

**MORGAN COUNTY COUNCIL MEETING
MORGAN COUNTY COURTHOUSE
48 WEST YOUNG STREET
TUESDAY, MARCH 3, 2004
3:00 PM**

MEMBERS PRESENT

Craig Fisher, Chair
Dan Hancock
Reed Wilde
Bart Smith
Larry London

Member Weaver was excused.

OTHERS PRESENT

Dan Gardner
Robert McConnell
Joan Clark Smith, MCN
Ben White
Kathy Collins
Earl Kemp
Ken Hicks, PC
Rex & Janeal Wilkinson
Dwight Gailey
Randy & Debbie Sessions
Wayne Wilkinson
Ann Taylor
Tina Kelley
Kent Wilkerson
Joan Patterson
Dennis Baldwin
Deanne Winterton
Shad Guffey, PC
Mike Whittier, PC
Doug Kearsley
Deanne Johnson
Mary Ellen Rollins
Ron Musselman
Kyle Wilson
Ron Wolff, Superintendent
Jan Whitaker
Tony Hassell
Ann Fearn
Gene Ercanbrack
Teresa Rhodes
Mechel Christensen

Member Fisher called the meeting to order at 3:05.

Member Hancock gave the invocation.

WORK SESSION

GARDNER COTTONWOOD LLC – DISCUSSION ON MPDR PROCESS AND DENSITY OF PROPOSED PROJECT WITH OPEN SPACE CONSERVATION

Rulon Gardner was invited to address the Council. He stated that his purpose was to communicate consistently and clearly with the Council and community. He felt that he needed input from the County Council to accomplish the development.

Member Smith arrived at the meeting.

Mr. Gardner turned the time to Earl Kemp to describe the issues facing the development. The presentation outline is attached to the minutes. Mr. Kemp stated that they would like to retain the rural feel of Morgan County. He stated that there would be trails and community parks incorporated in the project and that view corridors would be maintained. He told the Council that their development company believes in high-end maintenance.

Mr. Kemp stated that they would be developing 830 homes on 1200 acres. They are looking to keep 60% open space with varied lot sizes to match market needs. He stated that they would like to avoid a partially completed project, liability to the county due to failed improvements, and avoid litigation. He explained that they would also like to avoid problems with county residents and landowners but would like an economic return to landowners and developers.

They are looking at two options. The first option would be a rezone and the second would be an MPDR type process. He explained problems with each option. He suggested to the Council that the MPDR ordinance at best needs to be rewritten and at worse needs to be thrown out. He recommended that if the county chooses to follow the Master Plan Development process for residential development to separate Rosehill and Hillside developments into two separate projects, use understanding of definitions and the approach agreed upon in joint meeting, develop modifications to Chapters 3 and 4 to match low density residential development, develop a true residential Master Plan Ordinance, and run projects concurrently to accelerate the schedule. He stated that their frustration is trying to work with a poorly written ordinance.

Mr. Kemp then presented a map of the development to the Council. He gave a handout to the Council of suggested changes to the ordinance. This is attached to the minutes.

Mr. Rulon Gardner again addressed the Council. He explained Phase I of the development.

Member Fisher asked Kent Wilkerson to address the Council and audience. Kent explained that he did not agree with all of the suggestions that the developers presented the Council. He stated that the MPDR has been defended in Summit County. He suggested that working with the code and moving forward would be better than trying to redo the planning. He stated that he is encouraged by the first phase. Kent will take the developer's concerns and address them individually and then give the information to the Council.

Mr. Whittier stated that he is concerned with the subjectiveness of the PRUD.

Member London arrived at the meeting.

Member Smith suggested working with the committee that is in the process of being organized. He felt that the committee could come up with a process to Master Plan the development and tie the project together from phase to phase. He felt that a development agreement would be a wonderful tool to work with the project. Member Hancock agreed with Member Smith and encouraged moving forward.

REGULAR SESSION

APPROVAL OF AGENDA

The Council reviewed the agenda for the March 2, 2004 County Council meeting.

Member Hancock moved to approve the agenda for the March 2, 2004 County Council meeting. Seconded by Member Smith. The vote was unanimous. The motion passed.

APPROVAL OF MINUTES

The Council reviewed the minutes of the February 17, 2003 County Council meeting and the minutes of the February 23, 2004 Work Session.

Member Smith moved to approve the minutes for the February 17, 2004 County Council meeting with the noted corrections. Seconded by Member Wilde. The vote was unanimous. The motion passed.

Member Larry moved to approve the minutes for the February 23, 2004 Work Session meeting. Seconded by Member Smith. The vote was unanimous. The motion passed.

APPROVAL OF CHECKS

The Council reviewed the check edit list.

Member Smith moved to approve the check edit list of March 2, 2004. Seconded by Member Wilde. The vote was unanimous. The motion passed.

APPROVAL OF PERSONNEL ACTION FORMS

The Council reviewed the Personnel Action Forms for Craig Fisher, Reed Wilde, and Daniel B. Hancock.

Member London moved to approve the Personnel Action Form for Craig Fisher. Seconded by Member Smith. Member Fisher abstained. The vote was unanimous with one abstention. The motion passed.

Member London moved to approve the Personnel Action Form for Reed Wilde. Seconded by Member Smith. Member Wilde abstained. The vote was unanimous with one abstention. The motion passed.

Member London moved to approve the Personnel Action Form for Daniel B. Hancock. Seconded by Member Smith. Member Hancock abstained. The vote was unanimous with one abstention. The motion passed.

PUBLIC COMMENT PERIOD

Ron Musselman asked if there would be time allowed for comments from the audience when the Council discussed agenda items. Member Fisher stated that this was the time created for public comment and opinion, but that the Council has always been accommodating to statements when discussing particular issues.

Mary Ellen Rollins explained that she had applied for a Planning Commission position. She drew the Council's attention to her resume and gave further information to the Council. She asked that her name be seriously considered for the Planning Commission.

CONCUR WITH PLANNING COMMISSION ADMINISTRATIVE DECISIONS

The Council reviewed the Planning Commission Administrative Decisions of February 19, 2004. Kent Wilkerson gave information to the Council and explained issues involved with decisions. The Sheriff and the Superintendent expressed concerns with the Granite Construction permit.

Member London moved to concur with the Planning Commission Administrative Decisions of February 19, 2004. Seconded by Member Hancock.

Member Smith stated that with the potential emotion involved in the Granite Construction item, that the Planning Commission did a great job

during the February 19, 2004 meeting. He commended the Planning Commission for a job well done.

Member Smith abstained. The vote was unanimous with one abstention. The motion passed.

DISCUSSION/DECISION ON APPROVAL OF FINAL PLAT FOR ELK HAVEN ESTATES PRUD

Member London moved to approve the final plat for Elk Haven Estates PRUD. Seconded by Member Wilde. Member Fisher abstained. The vote was unanimous with one abstention. The motion passed.

NEW HORIZONS/KYLE WILSON – DISCUSSION OF PUTTING A RECREATION CENTER AND HEALTH AND DIETARY CENTER IN MORGAN

Kyle Wilson addressed the Council. He explained that the main focus of his project would be the dietary center that deals specifically with youth. Their targeted age will be 15 to 20 year olds. He stated that this would be a nonprofit organization dealing with childhood obesity. He stated that he is not going to bring juvenile delinquents to Morgan County. Every student will be hand selected by their organization and they will be students who want to be in the program and help themselves. He explained that he is looking at two locations and hopes to begin construction this summer. He would like the county to donate the property to the nonprofit organization and in turn they will allow the county to use the facility as needed.

Member Fisher stated that the Council is very interested in the project. He wished Mr. Wilson well and thanked him for his time.

TONY HASSELL –

- **DISCUSSION/DECISION ON ORDERING A REPLACEMENT MONITOR FOR JUSTICE COURT**
- **DISCUSSION/DECISION ON JOB DESCRIPTION CHANGE AND SALARY CHANGE FOR COURT CLERK**

Mr. Hassell addressed the Council. He asked the Council to allow the Justice Court to obtain a used monitor and computer from the Sheriff's department. He presented the Council with a bid for \$180.00 or \$450.00 for a monitor. Member Smith explained that a monitor should be available from the used computers or that they could use funds from their budget to purchase a monitor.

Mr. Hassell again questioned the Council on why the Justice Clerk, Ann Fearn, had not received the \$1.00 an hour pay increase that was included in the budget. Member Smith explained that the \$1.00 increase had been removed and that Ann received the same increase as all employees.

Member Hancock recommended tabling the job description change and salary increase for the Court Clerk until the March 16, 2004 meeting to review the request. Seconded by Member London. The vote was unanimous. The motion passed.

Member Hancock moved to obtain a replacement monitor for the Justice Court by the next meeting. Seconded by Member Wilde. The vote was unanimous. The motion passed.

DISCUSSION/DECISION ON POLICY TO FILL PLANNING COMMISSION VACANCIES AND TO ACCEPT APPLICATIONS FOR PLANNING COMMISSION SEATS WHOSE TERMS HAVE EXPIRED

Applications were received from the following:

<u>At Large</u>	<u>Mtn. Green</u>	<u>District #4</u>
Ladd Albrechtsen	Mary Ellen Rollins	Gary Burraston
Lynette Stephens	John Dickey	
Clay Rich	John Triplett	
Norm Rasmussen	Ken Hicks	

Member Fisher voiced concerns dealing with the Council voting publicly. Member Smith suggested adopting a resolution or an ordinance to set guidelines for this process. He felt that good procedure had been initiated by advertising the position and having a form completed. He recommended having a specific seat specified on the application.

Deanne Mecham asked that the Council call members of their districts to gain recommendations on Planning Commissioners. Member Smith explained that that process was reversed and the constituents need to contact their representatives. Member Wilde suggested having the applicants and their supporters contact the Council members so that favoritism is not perceived.

Member Fisher thanked the Planning Commissioners now serving in the interim positions for filling in and for their service.

Member London suggested having the names published in the newspaper. Member Smith stated that the meeting would be reported in the newspaper and that the names would be included in the article.

Member Smith felt that something needed to be drafted. Member Fisher wondered if the policy could be approved during the next meeting prior to appointing the Planning Commissioners.

Shad Guffey, Planning Commission chair, recommended keeping the three Planning Commissioners who are currently serving, even though he understood that policy needed to be followed.

Member Smith stated that the question remained whether the applicants should come before the Council for an interview. Member Fisher suggested waiting until all Council seats are full to ensure that all districts are represented.

Member Wilde moved to table the appointments until the first meeting in April and at that time give the applicants and supporters an opportunity to speak to the Council in a Work Session. Policy will be adopted in the Regular Session of that same meeting.

Member Smith suggested having a draft of policy addressing filling Planning Commission vacancies presented at the next meeting. Member Fisher volunteered to follow up with Kelly Wright.

Seconded by Member Hancock. The vote was unanimous. The motion passed.

DISCUSSION/DECISION ON APPLICATION FOR REFUND OF AGE BASED FEE

Member London moved to approve the application for refund of Age Based Fee. Seconded by Member Smith. The vote was unanimous. The motion passed.

ADJOURN

Member Hancock moved to adjourn. Seconded by Member London. The vote was unanimous. The motion passed.

MINUTES APPROVED:

Chairman

Date

ATTEST:

Clerk

Date