

**MINUTES
CACHE COUNTY COUNCIL**

February 23, 2021 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair Gina H. Worthen; Vice Chair Barbara Tidwell; Council Members Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

MEMBERS EXCUSED:

STAFF PRESENT: County Executive David Zook, County Attorney James Swink, I.T. Director Bartt Nelson, Bryson Behm, County Clerk's Office, Deputy County Attorney John Luthy, Deputy County Executive Bryce Mumford

OTHER ATTENDANCE: Joel Merritt, Jason Summers, Mayor John Drew, Charlie Schill, media; Russ Akina, Logan Parks and Recreation Director

1. Call to Order – Gina H. Worthen

2. Opening Remarks and Pledge of Allegiance – David Erickson

3. Review and Approval of Agenda (4:32) ATTACHMENT 1

Action: Motion to approve the agenda made by Karl Ward. Seconded by Barbara Tidwell.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

4. Review and Approval of Minutes (5:04)

Discussion: January 26, 2021 minutes need one change prior to adoption. February 9, 2021 minutes will be held by the Clerk/Auditor for further changes.

Action: Motion made by Paul Borup to approve the January 26, 2021 minutes with one change to item 10b. Barbara Tidwell seconded the motion.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

5. Minutes Follow-up

6. Report of the County Executive: David Zook (5:51) ATTACHMENT 2

- a. Appointments: Cache County Weed Board - Clark Israelsen and David Zook were recommended. Utah Association of Counties Board - David Erickson was recommended.

Action: Motion made by Gordon Zilles to approve the appointments for the Cache County Weed Board and Nolan Gunnell seconded the motion.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

Action: Motion made by Paul Borup to approve the appointment to the UAC Board. Karl Ward seconded the motion.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

- b. Financial Reports: January 2021 Financial Statement

David Zook reported on the recent meeting of the Cache County Council of Governments regarding possible trail funding. He also said that the CCCOG had a preliminary meeting on fast tracking road projects through bond projects. Inflation right now is higher than rates for the bond market. The County Council would have to approve any bonding for roads.

- c. Boundary Commissioners - No appointments as appointments have already been made. Protest filed by Nibley regarding Logan and Nibley annexation.

7. Items of Special Interest - (12:33) ATTACHMENT 3

- a. **Discussion:** Request for an extension on RAPZ funding - Russ Akina, Director of Logan City Parks and Recreation said that the projects are still in progress. West Willow Angels Landing surface material playground, will need an additional seven months to complete the project. Canyon Road Trail construction - asphalt and concrete need to be completed by May 31. Akina is requesting an additional three months to complete the project as well as a conservation easement. He also reported that Logan City is reducing the size of the Kunzler Property Conservation Easement, thereby reducing the amount needed from RAPZ to \$82,620. The additional funds, which had been allocated, will be returned to the RAPZ fund.

Action: Motion made by Gordon Zilles to grant the extension requested. Seconded by Karl Ward.

Motion Passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

- b. Impound Facility Status Update - Sheriff Chad Jensen [\(1:20:00\)](#)

Discussion: Sheriff Jensen provided three cost projections. (1) \$1.75 million dollars, (2) \$1.5 million dollars, and (3) \$1.2 million. The average of all three bids is \$1.52 million; add an additional 20% for incidentals for an approximate cost of \$2 million.

Action: Motion made by Gordon Zilles to authorize bid for the project. Seconded by Paul Borup.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

8. Department or Committee Reports [\(24:23\)](#)

- a. Cache Valley Visitors Bureau - Director, Julie Hollist - Terrill unable to attend. Will postpone to a future meeting.

9. Board of Equalization Matters

Action: Motion made by Karl Ward to go into Board of Equalization. Seconded by David Erickson.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

Discussion: Property Tax Exemption Requests. The requests are: Jump the Moon, board needs updated information; Providence Place Housing, board needs updated information; and American West Heritage Center, Skid Steer purchased for \$52,000 and now it is worth \$19,000, not even a year old.

Action: Motion made by David Erickson to approve the property tax exemption requests with the exception of Providence Place Housing and the American West Heritage Center. Seconded by Karl Ward.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

10. Public Hearings [\(30:27\)](#)

- a. Set public hearing for March 9, 2021 at 5:30 p.m. - Ordinance 2021-06 Fritz Tower Rezone.

Action: Motion made by Barbara Tidwell. Seconded by Nolan Gunnell.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

- b. Set public hearing for March 9, 2021 at 5:40 p.m. - Ordinance 2021-07 Dry Canyon Estates Rezone; Set public hearing for March 9, 2021 at 5:50 p.m. - Ordinance 2021-08 Mountain View Subdivision Rezone; Set public hearing for March 9, 2021 at 6:00 p.m. - Ordinance 2021-09; Set public hearing for March 9, 2021 at 6:10 p.m. - Ordinance 2021-04.

Action: Motion made by David Erickson for the public hearings to be set. Seconded by Karl Ward.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

11. Pending Action [\(31:52\)](#) ATTACHMENT 4

- a. Resolution 2021-25 declaring county interest in real property located on Wolf Pack Way, described as parcel number 04-058-0051 as surplus property.

Action: Motion made by Karl Ward to approve Resolution 2021-25. Seconded by Barbara Tidwell.

Motion passes.

Aye: 7 Gina H. Worthen, Barbara Tidwell, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

Nay: 0

- b. Ordinance 2021-05 an ordinance amending chapters 5.08 and 5.12 of the County Code relating to alcoholic beverages.

Discussion: John Luthy, Deputy Cache County Attorney, said that he has revisions to the proposed ordinance. The primary revision would change the consent requirement for a winery so that consent only has to be given once, rather than annually when a business reapplies for a license. Luthy said that he would follow up on questions from the Council regarding whether a winery could sell other alcohol products like a liquor store. Luthy said that the ordinance also needs clarification regarding advertising restrictions, and could include expanded Council oversight including national background checks and notice of ownership changes. Council members and Luthy discussed concerns about cultural changes to Cache Valley, and how many acres of crops would be required in a land use ordinance.

Action: Motion made by Karl Ward to table the discussion until there are land use codes and ordinances in place. Motion dies due to lack of second. Ordinance 2021-05 will be placed on the next council agenda.

Motion dies.

12. Initial Proposals for Consideration (1:28.53)

- a. **Discussion:** County Recorder's Office budget request - Devron Andersen, County Recorder. Andersen said the increase in the workload over the last 40 years while maintaining the current full-time staffing plan. As a result, services provided have declined. Requesting three full-time positions. The Finance Department indicates that money is available for these positions. Gina Worthen states that a decision cannot be made without a public hearing. Due to that requirement, Devron Andersen withdraws his request for a vote on the matter in this meeting.
- b. **Discussion:** Trail Concept for the SR165 corridor between Paradise and Avon - Jason Summers, Prime International, LLC and Carly Lansche, Regional Trails Coordinator: Phases of trail to reach Porcupine Reservoir. Not on the master plan, not a priority for the county. Positive support received through an online petition. Concerns with a paved trail and a parking lot would be an increase in traffic, garbage, and littering. County road vs state road concerns and parameters. SR165 corridor is owned by the Utah Department of Transportation. (1:46.10)
- c. **Discussion:** Council Agenda Process - New department head process to request items for a council agenda. Template or checklist for agenda items: background, staff findings, recommendations, point of contact, etc. Bryce Mumford, Deputy County Executive, stated that Provo City has a similar workflow process. Deadline for adding items to the agenda for county departments will be the Tuesday before council meeting.
- d. **Discussion:** County Mission Statement - The Council discussed the mission and value statement. County Vision Statement - public relations committee to give suggestions. Each department to have their own mission statement. (2:45.04)

13. Other Business (2:51.33)

2021 Newly Elected Officials Training: Thursday, February 25, 2021 at 8:00 a.m. to 4:00 p.m. at Utah State University's Salt Lake Center Campus - 920 West Levoy Drive, Taylorsville, Utah 84123. Correction: training will be conducted on March 18, 2021..

- a. UAC Management Conference: May 12-13, 2021 at the Davis Conference Center in Layton. Elected Officials social dinner will be on February 26, 2021.

14. Council Member Reports (2:52.24)

David Erickson – Would like a few days notice for workshops.

Gordon Zilles – The County Fire District is working to determine whether they are indeed a district which can levy taxes.

Karl Ward – said that the Utah Festival Opera is in "serious crisis." He has been talking with others to see what can be done to keep it alive. Ward would also like to look into restarting the County Agricultural Board.

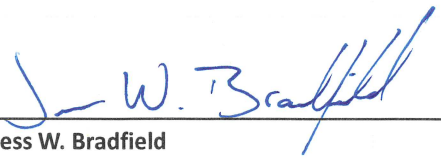
Barbara Tidwell – Likes the idea of the new agenda prepared in advance for council review.

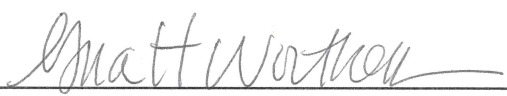
Paul Borup – no update.

Nolan Gunnell – no update.

Gina Worthen – Budget training for elected officials.

15. Adjourn – approximately at 8:00 p.m.


ATTEST: Jess W. Bradfield
County Clerk/Auditor


APPROVAL: Gina. H. Worthen
Chair

CACHE COUNTY COUNCIL MEETING
FEBRUARY 23, 2021

ATTACHMENT 1

DAVID N. ZOOK

COUNTY EXECUTIVE

199 NORTH MAIN STREET
LOGAN, UT 84321
435-755-1850
WWW.CACHECOUNTY.ORG

**COUNTY COUNCIL**

GINA H. WORTHEN, *CHAIR*
BARBARA Y. TIDWELL, *VICE CHAIR*
PAUL R. BORUP
DAVID L. ERICKSON
NOLAN P. GUNNELL
KARL B. WARD
GORDON A. ZILLES

PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **COUNCIL MEETING** at **5:00 p.m.** in the **Cache County Historic Courthouse Council Chambers**, 199 North Main Street, Logan, Utah 84321, **TUESDAY, FEBRUARY 23, 2021**. Council meetings are live streamed on the Cache County YouTube channel at: <https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>. **COVID-19 safety and distancing protocols will be followed.**

AGENDA

COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING** – Councilman David Erickson
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (January 26 and February 9, 2021)
 5. **MINUTES FOLLOW-UP**
 6. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:** Cache County Weed Board • UAC Board of Directors
 - b. **Financial Reports:** January 2021 Financial Statements
 - c. **Other Items:**
 7. **ITEMS OF SPECIAL INTEREST**
 - a. Request for extension of RAPZ funding – Russ Akina, Logan City
 - b. Impound Facility Status Update – Sheriff Chad Jensen
 8. **DEPARTMENT OR COMMITTEE REPORTS**
 - a. Cache Valley Visitors Bureau – Director, Julie Hollist-Terrill
 9. **BOARD OF EQUALIZATION MATTERS**
 - a. Property Tax Exemption Requests
 10. **PUBLIC HEARINGS**
 - a. **Set Public Hearing for March 9, 2021 at 5:30 p.m. – Ordinance 2021-06 Fritz Tower Rezone**
A request to add the Public Infrastructure (PI) Overlay Zone to a 1,600 square-foot area of a 5-acre property in the Agricultural (A10) Zone located at 1478 West 6710 South near Hyrum
 - b. **Set Public Hearing for March 9, 2021 at 5:40 p.m. – Ordinance 2021-07 Dry Canyon Estates Rezone**
A request to rezone 20 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at approximately 300 South 1400 East adjacent to Smithfield
 - c. **Set Public Hearing for March 9, 2021 at 5:50 p.m. – Ordinance 2021-08 Mountain View Subdivision Rezone**
A request to rezone 6.69 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 700 South 5400 West near Mendon
 - d. **Set Public Hearing for March 9, 2021 at 6:00 p.m. – Ordinance 2021-09**
An ordinance amending section 15.08.020 of the Cache County Code to (1) Adopt and incorporate into the Cache County Fire Code portions of Appendix D of the International Fire Code, and (2) Update other provisions of the Cache County Fire Code
 - e. **Set Public Hearing for March 9, 2021 at 6:10 p.m. – Resolution 2021-04**
Amending the 2021 Cache County Budget

11. PENDING ACTION

- a. **Resolution 2020-25** Declaring County interest in real property located on Wolf Pack Way, described as parcel number 04-058-0051 as surplus property
- b. **Ordinance 2021-05** An Ordinance amending chapters 5.08 and 5.12 of the County Code relating to alcoholic beverages

12. INITIAL PROPOSALS FOR CONSIDERATION OF ACTION

- a. Discussion: Recorder's Office Budget Request – Devron Andersen, County Recorder
- b. Discussion: Trail concept for the SR 165 corridor between Paradise and Avon – Jason Summers, Prime International, LLC and Carly Lansche, Regional Trails Coordinator
- c. Discussion: Council Agenda Process
- d. Discussion: County Mission Statement

13. OTHER BUSINESS

- a. 2021 Newly Elected Officials Training: Thursday, February 25, 2021 8:00 a.m. to 4:00 p.m.
Utah State University's Salt Lake Center Campus
920 West LeVoy Drive, Taylorsville, Utah 84123
- b. UAC Management Conference: May 12-13, 2021
Davis Conference Center in Layton

14. COUNCIL MEMBER REPORTS

15. ADJOURN


Gina H. Worthen, Chair

**CACHE COUNTY COUNCIL MEETING
FEBRUARY 23, 2021**

ATTACHMENT 2

APPOINTMENTS

02/23/2021

CACHE COUNTY WEED CONTROL BOARD

BOARD MEMBER

ELECTED COUNTY EXECUTIVE

UTAH AGRICULTURE CODE
CHAPTER 17 NOXIOUS WEED CODE
4-17-105

DAVID N. ZOOK

199 North Main Street
Logan, UT 84321
435-755-1850
david.zook@cachecounty.org

**Appointed to Term of Office
determined by Election**

Beginning: 01/01/2021

Expiring: End of Term of Office

BOARD MEMBER

ZONE 1

MIKE SPACKMAN

270 South 1200 East
Trenton, UT 84338
435-512-3070
Lazys07@gmail.com

Reappointed to a Four-Year Term

Beginning: 01/01/2021

Expiring: 12/31/2024

BOARD MEMBER

ZONE 2

BRET CHRISTENSEN

1574 East 13000 North
Cove, UT 84320
435-994-0588
bretc6@gmail.com

Reappointed to a Four-Year Term

Beginning: 01/01/2021

Expiring: 12/31/2024

BOARD MEMBER

ZONE 3

DARIN EVANS

236 South 200 West
Hyde Park, UT 84318
435-757-8160
cowsrock44@live.com

Reappointed to a Four-Year Term

Beginning: 01/01/2021

Expiring: 12/31/2024

BOARD MEMBER

ZONE 4

CLARK ISRAELSEN

2624 West 1800 South
Logan, UT 84321
435-770-3456
ceicrops@yahoo.com

Appointed to a Four-Year Term

Beginning: 01/01/2021

Expiring: 12/31/2024

BOARD MEMBER

ZONE 5

JACK BROWN

2409 West 5000 South
Hyrum, UT 84319
435-757-4747
sfrickeone@hotmail.com

Reappointed to a Four-Year Term

Beginning: 01/01/2021

Expiring: 12/31/2024

ADVISORY MEMBER

COUNTY COUNCIL LIAISON

DAVID L. ERICKSON

360 West 7800 North
Smithfield, UT 84335
435-770-0283
david.erickson@cachecounty.org

Reappointed to Four-Year Term

Beginning: 01/01/2021

Expiring: 12/31/2024

APPOINTMENTS

02/23/2021

UTAH ASSOCIATION OF COUNTIES (UAC) BOARD OF DIRECTORS

BOARD MEMBER

CACHE COUNTY

REPRESENTATIVE

DAVID L. ERICKSON

360 West 7800 North

Smithfield, UT 84335

435-770-0283

david.erickson@cachecounty.org

Appointed to a One-Year Term

Beginning: 01/01/2021

Expiring: 12/31/2021

CACHE COUNTY COUNCIL MEETING
FEBRUARY 23, 2021

ATTACHMENT 3

**Explanation for RAPZ Project Funding Continuation
Logan City Projects**

Project: West Willow Angels Landing Playground Surface Replacement

\$59,000 Awarded in 2017

\$44,016.13 Remaining

Surface replacement has been purchased and City crews will install the surface materials (panels) at the completion of the playground equipment installation. Work is continuing as weather permits. The surface replacement requires warmer temperatures for adhesive to bond the surface panels to the concrete foundation. Completion is anticipated by September 30, 2021.

Progress of the work has been hampered in part by a backlog of maintenance projects, a competitive labor market for summer help that limited our progression, effects of COVID-19 amongst staff, and delays in materials needed from suppliers impacted by the pandemic.

Continuation Request: Logan City is requesting an extension of seven (7) months to complete the project.

Project: Canyon Road 500 East to 600 East Trail Construction

\$75,000 Awarded in 2017

\$14,212.77 Remaining (\$9,376.60 encumbered)

Work is expected to be complete by May 31. Initial scope included a subsurface Geotech survey of the hillside in 2018 where the trail was proposed at 600 East Canyon Road and continue west to 500 East Canyon Road. The results of the survey indicated that significant retaining wall construction would be needed to support the trail on the northside of Canyon Road. Overarching purpose of trail connectivity is to reduce at-grade street crosses for trail users, however it was determined that existing sidewalk on the south side of Canyon Road would be used and improvements made at the intersection of 400 East 100 North Canyon Road to improve the pedestrian trail crossing at Canyon Road. This involves sidewalk reconstruction that connects to the Temple Trail from Canyon Road to the Boulevard and to 500 East and 600 East. Safety fencing for the trail has been installed. Pedestrian crossing beacons (\$9,376.60) have been ordered and the balance of RAPZ (\$4,836.17) will be matched to City funds for the remainder of the construction contract.

Continuation Request: Logan City is requesting an extension of three (3) months to complete the project.

**Explanation to Reduce RAPZ Funding
Kunzler Property Conservation Easement Project**

Project: Kunzler Property Conservation Easement

\$150,000 Awarded

\$82,620 New adjusted amount from Utah Quality Growth Commission Hearing

The Utah Quality Growth Commission approved a request by the City of Logan to reduce the original amount of easement and subsequent grant funding as a result of reconsideration by the owner's developer for the property from 73 acres to 47 acres. The reduction in acreage also reduces the matching amount from RAPZ. This change in funding from RAPZ for the City's original application of \$150,000 is now reduced to \$82,620 and the same for the matching RAPZ funds from the County's application, again from \$150,000 to \$82,620. The easement acquisition will still allow the Logan River Trail to be expanded onto the Kunzler property from Trapper Park. The additional area will provide up to an additional 1.6 miles of public trail.

Project Request: Logan City is requesting to reduce amount of RAPZ funds to \$82,620 for City application and County application.

**CACHE COUNTY COUNCIL MEETING
FEBRUARY 23, 2021**

ATTACHMENT 4

**CACHE COUNTY
RESOLUTION 2020 - 25**

**RESOLUTION DECLARING COUNTY INTEREST IN REAL PROPERTY LOCATED ON WOLF
PACK WAY, DESCRIBED AS PARCEL NUMBER 04-058-0051 AS SURPLUS PROPERTY**

WHEREAS, Cache County intends to sell the County interest in 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 23 day of February, 2021.

ATTESTED TO:

Jess W. Bradfield
Jess W. Bradfield
Cache County Clerk/Auditor

CACHE COUNTY COUNCIL

Gina H. Worthen
Gina H. Worthen
Council Chair

EXHIBIT A



LOT 11 CACHE RECREATION COMPLEX SUBDIVISION UNIT 2 AS SHOWN ON THE OFFICIAL PLAT THEREOF
FILED IN THE OFFICE OF THE CACHE COUNTY RECORDERS OFFICE. 04-058-0051