

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION
OF THE MORGAN COUNTY COUNCIL
TUESDAY, AUGUST 31, 2010
5:00 P.M.
MORGAN COUNTY COURTHOUSE
48 WEST YOUNG STREET
MORGAN, UTAH**

Except as noted above, times for agenda items are approximate and may be changed as circumstances require. Agenda items may or may not be discussed in the order they are listed. Interested members of the general public are encouraged to remain in attendance for the duration of the meeting in the event discussion of an agenda time begins earlier than listed.

AGENDA:

5:00 p.m.	Call to Order Prayer Approval of Agenda Approval of Minutes <ul style="list-style-type: none">• August 17, 2010 Minutes• August 17, 2010 Executive Session Minutes Approval of Checks Garbage Waivers
5:10 p.m.	Public Comment Period
5:15 p.m.	County Council Business
5:20 p.m.	Kevin Edwards – Discussion/Decision – CIB Application for the Multi-Functional Building (Animal Control, NRA Training Room & Equipment Storage)
5:35 p.m.	Kelvin Feik – Discussion/Decision – Rescind charges for services, Lot 15, Highlands Addition No. 1 Subdivision, 6442 N Highland Dr., Mountain Green
5:40 p.m.	Charles Ewert – Discussion/Decision – Camp Woodland Conditional Use Permit to install culinary water system improvements
5:55 p.m.	Karen Sunday – Discussion/Decision – Add Cottonwood, Croydon and Milton Parks to the Capital Improvement List/Capital Investment List
6:00 p.m.	Public Hearing - Discussion/Decision – Adopt Ordinance CO-10-14 which repeals obsolete references to the building code found within the zoning ordinance, which were previously replaced by the adoption of Ordinance CO-10-10 <ul style="list-style-type: none">• Staff Presentation• Public Hearing• Discussion/Decision
6:10 p.m.	Karen Sunday – Discussion/Decision – Transfer funds within the Parks budget
6:15 p.m.	Appoint representative to the Family Connection Center Board
6:20 p.m.	Discussion/Decision – Appointment to the Planning Commission by Resolution
6:30 p.m.	Executive Session

ADJOURN

Note: The Council may vote to discuss certain matters in Executive Session pursuant to Utah Code Annotated 52-4-5. In compliance with the Americans with Disabilities Act, individuals needing accommodations (including auxiliary communicative aids and services) during this meeting should notify Stacy Lafitte at (801)845-4011 at least 24 hours before this meeting. Agendas are also posted on the county web site at <http://www.morgan-county.net> under 'Agendas & Notices' and on the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>

Date Posted	August 25, 2010
Time Posted:	4:45 p.m.
Posted By:	Teresa Lake

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Members Present

Sid Creager, Chairman
Howard Hansen
Rodney Haslam
Tina Kelley
Alvin Lundgren
Donald Mathews
Karen Sunday

Other Staff

Jann Farris, County Attorney
Teresa Lake, Deputy Clerk
Grant Crowell, Planning Director
Kevin Edwards
Gene Ercanbrack, Sheriff
Gwen Rich, Assessor
Stacy Lafitte, Clerk/Auditor
Brenda Nelson, Recorder
Deb Siddoway, HR Services
Bonnie Thomson, Treasurer
Jay Palmer, Road Supervisor
Charlie Ewert, Planning Tech

Others Present

Robert Wright
Kelvin Feik
Larry Hatch
Debbie Sessions
Robert Kilmer
Mark Heiner
Marc Edminster
Doug Johnston
Don Anderson
Lyle Nelson
Kristy Nelson
Shirlee Wilkerson
Jim Wilkerson
Austin Turner
Peggy Creager
Brandon Andersen
Bret Haney
Monika Ballantyne
Deanne Winterton
Lois Woody
CoyAnn Kilmer
Kera Birkeland

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

The invocation was given by Member Mathews.

Approval of Agenda

Member Lundgren moved to approve the agenda for August 31, 2010. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Approval of Minutes

- **August 17, 2010 Minutes**
There were corrections noted.

Member Sunday moved to approve the minutes of August 17, 2010 with the noted corrections. Seconded by Member Hansen. The vote was unanimous. The motion passed.

- **August 17, 2010 Executive Session Minutes**

Member Lundgren moved to approve the minutes of the August 17, 2010 Executive Session. Seconded by Member Mathews. The vote was unanimous. The motion passed.

Approval of Checks

Member Kelley moved to approve the Check Edit List of August 24, 2010. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Garbage Waivers

Member Kelley moved to approve the garbage waiver for account #445.1 with the finding that it was recommended by the Clerk's office since they should not have been charged. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Public Comment Period

Larry Hatch noted he is a concerned citizen and he is also a candidate for the County Council. He read from section 2.7 of the County Plan of Operation noting the Council is a part-time position, primarily as a legislative policy making role. He stated the Council was out of line when they questioned the Sheriff on his budget when in fact he used the money in a responsible way; the Council should have been thanking him rather than criticize him. He stated those who serve on the Council should remember they have a professional staff; they should be allowed to manage in the role they are in and not be micro-managed by the Council.

County Council Business

Member Kelley stated the accessory apartment ordinance needs to be addressed with direction given to the Planning Commission on how to move forward. She disclosed she has had a discussion with Member Sunday regarding this because she knows how the Enterprise Area Plan felt about this issue. She noted with the most recent application that she had done some research; she does not feel the current ordinance is being used in the manner that it was intended.

Member Sunday stated she is not opposed to looking at the ordinance and possibly do some re-wording but she is against repealing the ordinance. She stated the accessory apartments allow for some affordable housing without having apartment buildings in the villages.

Grant stated he would like some direction before he puts together an ordinance and suggested a possible work session to work through some of the issues.

Chairman Creager stated he would like to see something from the Planning Commission for the Council to act upon.

Member Mathews stated he has spent some time with Tracy Kummer in the food pantry in addressing some of her needs. He noted there was a freezer donated to the food pantry; she is still in need of a commercial scale for weighing donations.

Chairman Creager read an email from the Chair of the Board of Appeals requesting that the Council look at changes regarding the Board of Appeals system. (The email was the opinion of the Chair only and did not necessarily reflect the opinion of the entire board.) He requested that the Planning Commission review this and forward on to the Council any changes or opinion for further review.

Chairman Creager read an official press release (attached to this record). He also publicly apologized to Bonnie Thomson. He stated this would be the only statement made regarding the current situation. He noted that when the investigation is completed there will be a press release with the findings.

Kevin Edwards – Discussion/Decision – CIB Application for the Multi-Functional Building (Animal Control, NRA Training Room & Equipment Storage)

Kevin Edwards stated that after coming to the Council previously with this request they have done further work to come up with some better figures. He stated they have looked at other types of buildings and have found a company that will build a steel building for \$335,000. He stated to furnish the building will cost approximately \$40,000 for a total cost of under \$400,000; this is a savings to the County over the original cost. He noted they are on the agenda later in the week for the CIB funding. He stated they are still working with the NRA for grant money but they do not meet until the fall and that could be up to \$50,000. He noted there are Impact Fees of approximately \$60,000. He stated if they are approved through the CIB then the Council could decide if they could fund the remaining.

Sheriff Gene Ercanbrack stated the Animal Control Officer is qualified to euthanize the animals if necessary. He noted the Animal Control Officer and other officers would oversee the day to day care of the animals.

There was discussion from the Council whether the building could be enlarged to accommodate the Sheriff's department and their functions.

Kevin stated they had talked about it amongst themselves but they have not included that in their plans.

Sheriff Ercanbrack stated it is a possibility but it would take the entire \$500,000.

Marc Edminster (Lewis, Young, Robertson & Burningham) stated one of the first things the board will ask is if the building is big enough to meet the needs; the Board will want to be sure if a project is going to be funded that it will serve the customer's needs for years. He noted the original application was for \$500,000 and they are always willing to go down in amounts. He stated there are different options to consider.

Chairman Creager noted it would make sense and be more efficient if the building was enlarged and the Sheriff's department centralized in one location.

Member Lundgren moved to authorize Kevin Edwards and Marc Edminster to go forward with the CIB application for the Multi-Functional Building as submitted to move it on the CIB calendar and give direction that the Sheriff's office investigate expanding the building to accommodate the Sheriff's full department in one place. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Kelvin Feik – Discussion/Decision – Rescind charges for services, Lot 15, Highlands Addition No. 1 Subdivision, 6442 N Highland Dr., Mountain Green

Kelvin Feik stated he would like to have Morgan County rescind charges for geotechnical reviews on Lot 15 in the Highlands. He stated there was never any building permit applied for or issued and he did not understand when he talked with past employees that there would be charges to discuss or to meet with them. He stated he feels these are unauthorized charges; he met one time with officials and he does not understand the fees.

There was discussion regarding the number of visits by the geologist and the amount of time spent of this.

Mr. Feik stated when he came in for an application recently that he was informed that this bill was outstanding. He would like help from the Council to resolve this issue.

Member Kelley stated there have been similar discussions with past applicants and it is not a fair burden to put their bills on the citizens of the county.

Member Sunday stated there have been errors with previous employees and each situation needs to be looked at individually.

Member Lundgren moved to table and instruct staff to obtain from SBI and Taylor Geo Engineering verification of the work done and reports that were completed for this matter and if there are reports for them to be provided and calendar this item in the future after there is a response. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Charles Ewert – Discussion/Decision – Camp Woodland Conditional Use Permit to install culinary water system improvements

Charlie stated that Camp Woodland wants to update their water system by installing a 10,000 gallon water tank near Highway 66. He noted they will put in a water line to the existing wellhead; they will also be doing some wellhead improvements. He stated the Planning Commission recommends approval with the following conditions:

Conditions:

1. The fence is either black vinyl coated chain link or black wrought iron.
2. That a bond in the amount of 115% of the total estimated costs of re-vegetation and fencing, as approved by the County Engineer, is submitted prior to issuance of a building permit. The amounts are as follows:
 - a. \$500 for re-vegetation; and
 - b. \$2,576 for black vinyl coated chain link fence.
3. That all Weber-Morgan Health Department requirements are adhered to.
4. That all work will be conducted in compliance with plans received by the County dated July 8, 2010.

5. That a preconstruction meeting be held with the applicant's contractor and engineer prior to commencement of work.
6. That all other County, State and Federal laws are upheld.
7. That a building permit is required to be issued for the project.
8. That proof of adequate water rights be provided to the County with the building permit application.

Staff recommends the following condition of approval also be added:

9. That any outstanding County contracted services regarding the application be paid in full prior to the submission of a building permit application.

Member Mathews moved to approve the Camp Woodland Conditional Use Permit for improvements on their culinary water system with the nine conditions from the Planning Commission and staff. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Karen Sunday – Discussion/Decision – Add Cottonwood, Croydon and Milton Parks to the Capital Improvement List/Capital Investment List

Member Sunday stated the CIB currently lists Cottonwood Park Bowery and she would like to have restrooms added to that item. She stated that the Cottonwood Park has nothing there; it is just a rectangle piece of grass with a few trees. She stated they would like to have a bowery and restrooms and they are eligible to use Impact Fees. She noted no impact Fees have been used for neighborhood parks since the Enterprise Park. She noted Croydon Park is irrigated by a volunteer citizen in the middle of the night and they need an automatic sprinkler system. She stated there is not enough water in Croydon to sustain a sprinkler system but they are going to install a water tank and then it will sustain an automatic sprinkling system and for that reason they need to get on the CIB list. She stated the Milton Park also has problems with the ADA requirements and is in need of updating. She noted options are being looked at but they should also be listed on the CIB list. She would like the Council to approve adding them to the CIB lists and she will work on getting some better estimates to add to the chart.

Member Kelley stated these projects can be added to the Capital Improvement List and the Capital Investment List so that they can be considered for CDBG monies but to be approved for impact fee usage it needs to be approved by Lewis, Young, Robertson & Burningham.

Grant stated there is an open contract with Lewis, Young, Robertson & Burningham that needs to be brought back to the Council to re-evaluate all of the impact fees. He stated they would be the ones to help with what can and cannot be done.

Member Sunday moved to add Croydon and Milton Parks and update the Cottonwood Parks listing on the County's Capital Improvement List and the Capital Investment List with the estimates and additional required information needed for the list to be added. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Public Hearing - Discussion/Decision – Adopt Ordinance CO-10-14 which repeals obsolete references to the building code found within the zoning ordinance, which were previously replaced by the adoption of Ordinance CO-10-10

- **Staff Presentation**
- **Public Hearing**
- **Discussion/Decision**

Staff Presentation

Grant stated the Council recently adopted Ordinance CO-10-10 that updated the adopted building codes and placed them in the Morgan Code in Title 7; it references that previous building codes are obsolete and this ordinance (CO-10-14) is to clean it up.

Member Sunday moved to go into Public Hearing. Seconded by Member Mathews. The vote was unanimous. The motion passed.

Public Hearing

There was no one signed up to speak.

Member Sunday moved to go out of Public Hearing. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Discussion/Decision

The Council thanked staff for their work on this ordinance.

Member Sunday moved to adopt ordinance CO-10-14 which repeals obsolete references to the building code found within the zoning ordinance which were previously replaced by adoption of Ordinance CO-10-10. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Karen Sunday – Discussion/Decision – Transfer funds within the Parks budget

Member Sunday stated there was \$3,000 budgeted for the Croydon Park to enlarge the doors of the restrooms and she would like to request that those funds be used for the purchase of a new lawn mower for the parks.

Member Sunday moved to approve transferring funds within the parks budget from maintenance to equipment in the amount of \$3000 provided that after discussions with the Clerk's office we can establish that the fund is sufficient. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Appoint representative to the Family Connection Center Board

It was noted that this was discussed at the last meeting with Member Kelley serving as the representative until the whole council was present for the discussion.

Member Kelley stated she is willing to fill this position and she has the time to do so.

Member Mathews moved to approve Member Kelley to serve as a represent on the Family Connection Center Board. Seconded by Member Haslam. Member Kelley abstained. All other members voted for. The motion passed.

Discussion/Decision – Appointment to the Planning Commission by Resolution

There was discussion whether it was appropriate for Brandon Andersen to serve on the Planning Commission while his brother serves on the Board of Appeals. The Attorney does not feel there is a problem.

Member Lundgren moved to approve resolution CR-10-25 appointing Brandon Andersen to serve on the Planning Commission. Seconded by Member Sunday. The vote was unanimous. The motion passed.

Member Hansen moved to go into Executive Session for the purpose of discussing Personnel issues. Seconded by Member Lundgren. The vote was unanimous. The motion passed.

Executive Session

Member Hansen moved to go out of Executive Session. Seconded by Member Mathews. The vote was unanimous. The motion passed.

Member Sunday moved to adjourn.

APPROVED _____
Chairman

Date _____

ATTEST _____
Clerk

Date _____