NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION OF THE MORGAN COUNTY COUNCIL TUESDAY, MARCH 2, 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:

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5:00 p.m.	Call to Order
	Prayer
	Approval of Agenda
	Approval of Minutes
	 February 16, 2010
	 February 16, 2010 Executive Session
	Approval of Checks
	Garbage Waiver
5:15 p.m.	Public Comment Period
5:20 p.m.	County Council Business
5:25 p.m.	Val Byram – Discussion/Decision – Round-about at Cottonwoods east of Browning
5:35 p.m.	Terry Turner – Discussion/Decision – County/City sponsored Electronic Waste Day for 4/10/2010
5:40 p.m.	Discussion/Decision – Law Enforcement Contract approved by Morgan City
5:50 p.m.	Sheriff Ercanbrack – Discussion/Decision – Approval to apply for a JAG Block Grant for \$7,500
·	Non-matching Funds to be used to purchase 5 new laptop computers
6:00 p.m.	Public Hearing – Adopt Ordinance CO-10-06 pertaining to A Text Amendment to the Morgan
•	County Code section 8-3-11-A-2, Board of Appeals Appointments, Terms and Vacancy
	Staff Presentation
	Public Hearing
	Discussion/Decision
6:20 p.m.	Public Hearing – Adopt Ordinance CO-10-07 pertaining to financial assurance for required
•	subdivision improvements
	Staff Presentation
	Public Hearing
	Discussion/Decision
6:40 p.m.	Public Hearing - Adopt Ordinance CO-10-08 repealing Title 9, Flood Control, of the Morgan County
·	Code and replacing it in its entirety with Title 9, Flood Damage Prevention
	Staff Presentation
	Public Hearing
	Discussion/Decision
7:00 p.m.	Public Hearing – Rezone request by Doug Kearsley to rezone property at 2175 W Deep Creek Rd
·	from MU-160 to RR-10
	Staff Presentation
	Public Hearing
	Discussion/Decision
7:20 p.m.	Airport Advisory Board - Discussion/Decision - Approve Joel LaBorde as a new Board Member
7:25 p.m.	Public Comment – Adopt Ordinance establishing rules and regulations governing operation and
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Airport Advisory Board – Discussion/Decision – Approve advertising for Phases 2 and 3 at the Morgan County Airport. The advertisement will be placed in the Morgan County News as soon as possible and will run for 3 consecutive issues with the deadline for applications as April 1, 2010

use of the County Airport

7:35 p.m.

Staff Presentation Public Comment Discussion/Decision 7:40 p.m. Airport Advisory Board – Discussion/Decision – Recommend that the unsuccessful applicants from

Phase 1 of the hanger leases at the airport be given 4 points toward application in Phase 2 and 3

7:45 p.m. Garth Day – Discussion/Decision – Consideration of the adoption of a Resolution authorizing the

issuance and sale of \$1,500,000 Excise Tax Road Bonds, Series 2010 for road improvements; and

related matters

8:00 p.m. Karen Sunday/Garth Day – Discussion/Decision – A Resolution proposing the establishment of the

Morgan Parks and Recreation Special Service District, Utah, calling a Public Hearing and providing

notice of intent to create District and Related Matters

8:30 p.m. Work Session with the Planning Commission regarding the proposed Geologic Hazard/Sensitive

Area Zone revisions to the Morgan County Code

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 February 24, 2010

Time Posted: 4:00 p.m.
Posted By: Teresa Lake

NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION OF THE MORGAN COUNTY COUNCIL TUESDAY, MARCH 2, 2010 5:00 P.M.

MORGAN COUNTY COURTHOUSE 48 WEST YOUNG STREET MORGAN, UTAH

Members Present Others Present

Sid Creager, Chairman Jim Egbert Carrie Lane Debbie Sessions **David Gardiner** Jay Garfield Howard Hansen Val Byram DeOrr Peterson Rodney Haslam Darrell Byram Don Mathews Tina Kelley Doug Johnston Don Anderson Alvin Lundgren Robert Wright Dave Potter Karen Sunday Austin Turner Marc Edminster Adam Toone Ladd Albrechtsen Don Anderson Larry Hatch

Other StaffDeanne WintertonBarbara WhittierGarth Day, Council AdministratorDoug KearsleyJoleen KearsleyJann Farris, County AttorneyTom FehrDavid Wright

Jann Farris, County AttorneyTom FehrDavid WrightTeresa Lake, Deputy ClerkNancy PetersonJoel LaBordeGrant CrowellSteve WilsonDale LakeKevin EdwardsTrevor KobeJoey Skinner

Terry Turner Mark DeVoe

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

The invocation was given by Garth Day.

Approval of Agenda

Member Gardiner moved to approve the agenda for March 2, 2010. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Approval of Minutes

February 16, 2010

There were corrections noted.

Member Hansen moved to approve the minutes of February 16, 2010 with the noted corrections. Seconded by Member Sunday. Member Gardiner abstained. All other members voted for. The motion passed.

February 16, 2010 Executive Session

Member Lundgren moved to approve the minutes of the February 16, 2010 Executive Session. Seconded by Member Haslam. Member Gardiner abstained. All other members voted for. The motion passed.

Approval of Checks

Member Gardiner moved to approve the Check Edit List of February 24, 2010. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Garbage Waiver

Member Sunday moved to approve the credit and refund for customer #345.5 with the finding there was an error in billing. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Public Comment Period

There were no public comments.

County Council Business

Member Hansen stated he attended a Public Safety meeting and the reverse 911 system is almost ready to go into effect; this system will call citizens and warn them of danger.

Chairman Creager noted Channel 2 at the TV tower has a weak signal and seems to be weather related.

Member Kelley noted Morgan Empowered has been meeting and they will hold a Town Hall meeting on March 19th.

Member Haslam stated the independent Auditor, Lynn Woods, has recommended that the Fair Board make some changes to the way the bookkeeping is done. He stated after the last meeting the newspaper did not quote a whole statement which left doubt in the public eye as to how the fair was run; he wanted to clarify that the past Fair Board managed the fair with honesty and integrity and the books have been done the way they were asked to do them.

Garth Day stated Lynn Woods made a comment as an illustration referring to someone cashing a check and heading out to gamble but it was not an actual event.

Member Lundgren stated there have been calls concerning the gravel trucks hauling material in Enterprise and he would like to have staff follow through to make sure they are in compliance with their agreement.

Val Byram - Discussion/Decision - Round-about at Cottonwoods east of Browning

Val Byram stated when the round-a-bout was put in on Cottonwood Canyon Road it was poorly designed and he is not able to go around it the proper way in order to get to his property. He noted the curbing is being destroyed because big trucks are hitting it and breaking it. He asked the Council to consider taking out the round-a-bout to make the traffic flow more effective.

Member Lundgren stated he has been to the site and agrees there is a problem that needs to be addressed.

It was noted that most of the damage has been caused by trucks hauling material for the Gardner's. It was also noted that it is unclear whether the round-a-bout was designed correctly and staff needs to do some work to see who is responsible for the road at this time and make some recommendations to the Council.

Member Lundgren moved to table this item for consideration at the next meeting to hear the report from staff regarding the questions that have been raised in this discussion. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Terry Turner – Discussion/Decision – County/City sponsored Electronic Waste Day for 4/10/2010

Terry Turner stated they have been in contact with Metech to do an Electronic Waste Day. He noted Metech charges \$0.19 per pound for waste that is turned in. He stated Metech will take care of all electronic waste. He noted he has met with the City and they are in agreement with co-sponsoring this with the County. He also stated a \$5 charge could be assessed to each person who turns in any waste to help offset the cost.

Chairman Creager stated Waste Management is one of his portfolio assignments. He stated Wasatch Integrated Services already offers to dispose of electronic waste at no charge to Morgan County residents. He stated dumpsters could be onsite in conjunction with the spring clean up being offered this spring.

Member Gardner moved to continue discussion with Wasatch Integrated to request that they provide an e-waste dumpster for the spring clean-up the week of April 24th through May 1st which is the standard free dump time. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Jann Farris made the following recommendations:

- On page 3, last paragraph of 6.01, needs clarification and clean-up.
- On page 5, section 10, stated per year should be added following the amount that would be paid.

Kevin Edwards stated he has revised the patrol schedules to meet the needs of the City.

Member Lundgren stated he feels that 2.02 and 2.03 need to be clarified that it is a total of two officers. He is also concerned that 10.04 is binding to how the County can spend the money received from the City.

Member Kelley stated the Sheriff's budget was set with the understanding there would be money coming from the City and this is not additional money for his budget.

It was suggested to strike the final sentence of 10.04.

Member Lundgren suggested this contract be sent back to those reviewing this contract to fix the ambiguities in 2.02 and 2.03 and also clarification in 10.04.

Member Lundgren moved to refer this matter back to Morgan City and the County Attorney to work out the discrepancies in paragraph 2.02, 2.03 and 10.04 so that there are no ambiguities and so that the language is more clear and bring it back to the next meeting. Seconded by Member Sunday. The vote was unanimous. The motion passed.

Sheriff Ercanbrack – Discussion/Decision – Approval to apply for a JAG Block Grant for \$7,500 Non-matching Funds to be used to purchase 5 new laptop computers

Kevin Edwards stated the Sheriff's Department would like to apply for a grant to purchase 5 new laptop computers; this is a non-matching fund grant.

Member Sunday moved to give approval to the Sheriff's Department to apply for a JAG Block Grant for \$7,500 non-matching funds to be used for the purchase of five new laptop computers. Seconded by Member Lundgren. The vote was unanimous. The motion passed.

Public Hearing – Adopt Ordinance CO-10-06 pertaining to A Text Amendment to the Morgan County Code section 8-3-11-A-2, Board of Appeals Appointments, Terms and Vacancy

- Staff Presentation
- Public Hearing
- Discussion/Decision

Staff Presentation

Charlie Ewert stated the Planning Commission recommends approval of Ordinance CO-10-06 to amend the Board of Appeals Appointments, Terms and Vacancy.

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

Discussion/Decision

Member Kelley asked if there had ever been discussion in the Planning Commission with changing the Board of Appeals to a Hearing Officer. She stated she and Member Hansen had been to training and it was the recommendation of the Ombudsman to have a Hearing Officer and she would like to see this discussion take place in the County.

Member Gardiner moved to adopt Ordinance CO-10-06 amending the current ordinance for the terms of office for the Board of Appeals increasing that office to four years instead of three. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Public Hearing – Adopt Ordinance CO-10-07 pertaining to financial assurance for required subdivision improvements

- Staff Presentation
- Public Hearing
- Discussion/Decision

Staff Presentation

Grant Crowell stated when infrastructure improvements are needed in a development adequate funds need to be available to make those improvements. He noted the value of letters of credit from financial institutions has diminished. He stated this ordinance would require a cash deposit from the developer prior to beginning work and then as the work is approved the money is released back to the developer. He stated this is a quick fix to take care of any developments that may come in before the re-write is finished.

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

Public Hearing

There was no one signed up to speak.

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

Discussion/Decision

Member Gardiner stated he would like to see the option of using a two year period instead of the one year warranty period in areas with known problems.

Grant noted the State Code addresses this and if the proper findings are made then a two year period can be required. He stated the exact wording from the state code should probably be inserted into the ordinance. He also stated there are a number of developments already in processes and they would not fall under this new ordinance.

Member Lundgren stated on the first page of Exhibit A, paragraph 3, that the last sentence states "the county may retain a pro rata portion of the developer's financial guarantee funds until the repairs have lasted through the warranty period" and he proposed it be changed to read "the county may retain a pro rata portion as determined by Morgan County" so that it gives the county authority to determine what the pro rata portion is. He also noted there should be some language regarding interest and whether the developer is entitled to any interest that may accrue.

Jann stated this ordinance would apply to all subdivisions that have required improvements.

Garth stated this is a requirement at this time and this ordinance just changes where the money is put.

Member Lundgren moved to table this to allow staff to address the following issues:

- Paragraph 3, of page 1 Exhibit, to retain a pro rata portion as determined by Morgan County.
- Insert a clarification that there will be no interest paid on any of the deposits held by the County.
- Modify paragraph I and any other paragraphs that are appropriate to include the language from the State Statute allowing circumstances to extend the warranty period up to two years with cause.

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

Public Hearing – Adopt Ordinance CO-10-08 repealing Title 9, Flood Control, of the Morgan County Code and replacing it in its entirety with Title 9, Flood Damage Prevention

- Staff Presentation
- Public Hearing
- Discussion/Decision

Staff Presentation

Grant stated FEMA has sent a new set of maps that will take effect April 19, 2010. He stated Morgan County has a few people in the Flood Assurance program and this would allow them that option. He stated the ordinance is a model ordinance from FEMA with very few changes.

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

Public Hearing

There was no one signed up to speak.

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

Discussion/Decision

Member Gardiner asked the reason for manufactured homes being specifically mentioned but it was not a concern.

Member Gardiner moved to adopt Ordinance CO-10-08 re-adopting and revising the Title 9 Morgan County Code regarding Flood Control. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Public Hearing – Rezone request by Doug Kearsley to rezone property at 2175 W Deep Creek Rd from MU-160 to RR-10

- Staff Presentation
- Public Hearing
- Discussion/Decision

Staff Presentation

Charlie stated the Planning Commission recommends approval of Ordinance CO-10-05 rezoning approximately 14.46 acres at 2175 West Deep Creek Road from MU-160 to RR-10. He stated Doug Kearsley is the property owner and he would like to make his lot conforming to the Master Plan. He stated the Planning Commission recommend approval based on the following findings:

- The nature of the rezone is in conformance with the current and future land uses of the area.
- The rezone is in conformance with the General Plan.
- The parcel has adequate frontage and acreage for the RR-10 zone.
- Allowing the rezone would bring the nonconforming property into conformance with zoning laws.
- Rezoning the property will not cause the potential for greater density because it is not large enough to be legally subdivided according to current zoning laws.

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

Public Hearing

Doug Kearsley stated everybody up Deep Creek thinks they are zone RR-10 already and that is not the case.

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

Discussion/Decision

Member Gardiner moved to approve the rezone of the Kearsley property at 2175 West Deep Creek Road from Mu-160 to RR-10 based on the findings of the Planning Commission and their positive recommendation and also approve Ordinance CO-10-05. Seconded by Member Lundgren. The vote was unanimous. The motion passed.

Airport Advisory Board - Discussion/Decision - Approve Joel LaBorde as a new Board Member

Dale Lake stated the Airport Advisory Board recommends approval of Joel LaBorde as a pilot member of the Airport Advisory Board.

Member Gardiner moved to approve Joel LaBorde to serve on the Airport Advisory Board. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Public Comment – Adopt Ordinance establishing rules and regulations governing operation and use of the County Airport

- Staff Presentation
- Public Comment
- Discussion/Decision

Staff Presentation

Dale Lake stated the original Airport Ordinance was written several years ago and the Airport Advisory Board has been working on the new ordinance for the last year to take out some of the redundancy.

Member Gardiner stated the Airport Board took on the task of re-writing this ordinance to give some governing rules regarding the operation and use of the airport.

Jann stated the Utah Code that is noted on the front page has been repealed and there is a new code section that he will review. He also noted there are a few typos that need to be fixed.

Public Comment

Joel LaBorde thanked the Council for the opportunity to serve on the Airport Advisory Board. He stated moving forward with Phases 2 and 3 are important to the airport.

Discussion/Decision

Jann Farris stated he would like more time to review this ordinance before it is adopted.

The following changes were suggested:

- Page 1 under 1.02 needs to be cleaned up.
- Page 3, last paragraph, code of ethics does not need to be capitalized.
- Ordinance Title Page the code referenced has been repealed and the new code is UCA 72-10-101).
- Page 4, 3.02, leaves a lot of ambiguity that needs to be clarified.
- Page 6, first paragraph, needs to be clarified and possibly have the word "permanently" removed.
- Page 9, 4.07, reporting of an accident should include reporting to the County Sheriff.
- Page 2, 2.01 there should be a period on the 6th line down after Airport and before Four.
- Page 2, 2.01, "the position may be filled by anyone" should state "any County resident".
- Page 3, 2.04 on the last line should be four (4) members of the County Council.
- Page 3, 2.07 delete "by local posting and appearance in the local media".

Member Kelley moved to table this item to the next meeting to allow the County Attorney to meet with the Airport Advisory Board or its representatives and make the changes noted here in this meeting. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Airport Advisory Board – Discussion/Decision – Approve advertising for Phases 2 and 3 at the Morgan County Airport. The advertisement will be placed in the Morgan County News as soon as possible and will run for 3 consecutive issues with the deadline for applications as April 1, 2010

Dale Lake stated the Airport Advisory Board is ready to advertise for the remaining leases in Phases 2 and 3 and they would like to do that as soon as possible.

Member Gardiner stated the infrastructure is moving forward and should be in within the next thirty days.

It was noted there was a communication issue regarding the water but it is in the process of being resolved.

Member Kelley stated she would like to make sure that all the leases have been paid.

Member Lundgren moved to give approval to the Airport Advisory Board to approve the advertising for Phases 2 and 3 at the Morgan County Airport and the advertisement be placed in the Morgan County News as soon as possible to run for three consecutive issues with the deadline of applications of April 1, 2010. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Airport Advisory Board – Discussion/Decision – Recommend that the unsuccessful applicants from Phase 1 of the hanger leases at the airport be given 4 points toward application in Phase 2 and 3

Dale Lake stated there were five applicants that were held over from Phase 1 that had been approved in Phase 1 and the Airport Advisory Board felt that special consideration should be given to them towards Phases 2 and 3.

Member Kelley suggested she would like Phase 1 completed before Phases 2 and 3 moves forward.

Member Gardiner stated someone should check with the Treasurer's Office to see who has not paid their fees and then give them a chance to come into compliance; if they do not then their slot will be filled with another applicant.

Member Gardiner moved to accept the recommendation from the Airport Advisory Board to give four additional points to individuals who applied in Phase 1 to go towards Phases 2 and 3 and request staff to meet with Airport Manager and County Attorney to review the current Phase 1 leases and if any of those are found in default, give them one final notice and if they remain in default then that lease be allotted to the leading individual on the list of the five remaining applicants. Seconded by Member Lundgren. The vote was unanimous. The motion passed.

Garth Day – Discussion/Decision – Consideration of the adoption of a Resolution authorizing the issuance and sale of \$1,500,000 Excise Tax Road Bonds, Series 2010 for road improvements; and related matters

Garth gave a brief presentation regarding the Road Bond as it has been in the works for approximately a year. He stated a pavement management program is the most cost effective way to take care of the roads so that they do not have to be reconstructed. Garth stated the proposed amount for the road bond is \$1.5 million. He noted the current expected need over the next 20 to 22 years is \$6 to \$8 million. He stated the Class B Road Fund was depleted last year with the Lost Creek Road reconstruct and the Fairgrounds Parkway. He stated there is approximately ten miles of road in need of immediate road maintenance.

Member Gardiner stated he does not feel that there is a need to bond for the full \$1.5 million at this time and would like to see it done in increments.

Marc Edminster stated the County can invest in other things but it is risky. He stated drawing the money in increments can increase the cost of the bond because that is not the way the proposal was written and there are a lot of variables.

Garth stated if the road bond is not approved then the Class B Road Fund will be depleted this year to take care of Old Highway Road leaving it at a zero balance again and not allowing any funds to take care of any other minor repairs that might be needed. He stated now is the time to move forward with the road bond and taking care of the roads.

Member Gardiner recommended taking out a bond for half the amount and moving forward.

There was discussion as to whether now is the time to bond or whether to wait.

Member Lundgren moved to approve the Resolution CR-10-08 which is a resolution authorizing the issuance and sale of \$1,500,000 Excise Tax Road Bonds, Series 2010, for road improvements and related matters as set forth in that resolution. Seconded by Member Sunday. Members Kelley and Haslam and Chairman Creager voted against. All other members voted for. The motion passed.

Karen Sunday/Garth Day – Discussion/Decision – A Resolution proposing the establishment of the Morgan Parks and Recreation Special Service District, Utah, calling a Public Hearing and providing notice of intent to create District and Related Matters

Member Sunday stated the County Parks Board and the Recreation Board have been discussing this item for a long time. She noted representatives from the City, County and School Board have met together to discuss whether this is a need for Morgan County. She stated if there was a Parks and Recreation Department with an Administrator rather than two different departments the parks could be more utilized and the recreation program expanded. She stated this could be done with the creation of a Special Services District. Member Sunday explained the importance of this and the process that would have to take place in order for it to happen.

Joey Skinner stated there is an overlap with the Parks and Recreation Departments and the creation of a Special Services District will bring the two together. He stated there are a lot of questions to be answered but this is worth investigating to see what the interest is.

It was noted the School Board, Morgan City and Morgan County would all need to make a motion to approve moving forward with this.

Mark DeVoe stated there are a group of parks run by community members and the Special Services District would coordinate all of the parks and make all of them more beneficial for the whole County.

Garth stated for this to go on the November ballet there is a strict timeline that needs to be followed.

Member Sunday moved to approve scheduling a public hearing for the next Council meeting with the intent of gathering information from the public input on creating a Special Service District, a Parks and Recreation Department and possibly bonding for an Aquatic Center and direct staff to next meeting look at presenting a budget resolution so that funding can be established for investigative needs to accomplish this. Seconded by Member Gardiner. The vote was unanimous. The motion passed.

Work Session with the Planning Commission regarding the proposed Geologic Hazard/Sensitive Area Zone revisions to the Morgan County Code

The Work Session was to discuss the Geologic Hazard/Sensitive Area Zone revisions and how to make them work. Members of the Planning Commission present were Ladd Albrechtsen, Robert Wright, Adam Toone, Trevor Kobe and Steve Wilson.

Member Sunday moved to adjourn.

APPROVED		Date	
	Chairman		
ATTEST		Date	
	Clerk		