

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION  
OF THE MORGAN COUNTY COUNCIL  
TUESDAY, DECEMBER 7, 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  
Discussion/Decision – A Resolution of the Municipal Building Authority of Morgan County, Utah authorizing and approving an annually renewable Lease Agreement between the Authority and Morgan County; Authorizing the issuance and sale by the Authority of its \$600,000 Lease Revenue Bonds (Federally Taxable – Build America Bonds, Series 2010 (Direct Payment)) to finance, in part, a new building to house Public Safety rooms, an Animal Shelter and for other Public Purposes and Related Improvements; authorizing a Master Resolution, a Ground Lease, the Security Documents and other Documents required in connection therewith; authorizing all other actions necessary to the transaction contemplated by this Resolution; and related matters
- 5:05 p.m. Approval of Agenda  
Discussion/Decision – A Resolution of Morgan County, Utah (The “County”), authorizing the Municipal Building authority of Morgan County, Utah, to issue and sell \$600,00 Lease Revenue Bonds, Series 2010 (Federally Taxable – Build America Bonds (Direct Payment)), to finance in part the acquisition and construction of a new building to house Public Safety rooms, an Animal Shelter and for other Public Purposes and Related Improvements; Authorizing the execution of all related documents and the taking of all other needed actions to issue the Bonds; and related matters  
Jody Burnett – Discussion/Decision – Adoption of Ordinance CO-10-18 regarding approximately 106 acres of land within the Central Development (CD) Zoning District in Mountain Green  
Work Session with UDOT to discuss interchange at Mtn. Green
- 6:00 p.m. Public Hearing to approve 2011 Proposed Budget
  - Public Hearing
  - Approval of Resolution to approve 2011 Budget
- 6:15 p.m. Public Hearing to amend 2010 Budget
  - Public Hearing
  - Approval of Resolution to amend 2010 Budget
- 6:30 p.m. Motor Vehicle Tax Refund
- 6:35 p.m. Public Comment Period
- 6:40 p.m. Darleen Meyerhoffer/Brenda Pennell – Discussion/Decision – Dispute the 2010 Property Tax amount due
- 6:55 p.m. Blaine Smith – Discussion/Decision – Late filing of 2010 Property Value
- 7:05 p.m. Sheri Peterson – Discussion/Decision – Change the name of street and get a street sign on the corner of street
- 7:15 p.m. Grant Crowell – Discussion/Decision – Adoption of Ordinance CO-10-16, the Morgan County subdivision regulations and related administrative provisions
- 7:45 p.m. Grant Crowell – Discussion/Decision – Adopt Ordinance CO-10-17 regarding accessory apartments, conditional use permits, appeals, and related administrative provisions
- 8:15 p.m. Discussion/Decision – Approve the 2011 County Council Meeting Schedule

8:20 p.m. Discussion/Decision – Approve modified Salary Plan  
8:25 p.m. Jann Farris – Discussion/Decision – Approve re-appointment of Kim Dohrer to the Weber  
Human Services Governing Board  
8:30 p.m. Approval of Minutes  
Approval of Checks  
County Council Business

## 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/pmni/index.html>

Date Posted December 1, 2010  
Time Posted: 1:30 p.m.  
Posted By: Teresa Lake

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**OF THE MORGAN COUNTY COUNCIL  
TUESDAY, DECEMBER 7, 2010  
5:00 P.M.  
MORGAN COUNTY COURTHOUSE  
48 WEST YOUNG STREET  
MORGAN, UTAH**

**Members Present**

Sid Creager, Chairman  
Howard Hansen  
Tina Kelley  
Ronda Kippen  
Alvin Lundgren  
Donald Mathews  
Karen Sunday

**Other Staff**

Jann Farris, County Attorney  
Teresa Lake, Deputy Clerk  
Grant Crowell, Planning Director  
Blaine Breshears, Sheriff Elect  
Mark Miller, County Engineer  
Gwen Rich, County Assessor  
Stacy Lafitte, County Clerk/Auditor  
Jay Palmer, Road Supervisor  
Terry Turner, Emergency Services

**Others Present**

Ahmad Jaber  
Debbie Sessions  
Carolyn Morrison  
Larry Hatch  
Lyle Nelson  
Kristy Nelson  
Dwayne Johnson  
Wayne Johnson  
Bruce Nilson  
Ahmad Jaber  
Marc Edminster  
Eric Johnson  
Jody Burnett  
Ned Mecham

Don Anderson  
Julie Anderson  
Joe Russell  
Jason Davis  
Brad Humphries  
Becky Zimmerman  
Sam Klemm  
Kent Lyons  
Sheri Peterson  
Cadon Peterson  
Mark Thurston  
Darlene Meyerhoffer  
Bent Olsen

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

**The invocation was given by Member Hansen.**

**Discussion/Decision – A Resolution of the Municipal Building Authority of Morgan County, Utah authorizing and approving an annually renewable Lease Agreement between the Authority and Morgan County; Authorizing the issuance and sale by the Authority of its \$600,000 Lease Revenue Bonds (Federally Taxable – Build America Bonds, Series 2010 (Direct Payment)) to finance, in part, a new building to house Public Safety rooms, an Animal Shelter and for other Public Purposes and Related Improvements; authorizing a Master Resolution, a Ground Lease, the Security Documents and other Documents required in connection therewith; authorizing all other actions necessary to the transaction contemplated by this Resolution; and related matters**

Marc Edminster stated this resolution is the final step before closing on the bond which is scheduled for next week. He stated if the bond is closed before the end of the year it qualifies for the "Build America" bond money.

Eric Johnson stated if the bond closes before the end of the year it also qualifies for a 35% rebate on the interest of the loan but it must be requested each year; it is not automatically sent out. He noted the County owns the property and they lease it to the Municipal Building Authority. He stated the security for the loan is the building itself. He noted the bonds can repaid at any time without a penalty but if the payment is late then it has an 18% default rate.

It was noted there will be no tax increase with this bond.

**Member Lundgren moved to approve Resolution MBA-10-02 as explained and outlined in the packet. Seconded by Member Sunday. The vote was unanimous. The motion passed.**

**Member Sunday moved to go out of the Municipal Building Authority meeting and into the regular session of Council meeting. Seconded by Member Hansen. The vote was unanimous. The motion passed.**

#### **Approval of Agenda**

**Discussion/Decision – A Resolution of Morgan County, Utah (The “County”), authorizing the Municipal Building authority of Morgan County, Utah, to issue and sell \$600,00 Lease Revenue Bonds, Series 2010 (Federally Taxable – Build America Bonds (Direct Payment)), to finance in part the acquisition and construction of a new building to house Public Safety rooms, an Animal Shelter and for other Public Purposes and Related Improvements; Authorizing the execution of all related documents and the taking of all other needed actions to issue the Bonds; and related matters**

**Member Sunday moved to approve Resolution CR-10-33 a Resolution authorizing the Municipal Building authority of Morgan County to issue and sell \$600,000 Lease Revenue Bonds to finance the acquisition and construction of a new building to house Public Safety rooms, and Animal Shelter and for other Public Purposes. Seconded by Member Lundgren. The vote was unanimous. The motion passed.**

#### **Jody Burnett – Discussion/Decision – Adoption of Ordinance CO-10-18 regarding approximately 106 acres of land within the Central Development (CD) Zoning District in Mountain Green**

Jody Burnett stated he has been working with the County on the status of approximately 106 acres of property located in the Mountain Green area and reviewed what has been happening since December 19, 2006 when the County Council approved the rezone of that property. He noted the approval of the ordinance CO-10-18 is an administrative act implementing a decision already made four years ago.

**Member Lundgren moved to approve Ordinance CO-10-18 amending the official Zoning District map by changing the zoning of approximately 106 acres within Morgan County from A-20 and RR-1 to CD. Seconded by Member Hansen. Member Kelley voted against. All other members voted for. The motion passed.**

#### **Work Session with UDOT to discuss interchange at Mtn. Green**

There were representatives from UDOT, Snowbasin, Wasatch Front Regional Council and Developers to discuss the possibility of an interchange in Mountain Green.

#### **Public Hearing to approve 2011 Proposed Budget**

- **Public Hearing**
- **Approval of Resolution to approve 2011 Budget**

#### **Staff Presentation**

Stacy Lafitte, County Clerk/Auditor, reviewed the 2011 Budget and noted there will be no tax increase. She noted the total budget for 2011 is \$5,723,641.

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

#### **Public Hearing**

Terry Turner stated during the budget meetings he failed to take into account the grant that pays for his assistant and the 2011 budget does not reflect that.

Debbie Sessions stated she would like to have seen this on the website before the meeting tonight. She stated she would like the Council to be conservative with their projections on revenue.

Carolyn Morrison stated she is concerned about the weed problem in Morgan County. She understands the County will spray their property and asks how the individual property owners are going to be handled.

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

#### **Discussion/Decision**

Member Lundgren stated the Weed Board met recently and one of their main topics of discussion was how to get individuals to take care of the weeds on their own property. He noted they are working on a solution.

Member Kelley stated she feels the Council was very conservative with the numbers they projected for the coming year.

Chairman Creager also acknowledged that the revenue projections have been very conservative. He thanked all of the departments who have been involved with projecting the revenues. He noted the adjustments for Terry Turner could be handled by Budget Resolution during the year.

**Member Sunday moved to approve Resolution CR-10-31, a resolution adopting the 2011 Fiscal Year County Budget. Seconded by Member Hansen. The vote was unanimous. The motion passed.**

#### **Public Hearing to amend 2010 Budget**

- **Public Hearing**
- **Approval of Resolution to amend 2010 Budget**

#### **Staff Presentation**

Stacy Lafitte reviewed the budget adjustments that need to be made to amend the 2010 Budget.

Member Lundgren noted the majority of the funds spent on the airport will be repaid to the County through Impact Fees paid by the Airport Hangar owners.

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

#### **Public Hearing**

Lyle Nelson stated he does not understand what the bottom line will be at the end of the year. He suggested some training for the new Council so they can better understand the budget.

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

#### **Discussion/Decision**

Chairman Creager stated the Recorder would like an adjustment to her budget for \$2490 to obtain partitions to secure documents that are being kept in the auditorium and shelving; an amendment will need to be done for \$2,490 to account 10-4144-480.

There was discussion about the project at the Milton Park and it will not be completed before year end so a budget resolution will need to be done next year.

**Member Mathews moved to adopt Resolution CR-10-30 adopting the amendments to Morgan County's 2010 Budget striking the use of reserved funds that were not supposed to be there and adding the Recorder's office request for \$2500. Seconded by Member Kelley. The vote was unanimous. The motion passed.**

**Motor Vehicle Tax Refund**

Stacy Lafitte stated that Veterans are able to apply for abatement of their taxes on personal property based on the percentage of their disability. She noted when this customer had their vehicle inspected they were charged for the registration at the same and their taxes can be abated so they are due a refund of these fees once they are posted to the State's account.

**Member Kelley moved to approve the refund of \$150 for plate number B483EW with the finding that this person qualified for the Veteran's abatement and should not have been charged and it was recommended by the Assessor and Clerk's offices. Seconded by Member Lundgren. The vote was unanimous. The motion passed.**

**Public Comment Period**

There were no public comments.

**Darleen Meyerhoffer/Brenda Pennell – Discussion/Decision – Dispute the 2010 Property Tax amount due**

Darleen Meyerhoffer stated at the closing of their home the property taxes were pro-rated based on 2009 figures. She stated she was told repeatedly that the 2010 tax would not change but the 2011 property tax would change to reflect the selling price of the home. She noted in November they received their tax notice and they are being charged over \$2,000. She asked that their tax be adjusted.

Bent Olsen stated they are contesting the fact that the owners closed on the property at the end of August and the taxes were listed as \$28; Ms. Meyerhoffer's settlement fees were based on the \$28 tax assessment. He feels that her taxes should be figured on the three months that she has been in the home.

Gwen Rich, County Assessor, stated this situation is an unfortunate and very unique. She stated because of the situation with the home it was hard to determine a value on the home until it was sold. She stated if the home is a Primary Resident then the tax can be adjusted.

Member Kippen stated she feels this is a matter that the applicant should resolve with the seller of the property.

Chairman Creager stated this home was not condemned, it was abandoned. He noted if the Primary Residential Status is re-instated the taxes would change to \$1,105.39 and that is a fair rate.

**Member Kippen moved to amend the property tax amount for 5983 River View Circle to a primary residence for a total of \$1,105.39 for the purpose of 2010 property tax assessment. Seconded by Member Lundgren. The vote was unanimous. The motion passed.**

Member Mathews recused himself because he is friends with the applicant and he left the room.

**Blaine Smith – Discussion/Decision – Late filing of 2010 Property Value**

Stacy Lafitte stated Blaine Smith needs to request an extension to pursue a Board of Equalization review. She stated Mr. Smith missed the deadline to have his taxes abated because he did not receive a tax notice until after the deadline.

Blaine Smith stated he did not receive his tax notice because it was sent to a bank that is no longer in business and he did not receive any notification until October 25, 2010.

**Member Lundgren moved to allow Blaine and Janae Smith to at their option to either go back through the appeals process or to work out by consent agreement with the County Treasurer, Assessor and Clerk the amount on the property. Seconded by Member Hansen. The vote was unanimous. The motion passed.**

Member Mathews returned to the room.

**Sheri Peterson – Discussion/Decision – Change the name of street and get a street sign on the corner of street**

Sheri Peterson stated she would like to request a name change on her cul-de-sac from 4100 West to “Peterson Lane”; she is trying to do this as a Christmas gift for her father-in-law. She noted the Peterson area was settled by Charles Shreeve Peterson.

Member Kelley stated she personally feels a number system makes finding an address easier than a named street.

Jay Palmer stated there can be a street name but the coordinates need to be listed on the sign.

Member Lundgren suggested that the applicant contact the postmaster to see if they have any specific requirements for changing a street name.

**Member Lundgren moved to approve the name change of 4100 West in Peterson to Peterson Lane with the provision that the street sign have the coordinates listed under the name and that the applicant provide evidence from the post office that they have no objection with the name change. Seconded by Member Mathews. Member Kelley voted against. All other members voted for. The motion passed.**

**Grant Crowell – Discussion/Decision – Adoption of Ordinance CO-10-16, the Morgan County subdivision regulations and related administrative provisions**

Grant stated the biggest issue with this ordinance is the method of providing the financial security that is required for subdivision improvements. He stated in talking with the Weber County Planning Director is that they are still utilizing the method where the financial security is a cash deposit held with the County. He stated problems in the past have resulted from building permits being issued before the improvements in the subdivision were finished. He stated he is comfortable with an escrow account; letters of credit seem to have little value. He noted another option that has been discussed but is not included in this ordinance is that the State Code would allow the County to hold recording of a plat until such time as the improvements have been completed.

Jann Farris stated the County does not want to be burned on these subdivisions and they need to be as aggressive as they can.

Member Lundgren stated with a “Build it First” there is the possibility of having a development started and then being left unfinished leaving the County with an eyesore and no way to collect or finish the project.

Member Kelley stated the bonding issue was the main reason for this ordinance not being passed.

Jann suggested if the Council is ready to adopt then someone should determine whether the County can be an Escrow Agent.

Chairman Creager stated a lot of work has gone into this ordinance and it is a good ordinance and improvement over what has been in place. He noted that amendments can be made in the future as needed.

Member Kippen stated this ordinance will protect the taxpayers.

It was noted that private streets in a development should be labeled on the plat and it needs to be clearly communicated with the developer during the development what is expected from them.

**Member Kelley moved to table this item to allow staff to make the minor changes that were discussed and bring it back to the Council at the next meeting. Seconded by Member Hansen. The vote was unanimous. The motion passed.**

**Grant Crowell – Discussion/Decision – Adopt Ordinance CO-10-17 regarding accessory apartments, conditional use permits, appeals, and related administrative provisions**

Member Kelley stated she feels that there should be a Hearing Officer rather than a Board of Appeals.

Grant stated there were many options for the appeals process and there is not a universal approach to the process. He stated another issue with this ordinance is whether detached apartments are an option.

It was noted that the Council does not like the detached structures, breezeways or restricting who can live in the apartments.

**Member Sunday moved to table this item to the next scheduled Council Meeting to allow staff to make the changes discussed in this Council meeting. Seconded by Member Kippen. The vote was unanimous. The motion passed.**

**Discussion/Decision – Approve the 2011 County Council Meeting Schedule**

**Member Mathews moved to approve Resolution CR-10-32 approving the 2011 County Council Meeting Schedule. Seconded by Member Kippen. The vote was unanimous. The motion passed.**

Member Kippen recused herself because it involves her and other members of her department and she left the room.

**Discussion/Decision – Approve modified Salary Plan**

Chairman Creager stated this is a housekeeping item with information that was provided by UAC and was discussed at the budget meetings. He noted the change with Judge Hassell is not reflected on this schedule.

Member Kelley noted that UAC figures recommended an increase for the Council but they have not taken it.

**Member Sunday moved to approve the modified Salary Plan as presented with Judge Hassell's salary being consistent with what it was in 2010. Seconded by Member Hansen. The vote was unanimous. The motion passed.**

Member Kippen returned to the room.

**Jann Farris – Discussion/Decision – Approve re-appointment of Kim Dohrer to the Weber Human Services Governing Board**

**Member Mathews moved to approve the re-appointment of Kim Dohrer to the Weber Human Service Governing Board. Seconded by Member Hansen. The vote was unanimous. The motion passed.**

**Approval of Minutes**

- **October 5, 2010**  
There were corrections noted.



**Member Lundgren moved to approve the minutes of October 5, 2010 with the noted corrections. Seconded by Member Kelley. Member Kippen abstained. All other members voted for. The motion passed.**

- **October 19, 2010**

There were corrections noted.

**Member Mathews moved to approve the minutes of October 19, 2010 with the noted corrections. Seconded by Member Hansen. Member Kippen abstained. All other members voted for. The motion passed.**

- **October 26, 2010**

There were corrections noted.

**Member Sunday moved to approve the minutes of October 26, 2010 with the noted corrections. Seconded by Member Hansen. Member Kippen abstained. All other members voted for. The motion passed.**

- **October 26, 2010 Executive Session**

**Member Kelley moved to approve the minutes for the October 26, 2010 Executive Session. Seconded by Member Hansen. Member Kippen abstained. All other members voted for. The motion passed.**

- **November 16, 2010**

There were corrections noted.

**Member Lundgren moved to approve the minutes of November 16, 2010 with the noted corrections. Seconded by Member Kelley. The vote was unanimous. The motion passed.**

- **November 16, 2010 Executive Session**

**Member Kelley moved to approve the minutes for the November 16, 2010 Executive Session. Seconded by Member Sunday. The vote was unanimous. The motion passed.**

#### **Approval of Checks**

It was noted that a check on page 8 to Beatrice Lufkin (second item) should be taken from Economic Development and on page 1 there is a check for Council supplies that should come out of the Council budget instead of the Clerk's budget.

**Member Kelley moved to approve the Check Edit List of December 1, 2010 with the noted changes. Seconded by Member Hansen. The vote was unanimous. The motion passed.**

#### **County Council Business**

Member Kelley stated there is an issue in Mountain Green with a citizen having too many animals and the Animal Control Officer is dealing with it; she suggested that the ordinance dealing with this be updated.

It was noted that items for Public Hearing should be forwarded to Jeremy to be put on the website.

Jann stated a knife set was donated by Browning for a UAC gift; in the past they have charged for this but this year it was a donation and he feels that a "Thank You" note should be sent.

**Member Lundgren moved to adjourn.**

APPROVED \_\_\_\_\_  
Chairman

Date \_\_\_\_\_

ATTEST \_\_\_\_\_  
Clerk

Date \_\_\_\_\_