

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION  
OF THE MORGAN COUNTY COUNCIL  
TUESDAY, JANUARY 3, 2017  
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**

**Swearing-in of Newly Elected Officials**

**Call to Order**

**Prayer & Pledge**

**Consent Calendar –**

- Approval of Agenda

**Council Business –**

**County Vision - Discussion**

**Public Comment Period –**

**Business –**

- **Steve Lyon – Discussion** – Creation of an Ordinance and amending the County Code to regulate residential vacation rental businesses (i.e., Airbnb, et al), and collecting transient room tax on these residential vacation properties within County boundaries.
- **Austin Turner – Discussion** – Vision of Planning and Development Department
- **Austin Turner – Discussion/Decision** – Selection of Morgan County Council Chair and Vice Chair
- **Austin Turner – Discussion/Decision** – Morgan County Council 2017 Portfolio Assignments
- **Robert Kilmer – Discussion/Decision** – Road Disposition in Round Valley
- **Tauna MacPherson – Discussion/Decision** – Purchase Caselle Application Software for Online Pay Stubs/W2's (Tabled from previous meeting)

**Executive Session – Personnel & Potential Pending Lawsuits**

**\*\*SWEARING-IN OF ALL NEWLY ELECTED OFFICIALS WILL TAKE PLACE AT 5:00 P.M. IN THE MORGAN COUNTY COUNCIL ROOM WITH THE REGULAR MEETING BEGINNING AT 5:30 P.M.\*\***

**ADJOURN**

Note: The Council may vote to discuss certain matters in Executive Session pursuant to Utah Code Annotated §52-4-205. In accordance with the requirements of Utah Code Annotated §52-4-203 (2)(e)(f), the clerk records in the minutes the names of all citizens who appear and speak at the County Council meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The county does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to state law. In compliance with the Americans with Disabilities Act, individuals needing accommodations (including auxiliary communicative aids and services) during this meeting should notify Tauna MacPherson at (801)845-6091 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: December 30, 2016  
Time Posted: 2:00 P.M.  
Posted by: Tauna MacPherson

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION  
OF THE MORGAN COUNTY COUNCIL  
TUESDAY, JANUARY 3, 2017  
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**

**Members Present**

Austin Turner, Chair  
Tina Cannon  
Robert Kilmer  
Ned Mecham  
Daryl Ballantyne  
Roland Haslam  
John Barber

**Others Present**

Debbie Sessions	Mitch Bowles
Tina Kelley	John Triplett
Kelly S. Carter	M. Bret Haney
Gage Adams	Ethan Clark
Porter Andersen	Jennie Earl
Jaren Johansen	Hunter Rasband
Spencer Birt	Jon Hammer

**Other Staff Present**

Tauna MacPherson, Council Administrative Secretary  
Jann Farris, County Attorney  
Stephen Lyon, Community & Economic Development Director  
Gina Grandpre, Planning & Zoning  
Monika Ballantyne, Deputy Treasurer  
Gwen Rich, County Assessor  
Boyd Carrigan – Wildland Fire  
Innon Barker – Fire/EMT  
Corey Stark – Deputy Sheriff  
Leslie Hyde – Deputy Clerk/Auditor

**Swearing-in of Newly Elected Officials**

**Call to Order by Member Turner at 5:05 p.m.**

**Prayer & Pledge given by Member Mecham**

**Consent Calendar –**

- Approval of Agenda

**Motion to approve the consent calendar and move Agenda Item #4 for Portfolio Assignments before Public Comment Period, also to move Executive Session before Agenda Item #5 by Member Cannon. Seconded by Member Ballantyne. The vote was unanimous. The motion passed.**

**Council Business –**

**Daryl Ballantyne** – Some of you might have received a phone call regarding a street light being installed at Robinson Lane and Old Highway by the Whisper Ridge subdivision in Mtn. Green. Where it is a state road it would be installed by UDOT, with the maintenance to be handled by the County. Member Cannon asked who would be responsible for the light bill. Member Ballantyne stated that where it is on a state road, the county would pay for it. Member Cannon asked if there is a group that the county pays for already and would this just add to it. Member Ballantyne stated that is the case, there are options for solar, but if it is damaged it is the county's responsibility to fix it. Member Ballantyne stated that it is not required to have a street light there. Member Mecham asked if there needed to be an agenda item, where it is in the State right-of-way. He feels that where it is in the state right-of-way the state should be responsible for it rather than the county. Member Ballantyne will add it as an agenda item for the next meeting.

**John Barber** – There is a five-week seminar coming up Jan. 31<sup>st</sup> with no cost to the business to take seminar. This is the second time this has been offered. Great turn out in previous session. The Morgan Economic Development put this together along with the GOED. We had a meeting in Park City with Carol Cohn with RCAC, regarding the town hall meetings we had with regionalization of sewer and water. There are some things moving forward and we are trying to put a task force together to see what the need is. There are some federal funds available. Some of the discussion was to stick with waste water first where we have a real need for that in the center of the county. Sewer lines cost about a million dollars a mile so we are working with

RCAC to see if we can find some funds for that as well as working with Mtn. Green Sewer District. Right now, we are just in discussion. Member Cannon stated that it would need to be addressed in planning and zoning. Currently the zoning is for one acre and the health department states you need to have at least an acre and a quarter. We have got to adjust the minimum area for lot sizes in those areas without a sewer system to reflect the minimum need for septic. We are not doing it so the Council needs to give that direction back to planning and zoning to make that adjustment. Additional discussion was made regarding the requirements and areas involved.

**Robert Kilmer** – No meetings were scheduled during the holiday season. There was a lot of discussion from the newspaper article regarding Council Member increases. I would like the public to know that if you really want to understand how that came about, and the process that it went through, you need to refer back to the last meeting in September and start listening to audio and minutes, mainly all through the budget sessions. Those were all open meetings available to the public. We did not get very good attendance to them. There are some Scouts that we would like to recognize today, so I would turn this time over to the Chair and let them do their introductions.

#### **Troop 184 from Porterville attended the council meeting to learn about Citizenship in the Community.**

**Ned Mecham** - The article that Deanne Winterton had in the paper was very fair and factual. The leading into our decision was left out. In August, we received a letter that our County classification was going to change, due to population, from a fifth class to fourth class county. Member Mecham discussed the State Code regarding class and salary adjustments that are to be made on or before January 1<sup>st</sup> for elected officials. All of that information was included in our budget process. If anyone would like copies it has been provided on the table at the back of the room. The council used San Jan County, due to size, to set the salary for the elected officials.

**Tina Cannon** - Member Cannon addressed the second set of handouts that was provided for anyone in attendance, (Optional Plan for Morgan County Government, and Utah Code 17-52-404). Also included is the State Code that determines what you can change in an Optional Form of Government. For those who are concerned about the council and what its responsibilities are, the documents you should look at are Section 2.1. The governing body of the county shall be a seven-member council which shall exercise all legislative powers of the county authorized by law. The council shall have all powers and shall be subject to all limitations and restrictions provided by general law for boards of county commissioners. Page 8 in the Optional Form of Government states the role of the council. This is where I think most of the confusion has come for the citizens. In 2.7 it states that the council is encouraged to cooperate with and fully utilize the County's appointed boards and commissions, and to give full consideration to information and recommendations communicated by such boards and commissions, in order to make it effective. If you reference State Code 17-52-404, you can amend any part of that except for these three items. (a) the size or make up of the legislative body. This body cannot be lower than 7 members. You can change the boundaries for the districts but you cannot change the number of members; (b) the powers between the executive and legislative branches of county government and (c) the status of the county executive or legislative body from full-time to part-time or vice versa. What this has created is whether the form of government intended to have an administrator or not, unless it is spelled out in your form of government what those specific legislative and executive powers are, that you are giving to the other person, you can't change it moving forward.

Planning & Zoning met the 20<sup>th</sup> of December. As an update the different sections of the code were discussed, the planning commission has several work sessions scheduled this month to finish up the items related to the general plan. The Audit Committee discussed the issue with health insurance benefits. They were calculated on a 26-pay period basis and were going through for the employees on a 24-pay period basis. This is creating a line item on the audit letter that was received. It was thought that the problem had been corrected. Also, the Christmas bonus, per IRS rules for tax purposes, was set up in Caselle but was not calculated in the last payroll. The correction needs to be made on the W-2's.

#### **Austin Turner – Discussion/Decision – Morgan County Council 2017 Portfolio Assignments**

Discussion was made regarding the various portfolio assignments and which Members will be assigned. Will be addressed by resolution at next meeting

#### **County Vision – No Discussion**

#### **Public Comment Period –**

**Kelly Carter – Porterville** – I am glad that Steve Lyon is bringing forth the issue of vacation rentals. My issue is with Randy Pettit and his vacation rental on Woods Creek in Porterville. This issue is becoming countywide. It is their home and property, and I don't want to stop businesses in Morgan County. The road is not safe; it is not wide enough and no sidewalk. Cars have nearly taken out my children. Emergency services have a hard time coming down that road; there is not a fire hydrant. If there

was a fire to start when a group of people rent out their home, there is no water to put out a fire. Trespassing is an issue with vacation rentals as well as the noise. Parking is an issue also, during the winter they can't make it up the hill and park on my property without approval. I really want businesses to come into Morgan County but there needs to be some way to regulate the vacation rentals.

**an Triplett – Mtn. Green** – A few of us in Mtn. Green have done a comprehensive survey to see what Mtn. Green will look like. We are aware of the current upgrade to the plan that is being implemented. We don't want to change it but rather supplement it. We are looking to accomplish this primarily through email rather than door to door. We are not pushing any particular plan in Mtn. Green. We hope this will be a useful tool to the Planning Commission and the Council. We have contacted the county council and have heard back from you and appreciate your input. Bill Cobabe has also given a lot of input. We expect our results to be back and hope to put them in some type of report form to present to the council. Member Cannon asked if he had been in contact with Gary Ross and encouraged him to reach out to him.

**Jennie Earl – Porterville** - Encourage the council to begin the process of looking at a change of government in Morgan County. I am here to encourage you and I am surprised that there are not masses tonight based on things that were said. You have to create value in something for it to be valued. I think the direction you have gone, in some ways you've been forced or your hands been forced to do that. I think it is a good direction. When something has value, you value it. I'm not really big with tax increases or spending extra money. I appreciate your thoroughness and I think it's valuable to have a partisan. A non-partisan entity does not allow the support that is needed for candidates to run and I think there is value in that.

Member Turner thanked Jennie Earl for her comments and stated that if the council does form a committee that she as well as members of the community take a big portion of the committee so that the community does not feel like the council is trying to steer something or force their feelings on anyone. The process to change the form of government requires a committee. We see the need for it and appreciate the need for it. Member Cannon stated that elected officials or county employees could not be part of the committee.

## **Business –**

**Steve Lyon – Discussion** – Creation of an Ordinance and amending the County Code to regulate residential vacation rental businesses (i.e., Airbnb, et al), and collecting transient room tax on these residential vacation properties within County boundaries.

Steve discussed the ordinances in place with other counties and cities regarding Airbnb taxes that Morgan County is currently not collecting for Transient Room Taxes (TRT). We would like to create an ordinance and look at how zoning would need to be, the number of people allowed, number of nights, business license, etc. Mr. Lyon discussed developing an ordinance for Morgan County that would address these issues. Planning and Zoning and collecting the Transient Room Tax. Where the county currently does not have a hotel, this would be a way for the county to start collecting TRT. Member Cannon asked if Airbnb is a way to advertise issues with Economic Development and ways to highlight the county. Member Cannon stated that the council needs to address it as a Resolution in the next meeting and then address it in Planning Commission.

## **Austin Turner – Discussion – Vision of Planning and Development Department**

Member Turner would like the council to discuss the future of Planning and Development. Depending on the direction, Member Barber stated that Planning and Zoning and Economic Development need to go hand in hand. Member Cannon stated that there was some discussion that came out of the planning commission meetings that the county was anti-growth. Member Cannon disagrees and feels that the planning commission would disagree. There was a lot of positive feedback. There are definitely things that people do not want to see but there are things they do want to see. The tax base for the county will change when the growth starts to happen, especially in Mtn. Green.

There has to be respect for the master plan and the areas within it. What works for Mtn. Green is not necessarily what will work in Milton. Member Haslam stated that coming from the planning commission, the biggest frustration from the council was that we have our area maps or general plan, and we keep having people come in and apply to do things that are not allowed in the general plan. Part of the problem has come that the council had told the planning and development department to work and help the applicant. The problem we were having is we were crossing a line that was not defined. If there were applications coming in, which were against the general plan, it was our understanding that we were supposed to help them develop and approve. The planning commission kind of took the stand that this is our general plan, and in trying to be consistent with everyone, which was part of the problem, that if it wasn't part of the area or general plan it was not approved. The planning commission would then send recommendations to the council. I think we need to define that line, at what point is the planning commission helping the applicant get development into the county. Are we going to move our lines so that an applicant can develop? There were applications that came in that Member Haslam personally felt were a good fit for the county but because our county code did not allow it, we had no other choice but to recommend denial. Where the planning commission is only an

advisory board, which is all they could do. Another frustration was that the planning commission would send recommendations to the council, and the council would want to send it back. The planning commission would state that what was sent was their opinion. Member Haslam discussed the progress the planning commission is having in regards to the conditional use table. There are over 19,000 items completed, and we have eliminated those that we don't want in the county. The planning commission needs a definite line as to what we as a council want them to do. If the council wants to work on development, then we need to figure out how we are going to change the area maps, if we are going to. The general plan can be a general guideline or we can adopt an ordinance that specifically states, if it's not part of the general plan, we do not do it. Member Haslam had additional discussion regarding applicants and the area plans.

The planning department wants the council to give them direction for the area plan; the council needs to define the line. Member Cannon stated that the planning commission is more aware of these types of issues more so than the council. Member Mecham has a difficult time going against the area plans. Member Haslam stated that the planning commission has no variance, it is black and white. If the council adopts or adjusts an ordinance to allow it to happen, it will help. Member Haslam discussed issues various applicants have had in trying to get approval. Member Turner discussed the issue and direction that was given to the current planning and zoning director, at the time of hire. The council had directed him to do things that in turn caused issues with the planning commission. However, he was only doing what the council had asked him to do. There was a significant hold up in the process and that is why the council took the direction they did at that time. Member Kilmer stated that there were a lot of roadblocks being put in there by staff that needed to be eliminated. The council had determined that there needed to be a better attitude towards the applicant in trying to find a solution rather than finding a reason to why they couldn't come to the county. Member Turner discussed issues with people moving to Morgan County and then feeling like growth should stop once they are settled. Member Haslam stated that the planning commission found, and even if the applicant is upset at them, that by discussing in detail the reason why something was denied brings a better understanding to the applicant. Once we explain to the residents why Mtn. Green is the way it is, a lot of them backed off because they didn't understand that twenty-five years ago, Mtn. Green tried to incorporate and that's why the zoning was changed the way it was. How do we go from the Mtn. Green area being our population and growth area and move it throughout the county? Member Mecham stated that it was in part to Mtn. Green having sewer and water where other parts of the county have septic which requires additional land for zoning as discussed earlier. Member Cannon stated that the constraint in Mtn. Green is going to be sewer and water. In the Cottonwoods, some of the people moving in have received will serve letters, they have put in their yard and it dies do to no water. We are back to the new phase of water war down there. There is extensive growth going on the Cottonwoods and Rollins Ranch is mostly built out. Member Barber discussed that is the reason they are having the meetings with RCAC and Stewater. That is the reason we need to have planning and zoning work with economic development to keep residential and commercial where it needs to be. You also need to discuss land owner's rights. Member Haslam addressed land owner's rights. Member Cannon addressed the current planning commission and representation from each district as well as how it is staffed going forward. Member Kilmer asked who will be handling the department during the interim of getting a new Planning and Zoning Director.

#### **Austin Turner – Discussion/Decision – Selection of Morgan County Council Chair and Vice Chair**

Member Kilmer made a motion to nominate Ned Mecham to shift from Vice Chair to Chair and then fill the Vice Chair position. Member Mecham stated that it is hard to attend those meetings during the day where he works full-time. Member Kilmer agreed and stated that has been the issue for Member Turner as well.

**Member Barber nominated Tina Cannon for the Chair position. Nomination was accepted by Member Cannon. The vote was unanimous. Member Cannon nominated Ned Mecham as Vice Chair. Seconded by Member Haslam. The vote was unanimous. The motion passed.**

**Motion to go into Executive Session by Member Mecham. Seconded by Member Ballantyne. The vote was unanimous. The motion passed.**

#### **Executive Session – Personnel & Potential Pending Lawsuits**

**Motion to go out of Executive Session by Member Mecham. Seconded by Member Kilmer. The vote was unanimous. The motion passed.**

#### **Robert Kilmer – Discussion/Decision – Road Disposition in Round Valley**

**Motion to postpone agenda item regarding the road disposition in Round Valley until there is input from Von Hill, the county surveyor by Member Kilmer. Seconded by Member Mecham. Question on the motion by Member Haslam regarding Robert's Rules. The vote was unanimous. The motion passed.**

**Tauna MacPherson – Discussion/Decision – Purchase Caselle Application Software for Online Pay Stubs/W2's (Tabled from previous meeting)**

In speaking with Caselle, they currently do not have the ability to offer additional services, like tracking vacation and sick leave requests with the Online Pay Stubs/W2's software. It may be available in the next year through the Timekeeping portal which have. It was recommended that Human Resource look for other alternatives.

**Motion to postpone indefinitely the purchase of Caselle Application Software by Member Haslam.  
Seconded by Member Cannon. The vote was unanimous. The motion passed.**

**ADJOURN**

APPROVED

Chairman

Date

1/17/17

ATTEST

Clerk

Date

1/17/17