

## **CACHE COUNTY COUNCIL MEETING**

### **September 14, 2004**

The Cache County Council convened in a regular session on September 14, 2004, in the Cache County Council Chamber at 179 North Main, Logan, Utah.

#### **ATTENDANCE:**

**Chairman:** H. Craig Petersen

**Vice Chairman:** John Hansen

**Council Members:** Brian Chambers, Paul Cook, Darrel Gibbons, Kathy Robison, Cory Yeates.

**County Executive:** M. Lynn Lemon

**County Clerk:** Jill N. Zollinger, absent.

**The following individuals were also in attendance:** Clair Allen, Troy Allen, Sonja Andersen, Angie Baker, Andrew Barnes, Larry Brunson, Richard Collins, Kim Cronquist, Robert O. Cronquist, Jr., Sylvia Cronquist, Terry Cronquist, Rob Cruz, Attorney George Daines, N. P. Elwood, Wayne Elwood, Brent Hoggan, Sharon L. Hoth, Jon Keller, Brian Locke, JoLynne Lyon, Ron McBride, David Miller, Sheriff Lynn Nelson, Dave Nielsen, Dave Nilson, Dennis Ostermiller, Pat Parker, Jim Smith, Glen Thornley, Mike Twitchell, Ron Vance, James P. Yonk, Kyle Yonk, Richard Yonk, Ryan Yonk, **Media:** Jennie Christensen (KVNU), Rashae Ophus (Herald Journal).

#### **CALL TO ORDER**

Chairman Petersen called the meeting to order at 5:00 p.m.

#### **OPENING REMARKS**

The opening remarks were given by Craig Petersen.

#### **PLEDGE OF ALLEGIANCE**

Chairman Petersen lead those present in the Pledge of Allegiance.

#### **REVIEW AND APPROVAL OF AGENDA**

The agenda was approved as written.

#### **REVIEW AND APPROVAL OF MINUTES**

The minutes of the August 24, 2004, Council meeting were approved as corrected.

#### **REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** There were no appointments.

Cache County Council  
09-14-04

**WARRANTS:** The warrants for the periods 08-06-2004 to 08-11-2004, 08-12-2004 to 08-19-2004, 08-20-2004 to 08-26-2004, 08-27-2004 to 09-02-2004 and 09-03-2004 to 09-09-2004 were given to the Clerk for filing.

#### **OTHER ITEMS**

- **Sunshine Terrace** is hosting a community leaders reception Thursday, September 16, 2004, from 4:00 - 5:00 p.m. The Council is invited to attend.
- **TRT Tax Collection** - Executive Lemon noted Auditor Stones had sent a letter to the State Tax Commission requesting a postponement until January 2005.
- **Cloud Seeding** - Lemon said the Council must decide by October 15, 2004, if the county is going to participate in the cloud seeding program.

**ACTION: Motion by Council member Gibbons to support the county's participation in the cloud seeding program. Hansen seconded the motion. The vote was unanimous, 7-0.**

#### **ITEMS OF SPECIAL INTEREST**

- ▶ **Proclamation - Family Day - A Day to Have Dinner With Your Children** - Chairman Petersen asked Council member Robison to read the proclamation aloud.

(Attachment 1)

**ACTION: Motion by Council member Hansen to approve the Proclamation - Family Day - A Day to Have Dinner With Your Children - September 27, 2004. Robison seconded the motion. The vote was unanimous, 7-0.**

- ▶ **Employee of the Month** was presented by Jim Smith to Andy Barnes, Cache County Deputy Sheriff.

#### **BUDGETARY MATTERS**

- ◆ **Intra-Departmental Transfers**

Sheriff/MSF Sheriff	\$29,830 transferred (see Attachment 2 for details) to cover necessary expenses to end of year.
Fire	\$238,122 transferred from HLS Grant - Non-Capitalized Equipment to HLS Grant - Equipment to cover purchase of capitalized equipment - 2004 Homeland Security Grant.
Childrens Justice Center	\$2,640 transferred from Salaries to Equipment Supplies & Maintenance to cover purchase of new telephone system. Uses one time money appropriated by the state.

◆ **Inter-Departmental Transfer**

Rodeo                      \$1,500 transferred from Rodeo Queen Contest Expense to Equipment Supplies & Maintenance to cover purchase of additional supplies.

(Attachment 2)

**ACTION:** Motion by Council member Gibbons to approve the intra-departmental budget transfers of \$29,830, \$238,122 and \$2,640; and the inter-departmental budget transfer of \$1,500. Yeates seconded the motion. The vote was unanimous, 7-0.

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**PUBLIC HEARING SET:** OPEN 2004 BUDGET - SEPTEMBER 28, 2004 - 6:00 P.M.

**ACTION:** Motion by Council member Yeates to set the Public Hearing to Open the 2004 Budget for September 28, 2004, at 6:00 p.m. Robison seconded the motion. The vote was unanimous, 7-0.

- **Board Of Equalization Progress Report** - Executive Lemon said sixty applications have been received and forty-seven hearings have been held and recommendations made. No hearings have been scheduled for the Board yet. September 15, 2004, at 5:00 p.m. is the deadline for appeals.

**PENDING ACTION**

- **Update - Historical Courthouse Restoration Project** - Chairman Petersen reported the interior partitions are installed and the ceiling sheet rock is in. A test for the brick staining procedure has been done on a section on the north side of the courthouse. A probable occupancy date is April, 2005. Attorney Daines said the concrete flat work will not be done until next spring to avoid damage to it by other construction still being completed on the exterior.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Property Tax Hardship Requests**

Linda J. Allen  
Angela K. Angel  
Susan J. Bacon  
Richard and Barbara Bouse  
Kimber Brown  
Jennifer M. Carroll  
Rose L. Comer  
Audrey Ann Estes  
Leslie A. & Michael L. Kunz  
Rieta Leatham  
Ted R. Nielson  
Shauna Parker  
Carolyn E. Tribe

Cache County Council  
09-14-04

Merry T. Watkins  
Kelley L. Scott (new)  
Vernon Goodsell (new)

**(Attachment 3)**

**ACTION: Motion by Council member to approve all previous applicants except Angel and Bacon and to address the two new applicants separately. Yeates seconded the motion. The vote was unanimous, 7-0.**

The Council deferred action on the Angel and Bacon requests until further information can be reviewed.

**ACTION: Motion by Council member Robison to approve the two new applicants. Gibbons seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- ❑ **Discussion - Personnel and Policies Manual** - Lemon said all Department Heads have received copies of the draft. Lemon also said a retirement policy proposal is needed. Smith said he has not received any feedback yet. Petersen asked that a final draft of the manual be on the agenda for the October 12, 2004, Council meeting.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2004-26a and 2004-26b - Condemnation of Certain Public Roads**  
Petersen read the "Therefore" portion of the resolution aloud and invited limited public comment even though this was not a public hearing.

The following individuals spoke in favor of the Resolution:

Glen Thornley  
Norman P. Elwood  
Dick Longston  
Wayne Elwood

Brent Hoggan, representing the Yonks and the Cronquists, spoke against the Resolution.

Ron Vance, U.S. Forest Service, offered neutral comments.

Petersen explained that this item was on the agenda for initial consideration and no action would be taken at this meeting. The Resolution will be on the agenda at the September 28, 2004, Council meeting and action will be taken at that meeting.

Petersen said he understands the Resolution calls for the county to do three things:

1. To proceed with a legal determination
2. To proceed with condemnation proceedings
3. Obtain immediate use pending determination of county's right therein

Petersen asked Attorney Daines to explain what the third item meant.

Daines said it means the county, and therefore the public, would have immediate possession of the road(s) without delay. If it is later determined the county does not own the road(s), the county can then decide to either abandon rights to the road(s) or start condemnation proceedings to purchase the road(s).

Chairman Petersen reminded the Council a two-thirds vote is needed to waive the rules and adopt the Resolutions.

**ACTION: Motion by Council member Yeates to waive the rules and adopt Resolution No. 2004-26a, Acquisition and/or Condemnation Yonk Roadway. Cook seconded the motion. The motion failed, 4 aye - Yeates, Chambers, Hansen & Cook, 3 nay - Gibbons, Petersen & Robison.**

Petersen asked if anyone would vote differently if this were the Cronquist Roadway Resolution No. 2004-26b. Council members indicated they would vote the same. Petersen opened discussion on the Council for Resolution No. 2004-26b. Chambers asked if the Sheriff's office has anyone patrolling the roadways in question on a regular basis. Sheriff Nelson said there is not a deputy regularly in these areas unless there is a complaint. Petersen said he believes this is an issue of controversy and the right way to resolve it is to take it before an impartial arbitrator and let a judge decide it. These resolutions will be on the September 28, 2004, County Council agenda.

- **Resolution No. 2004-27 - Language to be placed on the November General Election Ballot for the Creation of the Cache Mosquito Abatement District**

(Attachment 4)

**ACTION: Motion by Council member Yeates to waive the rules and adopt Resolution No. 2004-27 - Language to be placed on the November General Election Ballot for the Creation of the Cache Mosquito Abatement District. Hansen seconded the motion. The vote was unanimous, 7-0.**

- **Approval of Utah Rural Government Geographic Information Systems 2004 Assistance Program Grant** - Lemon said this grant was received and had to be submitted by September 10, 2004. The county has received these grants in the past to help with RS-2477 roads. There is approximately \$590,000 grant money available statewide. Cache County may receive about \$20,000.

(Attachment 5)

**ACTION: Motion by Council member Cook to approve the submission of the proposal for the Utah Rural Government Geographic Information Systems 2004 Assistance Program Grant. Robison seconded the motion. The vote was unanimous, 7-0.**

### **COUNTY INITIATIVES**

- ☐ **Budget Workshop Dates** - The Council approved two budget workshop dates: September 28, 2004, at 4:00 p.m. and October 12, 2004, at 4:00 p.m.
- ☐ **Open Space** - Petersen asked the Council what they would like to do with the preservation of open space. Cache County has an AG Preservation Advisory Board already in place. Gibbons suggested the AG Board needs direction from the county. Cook suggested adding additional members to the Board, perhaps from Planning and Zoning. Gibbons said the focus needs to be on all kinds of open space, not just AG land. Lemon said the LESA deals with AG land and would have to be weighted differently to apply to other open space.
- ☐ **Air Quality** - Daines said the Board of Health has been dealing with this problem for over two years. More significant monitoring has been instituted. Regulations have been put in place concerning chimneys and wood burning stoves as well as smoking cars. Cache County has bad air only during winter temperature inversions. Mandatory emissions testing would not correct that. The bad air occurs in cold weather when most people are not participating in strenuous outdoor exercise. The Board of Health did not want to commit to spending \$1.6 million to \$2 million a year on a program that would not produce the desired results.

### **COUNCIL MEMBER REPORTS**

**Chambers** said he had submitted names to Petersen for the Parks and Recreation Master Plan Committee and wanted to know when they would be meeting. Petersen said Chambers would be contacted with that information for his Council District. Petersen's District is meeting September 29, 2004. Petersen still needs names from the Council Districts of Cook and Yeates for this committee.

**Gibbons** said the Ambulance Committee has met and licensing is near completion. The budget needs to be resolved. Gibbons said he believes it appropriate for Jim Gass to give the committee's budget presentation to the Council at its September 28, 2004, meeting. Petersen directed this item be placed on the September 28, 2004, Council meeting agenda.

**Hansen** said a citizen handed him a document indicating the Mt. Sterling road had been abandoned by the county. Hansen gave the document to Attorney Daines for review and action.

**Cook** said the Library Board is meeting September 15, 2004. He asked what the status of the Mt. Pisgah agreement signing was. Daines gave copies of the signed agreement to Council members.

**Robison** said she had received a request from a county employee for temporary bicycle racks on the west side of the County Administration Building.

Cache County Council  
09-14-04

**Daines** gave Council members copies of the County Road Access Ordinance and noted that this is what he and the committee are trying to enforce.

**ADJOURNMENT**

The Council meeting adjourned at 7:26 p.m.

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**ATTEST:** Jill N. Zollinger

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**APPROVAL:** H. Craig Petersen