attest:

Jill N. Zollinger
Cache County Clerk / Auditor



Gregory Merrill, Chair
Cache County Council