

CACHE COUNTY COUNCIL MEETING

July 11, 2023 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 opinions 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 David Erickson, Councilmember Barbara Tidwell, Councilmember Kathryn Beus, Councilmember Sandi Goodlander, Councilmember Mark Hurd, Councilmember Karl Ward, Councilmember Nolan Gunnell

MEMEBERS EXCUSED:

STAFF PRESENT: County Executive David Zook, Chief Deputy Executive Dirk Anderson, Attorney Dane Murray, Clerk/Auditor David Benson, Sheriff Chad Jensen, Bartt Nelson, Scott Bodily, Alma Burgess, Danny Major, Nathan Argyle, Micah Safsten, Amy Adams, Philip Noble, Shaun Milne, Tim Watkins, Rod Hammer

OTHER ATTENDANCE: Blake Leonelli, Kathleen Alder, Joe Hawkes, Sherry Stevens, Jeff Nielson, JoAnn Bennett

Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair David Erickson

2. **Opening Remarks and Pledge of Allegiance** – Councilmember Sandi Goodlander [0:27](#)

3. **Review and Approval of Agenda APPROVED [2:15](#)**

Action: Motion made by Councilmember Barbara Tidwell to approve the agenda; seconded by Councilmember Nolan Gunnell
Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward
Nay: 0

4. **Review and Approval of Minutes (June 27, 2023; June 30, 2023) APPROVED [2:32](#)**

Action: Motion made by Councilmember Barbara Tidwell to approve the minutes with corrections; seconded by Councilmember Karl Ward

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward
Nay: 0

5. **Report of the County Executive [3:19](#)**

A report from County Executive David Zook.

6. **Items of Special Interest [6:28](#)**

a. Report from Waste Management regarding updates to County garbage collection – Blake Leonelli [6:41](#)

b. Discussion of changes to policy on accessory dwelling units – Stephen Nelson and Tim Watkins [39:30](#)

c. Suggestions for process of outside entities applying for ARPA funds – Alma Burgess [52:03](#)

7. **Department or Committee Reports**

8. **Public Hearings [26:14](#)**

a. **Set Public Hearing for July 25, 2023 – Ordinance 2023-25 [26:26](#)**

Amending the Definition and Standards Associated with Accessory Apartments to Comply with Recent Changes in State Code

Action: Motion made by Councilmember Nolan Gunnell to set the public hearings for Ordinance 2023-25 and Ordinance 2023-26 for July 25, 2023; seconded by Councilmember Barbara Tidwell [26:32](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward
Nay: 0

b. Set Public Hearing for July 25, 2023 – Ordinance 2023-26

Amending 17.10 Development Standards Specific to Industrial (I) Zone Development for Agricultural Processing Facilities Specific to Food Production

Action: See action for item 8a.

c. Public Hearing – Ordinance 2023-22 – 8479 Rezone [27:50](#)

A request to rezone 8.37 acres located at 8479 N Hwy 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Discussion: Tim Watkins spoke to the ordinance [28:06](#). Jeff Nielson spoke [30:54](#). Tim Watkins responded to questions from the Councilmembers [33:23](#).

Action: Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell [33:03](#)
Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

9. Pending Action

10. Initial Proposals for Consideration of Action [1:08:30](#)

a. Ordinance 2023-22 – 8479 Rezone [1:08:37](#)

A request to rezone 8.37 acres located at 8479 N Hwy 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Discussion: Councilmember discussion [1:09:03](#).

b. Resolution 2023-08 [1:13:00](#)

Amending the Cache County Personnel Policy & Procedure Manual Regarding County Cell Phones and Cell Phone Stipend

Discussion: Amy Adams spoke to the resolution [1:13:12](#). Councilmember questions [1:16:07](#).

Action: Motion made by Councilmember Karl Ward to waive the rules and approve the resolution; seconded by Councilmember Barbara Tidwell [1:24:35](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

c. Ordinance 2023-24 [1:25:09](#)

An Ordinance Amending 17.02 Updating the Requirements to Serve on the Planning and Zoning Commission

Discussion: Micah Safsten spoke to the ordinance [1:25:17](#). Councilmember discussion [1:26:20](#). David Zook spoke [1:28:20](#).

Action: Motion made by Councilmember Kathryn Beus to amend the ordinance from four to five individuals who live in unincorporated Cache County; seconded by Councilmember Nolan Gunnell [1:37:40](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Action: Motion made by Councilmember Nolan Gunnell to waive the rules approve the ordinance as amended; seconded by Councilmember Kathryn Beus [1:38:23](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

11. Other Business [1:39:19](#)

- | | |
|-----------------------------------|-----------------------------------|
| a. Hyde Park Hometown Days Parade | July 15, 2023 at 10:00 am |
| b. North Logan Pioneer Day Parade | July 24, 2023 at 10:00 am |
| c. Logan Pioneer Day Parade | July 24, 2023 at 12:00 pm |
| d. USACCC Fall Conference | September 7-8, 2023 at Ruby's Inn |

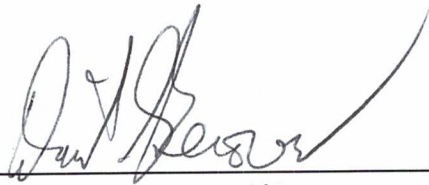
12. Councilmember Reports [1:40:54](#)

David Erickson – Clarified statements attributed to the Council regarding official County audits.

Sandi Goodlander – No report.

Karl Ward – Spoke about ARPA fund approval for TV transmitters needing upgrades.
Barbara Tidwell – No report.
Kathryn Beus – No report.
Nolan Gunnell – No report.
Mark Hurd – No report.

Adjourn: 6:50 PM



ATTEST: David Benson
County Clerk/Auditor



APPROVAL: David Erickson
Chair





**CACHE COUNTY
RESOLUTION NO. 2023 - 08**

**RESOLUTION AMENDING THE CACHE COUNTY PERSONNEL POLICY &
PROCEDURE MANUAL REGARDING COUNTY CELL PHONES AND CELL PHONE
STIPEND**

- A. WHEREAS, Utah Code Ann. § 17-53-2, gives the Cache County Council the authority to “pass all ordinances and rules and make all regulations, not repugnant to law;” and
- B. WHEREAS, Cache County Code § 2.12.120, vests “all legislative and policy determining powers” in the County Council and gives the Council the power to “adopt resolutions necessary and appropriate to establish official policy[;]”
- C. WHEREAS, county employees use personal cell phones for county business and employees in emergency service positions use county phones for county business;
- D. WHEREAS, the County does not have a policy to regulate the management of personal and county cell phone use for county business;
- E. WHEREAS, it is in the best interest of Cache County and its citizens to update the Cache County’s Personnel Policy & Procedure to enact a policy on county cell phones and a county cell phone stipend;

Now, therefore, be it ordained by the County Council of Cache County, Utah, that the Cache County Personnel Policy & Procedure Manual be changed as follows:

PERSONNEL POLICY AND PROCEDURES MANUAL SECTION IX: EMPLOYEE BENEFITS

Q. County Cell Phones and Cell Phone Stipend

County Cell Phones: Cell phones and plans may be provided to designated employees in emergency service positions for business-related purposes and must not be used for personal use. The County Executive approves the emergency service positions for this purpose.

Cell Phone Stipend: Employees may receive compensation in the form of a cell phone stipend to cover costs for using a personal cell phone for county business. No further reimbursement for cell phone costs is available to employees who receive this stipend.



Stipend Amount: The monthly cell phone stipend amount shall be allocated to individual employees based on the estimated usage level shown below as determined by each department head or elected official. The Compensation Committee will review these amounts annually, and any adjustments will be recommended to the County Council for approval.

Level 1: \$15.00 – Business use represents 20% or less of the total cell phone use, including responding to phone calls and text messages as required during working hours.

Level 2: \$35.00 – Business use represents 50% or less but more than 20% of the total cell phone use, to include responding to phone calls, text messages, photos, and emails during working hours.

Level 3: \$85.00– Business use represents greater than 50% of the total cell phone use, and/or employees must have a cell phone for their position and must respond to email, text messages, or phone calls during and after regular work hours. This level is reserved for full-time employees who are department heads, elected officials, public safety, or exempt employees.

Stipend Payment: The approved cell phone stipend will be paid monthly as part of the employee's paycheck and subject to all applicable payroll taxes. This stipend does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to salary increases or promotions.

Employee Responsibilities: Employees must retain an active cell phone contract as long as a stipend is in place. Their current phone number must be provided to their department and Human Resources. Should the cell phone number change, the employee must notify their department head and Human Resources within a reasonable amount of time. The employee is required to keep the phone charged and available for use during business hours if receiving the Level 1 or 2 stipends. Employees receiving the Level 3 stipend must keep the phone charged and available for use at all times and respond in a reasonable time frame if receiving the Level 3 stipend. Because the employee owns the cell phone personally, and the stipend provided is taxable income, the employee may use the phone for both business and personal purposes. Personal use during business hours should be minimal and follow all applicable County policies. Any cell phone use contrary to federal, state, or local laws will constitute misuse and may result in immediate termination of the cell phone stipend.

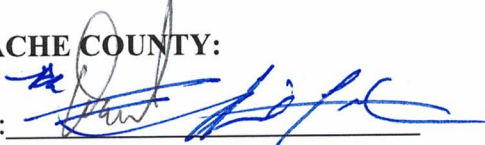
RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 10 DAY
OF July 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd	X			
Kathryn Beus	X			

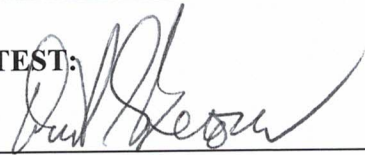


Total	7	0	0	0
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CACHE COUNTY:

By: 
David L. Erickson, Chair

ATTEST:

By: 
David Benson, County Clerk / Auditor



CACHE COUNTY ORDINANCE No. 2023-24

AN ORDINANCE AMENDING 17.02 UPDATING THE REQUIREMENTS TO SERVE ON THE PLANNING AND ZONING COMMISSION

- A) WHEREAS, Utah Code 17-27a-302 requires the county planning commission to make recommendations to the county legislative body regarding all land use decisions in the unincorporated areas of the county; and
- B) WHEREAS, members of the County Planning Commission who do not reside or otherwise own property in the unincorporated areas of the county make decisions that have little effect on their interests; and
- C) WHEREAS, the County Planning Commission should be highly representative of the population its decisions affect

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

SECTION 1: Section 17.02.030 of the Cache County Code is amended to read in full as follows, with a redline copy attached as Exhibit 1:

17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS:

- A. Director:
 - 1. The Cache County Director of Development Services is established and functions as specified in [chapter 2.40](#) of this code and in this chapter;
 - 2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;
 - 3. The Director has the duties, authority, and powers as set forth in this chapter.
 - 4. The Director must:
 - a. Adopt procedures for land use application processes;
 - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision Ordinance, and any associated policies or procedures;
 - c. Determine the mapped location of a base or overlay zoning district boundary in instances where the location may be unclear. The Director must consider the following criteria in reaching a decision:
 - (1) The policies and development standards that apply to the base or overlay zoning district; and
 - (2) Where a base or overlay zoning district map boundary is shown following a road, right-of-way line, interstate highway, public utility right-of-way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means; and

d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in [chapter 17.09](#) Schedule of Zoning Uses, of this title; and

5. Designee: The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.

B. Planning Commission:

1. The Cache County Planning Commission is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter; and

2. The Executive must appoint a Planning Commission with the advice and majority consent of the Council; and

3. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years; and

4. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and

5. No fewer than five (5) members of the Planning Commission shall either maintain a permanent residency or own real property in an unincorporated area of the County. The Executive shall, when nominating any person to the Planning Commission, verify whether or not that person meets these requirements and shall inform the Council when presenting the name.

6. The Planning Commission must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These bylaws and rules of procedure must be approved by the Council; and

7. The Planning Commission must provide land use review to the Council in the following:

a. Preparing and recommending a General Plan and amendments to the General Plan; and

b. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and

c. On other items as the Council directs.

C. Land Use Hearing Officer:

1. Procedures:

a. The land use hearing officer may administer oaths and compel the attendance of witnesses.

b. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.

c. The land use hearing officer shall:

(1) Keep minutes of his or her proceedings; and

(2) Keep records of his or her examinations and other official actions.

d. The land use hearing officer shall file his or her records in the office of the development services division. All such records are public records.

e. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

2. Qualifications:



a. The land use hearing officer shall be appointed by the County Executive with the advice and consent of the County Council. The Executive shall appoint more than one hearing officer, but only one hearing officer shall consider and decide upon any matter properly presented for hearing officer review.

b. A hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

3. Conflict Of Interest And Removal:

a. The hearing officer shall not participate in any appeal in which the hearing officer has a conflict of interest.

b. The hearing officer may be removed by the Executive with advice and consent of the Council for violation of this title or any policies and procedures adopted by the Development Services director following receipt by the Executive of a written complaint filed against the hearing officer.

4. Powers And Duties

a. The land use hearing officer shall:

(1) Act as the appeal authority for administrative decisions by the Development Services Director and decisions by the planning commission; and

(2) Hear and decide variances from the terms of the zoning ordinance; and

(3) Hear and decide applications for the expansion or modification of nonconforming uses.

D. County Council:

1. The Cache County Council is established as found in Utah Code Annotated section 17-52a-504 as amended, and in title 2, chapter 2.12 of this Code, and has the land use duties, authority, and powers as represented in title 2, chapter 2.12 of this Code, Utah Code Annotated section 17-53 part 2 as amended, and this chapter.

E. Authority For Land Use Actions:

1. The Land Use Authority is responsible for the land use actions as noted in the table below:

**TABLE 17.02.030
AUTHORITY FOR LAND USE ACTIONS**

Land Use Authority	Land Use Action
Director	Zoning clearance
	Floodplain permit
	Variance for maximum structure height or minimum setback distances
Planning Commission	Subdivision
	Subdivision amendment
	Conditional use permit
Land Use Hearing Officer	Variance (except as listed under Director)



	Appeal
Council	Ordinance or ordinance amendment
	Rezone
	General Plan or General Plan amendment
	Annexation/disconnection

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

SECTION 2:

This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS 11 DAY OF July 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd	X			
Kathryn Beus	X			
Total	7	0	0	0

CACHE COUNTY:

By: [Signature]
David Erickson, Chair

ATTEST:

By: [Signature]
David Benson, County Clerk / Auditor

ACTION OF COUNTY EXECUTIVE:



8 Approve

 Disapprove (written statement of objection attached)

By: David Zook
David Zook, County Executive

7/11/23
Date



EXHIBIT 1

17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS:

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56. The Planning Commission must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These bylaws and rules of procedure must be approved by the Council; and

67. The Planning Commission must provide land use review to the Council in the following:

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