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**COUNCIL MEETING**  
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**CACHE COUNTY COUNCIL MEETING MINUTES**

January 27, 1998

The Cache County Council met in regular session on the 27<sup>th</sup> day of January, 1998 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

**ATTENDANCE**

Council Chairman Darrel L. Gibbons and Vice Chairman Cory Yeates were both present. Council members present were: Layne M. Beck, Guy Ray Pulsipher, H. Craig Petersen, Sarah Ann Skanchy and C. Larry Anhder.

Others present were: County Executive, M. Lynn Lemon, County Clerk, Stephen M. Erickson, County Auditor, Tamra Stones, County Fire Chief, Kelly Pitcher, County-Wide Planner Mark Teuscher, County Executive Administrative Assistant, Mike Nilson, County Zoning Deputy Administrator, Peggy Johnson, Logan City Solid Waste Director, Roger Sunada, Utah Arts Council Representative, Robin Nelson, members of the local news media and other interested citizens.

**CALL TO ORDER**

Chairman Darrel L. Gibbons called the meeting to order at 5:00 p.m. and welcomed all who were in attendance.

**INVOCATION**

The invocation was given by Councilman, H. Craig Petersen.

**AGENDA & MINUTES**

The agenda was approved and adjusted to include corrections and approval of the minutes that was inadvertently left off.

Chairman Gibbons in reference to the agenda stated that he has been concerned that some adjustments and additions to the agenda were being proposed during Council meeting by some Council members that were unnecessary and not appropriate. Gibbons explained that as Council Chairman he has the responsibility to prepare the agenda and Council members have that agenda at least five days before Council meeting and he would appreciate a phone call before the meeting

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if they have a question concerning the agenda and not take up time or cause embarrassment during regular council meetings.

The minutes of the regular Council meeting held on January 13, 1998 were corrected and approved.

**REPORT OF THE COUNTY EXECUTIVE**

The County Executive, M. Lynn Lemon, was suffering from a bad case of laryngitis and was unable to speak. However the Warrants for the period of January 1 to 9, 1998 and some from the month of December were presented to the County Clerk for filing.

**UTAH ARTS COUNCIL AND UTAH ART FESTIVAL: NELSON, ROBIN**

The Utah Arts Council Director, Robin Nelson, appeared before the Council to announce the selection of Logan City and Cache County as the 1998 Utah Arts Festival's Art Partner Community.

(See attachment #1)

Nelson invited the Council to participate in the 1998 Arts Festival in Salt Lake on June 26-29, 1998. The Festival will be asking local artists to perform and exhibit their talents.

**SOLID WASTE SERVICE AREA NO. 1: BOARD OF TRUSTEES MEETING**

**MATERIALS RECOVERY FACILITY: SUNADA, ROGER**

Logan City Solid Waste Director, Roger Sunada told the Board of Trustees that the city has contracted with a National Recycling Engineering Firm to do a Materials Recovery Facility study. USU Sociology department will also be organizing a survey of local household to get input on recycling waste products. Sunada introduced Ann Simmerson & Laynee Jones from HDR Engineering, Inc. who reviewed their MRF Feasibility Study program.

(See attachment #2)

The Board of Trustees discussed alternatives of recycling including optional recovery programs, the length of years that our land fill would be saved by using a Material Recovery Facility, and future land fill needs.

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Board member Petersen suggested that various costs involved in a recovery program should be included so that different alternatives could be established for future decisions.

Board members were advised of two future meetings that they were invited to attend: 1. Solid Waste Service Area No. 1. Advisory Board meeting on February 23 at 3:00 p.m.. 2. Joint meeting with Logan City on February 25 at 6:15 p.m.. Recycling alternatives and future landfill needs will be discussed.

**RESOLUTION NO. 98-04: PERSONNEL POLICY MANUAL CHANGES**

The adoption of Resolution NO. 98-04 will amend portions of the current County Personnel Policy.

(See attachment #4)

Mike Nilson the Executive Assistant, reviewed proposed changes in the County Personnel Policy with the Council. Nilson reported that the proposed changes have been reviewed and approved by county department heads. Councilman Anhder suggested that the sick leave be further discussed and amended to provide better service to the employee and the County. It was determined that sick leave will be on a future agenda for discussion.

**Council member Skanchy made a motion to adopt Resolution 98-04 adopting the suggested changes in the personnel manual and have the Administration follow up on vacation and sick leave issues. It was seconded and carried unanimously.**

Schedule A referred to in the Resolution will be on file in all County Departments. County employees will also be notified of the changes.

**ORDINANCE NO. 98-01: ROAD POLICY-COUNTY**

The Council discussed a seventh ordinance draft of the proposed county road policy. Road surface, width of roads and turnarounds for fire trucks were discussed. Enforcement of the road policy was also discussed. It was determined that the County Building Inspectors office enforce the road building requirements.

(See attachment #5)

**Councilman Skanchy made a motion to adopt Ordinance No. 98-01 with the deletion of references dealing with bonding. It was properly seconded by Councilman Petersen.**

**COUNCIL MEETING**  
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Councilman Anhder expressed concerns about the required 50 foot turnaround requirement on private drives. It was explained that the fire chief has to determine what size the turnaround will be. However the Planning commission has the final say when they approved a building permit.

**Chairman Gibbons called for the vote on the motion. The vote in favor was unanimous.**

**Council member Skanchy made a follow up motion to have the Administration draft an Ordinance that will require and give direction to the Building Inspector and the power to enforce the Road Policy Ordinance. It was seconded and carried unanimously.**

**RESOLUTION NO. 98-05: LAND USE PLAN, COUNTY-WIDE COMPREHENSIVE**

Chairman Gibbons explained that the Council has two proposed resolutions before them that have been drafted to adopt the County-Wide Comprehensive Land Use Plan. One of the resolutions contains language and amendments recommended by Councilman Beck.

(See attachment #6)

**Councilman Anhder moved to adopt the original Resolution including amendments on the Airport, Solid Waste Management Plan, Forest Service Management Plan, upper bench fire protection area and Wildlife habitat. The motion was seconded by Council member Skanchy.**

Councilman Beck questioned why his proposed changes that would give zoning direction and protect private property rights wasn't satisfactory. Councilman Anhder said that he felt that Becks proposed changes didn't fit the context and the Declaration of Independence covers private property rights. Chairman Gibbons, said that Becks language is good but the original resolution still covers what we would like to accomplish. Beck said that he is concerned that the Plan would be interpreted as land use code and give staff direction without following the law. Mark Tuescher said the Plan can't be interpreted as code and it is used to give directions to created Land Use Ordinance. Beck said that he is trying to protect private property rights and his language would remind public officials that we are trying to have a balance between private and public needs.

**Councilman Beck moved to amend Anhders motion and include his amendments and language. The motion was not seconded and failed.**

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**The vote on Anhder's original motion was called for and it passed on a vote of 6 "yes" with Councilman Beck abstaining.**

(See attachment #7)

The completed County-Wide Comprehensive Plan will be on file in the County-Wide Planners Office as well as other effected county offices.

**RESOLUTION NO. 98-03: ICE ARENA, BRIDGERLAND COMMUNITY**

The Council Vice Chairman, Cory Yeates, was asked to read aloud the newly drafted Bridgerland Community Ice Arena Resolution that will if adopted give county support to the proposed Ice Arena. Councilman Beck read aloud an alternative resolution drafted by him.

**Councilman Beck moved to adopt the substitute resolution.**

(See attachment #8)

Council member Skanchy questioned the assumptions in the resolution such as the location of the Ice Arena and if they are an entity that can even qualify for Restaurant tax. Councilman Anhder voiced his support for the arena stating how as a kid he enjoyed the efforts of Hyrum City to support an area for ice skating. Councilman Petersen stated that he can't see where the resolution requires the county to build the ice arena with restaurant tax funding. It was determined that line 2 of the Beck resolution be changed to read to encourage any appropriate entity could apply to the Council for restaurant tax funding.

**Councilman Beck amended his original motion to include the wording that any appropriate entity could apply to the Council for restaurant tax funding. The motion was seconded by Councilman Anhder and passed on a vote of 5 "yes" to 2 "no". Gibbons and Skanchy voted no.**

**EMS BY-LAW CHANGES: DISCUSSION**

Chairman Gibbons reported that prior to this Council meeting a meeting of the Fire Board and EMS Board met together to discuss proposed changes to the EMS By-Laws. Councilman Pulsipher who is Chairman of the Fire Board reviewed the proposed changes. Pulsipher said that one of the main concerns is the size of the Board. As it is written now the Board should have 27 members.

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Those in attendance determined that 27 is too many to try to function as a Board, and necessary changes should be drafted to allow a change. Other items were considered for change. The County Attorney and Administration will work with the present Board members to draft workable By-Laws. Chairman Gibbons said the proposed changes should be drafted in resolution form for adoption at the next Council meeting. Gibbons also said that he is impressed with the professionalism of those who are working on proposed changes and their willingness to serve the citizens of the County.

**EXEMPT EMPLOYEE STATUS: DISCUSSION**

Executive Lemon is recommending that the new Building and Grounds Department Head, Wayne Rasmussen, be classified as an exempt employee. A resolution will be drafted to make the change and be presented for Council approval.

**PERSONNEL MANAGEMENT ACT: DISCUSSION**

The County Attorney, Scott Wyatt, reviewed a Memorandum Opinion he had sent to certain County Officials and County Council concerning the State Code requiring Counties that have more than 130 employees not covered by a merit system to have a County Personnel Manager and Department.

(See attachment #9)

The County Executive and County Attorney will further study the issue and will prepare necessary paper work for discussion and approval by the Council.

**COUNCIL MEMBER REPORTS**

Council member Skanchy: Skanchy has received a letter from the Soil Conservation Districts concerning a meeting of a steering committee for a water district in the County. The meeting is on February 5, 1998.

Councilman Pulsipher: Some Cities haven't received their fire contract money from the County for their departments. Executive Lemon said that they are paid as soon as they sign their contracts.

Councilman Anhder: Anhder questioned the BRAG allocation of the CDBG funds. He feels that the recent allocation for this year didn't include any of the smaller cities. He encouraged

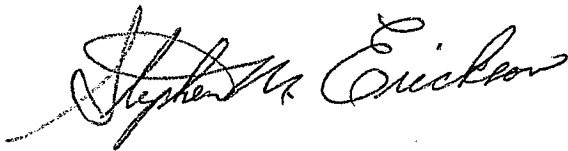
**COUNCIL MEETING**  
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the BRAG representatives from the Council to tell the BRAG Board to consider smaller units.


Anhder also invited Council members to attend the February 5<sup>th</sup> water meeting. State Water Officials will be in attendance to explain the pros and cons of establishing a water district in the County.

**ADJOURNMENT**

Chairman Gibbons adjourned the meeting at 7:45 p.m..



**ATTEST: Stephen M. Erickson**  
**Cache County Clerk**



**APPROVAL: Darrel L. Gibbons**  
**Council Chairman**





16 January 98

Cache County Commission  
120 N 100 W  
Logan, UT 84321

Barbara S. Losse  
Chair

Dear County Commissioner,

Robyn Nelson  
Executive Director

**BOARD OF DIRECTORS**

- Clifford C. Allen
- Duane Bourdeaux
- Vera Bel Call Cluff
- Sue Ferry
- Daniel Flores
- Kristin Hopfenbeck
- Lou Hudson
- Magda Jakovcev-Ulrich
- Cary D. Jones
- Linda Lindred
- Sandra Lee
- Martha Moench
- Richard H. Nordlund
- D'Arcy Dixon Pignanelli
- Dorothy C. Pleshe
- Tamara R. Pluth
- Dale Smetana-Nelson
- Gayle Stevens
- Stan Vander Toolen
- Susan A. Vernon
- James F. Wood

**ADVISORY BOARD**

- Kenneth W. Ament
- Bruce Bell
- S. Robert Bradley
- Charles H. Culp
- Peter duP. Emerson
- Edward B. Havas
- Sandy Havas
- Meghan Zanolli Holbrook
- Julie M. Kilgrow
- Gil A. Miller
- Julianne Peck
- Mary Jane Rains
- Robert L. Springmeyer
- Leigh von der Esch

The Utah Arts Festival in partnership with the Utah Arts Council's Community/State Partnership Program are pleased to announce the selection of Logan and Cache County as the 1998 Utah Arts Festival's Art Partner Community. We look forward to meeting with you and sharing our ideas for spotlighting the arts in your community.

Enclosed you will find a description of the Art Partners Program, a copy of the letter and applications sent to Cache Valley artists and organizations as a follow-up to our original meeting, and a copy of last years Festival Guide.

I hope these enclosures enlighten you about the Art Partners Program and foster your enthusiasm about our spotlight in your community.

Again, we look forward to our meeting with you on January 27<sup>th</sup>, 1998.

Robyn Nelson  
Executive Director

331 West Pierpont Ave  
Salt Lake City, Utah 84101  
801.322.2428  
fax: 801.363.8681  
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## UTAH ARTS FESTIVAL ART PARTNERS PROGRAM

### HISTORY

In a greater effort to be inclusive of artists and communities within the state of Utah, the Utah Arts Festival and the Utah Arts Council Community/State Partnership Program got together in 1995 to explore the idea of an Art Partners Program. During the discussion it became clear that these two arts entities wanted to shine the spotlight not only on performing, visual and literary artists from various Utah communities, but also upon these area's civic leaders and citizens.

With initial funding from the Utah Statehood Centennial Commission, the first region identified and approached was the Roosevelt/Duchesne area. In 1996, the program featured artists and community members from Kanab and Kane County and in 1997 highlighted Carbon County.

The Festival serves to highlight the arts and artists of a particular community through a variety of opportunities, formats and venues over the four day event. Participants and their community who are involved with the Festival are recognized as an "Art Partner Participant" through signage and in the Festival Guide. Each community is approached and given the opportunity to apply and or is invited to participate in one or many of the Festival's programs: **Artists Marketplace:** Visual artists are invited to apply to the Festival's Artists Marketplace to show and sell their original artwork. All applicants are reviewed by jury for selection. Participants booth fee is waived if they are from the community being featured through the Art Partners Program. **Artist of the Day:** Within the Artists Marketplace the Festival hosts invited Artists of the Day for a special one-day showing of their work. **Invited Artists:** Also within the Artists Marketplace, these are individual artists who may have moved beyond the Festival format, or whose work is so compelling as to be invited for display and sale at the Festival. **Art Street/Demonstrating Artists:** Those visual artists, guilds and artists' associations who work in the folk idiom or whose craft is conducive to demonstrations are invited to apply. **Performing Arts:** The Festival presents everything from the Utah Symphony and Ballet West to jazz ensembles, theater, poetry readings, reggae, opera, folk music and performances by and for children on its five stages. Individual bands, groups and combos can submit applications and samples of their work for consideration. **Other Programs:** The Art Partners program also provides opportunities for local non-profit organizations to become involved with the Festival, particularly in the art participation program for children and adults.

### THE 1998 ART PARTNERS PROGRAM: CACHE COUNTY

The process for involving the communities of Cache Valley and Logan began in early fall of 1997 with the Utah Arts Council's announcement of an open forum at the Dasante Center in Logan on December 11<sup>th</sup> for interested artists and citizens to meet with the Utah Arts Festival to discuss the Art Partners Program and goals for 1998.

### COMMUNITY CONTACT

After the initial meeting, a letter, an Artists Marketplace and Performing Arts application were sent out to 300+ artists and organizations in Cache County, inviting them to become involved.

The Festival has fielded many phone calls from artists and musicians encouraging their applications and welcoming project proposals. A second meeting was held on January 9<sup>th</sup> where the director and assistant director of the Utah Arts Festival and the Community/State Partnership coordinator from the Utah Arts Council met with a variety of individuals and groups who expressed an interest in becoming a partner in the Program.

### **PRELIMINARY MEETINGS**

The following contacts were made and programs are beginning to take form for the 1998 Festival in a variety of areas: Steve Rosen, Executive Director of the Marie Eccles Cain Museum of Art, has been invited to be on the Visual Arts Jury for the Festival this year. The Festival met with Sid Perkes, USU Theater Department, regarding participation by both students and the Old Lyric Repertory Company. They also met with Ruth Call and David Sidwell of Unicorn Theater. A brainstorming session was held with Michael Ballam and his staff on ways to get the Utah Festival Opera down to Salt Lake for the Festival to feature a portion of their summer season's performances. The Landscape Architecture Department is interested in working on a site design project at the Festival. Conversations were also held with the Cache Civic Ballet, Capitol Arts Alliance, the Art Department at USU, the Alliance For the Varied Arts and Music Reservata. Ona Siporin, faculty member at USU and storyteller would like to present Homer's Odyssey. Other non-profit arts and humanities based organizations will be contacted within the next few months to participate with our children's arts program, as well as local folklorists for our demonstrating arts program.

### **ART PARTNERS RECOGNITION**

On-site signage, recognition in the Festival's Program Guide and increased media attention, in both locally and state-wide, of the Art Partners Program serve to highlight the artistic heritage of Cache County. Other opportunities are currently being explored to further publicize the partnership and encourage participation. Through an alliance with the Bridgerland Travel Council, we hope to publish an eight-page brochure on the Program and its participants for distribution before the Festival as well as on-site.

### **CACHE VALLEY PARTICIPATION**

The Utah Arts Festival has always had strong participation from Cache Valley artists. Janet Shapero won our Art in Public Places Commission in 1993, Gene Washington won the Short Short Story competition two years in a row, visual artist Sharon Brown Mikkleson has shown her works and Voice Male and Music Reservata have performed numerous times at the Festival. The Art Partners Program will only turn the spotlight more brightly upon the talents and citizens of Cache County in 1998. The success of the Art Partners Program has been in its ability to highlight the citizens of Utah, not just those living along the Wasatch Front. The wealth of artistic resources in Cache Valley is truly impressive. The Utah Arts Festival is delighted to meet the artists, administrators and citizens of Cache Valley and looks forward to the infusion of new artistic resources they will bring to the Festival. The enthusiasm with which the communities of Logan and Cache Valley have embraced the Art Partners Program is testament to their rich artistic legacy and one which the Festival is proud to showcase before its 85,000 patrons in June.

# MRF Feasibility Study

## Step 1 - Assumptions and Alternatives

**MRF Feasibility Study**  
**City of Logan**  
*Assumptions and Alternatives*

**Step 1**

**Purpose:**  
 Agree on alternatives, evaluation criteria, and assumptions.

**Meetings (Round 1):**

SWAB:	January 12, '98
Logan City:	January 27, '98
Cache County:	January 28, '98
Mayor's Association:	January 10, '98

**Step 2**

**Purposes:**

- Presentation of evaluation of alternatives
- Consider the diversion rates, costs, advantages and disadvantages of each
- Agree on preferred alternative

**Meetings (Round 2):**

SWAB:	February 23, '98
Logan City/Cache County:	February 25, '98
Mayor's Association:	March 14, '98

**Step 3**

**Purpose:**  
 Present implementation schedule with budget and resolutions of support for preferred alternatives.

**Meetings (Round 3):**

SWAB:	late March '98
Logan City/Cache County:	after SWAB

**Cache County Waste Generation (1996)**

Total County	77,219 tons
Composted	6,274 tons (8%)
Recycled	883 tons (1%)

*Assumes all cities and the County will direct all waste to proposed facility and that existing non-County recycling programs continue.*

**Cache County Waste Composition**

Composted in 1996: 8%  
 Recycled in 1996: 1%  
 Residential: 34%  
 Commercial/Industrial: 45%  
 Construction: 7%  
 Other: 5%

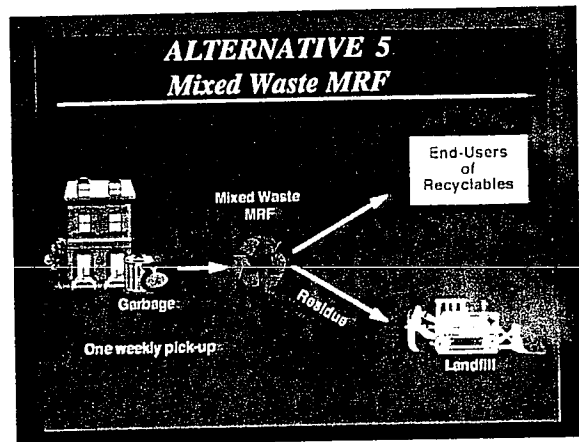
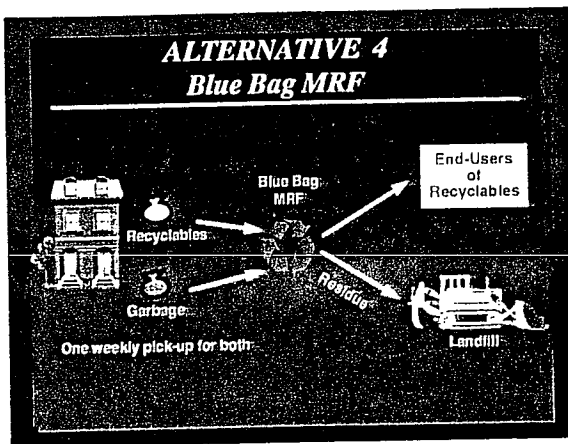
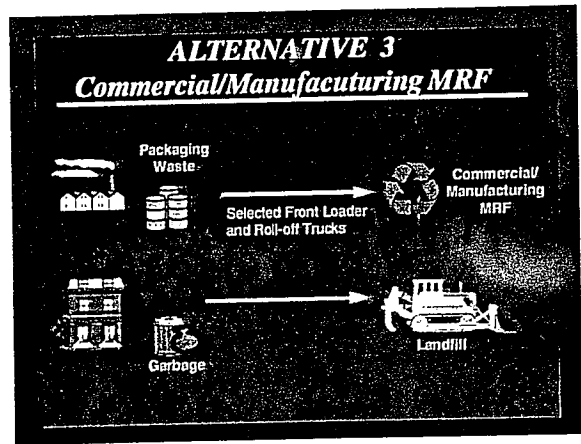
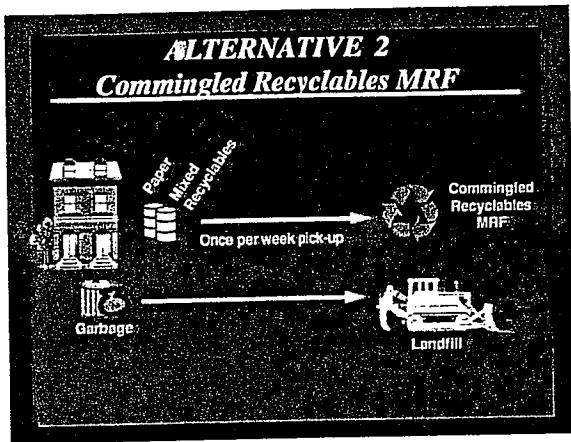
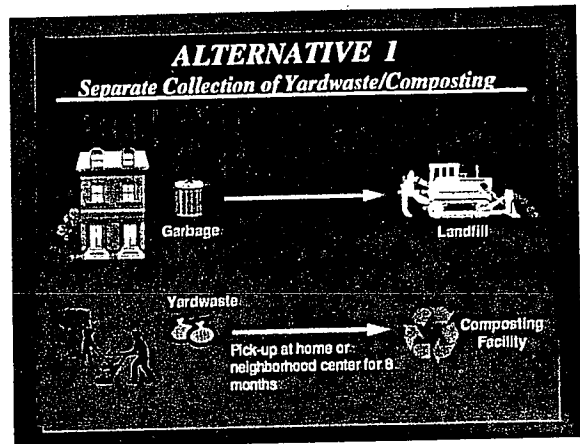
- At least 10% of total is industrial loads of paper and plastic.
- Approximately 5% of total is yardwaste currently being landfilled.

# MRF Feasibility Study

## Step 1 - Assumptions and Alternatives

### Summary of Facility Alternatives

- Alternative 1: Composting Yardwaste
- Alternative 2: Commingled Recyclables MRF
- Alternative 3: Commercial/Manufacturing MRF
- Alternative 4: Blue Bag MRF
- Alternative 5: Mixed Waste MRF
- Alternative 6: Baling Waste



# Logan City/Cache County Solid Waste Advisory Board

January 12, 1998 Meeting

## Decisions & Commitments

### Commitments

1. HDR will review the city and county agreements with the special service district and determine the authority the District has over the waste stream in order to better estimate the probable through-put of the facility.
2. HDR will provide a comparison cost for the waste stream to be transferred to the ECDC landfill.

### Decisions

1. Add an evaluation criteria that includes whether the alternative may be supported by the public, such as ease, simplicity, convenience for the customer.
2. Create a sub-alternative to alternative one for an alternative that places more responsibility on the user such as backyard composting.
3. For Alternative 4, Blue Bags, look at results from other communities with blue bag programs to determine actual rates of material that is recovered from the programs, taking into account contamination.
4. Defer looking at baling until Step 2; at that time look at the benefits & costs of incorporating baling with the preferred option.
5. Add another alternative that looks at collecting waste and recoverables with a split container and a split-bodied truck.
6. For the purposes of cost estimates, facilities will be sized for the 2020 waste stream.
7. The current waste stream will be used to estimate operating costs, as it is the most conservative estimate.
8. Because the costs are estimated for comparison purposes only, at the stage all will be stated in 1998 dollars.

**CACHE COUNTY  
CORPORATION**

**M. LYNN LEMON**  
COUNTY EXECUTIVE/SURVEYOR  
120 NORTH 100 WEST  
LOGAN, UTAH 84321  
Tel 801-752-5935  
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**COUNTY COUNCIL**  
DARREL L. GIBBONS  
CHAIRMAN  
C. LARRY ANHDER  
V. CHAIRMAN  
SARAH ANN SKANCHY  
GUY RAY PULSIPHER  
H. CRAIG PETERSEN  
LAYNE M. BECK  
CORY YEATES  
STEPHEN M. ERICKSON  
CLERK

January 21, 1998

**TO: All County Employees**  
**FROM: Lynn Lemon**  
**SUBJECT: Recommended Changes to Personnel Policy**

Several changes to the Cache County Personnel Policies and Procedures Manual have been recommended to the County Council. The Council will consider these changes on January 27, 1998. The following is a brief summary of the changes.

1. I.C.5. Deletes (CVCC) Cache Valley Communication Center.
2. II.B.1. Added "External announcements will be made for a period of ten days"
3. II.F.4. Added "Probationary period for peace officers and correctional officers shall be for a period of one year including the training period for certification."
4. III.A.4.d. Added "until after the first six months of probation."
5. III.A.5.c. Added "a non-merit employee is eligible for health and dental insurance benefits if the employee pays the full premium."
6. III.A.6.d. Added "a temporary employee is eligible for health and dental benefits if the employee pays the full premium."
7. III.C.3. Added "if they work less than 40 hours during the week."
8. III.D.1. Added "with out cause."
9. IV.D.10.a. Deletes "two or three day"
10. IV.D.10.b. Deletes "for up to three days"
11. IV.G.3.c. Changed from "90 hours" to "40 hours"
12. IV.H.3.b. Added "Dental insurance premiums;"
13. IV.H.5.c. Added "All new employees will be paid by the direct deposit system rather than by a pay check."
14. IV.H.7.d. Added "If an employee fails to submit a time sheet or leave report on a timely basis the employee will be paid for that payroll period with the following payroll period."
15. VI.B.2.a. Added "or sick leave."
16. VI.C.1.a. Deletes "Public Employees Health"
17. VI.C.2.a.b.c. Changed a. and added parts b. & c.
18. VI.C.4.a.b.c. Changed a. b. & c. and deleted d.
19. VII. Added additional details based on recommendations of Grievance Committee.

We look forward to your input and suggestions concerning these changes. Thank You.

CACHE COUNTY

RESOLUTION NO. 1998 - 04

A RESOLUTION AMENDING THE CACHE COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is necessary, appropriate, and in the best interest of the County and its personnel that the Cache County Personnel Policies and Procedures Manual be amended.

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

1. Amendments

The Cache County Personnel Policies and Procedures Manual is hereby amended as set forth in the attached Schedule "A".

2. Application

The Cache County Personnel Policy shall apply to all current and future County employees.

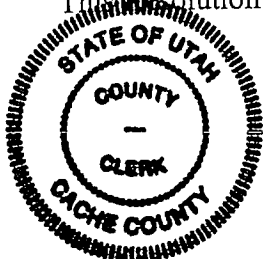
3. Prior Resolutions and Policies

This Resolution and the amendments specified in Schedule "A" to the Cache County Personnel Policies and Procedures Manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specific provisions of this Resolution and the attached Schedule "A".

4. Effective Date

This Resolution shall become effective immediately upon its adoption.

This Resolution was adopted by the Cache County Council on January 27, 1998.



CACHE COUNTY COUNCIL

By: Darrel L. Gibbons  
Darrel L. Gibbons, Chairman

ATTEST:

Stephen M. Erickson  
Stephen M. Erickson  
Cache County Clerk



CACHE COUNTY

ORDINANCE NO. 1998- 01

AN ORDINANCE AMENDING ORDINANCE NO. 90-15, REGARDING THE ROAD POLICY OF CACHE COUNTY.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, ORDAINS as follows:

1. Section 10-4 of Chapter 10 of Ordinance No. 90-15 is hereby amended as set forth in the attached Seventh Draft of the proposed Road Policy, Schedule "A".

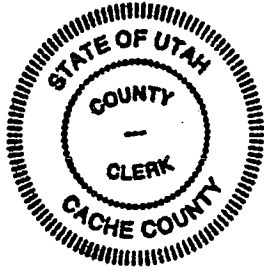
2. This Ordinance and the amendments specified in Schedule "A" supersede all previous ordinances and road policies, to the extent they are in conflict with the specific provisions of this Ordinance and the attached Schedule "A".

3. This Ordinance shall take effect immediately upon approval and publication in the manner provided by law.

This Ordinance was adopted by the Cache County Council on the 27<sup>th</sup> day of January, 1998, upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ANHDER	X			
BECK	X			
GIBBONS	X			
PETERSEN	X			
PULSIPHER	X			
SKANCHY	X			
YEATES	X			
TOTAL	7			

CACHE COUNTY COUNCIL



By: *Darrel L. Gibbons*  
Darrel L. Gibbons  
Chairman

ATTESTED BY:

*Stephen M. Erickson*  
Stephen M. Erickson  
Cache County Clerk

Publication Date: February 11, 1998

## 10-4. Access

A. Lot Access for Residential Development

1. Every lot to be developed for a single family dwelling shall have 100 feet of frontage adjacent to a public road or to a recorded, deeded right-of-way or private road which has been approved by the Board of Adjustment and which provides access to a public street.

2. All new roads shall have an **unobstructed**, minimum width of a fifty (50)-foot right-of-way.

a. All newly constructed homes shall have a minimum width of a fifty (50)-foot right-of-way or record in the County Recorder's office a dedication of half of the minimum width from the center of the existing public road along the entire length of the property to be developed.

i. If the property owner owns property on both sides of the existing public road, they shall dedicate the full fifty (50)-foot right-of-way.

ii. If the property owner's legal description includes a portion of the existing road greater than to the center of the road, they shall dedicate the whole portion of the property which would be included within the roadway or road right-of-way on the opposite side of the existing road in addition to the required dedication from the center of the road.

b. Dead-end roads, private roads, or deeded rights-of-way, which are 150 feet long or longer must have the following approved by the County Fire Chief's office for emergency vehicles as per adopted Uniform Fire Code.

i. A 50-foot deeded right-of-way.

ii. A 20-foot hard surface (gravel).

iii. A 50-foot radius turn-around or other approved turn-around.

c. Private driveways which are longer than 150 feet shall have the following approved by the County Fire Chief's office for emergency vehicles as per adopted Uniform Fire Code.

i. A 20-foot hard surface (gravel).

ii. A 50-foot radius turn-around or other approved turn-around.

3. All roads shall have an **unobstructed**, minimum driving surface width of twenty (20) feet constructed to meet minimum Cache County road specifications

a. All newly constructed homes shall be accessed from a public road with a twenty (20)-foot driving surface.

b. If the public road (or sub-standard road that is public by right-of-use) which is used to access the property to be developed does not have the required twenty (20)-foot surface width, it is the responsibility of the developer to improve that road to the required width meeting Cache County road specifications for the entire length of the property fronting the road to a point where the road meets the minimum requirements of a twenty (20)-foot surface width.

- i. Prior to the release of a zoning clearance for a building permit for construction of a single family dwelling:
    - a) verification must be provided showing the required road dedication has been recorded in the County Recorder's office for the entire larger parcel.
    - b) verification must be provided showing the road surface has been improved to county standards; or that appropriate bonding has been provided to the County by the developer and/or property owners.
    - c) road improvements are required to be made along the frontage of the improved parcel only.
  - ii. Prior to the release of a zoning clearance for construction of any home of a minor subdivision development (2-5 lots):
    - a) verification must be provided showing the required road right-of-way dedication has been recorded with the County Recorder's office.
    - b) verification must be provided showing the road surface has been improved to a graveled, second-priority county road standard fronting the subject property and continuing to the nearest first-priority road; or that appropriate bonding has been provided to the County by the developer and/or property owners.
  - iii. Prior to the release of a zoning clearance for construction of any home of a major subdivision development (6+ lots):
    - a) verification must be provided showing the required road right-of-way dedication has been recorded in the County Recorder's office.
    - b) verification must be provided showing the road surface has been improved to a paved, first priority county road standard fronting the subject property and continuing to the nearest first-priority road.
  - iv. The road work will be completed, inspected, and approved prior to the release of a zoning clearance for a building permit on the subject property.
  - v. The road work shall be inspected by the County Road Department Superintendent who will provide written verification that the improvements meet Cache County specifications.
4. An existing residence which will enlarge the living space by 50% and/or increase the assessed valuation by 50%, must meet all the above requirements the same as for new construction of a residence.
5. All road accesses that are upgraded must meet the requirements of PUBLIC IMPROVEMENTS FOR CACHE COUNTY.

Definitions:

1. **Deeded.** A written instrument signed, and recorded, by which one party conveys land to another, or to a corporation.
2. **Dedicated.** A deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

CACHE COUNTY

RESOLUTION NO. 98-\_\_\_\_\_

A RESOLUTION ADOPTING A CACHE COUNTY-WIDE  
COMPREHENSIVE PLAN AND LAND USE ELEMENT.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, pursuant to Utah Code Ann. §17-27-303, finds that a public hearing has been held on a proposed Cache County-Wide Comprehensive Plan and Land Use Element, and that the same should be adopted.

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

1. The proposed Cache County-Wide Comprehensive Plan and Land Use Element, as recommended by the Cache County Planning Commission, is hereby adopted, as amended.
2. The Cache County-Wide Comprehensive Plan and Land Use Element shall be an advisory guide for drafting of future Cache County Land Use Ordinances and policies.
3. All land use decisions shall be made under existing land use law. Cache County Land Use Ordinances will continue to govern all current land use decisions. It is understood and accepted by all that this Comprehensive Plan does not have the effect of a land use ordinance. It is to be used as a general guide in developing new land use ordinances, or in amending existing ordinances and policies, and shall have no regulatory effect on current planning decisions.
4. This Resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the \_\_\_\_\_ day of  
January, 1998.

CACHE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

## INTRODUCTION

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We perform planning activities on a daily basis. We plan our day at work, at home, or our leisure time. We plan for our future by setting personal or family goals. These goals may be as simple as the purchase of a new car; however, the process and events to attain the goal may be complex and difficult.

Citizens of Cache County have expressed a need for a countywide plan of land use, transportation, and services to meet the growing needs of the County. The planning process for Cache County is not so different from our individual planning process. However, instead of planning for a few we must plan for current and future citizens. This planning process can achieve order and balance within the County as the citizen's work together to define goals in the Comprehensive Plan.

To insure proper planning for Cache County, the County Council and Planning Commissions have begun a long-range planning process to guide the future development of the community. The primary purpose of the plan is to recommend orderly future patterns of land use and transportation as well as determine the need for public facilities and services to meet the anticipated growth of the area. Cache County's growth must be viewed in the light of the capacity of the county and communities to provide services.

The planning process should result in a plan that represents the best expression of the community-public interest and at the same time provide protection of the private interest protect private interests and rights. The purpose of all planning and resulting zoning regulations should serve to protect not dictate rights. All current and future, elected and appointed officials should remember to uphold their oath of office, to protect and defend the principles and objectives of the Constitution of the United States and the State of Utah. To protect life, liberty, property, and the pursuit of happiness as inalienable rights held by the people. The role of government at all levels should be to protect rights not to dictate them.

This plan is intended to be a general guide to which for public officials will refer when important decisions must be made that will affect the quality of life and environment of Cache County. To accomplish this, the plan and planning process must be comprehensive and continuous so that all aspects of development are covered and it can become an integral part of the decision-making process to use in the development of regulatory ordinances and policies. To balance the community interests with individuals interests. In making land use decisions, highest and best use, as determined by economics, community interests, and individual rights should serve as the overriding principles in developing and shaping this plan and future regulatory ordinances and policies.

## CACHE COUNTY HISTORY

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Cache County is one of three northern counties of Utah along the southern border of Idaho; Box Elder and Rich are the other two. The County covers approximately 1,174 square miles within its jurisdictional boundary. Cache County is divided into two distinct and different areas, the valley and mountainous areas.

Cache Valley sits at an elevation of approximately 4,600 feet above sea level and is surrounded on three sides by the Bear River Range. The valley is about 60 miles long and 15 miles wide. Its land is fertile producing various farm crops. Cache Valley has always been known for its fine dairy herds. The

## USING THE PLAN

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The Utah State Land Use Development and Management Act (*Utah State Code*, Title 17 Counties) provides a basic framework for local planning. The provisions of this law and several court cases indicate that a county should prepare a comprehensive plan to guide its land use decisions and provide for: (1) The present and future needs of the residents, and; (2) The growth and development of the land within the county or any part of the county. The Countywide Comprehensive Plan should represent a road map by which appointed and elected officials manage the future growth and development of Cache County.

### **The Comprehensive Plan as a Decision-making Tool**

As stated above, the Comprehensive Plan is a statement of policy of the local legislative body regarding the desired direction for growth and development in a county. This Plan ~~then becomes a decision-making tool by which all requests and proposals before the Planning Commission and County Council are measured will serve as a general guide in the development of regulatory ordinances and policies, by the Planning Commission and the County Council. It is understood and accepted that this plan does not have regulatory authority.~~ The planning process, by which the Plan was developed, used an open and participatory process of gathering public input to reflect the public interest.

### **The Comprehensive Plan and the Land Use Ordinance**

The Comprehensive Plan is a planning tool for making policy decisions. The Land Use Ordinance is the instrument by which these policies are implemented. These two planning documents are interwoven. In 1991, the State enabling laws mandated there is consistency between the Comprehensive Plan and the Land Use Ordinance of the County.

## MAINTAINING THE COMPREHENSIVE PLAN

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Planning is more than the production of a comprehensive plan and regulatory ordinances. It is an ongoing process. For this reason, the planning program adopted needs to be reassessed on a continuing basis. This is to take into account changing conditions in the County as well as new planning concepts as they are developed. It is important to understand that the Countywide Comprehensive Plan is a "Living Document" which grows and changes over time.

### **Review and Updating Process**

The comprehensive planning process is a dynamic one. The initial development and adoption of the Comprehensive Plan and its elements are only the beginning of the total planning process. No sooner has the Plan been completed than the cycle of researching new data, evaluation and analysis of that data, plan formulation and implementation begins anew. A periodic reevaluation process helps to maintain the validity of the goals and policies of the Comprehensive Plan.

The review and updating of the Comprehensive Plan should be an ongoing process. Any minor revisions adopted by the Cache County Planning Commission are recommended to the Cache County Council.

RESOLUTION NO. 98-05

A RESOLUTION ADOPTING A CACHE COUNTY-WIDE  
COMPREHENSIVE PLAN AND LAND USE ELEMENT.

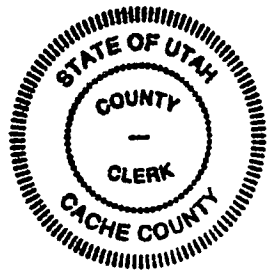
The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, pursuant to Utah Code Ann. §17-27-303, finds that a public hearing has been held on a proposed Cache County-Wide Comprehensive Plan and Land Use Element, and that the same should be adopted.

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

1. The proposed Cache County-Wide Comprehensive Plan and Land Use Element, as recommended by the Cache County Planning Commission, is hereby adopted, without amendment.
2. The Cache County-Wide Comprehensive Plan and Land Use Element shall be an advisory guide for land use decisions made under the existing Cache County Land Use Ordinance.
3. This Resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the 27<sup>th</sup> day of January, 1998.

CACHE COUNTY COUNCIL



By: Darrel L. Gibbons  
Darrel L. Gibbons  
Chairman

ATTEST:

Stephen M. Erickson  
Stephen M. Erickson  
Cache County Clerk

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CACHE COUNTY  
RESOLUTION NO. 98 03

The County Council of Cache County, Utah in regular meeting lawful notice of which has been given pursuant to Utah Code Ann. 17-27-303, find that it is in the best interest of the Citizens of Cache County to be supportive of the BRIDGERLAND COMMUNITY ICE ARENA.

WHEREAS, the Citizens of Cache County feel there is a need for an indoor public ice arena for use by the citizens of the Bear River Region; and

WHEREAS, the Citizens feel that an indoor public ice skating arena would be an important recreational facility and provide economic support for Northern Utah and Cache County; and

WHEREAS, the Citizens feel the facility would best managed and operated privately by an organization such as Bridgerland Community Ice Arena, Inc. (a non-profit organization); and

WHEREAS, the Citizens desire the facility to be conveniently located and open to all members of the public on an equal basis; and

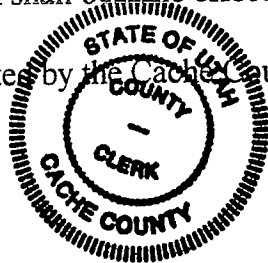
WHEREAS, there is increasing interest in ice skating among the youth and all citizens of Cache and surrounding Counties, and there is not an adequate facility available for them to use on a consistent basis; and

WHEREAS, the 2002 Winter Olympic Games, in Utah will heighten the interest in ice skating. If an Ice sheet is built in Cache County it will allow citizens of Cache County to host athletes desirous of a practice facility, and will allow the citizens to more closely share the Utah Winter Olympic Experience.

NOW, THEREFORE BE IT RESOLVED BY THE CACHE COUNTY COUNCIL THAT:

- 1.) The Cache County Council hereby expresses its support for and Indoor Ice Arena; and
- 2.) The Cache County Council hereby encourages any appropriate entity to apply to the Council for restaurant tax funds to support the project; and
- 3.) The Cache County Council hereby encourages the Utah State Legislature to appropriate funding for the construction of this regional facility; and
- 4.) The Cache County Council hereby encourages the residents of Cache County to continue supporting BCIA's efforts to construct the facility and use the facility once it is completed, through organized group participation or as individuals.
- 5.) This resolution shall become effective immediately upon adoption.

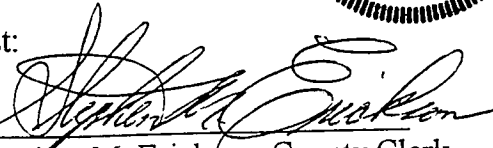
This resolution was adopted by the Cache County Council on the 27<sup>th</sup> of January, 1998.



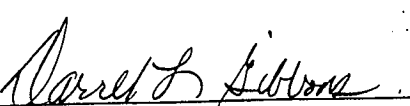
Cache County Council

Attest:

By:

  
Stephen M. Erickson, County Clerk

By:

  
Darrel L. Gibbons, Chairman

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# CACHE COUNTY ATTORNEY



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*Victim Assistance*

## MEMORANDUM OPINION

TO: Members of the Cache County Council  
M. Lynn Lemon, Cache County Executive  
Tamra Stones, Cache County Auditor  
Michael K. Nilson, County Personnel Manager

FROM: Scott L Wyatt, County Attorney

DATE: January 22, 1998

RE: County Personnel Management Act

Cache County has reached a new milestone that requires the Council's attention and action. The number of County employees who are not covered by any other merit system<sup>1</sup> just reached and exceeded 130. The impact of this is that Cache County must now comply with the "County Personnel Management Act" set forth in U.C.A. section 17-33-1 *et. seq.* This Act mandates that we change, in a significant manner, the personnel administration for our county. The memo summarizes what the Act means to the county and what steps need to be taken immediately to be in compliance.

1. CAREER SERVICE COUNCIL. The County Council must appoint a "three-member bipartisan career service council."
  - A. TERM. Each council member serves a three-year term. The original appointees are to be appointed to staggering terms: one member for a term expiring June 30, 1999; one member for a term expiring June 30, 2000; and one member for a term expiring June 30, 2001. Successors of original council members shall be chosen for three-year terms to expire on June

<sup>1</sup> The deputies of the sheriff's office are presently covered by their own merit system pursuant to U.C.A. section 17-30-1 *et. seq.*

30th of the relevant year.<sup>2</sup>

B. QUALIFICATION FOR OFFICE. Each council member shall be:

- i. a person who is "in sympathy with the application of merit principles to public employment."<sup>3</sup>
- ii a United States citizen;
- ii an actual and bona fide resident of Cache County for at least one year preceding the date of appointment; and
- iv may not hold another government office or be employed by the county.<sup>4</sup>

B. DUTIES. The council's duties are generally to sit as an appeals and personnel advisory board. Specifically the duties are enumerated as follows.

- i. APPEALS. The council shall hear appeals not resolved at lower levels in the cases of employees suspended, transferred, demoted, or dismissed as well in the cases of other grievances not resolved by the grievance procedure at the division or department level; review written appeals in cases of applicants rejected for examination; and report final binding appeals decisions, in writing, to the County Council.<sup>5</sup> In conducting these appeals the council has the power to subpoena witnesses and pay witness fees where appropriate.<sup>6</sup>
- ii ESTABLISH RULES AND ELECT CHAIR. The council can establish its own rules except that the council must elect one of its members as chair and two or more members constitute a quorum.

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<sup>2</sup> U.C.A. section 17-33-4(2).

<sup>3</sup> U.C.A. section 17-33-4(1).

<sup>4</sup> U.C.A. section 17-33-4(3).

<sup>5</sup> U.C.A. section 17-33-4(1).

<sup>6</sup> U.C.A. section 17-33-4(5). Witness fees are payable at the same rate as in justice courts which at the time of this memo is \$17.00 per day. There are cases where witness fees would not normally be paid such as when the witness is a county employee who is on duty and being compensated by the county already.

ii NOMINATE A DIRECTOR OF PERSONNEL MANAGEMENT. The council shall advertise and recruit for the director position in the same manner as for merit positions; select three names from the applicant pool; and submit those three names as recommendations to the County Council. The County Council is obligated to appoint from this list of recommendations.<sup>7</sup>

D. COMPENSATION. Council members are to be compensated at the rate of \$50.00 per day for each day or part thereof they are in session.<sup>8</sup>

2. OFFICE OF PERSONNEL MANAGEMENT. The County Council must create an office of personnel management.<sup>9</sup>

A. DIRECTOR. The office of personnel management is administered by a director. The director is appointed by the County Council for a term of four years from the list of recommendations provided by the career service council as set forth above. The director can be reappointed for subsequent four-year terms at the discretion of the County Council.

B. LINE OF AUTHORITY. The Act is not entirely clear as to who the director reports to but it certainly appears that the intent is for the director to report to the County Council rather than to the County Executive. The only relationship described in the Act between the executive and the personnel director is that the personnel director advises the executive. There are references in the Act to the director reporting to the council and issuing personnel rules that are approved by the council. The touchstone for line of authority is typically answered by who has the hiring and firing authority—in this case the County Executive has no statutory role in hiring the director as it is left with the County Council.

C. DUTIES. The director has numerous duties that are set forth in U.C.A. sections 17-33-5(2) & (3), 17-33-6, & 17-33-7(1)(c) and are attached to this memo.

3. REQUIRED ACTION. The County needs to accomplish the following:

A. Enact an ordinance to establish The County Office of Personnel Management and an ordinance to establish the County Career Service

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<sup>7</sup> U.C.A. section 17-33-5(1)(c) & (d).

<sup>8</sup> U.C.A. section 17-33-4(6). The County Council may adjust the compensation for inflation. The statutory rate was set by the legislature in 1994.

<sup>9</sup> U.C.A. section 17-33-5(1)(a).

Council. My office is preparing a draft ordinance for this purpose. I assume the Executive's office is preparing a proposal for appointees to the Career Service Council.

- B. Establish a budget for the office of personnel management including the salary and office expenses for the director and expenses for the career service council.<sup>10</sup> I assume Lynn Lemon and Tamra Stone will prepare a proposal for consideration.
- C. After appointed and functioning the County Career Service Council needs to advertise, recruit and recommend three names for the County Director of Personal Management. The County Council then shall appoint a director from the list of recommendations.
- D. The county needs to make significant revisions to the personnel manual in order to accommodate these various changes especially with respect to the grievance procedure. I assume the new full time director will undertake this duty along with the other responsibilities that are set forth in statute.

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<sup>10</sup> The act requires that an adequate annual appropriation shall be made available to enable the council to effectively carry out its duties. U.C.A. section 17-33-4(2)