

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION
OF THE MORGAN COUNTY COUNCIL
TUESDAY, MAY 4, 2010
4:00 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:

4:00 p.m.	Call to Order Prayer Approval of Agenda Approval of Minutes Approval of Checks
4:10 p.m.	Public Comment Period
4:15 p.m.	County Council Business
4:20 p.m.	Johnnie Miller – Discussion – Discuss return premium on workers compensation program, UCIP performance, review recent claims
4:40 p.m.	Stacy Lafitte – Discussion/Decision – Approval of Resolution amending employee eligibility to participate in cafeteria plan
4:45 p.m.	Stacy Lafitte – Discussion/Decision – Approval of FY2011 District Court Contract Site Contract
4:50 p.m.	Bonnie Thomson – Discuss/Decision – Software License Agreement Renewal with County Information Systems
4:55 p.m.	Valerie Hancock – Discussion – Discuss possibility of addition of a library annex/auditorium funded by possible grant
5:00 p.m.	Gordon Sant – Discussion – Rollins Ranch Development issues
5:15 p.m.	Discussion/Decision – Approve CR-10-14 Budget Resolution for Appellate Representation
5:20 p.m.	Grant Crowell – Discussion/Decision – Adoption of Morgan County GIS Master Plan
5:45 p.m.	Charles Ewert – Discussion/Decision – Adopt a resolution setting the terms of members of the Morgan County Board of Appeals
6:00 p.m.	Public Hearing – A public hearing to receive input from the public with respect to the establishment of a special service district, to be known as the Morgan Parks and Recreation Special Service District, Utah (the "District") to provide recreation services to properties within the District's boundaries
7:00 p.m.	Grant Crowell – Discussion/Decision – Adoption of Resolution CR-10-15 authorizing the FY2010 budget to be amended by transferring money to the GIS grant account and to approve the annual GIS contract with the State of Utah
7:10 p.m.	Grant Crowell – Discussion/Decision – Approval of budget resolution CR-10-16 for required GIS software maintenance
7:15 p.m.	Grant Crowell – Discussion/Decision – Adopt Ordinance CO-10-02 relating to Geologic Hazards
8:00 p.m.	Garth Day – Discussion/Decision – Animal Control Building

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	April 27, 2010
Time Posted:	4:15 p.m.
Posted By:	Teresa Lake

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Members Present

Sid Creager, Chairman
David Gardiner
Howard Hansen
Rodney Haslam
Tina Kelley
Alvin Lundgren
Karen Sunday

Other Staff

Garth Day, Council Administrator
Jann Farris, County Attorney
Teresa Lake, Deputy Clerk
Grant Crowell, Planning Director
Stacy Lafitte, County Clerk/Auditor
Bonnie Thomson, County Treasurer
Jay Palmer, Road Supervisor
Dave Manning

Others Present

Lyle Nelson	Kristy Nelson
David Potter	Amy Clark
Debbie Sessions	Johnnie Miller
James Montgomery	Paul Warner
Beverly Warner	Gordon Sant
Randy Sessions	Deanne Winterton
Austin Turner	Gene Carter
Don Anderson	Eric Johnson
Kasey Hansen	Marc Edminster
Darlene Musselman	Marie Heiner
Thomas Gilbert	Joseph Scott Rees
Adam Toone	Natasha Plyer
Dale Thurston	Barbara Thurston
Sharee Dickey	Linda Smith
Lee Morgan	Colleen Morgan
Vaughn Goodfellow	Kenneth Wallace
Paul Warner	Beverly Warner
Shelly Betz	Neal Betz
Katie Tilby	Kelli Cox
John Cox	Larry Hatch
David Croft	Julie Croft
Lara Bartol	Lyletta Searle
Dale Wilson	Joey Skinner
Bruce Galbraith	Diane Dickson
Brenda Nelson	Mark DeVoe
Ray Little	Jennifer Hatt
Wendy Farris	Brent Anderson
Jim Egbert	Brad Saxton
Kraig Walker	Karen Sant

Chairman Creager called the meeting to order at 4:00 p.m.

The invocation was given by Member Haslam.

Approval of Agenda

**Member Lundgren moved to approve the agenda for May 4, 2010. Seconded by Member Hansen.
The vote was unanimous. The motion passed.**

Approval of Minutes

**Member Hansen moved to approve the minutes of April 20, 2010. Seconded by Member Sunday.
The vote was unanimous. The motion passed.**

Approval of Checks

It was noted there is a check to Automated Mechanical taken out of the Parks budget line and it needs to be moved to the Buildings and Grounds budget line (the Clerk is aware of this).

Member Kelley moved to approve the Check Edit List dated April 28, 2010 with the noted correction. Seconded by Member Gardiner. The vote was unanimous. The motion passed.

Public Comment Period

There were no public comments.

County Council Business

Garth noted it was discussed last year during budgeting that there were trees at the fairgrounds that needed to be removed and he stated they are in the process of removing those trees. He noted there will be wood chips available.

Member Gardiner noted he has sold his home and will be leaving the County at the end May or first part of June and will no longer be able to serve on the Council.

Member Lundgren stated the Water Advisory Board is in the process of preparing an RFP to do a survey for water issues to identify the major water companies, wells, districts, etc. in order to determine the water availability in the Stoddard, Enterprise, Peterson and Mountain Green areas. He also noted the State Engineers office has slated their water survey to be completed at the end of June.

Member Kelley noted the Census Workers have started to go door to door to complete the census for those who have not returned a census form.

Johnnie Miller – Discussion – Discuss return premium on workers compensation program, UCIP performance, review recent claims

Johnnie Miller, UCIP, explained the UCIP organization and what it does for the County. He updated the status on a couple of claims they have been working on for Morgan County. He noted due to a decrease in projected payroll in 2009 the workers compensation premium rate was adjusted; he presented a check to Stacy Lafitte, Clerk/Auditor, for \$12,137 as a refund.

Stacy Lafitte – Discussion/Decision – Approval of Resolution amending employee eligibility to participate in cafeteria plan

Stacy Lafitte stated there was an error with the 2010 contracts stating there was a 60 day eligibility window for new employees and it should be the first day of the following month after an employee starts; she noted the resolution needed to be adopted and signed.

Member Lundgren moved to adopt Resolution CR-10-17 with the finding that it corrects an error in the flexible spending account plan that was effective January 1, 2010. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Stacy Lafitte – Discussion/Decision – Approval of FY2011 District Court Contract Site Contract

Stacy Lafitte noted this is the contract for Fiscal Year 2010 through 2011 for the District Court.

Member Gardiner moved to approve the State Contract for 2010-2011 District Court Contract Site. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Bonnie Thomson – Discuss/Decision – Software License Agreement Renewal with County Information Systems

Bonnie Thomson stated this is a renewal for the County Information Systems software effective July 1, 2010 through June 30, 2015 with an increase of \$250 per month.

Member Gardiner moved to approve the Software License Agreement Renewal with Singer Software for the County Information Systems. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Valerie Hancock – Discussion – Discuss possibility of addition of a library annex/auditorium funded by possible grant

Valerie Hancock stated she has had requests for an auditorium/annex and would like to pursue a grant to accomplish this; she asked for permission to apply for the grant for this project. She stated this would be detached from the library and would be on the grassy area next to the library.

Member Kelley stated she feels there is a need for meeting rooms and community events and this would be a good way to accomplish it without having to raise taxes.

The Council gave verbal consent for Valerie to pursue this endeavor and report back to the Council.

Gordon Sant – Discussion – Rollins Ranch Development issues

Gordon Sant stated the homeowners of Rollins Ranch are unhappy and do not feel they are receiving the services they are paying for as taxpayers. He noted the roads have not been accepted by the County because the developer has not completed his obligations and he asked for the County to provide snow removal and law enforcement services to their subdivision. He stated the developer is not willing to do snow removal or make any improvements.

Chairman Creager stated there are many issues with this subdivision.

Garth stated there is an escrow agreement; however the bank has failed and it is unclear whether the funds will be recovered. He noted law enforcement should not be an issue; however until the roads are accepted there are not funds available to maintain the roads. Garth noted this is not the only subdivision with this problem.

It was noted there has not been an application for conditional acceptance and there are several things that have not been completed. It was also noted that once a County plow begins to take care of the roads then the County will be responsible and they are not willing to take that on at this time.

It was also noted that the County should pursue getting the cash escrow or the bonding that was in place; it is unclear what the FDIC will do.

Mr. Sant stated an amendment for an additional 10 feet to lots #210, 211, 212 and 213 or Phase 2 was submitted over a year ago and there has been no response.

Grant stated there was something submitted, but the mylar was incorrect and could not be recorded and needs correction before it can move forward with the County. He noted there is no development agreement for this adjustment.

Discussion/Decision – Approve CR-10-14 Budget Resolution for Appellate Representation

It was noted this is a follow-up from last meeting.

Member Gardiner moved to approve Resolution CR-10-14 authorizing one-time expenditures and authorizing the hiring of an Indigent Appellate Attorney. Seconded by Member Sunday. The vote was unanimous. The motion passed.

Grant Crowell – Discussion/Decision – Adoption of Morgan County GIS Master Plan

Dave Manning stated they have been working on the GIS (Geographic Information Systems) Master Plan for Morgan County. He noted a master plan helps to consolidate efforts to be more effective and efficient in meeting the existing and future inter-departmental geographic data needs of the County. He noted the four major projects are Parcel Mapping, General Mapping, GIS Applications and Distribution of GIS Information to staff and the public. He stated GIS can help each department in providing information to the public. He asked for the Council to adopt the Master Plan and understand the importance of the parcel data.

It was noted there may be grant money available but it is not a guarantee and it would take longer to complete the project if they waited for the grant funds.

Member Sunday moved to adopt the Morgan County GIS Master Plan as presented. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Charles Ewert – Discussion/Decision – Adopt a resolution setting the terms of members of the Morgan County Board of Appeals

Grant Crowell stated this resolution appoints the members of the Board of Appeals and their terms.

Member Lundgren moved to adopt Resolution CR-10-13 with the finding this resolution is necessary to bring the terms for the Morgan County Board of Appeals in harmony with the recently passed ordinance. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Public Hearing – A public hearing to receive input from the public with respect to the establishment of a special service district, to be known as the Morgan Parks and Recreation Special Service District, Utah (the “District”) to provide recreation services to properties within the District’s boundaries

Member Sunday stated the purpose of the public hearing is to receive comment regarding creation of a Special Service District for Parks and Recreation and does not include the building of an Aquatic Center; she noted an aquatic center could come sometime down the road. She stated the Special Service District would work to maintain the parks and recreation throughout the County. She stated the lack of willing volunteers makes it hard to maintain the parks; the Special Services District could appoint a Director to oversee the parks and recreation programs.

Garth explained the purpose of tonight is to receive public input and a vote will not be taken. He explained the purpose of the Special Service District and how it is created.

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

Gene Carter stated an SSD is not needed to handle Parks and Recreation; an SSD has restraints and would need to be funded every year. He noted this would be a burden on the taxpayers.

Austin Turner stated the Special Service District would add more tax burden on the citizens. He noted businesses need to be encouraged to come to Morgan County.

Lyle Nelson advised the Council to be cautious before moving forward and consider the opinions of all citizens within the County. He noted the economic situation is not the best and now may not be the time to create this Special Service District.

Darlene Musselman stated the creation of the Special Service District is a tax burden to put on the citizens. She noted all citizens do not take the Morgan County News and stated a written notice should be sent out to each home giving them information that could affect their taxes. She stated now is not the time to do this.

Mark DeVoe stated the SSD would promote recreation and enhance the quality of life throughout Morgan County; the SSD would benefit the County.

Tom Gilbert, Rocky Mountain Pipeline, stated the SSD would raise taxes and they are against the creation of the SSD.

David Potter stated because of the economic times now is not the time to create the Special Service District. He noted the SSD will be a tax burden for the citizens.

Debbie Sessions stated she is opposed to the SSD because it creates another level in the bureaucracy that is not needed. She recommended an Interlocal agreement with Morgan City and Morgan School District to work on the parks and recreation throughout Morgan County.

Larry Hatch stated he would like an aquatic center when it can be afforded but he is not in favor of creating another taxing entity. He suggested combining Morgan City and Morgan County government to save money.

Randy Sessions stated he is against the creation of a Special Service District. He noted commercial businesses cannot handle another tax but they are afraid to voice their concerns because they need the business from the local citizens and they do not want to offend anyone.

Lara Bartol stated she supports a Special Service District and would like to see an aquatic center in Morgan.

Scott Rees stated parks and recreation are services that are not required by everyone. He noted he is against the creation of a Special Service District.

Adam Toone stated he is opposed to the Special Service District. He noted there are property owners who do not live within the County and they are unaware of the possible creation of the SSD.

Brent Anderson stated he does not feel the Council is prepared to state how much the Special Service District would cost the taxpayers. He noted now is not the time to do this.

Jennifer Hatt stated she has been a part of the recreation department for four years and knows that getting volunteers is not an easy thing. She noted a Special Service District would benefit the County; she is in favor of the SSD. She also noted there needs to be a full-time director for the Recreation Department.

Dale Thurston stated the SSD will create a tax burden; he does not agree with creating another level of government. He noted now is not the time.

Natasha Plyer stated she is not for extra taxes and suggested being creative to raise the funds for an aquatic center.

Sharee Dickey stated she travels out of the County several times a week to run on a good trail; she is in favor of a coordinated effort with the parks and recreation. She noted she is also in favor of an aquatic center.

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

Chairman Creager stated there is \$935,040,134 taxable value in Morgan County. He stated he estimated high in coming up with a figure for a cost of the Special Service District but he does not have all the answers and previous public comments stated they would rather have the estimates high rather than too low. He stated a Special Service District can help with liability issues. He stated he also feels that Interlocal Agreements can work without raising taxes. He noted he is not in favor of the Special Service District.

Member Gardiner noted from the comments made tonight that he would have to vote against the Special Service District.

Member Haslam stated the plan for the fairgrounds is a pay as you go and the County is not going into debt to make improvements. He stated he feels now is not the time for creating a Special Service District.

Member Kelley stated she is not in favor of creating a Special Service District but she is in favor of looking at other options.

Member Sunday stated she works with the Parks Board and the Recreation Board and she can see the needs of these entities. She recognizes now is not the time for an aquatic center but she sees the need for a Special Service District and now is the time to create it.

Member Lundgren stated now is not the time to create a Special Service District but he agrees with employing a Recreation Director to coordinate all the efforts.

Member Hansen stated there is a need for the parks and a way to make them more efficient is needed but he is not sure the Special Service District is the way to go at this time.

Grant Crowell – Discussion/Decision – Adoption of Resolution CR-10-15 authorizing the FY2010 budget to be amended by transferring money to the GIS grant account and to approve the annual GIS contract with the State of Utah

Grant stated the State is offering additional GIS grant money and he would like to utilize it to move forward with the parcels. He noted the State requires the County to pay a 20% matching fund.

Member Lundgren moved to approve Resolution CR-10-15 authorizing the County Chairman to sign the annual contract with the State of Utah for the GIS grant and to approve 20% matching funds which would come from the fund balance account. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Grant Crowell – Discussion/Decision – Approval of budget resolution CR-10-16 for required GIS software maintenance

Grant stated when going through the budget process he had failed to plan for these fees that are paid annually and requested the budget resolution be approved to handle this.

Member Sunday moved to approve Resolution CR-10-16 authorizing the transfer of \$4,500 from the County Fund Balance to the GIS Department Budget for the payment of annual GIS Software Maintenance Fees. Seconded by Member Gardiner. The vote was unanimous. The motion passed.

Grant Crowell – Discussion/Decision – Adopt Ordinance CO-10-02 relating to Geologic Hazards

Grant reviewed the changes he has made since the last time it was on the agenda.

Member Lundgren requested that "Infrastructure" be defined under 8-5I-020. He stated on page 16 (j) he feels it would be good to add "with insurance" after "similarly qualified and licensed" so that it is clear that the person signing off is insured.

Grant stated the insurance requirements were only for the previously existing lots and if insurance is going to be added for all reviews it should be moved to a global area that addresses every report that is required.

There was discussion regarding accessory buildings.

There was concern with section 8-5I-110 (b) and whether this would cause another spin cycle with having different geotech experts review the geologic hazards.

Chairman Creager asked if Section 110 was removed in its entirety what would be different with the rest of the chapter.

Grant stated he would ask for some certification to show the work had been done and then meld it with section 090 and make it the process that all projects would go through.

Chairman Creager stated he would like to see a geotechnical study done on each individual lot so that when a lot is sold the landowner would be given the study showing the building envelope and then it would remove them from becoming lost in the spin cycle of repeated reviews.

Member Lundgren moved to send this ordinance back to staff for the following modifications:

- **Section 8-5I-020 a definition for infrastructure be added;**
- **Staff re-evaluate Section 8-5I-080 to make sure that (a) is retained in such a manner to be harmonious with the other changes that are being made;**
- **Section 8-5I-110 be deleted and staff make it clear in the ordinance that the geotech study be performed on each potentially hazardous lot as identified in the alphabet soup sometime before final approval, either at concept or preliminary plat approval or some other level.**
- **That it be clarified that all Geotechs and Engineers who issue reports to Morgan County and/or sign off i.e. on Section 110 (j) be insured with errors and omissions insurance or comparable.**

Seconded by Member Sunday.

Member Kelley stated she does not agree with section 110 being deleted.

There was further discussion but no change was made to the motion.

Member Gardiner voted against. All other members voted for. The motion passed.

Garth Day – Discussion/Decision – Animal Control Building

Chairman Creager stated there are advantages to the animal control building. He stated with a 20 year mortgage that the money from the payments to Dr. Lott and for the porta-potties would help cover the majority of the monthly payments; it would be very cost effective to consider moving forward on this. He noted there are possibly some funds available through the Recovery Zone Bonds and they need to be applied for before the first of June.

It was noted there could be money available from the NRA because of the classroom area and their use in teaching classes.

Member Lundgren moved to direct staff to file paperwork to apply for the funds. Seconded by Member Gardiner. The vote was unanimous. The motion passed.

Member Sunday moved to adjourn.

APPROVED


Chairman

Date

5-18-10

ATTEST


Clerk

Date

5-18-10