

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION
OF THE MORGAN COUNTY COUNCIL
TUESDAY, JUNE 2, 2020
5:30 P.M.
MORGAN COUNTY COURTHOUSE
48 WEST YOUNG STREET
MORGAN, UTAH**

5:30 Work Session

- Tina Cannon – County Council Review of Grant Application
- Sarah Swan - New Tier 2 public safety contribution requirement
- Robert McConnell/Kira Birkland - Mountain Green Incorporation

6:30 Call to Order

**Prayer & Pledge
Approval of Agenda
Approval of Minutes
Declare Conflicts of Interest
Public Comment Period**

Business –

- Lance Evans – Continuation of a Public Hearing from the Planning Commission on May 14, 2020 – Discussion/Public Hearing/Decision - Warner Zoning Map Amendment – A proposed amendment to the Morgan County Zoning Map of approximately 8.21 acres from Agricultural-20 to R1-20. Located at approximately 4900 W Old Highway Road, Mountain Green, Utah
- Robert McConnell – Discussion/Decision – Discussion and potential adoption of Public Infrastructure District implementation policy

ADJOURN

Note: The Council may vote to discuss certain matters in Executive/Closed 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 Stacy Netz Clark 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: 5/28/2020
Time Posted: 12:00 p.m.
Posted by: Stacy Netz Clark

**MINUTES OF THE PUBLIC AND EXECUTIVE SESSION
OF THE MORGAN COUNTY COUNCIL
TUESDAY, JUNE 2, 2020
5:30 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.

Members Present

Robert McConnell
Daryl Ballantyne
Mike Newton
Roland Haslam
Sarah Swan
Robert Kilmer
Tina Cannon

Others Present

Debbie Sessions
Tina Kelley
Austin Turner, Sheriff's Dept.
Jim Wagner, Sheriff's Dept.
Blaine Breshears, Sheriff
Kera Birkland

Other Staff Present

Stacy Netz Clark, County Clerk/Auditor
Lance Evans, County Community Development Director
Jan Farris, County Attorney

Work Session

- Tina Cannon – County Council Review of Grant Application
- Sarah Swan - New Tier 2 public safety contribution requirement
- Robert McConnell/Kira Birkland/Dallon Durban- Mountain Green Incorporation

Meeting called to order by Member McConnell at 6:30 PM.

Prayer & Pledge

The prayer and pledge were given by Member Newton.

Approval of Agenda

**Member Swan moved to approve the agenda. Seconded by Member Newton.
The vote was unanimous. The motion passed.**

Approval of Minutes

May 5, 2020

**Member Ballantyne moved to approve the May 5, 2020 minutes. Seconded by Member Cannon.
The vote was unanimous. The motion passed.**

May 19, 2020

**Member Newton moved to approve the May 19, 2020 minutes with the noted corrections.
Seconded by Member Cannon. The vote was unanimous. The motion passed.**

Declare Conflicts of Interest

There were no conflicts of interest declared.

Public Comment Period

Tina Kelley – made comment regarding the work session discussion of the Mtn. Green Incorporation and any action prior the proper public process.

Lance Evans – Continuation of a Public Hearing from the Planning Commission on May 14, 2020 – Discussion/Public Hearing/Decision - Warner Zoning Map Amendment – A proposed amendment to the Morgan County Zoning Map of approximately 8.21 acres from Agricultural-20 to R1-20. Located at approximately 4900 W Old Highway Road, Mountain Green, Utah

Haley Hale, Planner from the Community Development Department, presented the application for an amendment to the Morgan County zoning map. The applicant is proposing to rezone 8.21 acres currently zoned A-20 (Agricultural 20) and RR-1 (Rural Residential 1) and located in the Mountain Green area, located at 4900 W Old Highway Road.

Member Kilmer moved to go into public hearing. Seconded by Member Cannon. The vote was unanimous. The motion passed.

There was no public comment.

Member Newton moved to go out of public hearing and back into regular session. Seconded by Member Cannon. The vote was unanimous. The motion passed.

Member Cannon moved to approve the Warner Rezone, application number 20.019, changing the zoning district on 8.21 acres of land from A-20 and RR-1 to R1-20, based on the findings listed in the staff report dated June 2, 2020.” Seconded by Member Newton. The vote was unanimous. The motion passed.

Robert McConnell – Discussion/Decision – Discussion and potential adoption of Public Infrastructure District implementation policy

Lance Evans, Community Development Director, shared written comments that were submitted by Zions Bank. The Council Members reviewed the document and made suggested changes.

Member McConnell will go back and make the changes recommended by the Council as well as consult with Zions Bank to ask questions and get clarification in the document they submitted.

Executive/Closed Session – Personnel

Member Kilmer moved to go into closed session to discuss contracts and a personnel update. Seconded by Member Ballantyne. The vote was unanimous. The motion passed.

Member Haslam moved to go out of closed session and back into regular session. Seconded by Member Newton. The vote was unanimous. The motion passed.

Member Newton moved to adjourn.

APPROVED  Date 6/16/2020
Chairman

ATTEST  Date 6-16-2020
Clerk

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AGENDA

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Date Posted: 5/28/2020
Time Posted: 12:00 p.m.
Posted by: Stacy Netz Clark

Morgan County Council Meeting
Tuesday, June 2, 2020
6:00 P.M.
Morgan County Council Meeting Room
Morgan County Courthouse
48 West Young Street
Morgan, UT 84050

PLEASE SIGN IN

1. Debbie Sessions	22.
2. Tina Kelley	23.
3. Kera Bickelund	24.
4. Dallu Durbanis	25.
5. Jordan Johanson	26.
6. Joel Gosh	27.
7. Asher Johanson	28.
8. Andrew Gosh	29.
9.	30.
10.	31.
11.	32.
12.	33.
13.	34.
14.	35.
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16.	37.
17.	38.
18.	39.
19.	40.
20.	41.
21.	42.



County Council Agenda Request Form

All Agenda items, including back-up materials, must be submitted to:

Morgan County
Attn: Stacy Netz Clark
48 West Young Street
P O Box 886
Morgan, UT 84050
Phone: 801.845.4011
Fax: 801.829-6716
Email: sclark@morgan-county.net

****ALL DOCUMENTATION IS DUE ON OR BEFORE 12:00 PM ON THE TUESDAY PRIOR TO A SCHEDULED COUNTY COUNCIL MEETING****

This form must be submitted, along with any required documentation, or the Agenda Item will not be scheduled until the next County Council Meeting

Council Meeting Date:	<u>June 2, 2020</u>	Time Requested:	<u>10 minutes</u>
Name:	<u>Tina Cannon</u>	Phone:	<u>801 791 5362</u>
Address:	<u>County Council Work Session Administrative Item</u>		
Email:	<u>Tcannon@morgan-county.net</u>	Fax:	<u></u>
Associated County Department:	<u>Business Covid 19 Resources Grant</u>		

PURPOSE FOR THE AGENDA ITEM - MUST BE SPECIFIC:

County Council Review of Grant Application

WILL YOUR AGENDA ITEM BE FOR:

- DISCUSSION
- DECISION
- BOTH
- INFORMATION ONLY

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>



May 26, 2020 at 12:40 PM, Tina Cannon

XX

1. Business Name, Address, Phone Number; Website Address
2. Business Representative Name, Phone Number; Email
3. Federal Tax ID Number
4. Length of time in business
5. State of Utah Business Registration Number
6. Utah Withholding/Unemployment Account Numbers
7. Business Activity or Code of Business
8. Are you able to provide a business credit score?
9. Current Morgan County Business License?
10. Current Morgan City Business License?
11. Number of years your Company has been in business
12. Length of Time in Morgan County
13. Member of the Morgan Area Chamber of Commerce?
 - a. If yes for how long?
 - b. Are you active on the chamber board?
14. Has your business paid Property Taxes in Morgan County?
 - a. If yes what is the annual amount of property tax paid per year for the past 3 years?
15. Does your business pay Personal Property Taxes to Morgan County?
 - a. If yes, what is the amount paid per year for the past 3 years?
16. Does your business pay Sales Tax in Morgan County?
 - a. If yes, what is your filing frequency?
 - b. How many years have you paid sales tax in Morgan County?
 - c. Are you able to provide copies of sales tax returns?
17. Do you have W2 employees who work inside Morgan County?
 - a. How many before Covid-19 impacts?
 - b. How many employees during Covid-19 impacts?
 - c. How many employees to you plan to employ post Covid-19 impacts?
 - d. Are you able to provide copies of 941 or 944 returns for 2 years
 - i. If no, how many quarters of returns are available?
18. Do you rent or own your business location?
 - a. Are you able to provide proof of monthly rent/mortgage expenses?
19. Please provide a description of the negative business Impacts from Covid-19
20. Have you adjusted your business strategies to address these impacts?
 - a. If yes, please describe.
 - b. Have these adjustments been successful?
 - c. Do you have additional adjustments planned?
 - i. If yes, please describe
21. Are you able to provide financial documents, not already requested to verify the negative impacts to d your business.
 - a. If yes, please indicate what type of documents
 - b. Are these documents independently verifiable?
22. Have you applied for and received other business grants, loans or funding?
 - a. If yes, please describe source (grant or loan) and amounts received.
23. Do you expect your business to be able to fully recover from the impacts of Covid-19 related impacts?
 - a. If yes, how long of a time frame?

From: Sarah Swan <sswan@morgan-county.net>
Sent: Wednesday, May 27, 2020 4:04 PM
To: sclark@morgan-county.net
Subject: Re: June 2 agenda

Hi Stacy,

May I add the new Tier 2 public safety contribution requirement to the work session? I don't think it needs to be formally advertised, but maybe just noted when the agenda is handed out to council members. Also, I know Penny sent over the document that included the names of the public safety employees in Tier 2, but she didn't send over the actual dollar amount of what it would cost the County if we covered the additional 2.27% for those folks. Do you have the ability to tell me what that number is so that the Council can discuss?

Thank you,
Sarah

Sent from my iPad

On May 27, 2020, at 3:26 PM, sclark@morgan-county.net <slafitte@morgan-county.net> wrote:



This email has been checked for viruses by Avast antivirus software.
www.avast.com

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<June 2, 2020.doc>

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RSUNLS

UTAH RETIREMENT SYSTEMS
LIST MEMBERS IN UNIT BY FUND -

5/12/2020
9:14:46

LIST OF MEMBERS IN UNIT 215 UNDER TIER 2 PUBLIC SAFETY AND FIREFIGHTERS RETIREMENT SYSTEM
****ACTIVE MEMBERS ONLY****

UNIT	FND	TIER	RETIREMENT SYSTEM	LAST NAME	FIRST NAME	TOTAL SERVICE	CNTRB ENTRY DT	NON-CNTRB ENTRY DT	
215	122	TIER 2	DB HYBRID PUBLIC SAFETY	CHALMERS	DEREK	4.067	4/4/2016		\$ 445.58
215	122	TIER 2	DB HYBRID PUBLIC SAFETY	DICKERSON	TODD	2.145	3/19/2018		\$ 433.24
215	122	TIER 2	DB HYBRID PUBLIC SAFETY	JACOBSEN	ALLEN E	6.549	8/16/2013		\$ 468.05
215	122	TIER 2	DB HYBRID PUBLIC SAFETY	KELLEY	BENJAMIN	1.337	1/2/2019		\$ 412.36
215	122	TIER 2	DB HYBRID PUBLIC SAFETY	MEJIA	HECTOR	4.339	3/10/2017		\$ 422.50
								Total	\$ 2,181.73
215	232	TIER 2	DC ONLY FIREFIGHTERS	CARRIGAN	BOYD I	6.331	12/22/2019		\$ 2.43
									\$ 49.53 Public Safety
									\$ 0.06 Fire

\$1,200
per year

RSUNLS

UTAH RETIREMENT SYSTEMS
LIST MEMBERS IN UNIT BY FUND -

5/12/2020

9:14:46

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215	122	TIER 2	DB HYBRID PUBLIC SAFETY	MEJA	HECTOR	4.339	3/10/2017	
215	232	TIER 2	DC ONLY FIREFIGHTERS	CARRIGAN	BOYD I	6.331	12/22/2019	

SSN	Name	Period ending date	Gross salary	Subject salary below limit	Member Acct Employer	401(k) Employee	401(k) Employer	457 Employee	457 Employer	Roth IRA Employee	Installment Payment	System account employer paid	EIP
122													
647-10-6340	Chalmers, Derek J.		1,926.40	1,926.40	.00	.00	13.48	.00	.00	.00	.00	445.58	E
225-63-4942	Dickersen, Todd		2,025.22	1,873.08	.00	.00	13.11	.00	.00	.00	.00	433.24	E
529-47-5222	Jacobsen, Allen Eric		2,097.46	2,023.58	.00	.00	14.17	.00	.00	.00	.00	468.05	E
647-28-1289	Kelley, Benjamin John		2,257.60	1,782.78	.00	.00	12.48	.00	.00	.00	.00	412.36	E
603-86-7566	Mejia, Hector		1,827.49	1,826.64	.00	.00	12.79	.00	.00	.00	.00	422.50	E
Total 122:		5	10,134.17	9,432.48	.00	.00	66.03	.00	.00	.00	.00	2,181.73	

SSN	Name	Period ending date	Gross salary	Subject salary below limit	Member Acct Employer	401(k) Employee	401(k) Employer	457 Employee	457 Employer	Roth IRA Employee	Installment Payment	System account employer paid	EIP
232													
529-82-9884	Carrigan, Boyd R.		3,038.40	3,038.40	.00	303.84	364.61	.00	.00	.00	.00	2.43	E
Total 232:		1	3,038.40	3,038.40	.00	303.84	364.61	.00	.00	.00	.00	2.43	

FUNDS TRANSMITTAL

UNIT NO: 215 Tax Year: 2020

UTAH RETIREMENT SYSTEMS
PO BOX 1590
SALT LAKE CITY, UT 84110-1590
(801) 366-7790
(801) 688-8772

Prepared on: 2020/05/27

Report Period From: 2020/05/10

To: 2020/05/23

Morgan County
48 W Young Street
PO Box 886
Morgan, UT 84050

Fund 111

Retirement Salaries	16,283.47
Member Account - Employee Paid	.00
Member Account - Employer Paid	.00
System Account - Employer Paid	2,549.99
Total Fund 111	2,549.99

Fund 122

Retirement Salaries	9,432.48
Member Account - Employee Paid	.00
Member Account - Employer Paid	.00
System Account - Employer Paid	2,181.73
Total Fund 122	2,181.73

e 2,277 = 49.53

Fund 15 - Public Employees NonContributory

Retirement Salaries	43,401.89
System Account - Employer Paid	8,016.32
Total Fund 15	8,016.32

Fund 211

Retirement Salaries	3,889.48
Member Account - Employee Paid	.00

Member Account - Employer Paid	.00
System Account - Employer Paid	260.20
Total Fund 211	260.20

Fund 232

Retirement Salaries	3,038.40
Member Account - Employee Paid	.00
Member Account - Employer Paid	.00
System Account - Employer Paid	2.43
Total Fund 232	2.43

2.27% = .065

Fund 43 - Public Safety NonContributory Division A

Retirement Salaries	23,136.90
System Account - Employer Paid	7,242.38
Total Fund 43	7,242.38

Defined Contributions

401(k) Plan - Employee Paid	2,444.12
401(k) Plan - Employer Paid	987.30
457 Plan - Employee Paid	50.00
457 Plan - Employer Paid	.00
IRA Plan - Employee Paid	.00
Roth IRA Plan - Employee Paid	125.00
HRA - Employer Paid	.00
HSA - Employee Paid	.00
HSA - Employer Paid	.00
Total Defined Contributions	3,606.42

Installment Payments Total

Installment Payments Total	357.39
TOTAL TO REMIT FOR PERIOD	24,216.86

Prepared By: _____ Telephone: _____

PLEASE PHOTOCOPY THIS REPORT. MAIL TWO COPIES OF THE REPORT WITH YOUR DISKETTE AND CHECK TO THE RETIREMENT OFFICE. KEEP ONE COPY OF THE REPORT FOR YOUR RECORDS.

sclark@morgan-county.net

From: Robert McConnell <rmccconnell@morgan-county.net>
Sent: Wednesday, May 27, 2020 6:05 PM
To: sclark@morgan-county.net
Subject: Re: Proposed June 2 Agenda

Stacy:

Apologies for the delayed response. I was locked out of the system for a part of the day. The Agenda looks fine but I did receive a request from Kira Birkland to discuss the Mountain Green Incorporation. This would be a work session item. Please add it to the proposed Agenda. Thanks,

From: sclark@morgan-county.net (slafitte@morgan-county.net)

Date: 05/26/20 13:59

To: Robert McConnell (rmccconnell@morgan-county.net)

Subject: Proposed June 2 Agenda

Attached is your proposed June 2 agenda.

Please note that I have removed all language related to electronic meeting format.

Let me know if the agenda looks ok and I will post.

Thanks-

Stacy



This email has been checked for viruses by Avast antivirus software.

www.avast.com

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Attn: Stacy Clark
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P O Box 886
Morgan, UT 84050
Phone: 801.845.4011
Fax: 801.737.6209
Email: sclark@morgan-county.net

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This form must be submitted, along with any required documentation, or the Agenda Item will not be scheduled until the next County Council Meeting

Council Meeting Date: June 2 2020

Time Requested: 20min

Name: Lance Evans

Phone: 801-845-4015

Address: 48 W Young Street

Email: levans@morgan-county.net

Fax: _____

Associated County Department: Planning and Development Services

PURPOSE FOR THE AGENDA ITEM - MUST BE SPECIFIC:

****CONTINUATION OF A PUBLIC HEARING FROM THE PLANNING COMMISSION ON May 14, 2020** Discussion/**Public Hearing**/Decision: Warner Zoning Map Amendment – A proposed amendment to the Morgan County Zoning Map of approximately 8.21 acres from Agricultural-20 to R1- 20. Located at approximately 4900 W. Old Highway Road, Mountain Green, Utah.**

WILL YOUR AGENDA ITEM BE FOR:

DISCUSSION
DECISION
BOTH
INFORMATION ONLY

X



PLANNING & DEVELOPMENT

**COUNTY COUNCIL
STAFF REPORT**

Zoning Map Amendment

June 2, 2020

Warner Zoning Map Amendment
Public Hearing

Application No.: 20.019
Applicant: Robyn Casper
Owners: Paul and Beverly Warner Family Trust
Project Location: 4900 W Old Highway Road
Current Zoning: RR-1 and A-20
General Plan Designation: Village Low Density Residential
Acreage: 8.21
Request: Amend the Zoning Map, changing the zoning from Agricultural (A-20) and Rural Residential (RR-1) to Residential District R1-20.

Date of Application: April 14, 2020

Planning Commission Recommendation

Planning Commission recommends approval of the requested zoning map amendment from the A-20 and RR-1 zoning districts to the R1-20 zoning district. The approval recommendation is based on the following findings listed below:

Findings:

1. That the proposed amendment is in harmony with future land use goals and objectives.
2. That the proposed amendment is in harmony with existing proposed land uses in the area.
3. That the anticipated development may not adversely impact the adjacent properties.
4. That there is adequate facilities and services to service the property.

Background

This application is for an amendment to the Morgan County zoning map. The applicant is proposing to rezone 8.21 acres currently zoned A-20 (Agricultural 20) and RR-1 (Rural Residential 1) (See Exhibit C) and located in the Mountain Green area, located at 4900 W Old Highway Road. (See Exhibit A).

Analysis

General Plan and Zoning:

The General Plan, in conjunction with the Mountain Green Area Plan and Future Land Use Map allow for the development of property in this area. The current General Plan designation for the 8.21-acre property selected for the rezone is Village Low Density Residential. The Morgan County General Plan states, "The Village Low Density Residential designation provides for a lifestyle with planned single-family residential communities, which include open space,

recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities. The residential density is a maximum of 2 units per acre.”

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposal (see pages 4 & 5 of the 2010 Morgan County General Plan):

1. Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.

2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.

...
6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

The proposed zone change appears to coincide with the stated vision for Morgan County. It is compatible with the existing homes in the area.

In changing the zoning district for the applicant’s property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance (See Chapter 8-5 Article B).

It is anticipated that the proposed zoning map amendment will meet the purposes and generally be in harmony with the desires of the residents as well as the property owners. The impact on adjacent properties will be negligible.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the zoning map. Section 8-3-3: Amendments to Title and Zoning Map indicates that:

The county council may amend this title, including the zoning map, but only in accordance with the following procedure:

- A. The county council may instruct staff to study and make recommendations for amendments to this title or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- B. The planning commission may instruct staff to study and make recommendations for amendments to this title in response to changes in policy*

or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.

- C. Any property owner may initiate an amendment to this title or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the planning and development services department in accordance with subsection 8-3-4A of this chapter.*

Section 8-3-4: Procedures for Amendments and Rezonings states:

- D. Planning Commission Review and Recommendation: Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:*
- 1. The proposed amendment is in accordance with the county's general plan, goals, and policies of the county.*
 - 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.*
- E. County Council Review: The county council shall schedule and hold a public hearing on the application as provided in section 8-3-12 of this chapter. Following the public hearing the county council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the planning commission's recommendation, the county council may, but is not obligated to, remand the amendment to the planning commission with a request for another recommendation with additional or specific considerations. The planning commission shall review such request as specified in subsection D of this section.*
- F. Approval Standards: A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:*
- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
 - 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
 - 3. The extent to which the proposed amendment may adversely affect adjacent property; and*
 - 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage*

systems, water supplies, and wastewater and refuse collection.

This meeting is in fulfillment of subsection (E) above. In response to Section 8-3-4(F) above, due to the size of the proposed zone change, the impact on the facilities and services should be minimal.

Planning Commission Minutes:

Discussion/Public Hearing/Decision: Warner Rezone: A proposed amendment to the Zoning Map of 8.21 acres going from A-20 and RR-1 to the R1-20 zone. Located at 4900 W Old Highway Road, Mountain Green, Utah.

Hale presented the request for a rezone in the Mountain Green area. The applicant is requesting to go from A-20 and RR-1 to R1-20 on 8.21 acres. The requested zone change coincides with the general plan designation of village low density residential. Staff recommends a positive recommendation.

Member Little moved to go into public hearing. Second by Member Mayerle. The vote was unanimous. Motion carried.

No public comment.

Member Mayerle moved to go out of public hearing. Second by Member Little. The vote was unanimous. Motion carried.

Member Sessions moved to forward a positive recommendation to the County Council for the Warner Rezone, application number #20.019, changing the zoning district on 8.21 acres of land from A-20 and RR-1 to R1-20, based on the findings listed in the staff report dated May 14, 2020. Second by Member Bass. The vote was unanimous. Motion carried

Recommended Motion

Recommended Motion for *Approval* – “I move we approve the Warner Rezone, application number 20.019, changing the zoning district on 8.21 acres of land from A-20 and RR-1 to R1-20, based on the findings listed in the staff report dated June 2, 2020.”

Recommended Motion for *Denial*– “I move we deny the Warner Rezone, application number 20.019, changing the zoning district on 8.21 acres of land from A-20 and RR-1 to R1-20, based on the findings listed in the staff report dated June 2, 2020, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Future Land Use Map

Exhibit C: Existing Zoning Map
Exhibit D: Section Plat Map
Exhibit E: Applicant's Narrative (Application)

Staff Contact

Haylie Hale, Planner I
801-845-4015
Hhale@morgan-county.net

Lance Evans, AICP
801-845-4015
levans@morgan-county.net

Exhibit B: Future Land Use Map

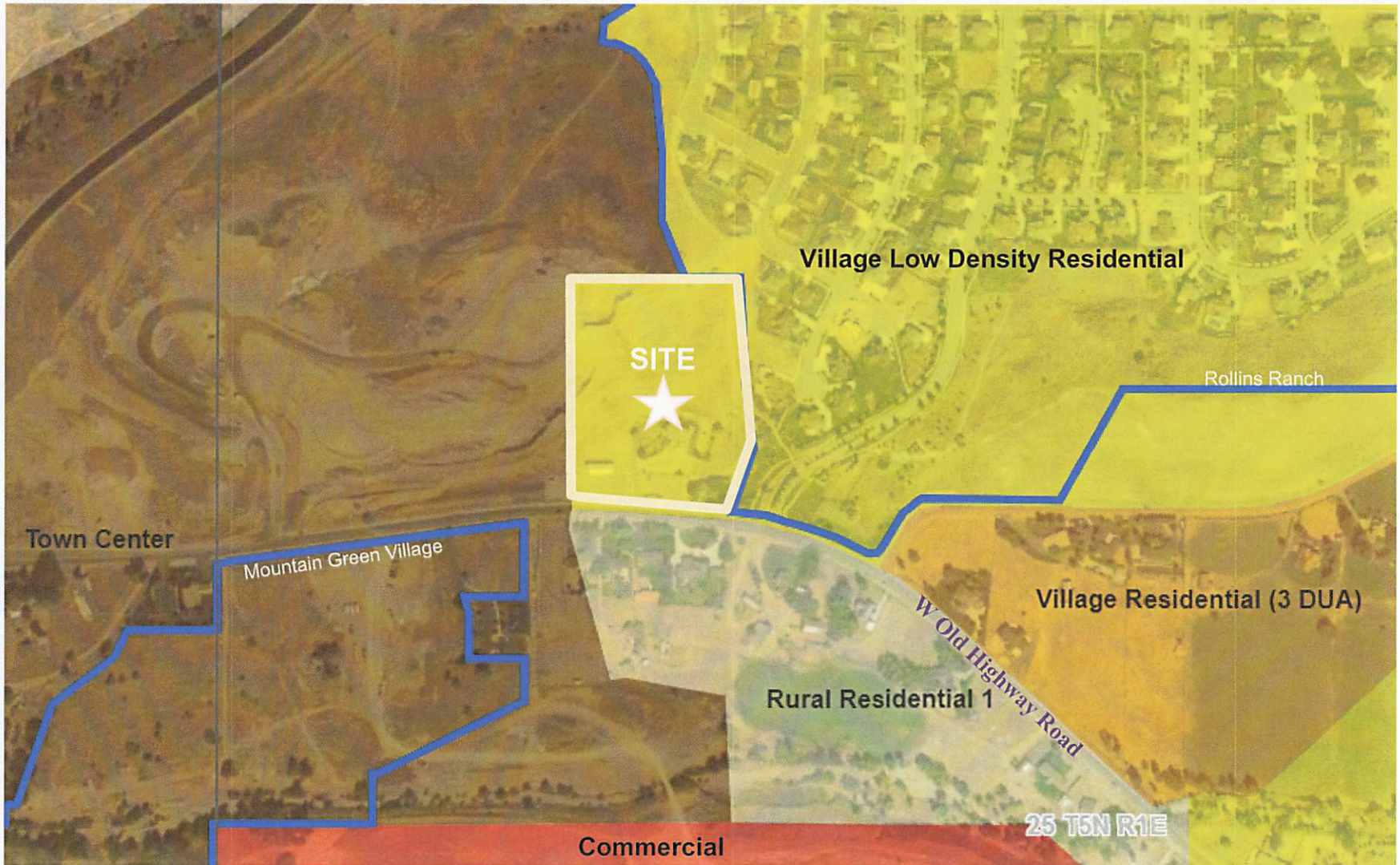
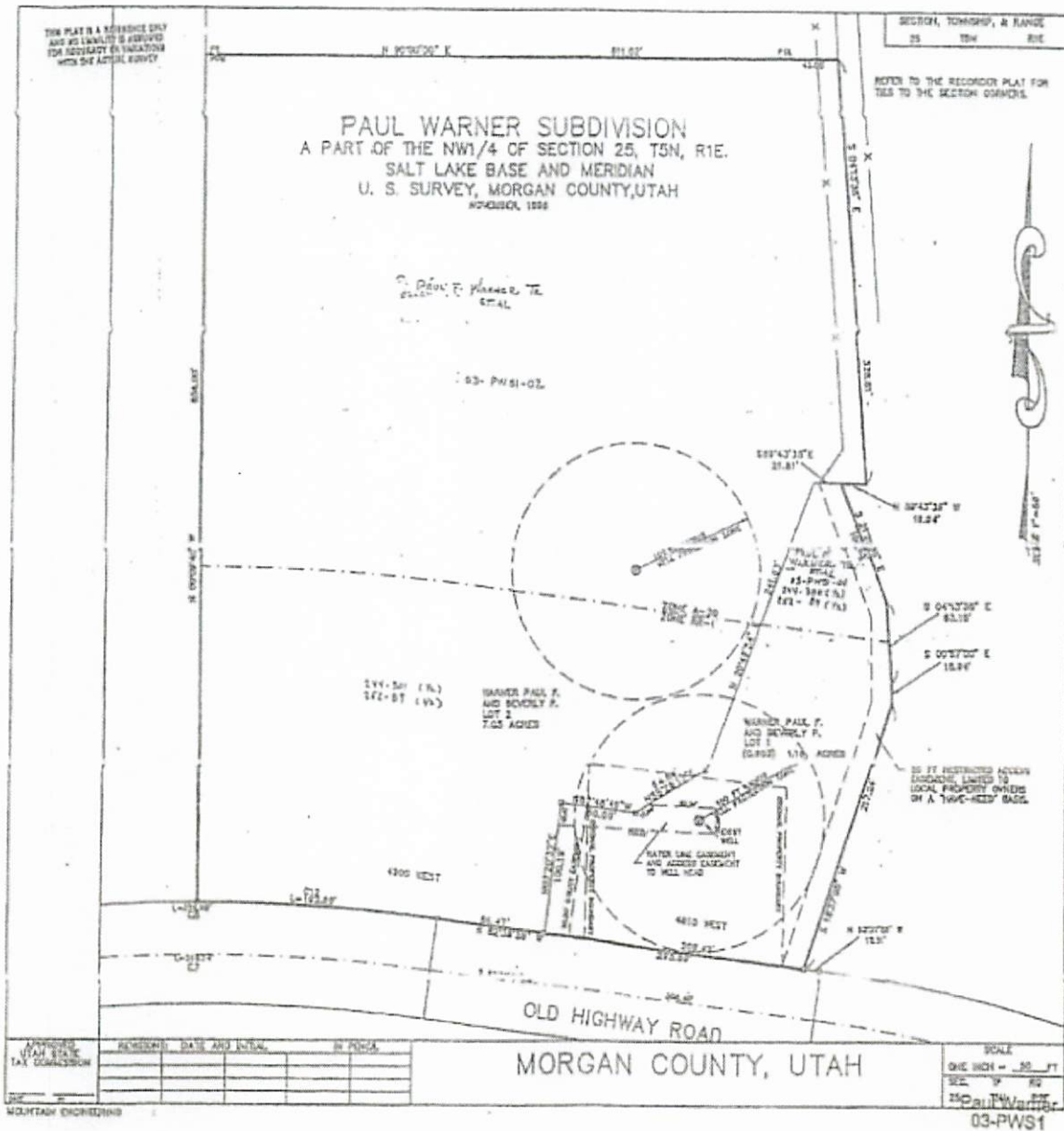


Exhibit C: Existing Zoning Map



Exhibit D: Current Section Plat Map



RECEIVED

APR 14 2020

Morgan County

Exhibit E: Applicant's Narrative (Application)



**ZONE MAP/FUTURE LAND USE MAP
AMENDMENT APPLICATION**

NOTE: Please Read Chapter 4 of the Land Use Management Code as well as any other pertinent sections of the Code/General Plan/Area Plan in detail before submitting any type of Code Amendment Application. The applicant should realize that the typical time frame for a Zoning Ordinance Amendment may be lengthy, depending upon the complexity and issues. Any fees accrued on behalf of this application, by outsourced professionals employed by the county, shall be the responsibility of the applicant.

PARCEL to be amended (attach legal description):					
Name of Owner(s): Paul and Beverly Warner Family Trust				Date of Submission:	
Owner(s) Address: 6351 Trappers Loop Rd			Owner(s) Mailing Address (if different):		
City: Morgan	State: VT	Zip: 84050	City:	State:	Zip:
Phone: 801-791-6239			Email: robbyncasper7@gmail.com		
Name of Applicant or Authorized Agent: Robyn Casper					
Agent Address: 6351 Trappers Loop Rd			Agent Mailing Address (if different):		
City: Morgan	State: VT	Zip: 84050	City:	State:	Zip:
Phone: 801-791-6239			Email: robbyncasper7@gmail.com		
Owner(s) Signature of Authorization to file: Robyn Casper				Date of Submission:	
Describe proposed MAP amendment: Change zoning on Paul Warner subdivision from A-20 and RR-1 to ^{RT-20 zoning} (half acre lots) as recommended of the future land map. Located at approximately 4900 W Old Highway Road.					
Describe how this change will affect the general character of the zone: This will make the land parcels align with Mt. Green future land map.					
Any additional information that may be useful: Attached is a map of the current land parcel and also a concept drawing that we are considering					
Pre-Application Conference Date (if applicable or necessary):				RECEIVED	

APR 14 2020

sclark@morgan-county.net

From: levans@morgan-county.net
Sent: Tuesday, June 2, 2020 11:17 AM
To: council@morgan-county.net
Cc: 'Jann Farris'; 'Stacy Clark'
Subject: FW: Morgan County PID Policy - Preliminary Comments
Attachments: Council PID draft May 19 2020 - Zions Comments.pdf

Attached are some comments from Zion's about the PID policy being discussed tonight. I believe the comments help to clarify some areas of the policy. I will have paper copies available.

Thank you,
Lance

From: Marcus Keller <Marcus.Keller@zionsbankcorp.com>
Sent: Thursday, May 28, 2020 5:10 PM
To: levans@morgan-county.net
Subject: Morgan County PID Policy - Preliminary Comments

Hey Lance,

Here are my initial comments on the PID Policy, we are still having discussions with Salt Lake County on potential studies they may require but this may not be applicable to Morgan County. Hopefully this helps and happy to join the call next week to answer any additional questions.

Thanks,

Marcus Keller | Assistant Vice President
ZIONS PUBLIC FINANCE, INC
One South Main St, 18th Floor | Salt Lake City, UT 84133
w 801.844.7374 | f 801.844.4484 | m 828.729.2027
marcus.keller@zionsbank.com | zionsbankpf.com

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This email has been checked for viruses by Avast antivirus software.
www.avast.com

This e-mail transmission is intended solely for the ordinary user from Morgan County, of the e-mail address to which it was addressed. It may contain legally privileged and/or confidential information. If you have received this e-mail in error or are not an intended recipient please inform the sender with-out delay and delete this e-mail, attachments and

possible copies immediately. The unauthorized use, disclosure, distribution and/or copying of this e-mail or any information it contains is prohibited.



**MORGAN COUNTY, UTAH
POLICY STATEMENT:
ESTABLISHING PUBLIC INFRASTRUCTURE DISTRICTS**

The magnitude of local and regional infrastructure needed in the Morgan County's new development areas and in redevelopment areas requires that a broad range of financing tools be available to finance that infrastructure. This policy statement addresses the criteria under which the Morgan County will consider applications for proposed Public Infrastructure Districts (the "District"). Compliance with these criteria shall not obligate the Morgan County to approve formation of the District. The Governing Document will be subject to approval by the Morgan County in both form and substance. The criteria are intended to serve as guidelines for the review of letters of intent and Governing Documents.

The policy statement has three sections:

1. **Process for applying including fees charged**
 2. **The Morgan County's decision-making criteria**
 3. **Governing Document requirements**
-

I. Process and Fees

Any proposed Public Infrastructure District will be considered in relation to the best interests of the Morgan County. Such interests include using the most appropriate financing mechanism for the type and magnitude of the improvements to be financed and appropriate governance mechanism. If through the review process, a Public Infrastructure District is determined to be the most appropriate mechanism, the process, the criteria, and requirements provided herein will apply, unless otherwise waived by the Morgan County.

A. Letter of intent to form a Public Infrastructure District

The applicant shall submit a letter of intent containing the following information in summary form. This letter will be used by staff to make a preliminary determination about the appropriateness of a District and must be submitted prior to submittal of a draft Governing Document. A positive staff response to the Letter of Intent does not assure approval of the Governing Document.

Letter of Intent contents:

1. Description of District (or Districts) area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development;
2. Summary of needed infrastructure, services and facilities:
 - a. Currently expected development scenario;
 - b. Required local and regional infrastructure and facilities for such development;

- c. Regional and local infrastructure the proposed District is to provide;
 - d. Estimated construction costs for the proposed District improvements;
 - e. General description of phasing of construction based on development projections; and
 - f. A sample plan of finance depicting the possible sources and uses of funds for the District.
3. Proposed timeline for District creation.
 4. Acknowledgement that a consent must be signed prior to the hearing date for the governing document by all property owners and registered voters, if any, within the proposed District boundaries approving of the creation of the proposed District and consenting to the issuance of debt in an amount sufficient for the proposed plan of financing.
 5. Disclosure of any conflicts of interest between the applicant and the officers and employees of the Morgan County.
 6. Copies of signed engagement letters between the applicant and applicable consultants and legal counsel retained by the Morgan County and/or the proposed District whereby applicant agrees to pay fees related to the review of the application and governing document. The Morgan County currently engages [Gilmore & Bell, P.C.], Salt Lake County, Utah as its counsel for matters relating to Public Infrastructure Districts. A draft of the engagement letter with [Gilmore & Bell] is attached as Exhibit A hereto.

B. Review Process

1. The District Advisory Committee ("DAC") is a Morgan County committee that advises the Morgan County Council and other policy-makers about district issues. The DAC includes representatives of the Planning and Development Department, County Attorney, Treasurer and County Clerk, as well as other agencies as needed.

The DAC will review each letter of intent utilizing these criteria and make a recommendation to the County Council as to whether the Applicant should proceed with preparation of a draft Governing Document for submittal. Following review of the DAC's recommendations, the County Council shall inform the Applicant of whether the Applicant should prepare a governing document for the proposed district. Conceptual approval of the County Council does not assure approval of the governing document.

C. Governing Document

1. If the concept for the District as contained in the letter of intent is approved, the applicant shall submit a draft Governing Document to the Morgan County's Planning and Development Office. Unless the Morgan County approves otherwise in advance, such Governing Document shall be initiated from the Model Governing Document on file with

Morgan County. The applicant's draft shall include a clean draft and a redline showing all changes from the Model Governing Document.

2. The draft Governing Document will be reviewed by the DAC for compliance with the criteria and requirements contained herein. The DAC will discuss with appropriate policy-makers issues that arise during this drafting period to have such issues resolved.
3. The final Governing Document will be forwarded to Morgan County Council for action through the standard Morgan County and statutory processes.

D. Fees

No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to Morgan County and sent to the Treasurer's Office.

1. Letter of Intent: A Letter of Intent is to be submitted to the Morgan County Managers Office and a \$_____ fee shall be paid at the time of submittal of the Letter to cover the cost of staff review.
2. If the applicant proceeds to the submittal of a Governing Document an application fee of \$_____ shall be submitted concurrent with the draft Governing Document
3. Other Expenses: In the event the costs of review exceed the application fee, the applicant for a District shall pay all reasonable consultant, legal, and other fees and expenses incurred by the Morgan County in the process of reviewing the draft Governing Document prior to adoption, documents related to a bond issue and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.
4. In the event the applicant proposes to create more than one Public Infrastructure District with respect to the same project, the County Council may modify the above fees to account for overlapping work in the review and creation of such Districts.

II. Criteria for Evaluating Proposed Public Infrastructure Districts

A. Public Benefit

Formation of a District bestows certain benefits on the District's proponents and is expected to provide public benefit consistent with Morgan County's policy goals. Components of public benefit to be considered may include:

1. Resulting development that is in conformance with the Morgan County's Comprehensive Plan and all applicable supplements;
2. Provision of and/or contribution to needed regional and sub-regional infrastructure;

3. Sustainable design including multimodal transportation, water conserving landscape design, thoughtful development phasing, green building design, and formation of and participation in transportation management programs;
4. Mixed-use development that includes a variety of housing types and prices, a range of employment opportunities, retail and consumer services, and civic amenities; and
5. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design.

B. Evaluation Criteria

These criteria provide thresholds for consideration. Compliance with some or all of these criteria is desired; however, alternative approaches may be considered.

1. Districts should not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing Document. In such cases, the relationship with the existing or proposed districts must be addressed in the Governing Document., including any inclusion area concept and how ultimate district boundaries will be determined.
2. A District planning to levy more than __ mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification as to why additional mills are necessary and reasonable for the development.
3. There must be a demonstrated public benefit directly resulting from the creation of the District and its undertakings as described in the Governing Document.

C. Evaluation of Applicant

The following criteria relating to the applicant and the development will be considered:

1. Historical performance of the applicant (within and outside of the Morgan County);
2. The current proposed plan of finance of the District;
3. The current development plans relationship to the master plans of the Morgan County; and
4. The regional or overall benefits to the Morgan County from the proposed plan of finance.

III. Governing Document Requirements

In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the Morgan County, as well as the considerations that compelled the Morgan County to authorize the formation of the District. The Governing Document for the proposed District shall contain and will be reviewed for compliance with the following policies and requirements.

A. District Description

- 1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development scenario (land uses by type and intensity and general urban design character);**
- 2. Description of the public benefit resulting from the creation of the District and its undertakings;**
- 3. Description of proposed development within the boundaries of the proposed District including general distribution of land uses and densities and phasing of development;**
- 4. If the District boundaries overlap with another district, an explanation of the relationship between the districts and outline of any plans to utilize an inclusion area or multi-district structuring;**
- 5. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area;**
- 6. Estimated construction costs of such infrastructure;**
- 7. General description of phasing of construction based on development projections and phasing;**
- 8. Provide the following financial plan information:**
 - a. Proforma financial overview of total costs and total revenues from all revenue sources;**
 - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the "Board") within the parameters of this Governing Document;**
 - c. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;**
 - d. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area;**
 - e. Comparison of the mill levies of similar taxing entities in the area;**
 - f. Proposed operating budgets for the District's first three years of existence; and**
 - g. Any other forms of public financing and assistance being sought, including assessment areas.**

9. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
10. Description of any proposed divisions and an inclusion/exclusion process as appropriate.
11. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.

B. Requirements and Expectations

1. The planned ownership of the Improvements, including any relationship with an existing statutory district must be addressed in the Governing Document.
2. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
3. Land, easements or improvements to be conveyed or dedicated to the Morgan County and any other local government entity shall be conveyed in accordance with the related standards at no cost to the Morgan County.
4. All public infrastructure within the District which will be connected to and owned by another public entity shall be subject to all design and inspection requirements and other standards of such public entity.
5. The District shall not pledge as security any land, assets or funds to be transferred to the Morgan County.
6. The District shall be subject to Morgan County zoning, subdivision, building codes, and all other applicable Morgan County ordinances and regulations. Approval of the Governing Document shall not bind Morgan County to approve other matters which the District or developer may request.
7. The District shall pay all fees and expenses as provided in the Governing Document.
8. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof; any end user for the costs of Improvements.

C. Disclosure and Reporting Requirements

Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.

1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder:
 - a. Containing a description of the boundaries of the District and inclusion area as applicable;

- b. Stating that a copy of the Governing Document is on file at the office of the Morgan County Assessor;
 - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax;
 - d. Stating the maximum rate that the District may levy; and
 - e. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
 2. Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, shall be required to disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:
 - a. All of the information required under (1)(b) above;
 - b. A disclosure outlining the impact of any applicable property tax, in substantially the following form:

“Under the maximum property tax rate of the District, a primary residence valued at \$[insert average anticipated residential property value] would have an **additional annual property tax of \$_____ for the duration of the District’s Bonds. A business property valued at \$[insert average anticipated commercial property value] would have an **additional annual property tax of \$_____** for the duration of the District’s Bonds.”**
 - c. Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.
3. At least annually following the formation of the District, the District shall notify (by mail, e-mail, or posting to the District’s website) property owners in the District of the existence of the District and of the next scheduled meeting of the Board of the District. Such meeting shall occur at least 30 days and not more than 60 days following the date of the notice. Such notification shall include names and addresses of the Board of Directors and officers, the address, telephone and fax numbers, and e-mail address of the District, and shall include reference to the existence of a District file maintained by Morgan County as described below.
4. The District shall provide the following information to the Morgan County Clerk’s Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
 - a. Annual District budget;
 - b. Annual audited financial statements of the District;
 - c. Total debt authorized and total debt issued and presently planned debt issuances;

- d. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
 - e. A copy of the language required to be disclosed (2)(b) above;
 - f. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
 - g. List of current interlocal agreements, if changed (to be delivered to Morgan County upon request);
 - h. List of all current contracts for services or construction (to be delivered to Morgan County upon request);
 - i. Official statements of current outstanding bonded indebtedness, if not previously received by Morgan County;
 - j. Current approved Governing Document, if changed; and
 - k. District Office contact information.
5. The following shall be considered significant changes to the Governing Document, thereby requiring approval by Morgan County:
- a. Exclusion or inclusion of property without Governing Document and Statute required approvals;
 - b. Change in the maximum mill levy;
 - c. [Consolidation with any other district;] and
 - d. Change in the dissolution date.

Submittal Instructions

Annual Financial Information: Submit one copy of each of the annual financial information, as described in ____ to:

[Enter Morgan County Treasurer Address]

All other documents: Submit letters of intent, draft Governing Documents, and all other documents (with the required number of copies) to:

[Enter Morgan County Clerk Address]

Further Information: For additional information please contact the Morgan County Clerk's Office at the address or telephone number shown below.

[Enter Morgan County Manager Contact Information]

Exhibit A
Draft Engagement Letter

[Date]

[Morgan County], Utah
[Address]

Re: Engagement as Special Counsel for [Morgan County], Utah

This will record the terms of our engagement as special counsel for the [Morgan County], Utah (the "County") in analyzing and exploring the use of a public infrastructure district ("PID") at the discretion of the County to assist _____ (the "Developer") in the development of _____ within the County (the "Development").

Our services as special counsel will include educating the County and the Developer on PIDs and how they may be utilized in the Development and the preparation, negotiation, and review of any documents required for the formation of a PID. Our engagement is at the will of the County and will terminate at the end of the review processes described herein.

While it is difficult to predict the complexity of such process, our fee for services provided as special counsel will be at a discounted blended hourly rate of \$____/hour, plus reimbursement for out of pocket costs. Fees will be billed monthly and are subject to review by the Developer. A \$____ retainer fee is due from the Developer at this time. Under no circumstances shall the County be liable for fees hereunder. The entire fee is payable by the Developer and is not contingent upon the formation of any PID. The creation of any Districts shall be at the discretion of the County, and the entering into of this agreement in no way guarantees that any Districts will be formed or bonds issued for the Developer or the Development. If the review process is abandoned or deferred beyond a reasonable period, such as 3 months, we will negotiate a reasonable fee for the work undertaken to that point with the Developer, based on the circumstances.

The County is our client in this engagement and we are not representing the Developer. The Developer is represented by its own counsel, [INSERT]. We note that we do expect to be bond counsel (as applicable) for any PID(s) ultimately created at the County's discretion.

If these terms are acceptable, please sign and return a copy of this letter. We look forward to working with you.

Sincerely,

GILMORE & BELL, P.C.

MORGAN COUNTY, UTAH
POLICY STATEMENT:
ESTABLISHING PUBLIC INFRASTRUCTURE DISTRICTS

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The policy statement has three sections:

1. **Process for applying including fees charged**
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 - a. Currently expected development scenario;
 - b. Required local and regional infrastructure and facilities for such development;

- c. Regional and local infrastructure the proposed District is to provide;
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3. Proposed timeline for District creation.
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 5. Disclosure of any conflicts of interest between the applicant and the officers and employees of the Morgan County.
 6. Copies of signed engagement letters between the applicant and applicable consultants and legal counsel retained by the Morgan County and/or the proposed District whereby applicant agrees to pay fees related to the review of the application and governing document. The Morgan County currently engages [Gilmore & Bell, P.C.], Salt Lake County, Utah as its counsel for matters relating to Public Infrastructure Districts. A draft of the engagement letter with [Gilmore & Bell] is attached as Exhibit A hereto.

It would be a good idea to include Zions Public Finance Inc. (Municipal Advisor) on your District Advisory Committee, I think this would help to keep the Committee updated on all current information and any concerns we see around the State for PIDs. This would be at no cost to the County, but any fees related to application would be paid for by the developer.

B. Review Process

1. The District Advisory Committee (“DAC”) is a Morgan County committee that advises the Morgan County Council and other policy-makers about district issues. The DAC includes representatives of the Planning and Development Department, County Attorney, Treasurer and County Clerk, as well as other agencies as needed.

The DAC will review each letter of intent utilizing these criteria and make a recommendation to the County Council as to whether the Applicant should proceed with preparation of a draft Governing Document for submittal. Following review of the DAC’s recommendations, the County Council shall inform the Applicant of whether the Applicant should prepare a governing document for the proposed district. Conceptual approval of the County Council does not assure approval of the governing document.

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Morgan County. The applicant's draft shall include a clean draft and a redline showing all changes from the Model Governing Document.

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3. The final Governing Document will be forwarded to Morgan County Council for action through the standard Morgan County and statutory processes.

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No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to Morgan County and sent to the Treasurer's Office.

1. Letter of Intent: A Letter of Intent is to be submitted to the Morgan County Managers Office and a \$_____ fee shall be paid at the time of submittal of the Letter to cover the cost of staff review.
I would phrase this as a minimum fee, because some Districts may be more complex or require more time from staff and professionals involved. The hope is that once the process is set up the fee will typically be a minimum.
2. If the applicant proceeds to the submittal of a Governing Document an application fee of \$_____ shall be submitted concurrent with the draft Governing Document
3. Other Expenses: In the event the costs of review exceed the application fee, the applicant for a District shall pay all reasonable consultant, legal, and other fees and expenses incurred by the Morgan County in the process of reviewing the draft Governing Document prior to adoption, documents related to a bond issue and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.
4. In the event the applicant proposes to create more than one Public Infrastructure District with respect to the same project, the County Council may modify the above fees to account for overlapping work in the review and creation of such Districts.

We are seeing a lot of developers wanting to create multiple PIDs on their property to encompass commercial, residential, and the different phases. The reason for this is that they can't charge different rates in the same PID, so commercial may require one rate and residential another to make the PID efficient. Also when the developers are phasing in their projects they may not want the PID pledged to areas that haven't received improvements yet, or have property owners paying more for areas that aren't benefiting from them.

II. **Criteria for Evaluating Proposed Public Infrastructure Districts**

A. Public Benefit

Formation of a District bestows certain benefits on the District's proponents and is expected to provide public benefit consistent with Morgan County's policy goals. Components of public benefit to be considered may include:

1. Resulting development that is in conformance with the Morgan County's Comprehensive Plan and all applicable supplements;
2. Provision of and/or contribution to needed regional and sub-regional infrastructure;

3. Sustainable design including multimodal transportation, water conserving landscape design, thoughtful development phasing, green building design, and formation of and participation in transportation management programs;
4. Mixed-use development that includes a variety of housing types and prices, a range of employment opportunities, retail and consumer services, and civic amenities; and
5. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design.

B. Evaluation Criteria

These criteria provide thresholds for consideration. Compliance with some or all of these criteria is desired; however, alternative approaches may be considered.

1. Districts should not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing Document. In such cases, the relationship with the existing or proposed districts must be addressed in the Governing Document., including any inclusion area concept and how ultimate district boundaries will be determined. *I would set the max mill rate at .008 or 8 mills. After talking with professionals across the State this seems to be a fair max levy for the PID, and they would need to explain why they are requesting more than that.*
2. A District planning to levy more than ___ mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification as to why additional mills are necessary and reasonable for the development.
3. There must be a demonstrated public benefit directly resulting from the creation of the District and its undertakings as described in the Governing Document.

C. Evaluation of Applicant

The following criteria relating to the applicant and the development will be considered:

1. Historical performance of the applicant (within and outside of the Morgan County);
2. The current proposed plan of finance of the District; *Zions would be able to help verify financing estimates and tools proposed by the developer to ensure they make sense.*
3. The current development plans relationship to the master plans of the Morgan County; and
4. The regional or overall benefits to the Morgan County from the proposed plan of finance.

III. **Governing Document Requirements**

In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the Morgan County, as well as the considerations that compelled the Morgan County to authorize the formation of the District. The Governing Document for the proposed District shall contain and will be reviewed for compliance with the following policies and requirements.

We need to thoroughly vet the governing document, because once it is approved by the County you will no longer be able to control what the PID does within the governing document authorization.

A. District Description

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development scenario (land uses by type and intensity and general urban design character);
2. Description of the public benefit resulting from the creation of the District and its undertakings;
3. Description of proposed development within the boundaries of the proposed District including general distribution of land uses and densities and phasing of development;
4. If the District boundaries overlap with another district, an explanation of the relationship between the districts and outline of any plans to utilize an inclusion area or multi-district structuring;
5. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area;
6. Estimated construction costs of such infrastructure;
7. General description of phasing of construction based on development projections and phasing;
8. Provide the following financial plan information:
 - a. Proforma financial overview of total costs and total revenues from all revenue sources;
 - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the "Board") within the parameters of this Governing Document;
 - c. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;
 - d. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area;
 - e. Comparison of the mill levies of similar taxing entities in the area;
 - f. Proposed operating budgets for the District's first three years of existence; and
 - g. Any other forms of public financing and assistance being sought, including assessment areas.

including assessment areas and Community Redevelopment Areas.

9. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
10. Description of any proposed divisions and an inclusion/exclusion process as appropriate.
11. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.

Just remember the Board is limited to only financing a limited GO Bond and potentially refinancing that bond in the future. They have no control or ability to assess O&M levy's or any other levy outside the Limited GO levy for the initial financing.

B. Requirements and Expectations

Since the PID can not own the infrastructure we will want to get clarification on how they will pay for the O&M costs, either by them working with a SSD or I think Morgan County had mentioned they would allow them to overlay the PID area with a new SSD to service the infrastructure? This is an important part that needs to be understood and planned for.

1. The planned ownership of the Improvements, including any relationship with an existing statutory district must be addressed in the Governing Document.
2. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
3. Land, easements or improvements to be conveyed or dedicated to the Morgan County and any other local government entity shall be conveyed in accordance with the related standards at no cost to the Morgan County.
4. All public infrastructure within the District which will be connected to and owned by another public entity shall be subject to all design and inspection requirements and other standards of such public entity.
5. The District shall not pledge as security any land, assets or funds to be transferred to the Morgan County.
6. The District shall be subject to Morgan County zoning, subdivision, building codes, and all other applicable Morgan County ordinances and regulations. Approval of the Governing Document shall not bind Morgan County to approve other matters which the District or developer may request.
7. The District shall pay all fees and expenses as provided in the Governing Document.
8. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof; any end user for the costs of Improvements.

The only pledge on the Limited GO Bonds is the property tax capped at a certain Mill Levy.

C. Disclosure and Reporting Requirements

We will want to have a discussion on how the PID should offset or atleast affect the impact fees in that area. This is something we are looking into with Salt Lake County, and may be more technical than you anticipate.

Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.

1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder:
 - a. Containing a description of the boundaries of the District and inclusion area as applicable;

- b. Stating that a copy of the Governing Document is on file at the office of the Morgan County Assessor;
 - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax;
 - d. Stating the maximum rate that the District may levy; and
 - e. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
2. Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, shall be required to disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:
- a. All of the information required under (1)(b) above;
 - b. A disclosure outlining the impact of any applicable property tax, in substantially the following form:

“Under the maximum property tax rate of the District, a primary residence valued at \$[insert average anticipated residential property value] would have an **additional annual property tax of \$_____** for the duration of the District’s Bonds. A business property valued at \$[insert average anticipated commercial property value] would have an **additional annual property tax of \$_____** for the duration of the District’s Bonds.”

- c. Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.
3. At least annually following the formation of the District, the District shall notify (by mail, e-mail, or posting to the District’s website) property owners in the District of the existence of the District and of the next scheduled meeting of the Board of the District. Such meeting shall occur at least 30 days and not more than 60 days following the date of the notice. Such notification shall include names and addresses of the Board of Directors and officers, the address, telephone and fax numbers, and e-mail address of the District, and shall include reference to the existence of a District file maintained by Morgan County as described below.
4. The District shall provide the following information to the Morgan County Clerk’s Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
- a. Annual District budget;
 - b. Annual audited financial statements of the District;
 - c. Total debt authorized and total debt issued and presently planned debt issuances;

This is another section we will want to discuss, to make sure any future property owner in the PID area is 100% aware of the additional property tax and how this could go up and down based on property values.

- d. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
 - e. A copy of the language required to be disclosed (2)(b) above;
 - f. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
 - g. List of current interlocal agreements, if changed (to be delivered to Morgan County upon request);
 - h. List of all current contracts for services or construction (to be delivered to Morgan County upon request);
 - i. Official statements of current outstanding bonded indebtedness, if not previously received by Morgan County; Zions would help the PID in many of these disclosure items, to ensure they are meeting the County's requirements.
 - j. Current approved Governing Document, if changed; and
 - k. District Office contact information.
5. The following shall be considered significant changes to the Governing Document, thereby requiring approval by Morgan County:
- a. Exclusion or inclusion of property without Governing Document and Statute required approvals;
 - b. Change in the maximum mill levy; I would include construction timelines and any delays in that time line.
 - c. [Consolidation with any other district;] and
 - d. Change in the dissolution date.

Submittal Instructions

Annual Financial Information: Submit one copy of each of the annual financial information, as described in ____ to:

[Enter Morgan County Treasurer Address]

All other documents: Submit letters of intent, draft Governing Documents, and all other documents (with the required number of copies) to:

[Enter Morgan County Clerk Address]

Further Information: For additional information please contact the Morgan County Clerk's Office at the address or telephone number shown below.

[Enter Morgan County Manager Contact Information]

Exhibit A
Draft Engagement Letter

[Date]

[Morgan County], Utah
[Address]

Re: Engagement as Special Counsel for [Morgan County], Utah

This will record the terms of our engagement as special counsel for the [Morgan County], Utah (the "County") in analyzing and exploring the use of a public infrastructure district ("PID") at the discretion of the County to assist _____ (the "Developer") in the development of _____ within the County (the "Development").

Our services as special counsel will include educating the County and the Developer on PIDs and how they may be utilized in the Development and the preparation, negotiation, and review of any documents required for the formation of a PID. Our engagement is at the will of the County and will terminate at the end of the review processes described herein.

While it is difficult to predict the complexity of such process, our fee for services provided as special counsel will be at a discounted blended hourly rate of \$____/hour, plus reimbursement for out of pocket costs. Fees will be billed monthly and are subject to review by the Developer. A \$____ retainer fee is due from the Developer at this time. Under no circumstances shall the County be liable for fees hereunder. The entire fee is payable by the Developer and is not contingent upon the formation of any PID. The creation of any Districts shall be at the discretion of the County, and the entering into of this agreement in no way guarantees that any Districts will be formed or bonds issued for the Developer or the Development. If the review process is abandoned or deferred beyond a reasonable period, such as 3 months, we will negotiate a reasonable fee for the work undertaken to that point with the Developer, based on the circumstances.

The County is our client in this engagement and we are not representing the Developer. The Developer is represented by its own counsel, [INSERT]. We note that we do expect to be bond counsel (as applicable) for any PID(s) ultimately created at the County's discretion.

If these terms are acceptable, please sign and return a copy of this letter. We look forward to working with you.

Sincerely,

GILMORE & BELL, P.C.