



MORGAN COUNTY COMMISSION MEETING AGENDA

January 20th, 2026

4:00 WORK SESSION 5:00 REGULAR MEETING

PUBLIC NOTICE is hereby given that the MORGAN COUNTY COMMISSION will hold a regular Commission meeting in the Commission meeting room at 48 West Young Street, Morgan, Utah.

COUNTY COMMISSION

Commission Chair Matthew Wilson not in attendance
Commission Vice Chair Vaugh Nickerson
Commissioner Raelene Blocker
Commissioner Mike Newton not in attendance
Commissioner Blaine Fackrell

OTHER EMPLOYEES

IT Director Jeremy Archibald
Deputy Clerk/Auditor Cindee Mikesell
Clerk/Auditor Leslie Hyde
Administrative Manager Kate Becker (CAM)
County Attorney Garrett Smith
Sheriff Corey Stark
Recorder Shaun Rose
Library Director Erin Bott
Deputy Clerk/Penny Butler
Nicole Reed USU Extension
Assessor Janell Walker
Deputy County Attorney Janet Christoffersen

OTHERS IN ATTENDANCE

Chris Cody
Debbie Sessions
Jennifer Lance
Brenda Greer Flagship
Heidi Nettleton
Laurann McGuire
Kim Wooden
Doug Wickliffe
Lori Duffield
Shawn Green
George Tripp
Kimberly Tripp
Adam Toone
Douglas Perkins
Jennifer Lance
Michelle Stocking
Eric Plyer
Heidi Dorius
Sean Dorius
Robert McConnell

4:00 WORK SESSION

- o Flagship Map Changes and Development Agreement Discussion: Brandon Green
- o Cottonwoods Land Swap Discussion: Rulon Gardner

The work session focused primarily on two major topics: proposed amendments to the Town Center mixed-use zoning requirements and a separate land swap and density discussion related to the Cottonwoods development.

Flagship Homes, represented by Brandon Green, provided an update on their Town Center project. They reported ongoing coordination with adjacent landowners, Rocky Mountain Power, Public Works, and the fire department, including discussions about relocating power lines, improving access, and reserving land for future fire station expansion. While no final agreements have been reached, progress is being made, and relationships with neighboring property owners were described as positive.

A key issue raised by Flagship Homes was the current requirement in the Town Center zoning ordinance that mandates at least 35% of a mixed-use development be

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designated for commercial use. Brandon expressed concern that, given the significant amount of already-approved commercial zoning in the area, adding more commercial space could harm long-term viability and lead to underperforming or vacant properties. Flagship requested consideration of a text amendment that would allow the County Commission discretion to reduce the required commercial percentage in exchange for public benefits such as open space, parks, trails, or community amenities.

Josh Cook Morgan County Planner confirmed that a text amendment to address this issue had already been directed by the Commission in the past and is currently being drafted, with an anticipated timeline of February for review. Commissioners generally expressed support for flexibility but emphasized that any reduction in commercial space should be offset by meaningful public amenities rather than additional residential density. There was broad interest in seeing concept plans that illustrate how open space, trails, and community facilities could replace some commercial requirements.

The conversation then shifted to a separate but related discussion involving a proposed land swap and density concerns within the Cottonwoods development. Gardner Cottonwood Creek representatives, attorneys, and adjacent landowners discussed proposed amendments to a long-standing development agreement. The proposal would remove certain parcels, including land originally envisioned for a golf course and an equestrian center, and replace them with other acreage on a one-for-one basis.

Legal counsel clarified that the original development agreement capped density at 830 units unless a golf course was built, which never occurred. The equestrian center is also no longer considered viable due to existing facilities in Mountain Green. Any changes to amenities would require County approval to ensure that density bonuses remain.

○ 5:00 COMMENCEMENT OF MEETING

(A) Opening Ceremonies

1. Welcome
2. Invocation and/or Moment of Reflection: **Hon. Commissioner Blocker**
3. Pledge of Allegiance

(B) Consent Agenda Items

1. Approval of the Morgan County Commission Minutes from January 6th, 2026.
2. Approval of **CR 26-06** the renewal of the Interlocal Cooperation Agreement between Morgan County and the Morgan County School District for recreation space.
3. Approval of RFP verbiage for remodeling to meet state election security requirements.
4. Approval of our annual agreement with HBME for Audit Services with a defined scope.
5. Notice of opening on the Weed Abatement Board – Open to Submissions

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6. Approval of RFP verbiage for the Morgan County Fair's Ticket Management Platform.
7. Notice of Local Wildlife Photography and Taxidermy Exhibit at the Morgan County Historical Society January 20-30th 12-5pm.
8. **Postponed from 12/17/2025 & 01/06/2026 meetings;** The County's Predation Management Plan for 2026 and commitment of participating funds from 71-2229-000-000.
9. Approval of the final wording of the Express Recovery Services, INC collection agreement for delinquent ambulatory invoices based off the awarded RFP from the 10/07/2025 Commission Meeting.
10. Confirmation of the 2026 Elected Officials Conflicts of Interest Forms, presented to the Commission by the Morgan County Clerk/Auditor. These were posted to the Morgan County website on January 7th, 2026.

Kate Becker (CAM) The first item is approval of the draft Commission meeting minutes from January 6, 2026. Next is the annual renewal of the interlocal cooperation agreement with the county and the school district for shared use of fields and gyms. The third item is approval of RFP language for the U.S. meeting, which includes state-required election security provisions. Fourth is an agreement with HBME, clarifying the scope of work under an existing contract. There is also a continued opening on the weed abatement board for a citizen whose primary income is from agriculture, including farming or ranching. Another item is notice of an upcoming wildlife and taxidermy exhibit at the Historical Society. Additionally, the county has finalized agreed-upon language for the predation management plan. Approval is also requested for the Express Recovery Service contract; while it was approved in October, additional negotiation was needed to align the contract language with the original bid and ensure compliance with health information privacy requirements, with no changes to the bid itself. The final item is publication of the 2026 elected officials' conflict of interest forms, which are required annually and were posted on the county website on January 7 on both the elections page and the county notices page.

Commissioner moved to approve Consent agenda items 1-10

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

(C) Commissioner Declarations of Conflict of Interest

Commissioner Blocker stated she lives in Cottonwood

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(D) Public Comments (please limit comments to 3 minutes)

No public comments

(E) Presentations

Introduction of Morgan City Councilwoman **Laurann McGuire**

Laurann McGuire (formerly Laurann Turner) introduced herself, noting that her family has lived in the area for generations and that she resides on Island Road within city limits. She expressed appreciation for the opportunity to serve and said she is looking forward to the term she has committed to. It was confirmed that she replaced Eric Turner, her brother, which was mentioned humorously as a “contentious” family race. She stated that the city council term is four years. She thanked the county for its work and expressed pride in living in Morgan. It was also noted that all city council members were provided with a county portfolio containing contact information, including cell phone numbers.

(F) Action Items

1. **Nicole Reed** – Discussion/Decision – 4H Program Coordinator on behalf of USU Extension Discussion and approval of **CR 26-07** The 2026 Cooperative Agreement for Utah State University Extension Services.

Nicole Reed from the Morgan County Extension Office presented the 2026 cooperative agreement for Utah State University Extension services with the county and asked if there were any questions. Commissioners expressed appreciation for the Extension Office's work, particularly its growth, youth involvement, and community programs, and noted they had no questions about the agreement itself. A question was asked about the status of the shooting club; it was explained that the program has not yet started due to weather but preparations are nearly complete, including leader training and youth sign-ups, and it will begin once conditions allow. Commissioners thanked staff for organizing the program and expressed support for youth firearms education, emphasizing the value of proper training, safety, and outdoor recreation.

Commissioner Fackrell moved to approve CR 26-07 2026 Cooperative Agreement for Utah State University Extension Services.

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

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Commissioner Fackrell AYE

The vote was unanimous. The motion passed

2. Hon. Kimberly Harrison – Discussion/Decision – Registration Refund

Discussion and decision on refunding \$50 on a paid registration that was sold before expiration.

Kimberly Harrison Morgan County Treasurer presented a request from Mark Walker for a refund of his county registration fee after he sold the vehicle shortly after renewing the registration. The state approved the refund of the state portion since the prior registration had not yet expired, which meets state and county refund criteria. Discussion followed regarding timing, expiration dates, and whether any county processing costs should be retained.

Commissioner Blocker moved to approve refunding \$50.00 to Mark Walker on paid registration.

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

3. Bret Heiner – Discussion/Decision – Morgan County Public Works Director

Discussion and approval of the purchase of a Saw T630 tilt trailer and a 2026 Ram 2500 as pursuant to CR 25-49 the Morgan County Asset Acquisition Policy.

Bret Heiner Morgan County Public Works is here today to request approval to purchase a tilt trailer and truck and to ensure they are covered under the county's insurance. Funding was put in 2026 Budget already.

Commissioner Fackrell moved to approve purchase of both Items tilt trailer and 2026 Ram 2500.

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

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The vote was unanimous. The motion passed

- 4. Hon. Shaun Rose** – Discussion/Decision – ProWest Enterprise GIS Implementation
Discussion and decision on the scope of work agreement with ProWest & Associates for implementation services for the transition to Enterprise GIS.

The item was confirmed as already budgeted and related to the upgrade to the Enterprise GIS mapping software that was approved in the prior year's budget. The agreement under consideration was for the scope of work needed to proceed with implementation.

Commissioner Blocker moved to approve ProWest Enterprise GIS Implementation of the scope of work agreement with ProWest & Associates for implementation services for the transition to Enterprise GIS.

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

- 5. Hon. Shaun Rose** – Discussion/Decision – 2026 Budget Adjustment

Continued discussion and decision on creating a Full-Time Surveyor position within the Morgan County Recorder's office for the budget year of 2026.

This was discussed at the 01/06/2026 Commission Meeting and further cost speculations were requested by the Commission.

Sean Rose Morgan County Treasurer presented a request for approval to create a new in-house, full-time surveyor position, noting that the proposal had been discussed at several prior commission meetings. Commissioners had previously requested additional data, including cost estimates and budget impacts. He went on to explain that the total estimated cost for the position and associated expenses would be approximately \$224,001, including salary, benefits, and operational costs. He noted that in 2025 alone, the county spent approximately \$125,000 on contracted surveying services for subdivision review, planning, and PLSS work, much of which is currently pass-through and revenue neutral.

Discussion focused on budgeting, salary range, timing of the hire, and whether equipment and vehicle costs could be phased into a future fiscal year. It was noted that the Community Development budget for surveying services had already been increased for FY 2025 due to

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consistent monthly expenditures, and that existing surveying contracts are non-exclusive, allowing continued use of outside firms if additional capacity is needed. Commissioners also discussed workspace needs, vehicle and equipment storage, and the potential return on investment of having a licensed surveyor available full-time.

Commissioners expressed support for the position, citing rising costs and delays associated with contracted services. Budget adjustments and equipment purchases will be addressed separately as needed.

Commissioner Fackrell moved to approve full-time surveying position under the Morgan Records office.

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

- 6. Erica White – Discussion/Decision – Morgan County Emergency Management Director Request for a County bank card with a limit of \$2,500 for use by Emergency Management as well as any interim Fire Department needs such as Ambulance tolls.**

Kate Becker explained that a request was being brought forward to authorize an additional county bank (purchasing) card due to expanded duties within Emergency Management. Erica White is currently serving as the Emergency Management Director, Deputy Ambulance Chief, and Acting Interim Fire Chief, and has been using another county card temporarily. Per county policy, commission approval is required to issue a card and establish a spending limit. Kate Becker (CAM) noted the card is primarily needed for routine operational expenses, including ambulance tolls during transports. Erica White has signed the Purchasing Card Policy, and the proposed spending limit was set at \$2,500, consistent with other county cards.

Commissioners expressed appreciation for Erica White's service and discussed toll charges incurred during ambulance transports.

Commissioners Blocker approve Morgan County Emergency Management Director Request for a County bank card with a limit of \$2,500 for use by Emergency Management as well as any interim Fire Department needs such as Ambulance tolls.

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Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

Commissioner Fackrell moved to go into BOE Board

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

7. Morgan County Board of Equalization – Discussion/Decision – Late Appeal Requests

Discussion and decision on late appeal requests to the Board of Equalization.

- a. **CR 26-2504-BOE** Late Appeal Request: MTGT Capital LLC
- b. **CR 26-2505-BOE** Late Appeal Request: Ashley Willis

CR 26-2504-BOE

Leslie A. Hyde Morgan County Clerk/ Auditor presented a checklist outlining the statutory requirements for approving a late appeal and advised the Board that sufficient information had been provided in the packet to decide. The first request, submitted by MTGT Capital LLC, sought late appeal consideration related to a primary residential exemption. Janell Walker Morgan County Assessor explained that the property was not eligible because the dwelling was only partially complete during the tax year, the owners did not occupy the property for 183 consecutive days, and a renter associated with the property already received a primary exemption on another residence in Summit County. Commissioners agreed that none of the statutory criteria for a late appeal were met.

Commissioner Fackrell moved to deny 26-2504 Boe MTGT Capital LLC.

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

CR 26-2505-BOE

The BOE Board then considered a second request for CR 26-2505 BOE a late appeal in which the applicant cited multiple reasons, including a medical emergency, loss of employment, and mail issues. Staff clarified that the medical emergency occurred after the statutory appeal deadline and that no documentation was provided to support extraordinary or unanticipated circumstances. It was also noted that the assessor's office had made multiple attempts to notify the property owners about the primary residential exemption and that the exemption was ultimately signed in late 2025, allowing it to apply prospectively beginning in 2026. BOE Board discussed whether the circumstances met statutory requirements and acknowledged that while the situation was sympathetic, the Board's role was limited to determining whether the criteria for a late appeal were met. The Board noted that the applicants retain the right to appeal to the State Tax Commission if denied.

Commissioner Fackrell moved to deny CR 26-2504-BOE Ashley Willis

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

8. **Morgan County Board of Equalization** – Discussion/Decision – BOE Hearing
Discussion and decision on BOE Hearing **CR 26-2506-BOE** based on the approved late appeal CR 26-2503-BOE from 01/04/2026 for Levi Harper; Appellant is requesting a primary residence exemption for the tax year 2025.

Janell Walker Morgan County Assessor provided additional background regarding the property under appeal. She explained that a new deed was recorded on September 6, 2024, creating a new parcel for the 2025 tax year. A certificate of occupancy was issued on March 14, 2025, and the home was assessed as 100% complete as of January 1, 2025. Primary residential exemption disclosures were sent in March, April, May, and June of 2025. The

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property owners returned the signed primary residential exemption form on June 23, 2025; however, the county tax roll had already been finalized and submitted in May, meaning the exemption could only be applied prospectively to the 2026 tax year. The owners were notified by email that the exemption would take effect in 2026 and that they retained the right to appeal through the Board of Equalization.

Janell Walker Morgan County Assessor clarified that the late appeal had already been approved, and the sole question before the BOE Board was whether the applicants qualified for the primary residential exemption for tax year 2025. Discussion focused on occupancy timing, the 183-day requirement, documentation submitted by the appellants, and the applicants' assumption that their exemption would apply to 2025 despite written notice indicating it would apply to 2026. Commissioners discussed the burden of proof, noting that the appellants must show by preponderance the evidence that they qualified for the exemption. Staff confirmed that the appellants were permanent residents and had submitted documentation supporting their qualification, though the assessor's office maintained that the exemption could not be applied retroactively under standard procedures.

Commissioner Fackrell moved to approve Primary Residence CR 26-2506-BOE Levi Harper

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

Commissioner Blocker moved to go out of BOE Board

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

9. **Josh Cook** – Discussion/**Public Hearing**/Decision – County Planning & Zoning
Whisper Ridge at Stone Canyon DA, First Amendment: County Ordinance CO 26-01
Request to amend the Whisper Ridge at Stone Canyon Development Agreement to

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remove the requirement for a professional property manager to maintain the common open space.

Jeremy Lance Morgan County Planner 1 presented the third amendment to the Whisper Ridge at Stone Canyon development agreement. The applicant, Bert Sheffer, requested an amendment to remove the requirement that a professional property manager maintain the common open spaces, allowing the community to self-manage until reserves are sufficient to hire a suitable management company. Staff and the County Attorney reviewed the request and determined it is not detrimental to public health, safety, or welfare, maintains the intent of the development agreement, and does not alter land use standards or overall development density. The Planning Commission reviewed the amendment at their January 8 meeting and recommended approval with a 4-0 vote.

Discussion among commissioners focused on ensuring that self-management would not result in neglected common areas. Staff clarified that while the county enforces code violations, maintenance and financial responsibility remain with the HOA and private property owners. Commissioners noted that residents supported the amendment, which also benefits the community's budget.

Commissioner Blocker moved to go into public comment

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

No public comment

Commissioner Fackrell moved to go out of public comment

Seconded by Commissioner Blocker

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

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Commissioner Blocker moved to approve CO 26-01 Request to amend the Whisper Ridge at Stone Canyon Development Agreement to remove the requirement for a professional property manager to maintain the common open space.

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

10. Josh Cook – Discussion/**Public Hearing**/Decision – County Planning & Zoning Cottonwoods Development Agreement Amendment: County Ordinance **CO 26-02** A request to approve an amendment to the Cottonwoods Development Agreement (“DA”) and the Cottonwoods Planned Unit Development (“PUD”) Overlay District to remove specific properties from the land area governed by the DA, thereby reverting those properties to parcels within the unincorporated county; and to add additional land from adjoining parcels into the Cottonwoods Development Agreement to offset the reduction.

Postponed to February 17th, 2026, meeting

Saddie Nettleton stated that she represents the applicant and property owners. She explained that the team was prepared to present the proposal and had previously done so during a work session several months ago. The project was approved by the Planning Commission two weeks prior, and feedback has been received from both commissioners and community members during that process and the earlier work session.

After recent discussions with Josh Cook Morgan County Planner and Janet Christofferson Morgan County Attorney, Nettleton noted that some refinements are needed to the development agreement. The applicant plans to have their attorney work with county staff to make those revisions before returning at a later date. She acknowledged that, given the short notice, holding a public hearing is appropriate and said she was present primarily to listen to public comments and determine whether concerns can be incorporated or are already addressed in the proposal.

Nettleton also addressed concerns related to the homeowner’s association. She clarified that the applicant had previously reached out to the HOA under prior leadership a few years ago regarding a similar proposal, but the project did not move forward at that time. She has since been in contact with Jennifer Lance and noted questions about whether the current HOA would be required to assume maintenance and insurance responsibilities for proposed trails and parks. She emphasized that the HOA would not be obligated to take on those responsibilities; participation would be voluntary, either through a vote to join or through the creation of a separate arrangement.

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She concluded by stating that HOA-related decisions would be more appropriately addressed during future phases of development. She added that portions of the project, including Phase 6 and much of Phase 9, are still several years away due to necessary infrastructure improvements, and she looks forward to hearing public comments.

Commissioner Blocker Moved to go into public comment

Seconded by Fackrell Commissioner

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

Public Comment:

Michelle Stocking: Michelle Stocking, a resident of the Cottonwoods and a representative of the Cottonwood Meadows portion of the HOA, expressed several concerns regarding the proposed land change and amendment to the development agreement. Her primary concern was the proposed change in language requiring that the Memorandum of Agreement (MOA) “may” instead of “shall” be recorded against each phase of development. She stated that many HOA members are concerned that this change could disrupt the continuity of the Cottonwoods development and set a precedent allowing future phases or other undeveloped areas to opt out of joining the existing HOA and instead form separate associations.

She questioned how such a change could impact the broader Cottonwoods community, particularly if future developments use existing roads, trails, sidewalks, amenities, and landscaping without being part of the HOA or contributing to their maintenance. She also asked what benefits current homeowners would receive if the land exchange and development move forward, noting that while additional trails may be positive, residents do not want more small neighborhood parks and feel that community preferences have not been adequately considered.

Michelle raised concerns about the precedent this amendment could set for future development agreements within the county and for the long-term structure of the Cottonwoods development. She emphasized the importance of considering community impact and input, noting that homeowners purchased property with the expectation that the existing development agreement and HOA structure would remain in place. She concluded by stating that while she is not necessarily opposed to the proposal, she believes more information, community outreach, and consideration of long-term impacts are needed before moving forward.

Jennifer Lance: Jennifer Lance, the current MOA president for the Cottonwoods community, stated that the MOA is not opposed to the development or to the people involved. She emphasized that the purpose of her comments was to protect the rights of

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current homeowners who signed into the existing agreement and were promised certain conditions for their neighborhood.

She explained that many homeowners have lived in the community for nearly 20 years, have paid dues, and relied on the development agreement and MOA when purchasing their homes. She expressed concern that changes to the language of the development agreement could undermine those commitments and disrupt the cohesive plan that was promised to original residents.

Jennifer raised specific concerns about Phases 6 and 9 potentially not being part of the MOA while seven or eight existing phases continue to pay dues and maintain common areas, sidewalks, and snow removal. She questioned how it will affect the community if some phases contribute to maintenance and upkeep while others do not, especially when the entire area is considered a single development.

**Commissioner Fackrell moved to go out of public hearing
Seconded by Blocker Commissioner**

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

Commissioner Fackrell moved to postpone Cottonwoods Development Agreement Amendment: County Ordinance CO 26-02 A request to approve an amendment to the Cottonwoods Development Agreement (“DA”)and the Cottonwoods Planned Unit Development (“PUD”) Overlay District to remove specific properties from the land area governed by the DA, thereby reverting those properties to parcels within the unincorporated county; and to add additional land from adjoining parcels into the Cottonwoods Development Agreement to offset the reduction Item **until February 17th, 2026, Meeting**

Seconded by Blocker Commissioner

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

11. Hon. Raelene Blocker – Discussion/Decision – Commissioner

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Discussion and decision on **CR 26-08** Commissioner Blocker's nomination of **Jason Murray** to the Morgan County Community and Economic Opportunity Board as the private sector representative with economic development experience.

Commission Blocker nominated Jason Murray to the Morgan County Community and Economic Opportunity Board as a private-sector representative. He brings more than 20 years of executive experience in acute and post-acute healthcare, is a licensed nursing administrator, and serves as CEO and co-founder of Pax Group Incorporated. He holds a master's degree in healthcare administration, is a Fellow of the American College of Healthcare Executives and was named the 2023 Mountain West Entrepreneur of the Year by Ernst & Young, as well as a national finalist that same year. He was recommended as a strong asset and advisor to the board.

Commissioner Blocker moved to approve CR 26-08 nomination of Jason Murray to the Morgan County Community and Economic Opportunity Board as the private sector representative with economic development experience.

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

12. Morgan County Commission – Discussion – 2026 Nat'l Day of the American Cowboy Discussion on possible nominations for 2026. 2025 Awardee: Jessie Franich

Kate Becker (CAM) made Commissioners aware that it is time for nominations for 2026 Nat'l day of the American Cowboy please email Kate Becker (CAM) with nominees of Morgan County Residents.

13. Kate Becker – Discussion/Decision – Morgan County Administrative Manager Discussion and decision of the Public Defender Contract based off the awarded RFQ to Colton McKay that was approved at the 01/06/2026 Commission Meeting.

The county prosecutor discussed proposed changes to the public defender contract as responsibility for the calendar transitions and noted potential concerns about negotiating

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contracts directly. He requested authority for the county manager to continue negotiations and asked for interim approval to cover compensation for the current month so services would continue while final contract details are resolved.

Key discussion points included clarifying that the contract covers the scope of work already anticipated, ensuring compliance with the Indigent Defense Act, and addressing the use of conflict counsel in cases with co-defendants. The proposal would add a flat monthly amount to cover conflict counsel services rather than paying case by case, which was described as more predictable and cost-effective for the county. Concerns were raised about getting an additional attorney not originally listed in the RFQ response. To address this, a provisional appointment with a probationary period was proposed, allowing the county to review qualifications and rescind approval if needed.

Budget impacts were reviewed, with staff noting that existing funds could cover the proposed compensation without a major budget adjustment.

**Commissioner Fackrell moved to approve Public Defender Contract with the new red line provisions of the contract with a 90-day approval period For Colton McKay
Seconded by Commissioner Blocker**

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

14. Hon. Garrett Smith – Discussion/Decision – Morgan County Attorney

Discussion and decision on suggested changes on the Kent Smith rental agreement with Mountain Green Sewer Improvement District.

Garret Smith Morgan County Attorney explained, Janet Christoffersen, has been actively managing negotiations with the Mountain Green Sewer Improvement District and revising the proposed agreement to protect the county's interests. He commended Janet for clearly outlining changes, issues, and responses, and stated that the county's recommendation is to proceed with the revisions she has made. He emphasized that without these changes, the agreement would significantly weaken county protections, especially given the substantial public investment planned for improvements to the property.

He highlighted key provisions added to protect county funds, including a 20-year agreement term with a 10-year "blackout" period during which the property cannot be reclaimed for discretionary expansion. This ensures the county receives a reasonable return on investment before any potential termination. He explained that if reclamation occurs after the blackout

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period, reimbursement would be based on the depreciated value of improvements, with higher reimbursement earlier in the term and decreasing over time.

He clarified that termination provisions distinguish between emergency reclamation and discretionary or planned expansion. Emergency reclamation is narrowly defined and treated differently, while discretionary expansion is restricted during the first 10 years and subject to reimbursement requirements afterward. Smith also explained that language indemnification was revised to be mutual, in compliance with the Utah Governmental Immunity Act.

During discussion, commissioners asked about ownership and removal of county-funded improvements if portions of the property are reclaimed. Smith noted that non-permanent improvements may be removed within a specified timeframe after termination, and permanent assets are treated as depreciable improvements. He indicated that staff can further review the language to ensure all scenarios are adequately covered.

Smith concluded by stating that the action before the commission was not a resolution, but direction on whether to send Janet's revised redline agreement back to the district to continue negotiations. The consensus was to proceed with sending the revised red line in its current form to move the process forward.

Commissioner Blocker moved to send over the Kent Smith rental agreement with red line to Mnt Green Sewer Improvement District.

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

15. Kate Becker – Discussion/Decision – Morgan County Administrative Manager
Postponed from 12/17/2025 & 01/06/2026 meetings; Attorney's office is still working through redlines. Request to postpone to March 3, 2026; The Morgan County Historical Society By-Laws.

Garret Smith stated that staff have met Cindy and Cheryl and is actively working through the issues raised. He explained that the goal is to ensure the correct and current forms are being used and that the documents align with the county's direction going forward. He noted that after Janet completes a redline version of the document, with plans to meet again with the involved parties to fully resolve the details before returning for further consideration.

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He added that like other recent items, such as the CEO appointment, updates require reviewing and applying current state statutes rather than relying on outdated forms, which takes additional time. Based on this, Kate Becker (CAM) requested a postponement of the item until March 3, 2026.

Commissioner Fackrell moved to postpone The Morgan County Historical Society Byelaws to March 3, 2026, meeting
Seconded by Blocker Commissioner

VOTE:

Commission Chair Wilson AYE

Commissioner Newton AYE

Commissioner Blocker AYE

Commission Vice Chair Nickerson AYE

Commissioner Fackrell AYE

The vote was unanimous. The motion passed

Kate Becker (CAM) Comments:

Kate Becker (CAM) provided several county updates and discussion items. She noted that House Bill 48 on lot assessments will cap assessments at approximately \$100 based on improvement value, with most affected properties in Morgan County located in Mountain Green. She indicated this would be discussed further with the fire warden. She also raised the issue of prescriptive easements in the county, specifically Jeremy Ranch Road and Deep Creek, suggesting staff may want to formalize documentation due to their heavy use. Garret Smith Morgan County Attorney clarified the distinction between prescriptive easements and public rights-of-way.

She announced an upcoming Conservation District meeting on February 25 from 6:00 to 8:00 p.m. at the Search and Rescue building, aimed at the agricultural community. Topics will include agricultural protection areas, conservation easements, and estate planning strategies for keeping land in families.

Kate Becker(CAM) asked for an update on backup generator planning for the library, fairgrounds, and public works, expressing concern about maintaining momentum on the issue. Vaughn Nickerson responded that a portable generator would not meet fairgrounds needs and suggested continued coordination to determine next steps. Speaker 3 also noted an upcoming meeting with UDOT representatives regarding Exit 92, stating there appears to be a miscommunication about expectations.

Kate Becker explained a delay in a planned presentation on playground equipment, noting that Public Works is addressing minor maintenance issues first and that no equipment failures have been identified. She also asked for guidance on how the Commission would like county board reviews presented. Commissioners indicated interest in specific boards previously discussed, such as recreation- and transportation-related boards.

Kate Becker relayed feedback from the Planning Commission suggesting the creation of a rifle range board or committee. Commissioners discussed whether this would fall under the Parks

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Board or function as a temporary committee. She indicated that she will draft a temporary committee proposal.

She then provided an update on Greenbelt rollback revenue, noting that statutory changes allowed the county to retain 100% of rollback funds. From May 1 through year-end last year, the county collected approximately \$330,531,29 with an additional \$143,008.68 collected year-to-date this year. She added that upcoming developments, including WPR Phase 6A and the 910 Cattle Ranch, will also contribute rollback funds, which are restricted.

Finally, discussion returned to the rifle range, with plans to hold a work-session-style discussion in conjunction with a Commission meeting, tentatively scheduled for February 1, 2026, with Randy Watt.

Commissioner Fackrell moved to go into Executive Session

(G) Commissioner Comments

Commissioner Blocker The speaker provided a brief legislative update, highlighting two bills being monitored by the Community Development Policy Committee. House Bill 68 is a housing amendment that creates a new Division of Housing Affordability under the Governor's Office of Economic Opportunity, moving housing affordability responsibilities from the Department of Workforce Services. The county is monitoring this bill.

House Bill 184, sponsored by Representative Ray Ward, was noted as a bill the county opposes in its current form. The bill would allow property owners to request preferred land use regulations that could override local zoning for residential development, including smaller lots, accessory dwelling units, reduced setbacks, and starter homes, with a requirement that counties respond within three days.

Commissioner Fackrell:

Commissioner Fackrell provided a legislative update following discussions earlier in the day. He reported on a proposal by Representative Thurston to repeal the existing restaurant tax and replace it with a broader sales tax applied to all purchases. Although described by the sponsor as not being a tax increase, the proposal would redirect the new sales tax revenue to the Transient Room Tax (TRT). He stated that there was significant opposition to this approach and that the county opposes the proposal. The bill was identified as HB 231 (previously discussed under SB 91), and further discussions with the sponsor are anticipated.

He also discussed SB 97, a property tax bill that would allow taxing entities to increase revenues by up to 5% over the prior year without triggering truth-in-taxation requirements unless growth exceeded 100%. He noted that the bill is unpopular and will need to be closely monitored.

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He mentioned SB 108, which addresses online marketplace amendments. He noted that the bill is complex and, as discussed, would prohibit counties and municipalities from regulating online marketplaces, including short-term rentals.

He briefly referenced HB 48 related to wildland–urban interface (WUI) issues and insurance availability, noting concerns that insurance companies are limiting coverage in certain areas due to regulatory requirements. He also mentioned SB 146, stating that additional information would be provided later.

Kate Beck (CAM) concluded by indicating that legislative developments will continue to be monitored and that updates will be provided to the commission as more information becomes available.

Kate Becker (CAM) Mentioned that Commission meeting On March 17th will conflict with Neighborhood Caucus, so we need to move March 17th Meeting to March 18th, 2026

Commissioner Nickerson:

Vaughn Nickerson discussed upcoming weed abatement efforts as the county approaches spring. He explained that the county is coordinating with the Weed Abatement Board and the county weed supervisor to identify specific areas of concern for noxious weeds. He noted that UDOT will respond quickly to treat identified problem areas but will not proactively survey all rights-of-way, making local identification critical.

Nickerson also addressed weed control along railroad corridors, which he described as a major source of weed spread. He explained that the railroad will reimburse treatment costs but requires the county to pay upfront. To avoid duplicating efforts, the county is working with Weber County to understand their established process for contracting weed treatment, invoicing the railroad, and coordinating access to railroad property. Weber County representatives are expected to share their procedures at an upcoming meeting.

Additional discussion focused on timing and enforcement of weed abatement, particularly for Dyer's woad. Commissioners noted that Morgan County's growing season lags behind neighboring counties, and that treatment deadlines need to reflect local conditions. There was discussion about volunteer involvement, including high school students, and ensuring landowners understand potential enforcement actions for noncompliance.

Nickerson also noted that the Conservation District is seeking landowners willing to participate in pilot projects to test effective treatments for Dyer's woad, offering assistance in heavily affected areas. He concluded by emphasizing the importance of coordinated weed abatement efforts to prevent further spread, particularly in Mountain Green and along transportation corridors.

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Code Annotated §52-4-205. In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call Kate Becker at 435-800-8724 at least 24 hours prior to this meeting. This meeting is streamed live.

If you want to participate virtually in any public comment listed on this agenda, you need to contact Jeremy@morgancountyutah.gov at least 24 hours before the scheduled meeting.

(H) Adjourn – 7:42 Pm

Note: The Commission may vote to discuss certain matters in Closed Session (Executive Session) pursuant to Utah Code Annotated §52-4-205.

APPROVED: 

DATE: 2/3/26
Morgan County Commission Chair

ATTEST: 

DATE: 2/3/2026
Morgan County Deputy Clerk/Auditor

***Action Item(s) that includes Public Hearing(s) will be held at or after 6:00 PM**

The Commission may vote to discuss certain matters in closed Session (Executive Session) pursuant to Utah