

FOR REFERENCE ONLY
OFFICIAL VERSION FILED IN THE COUNTY CLERK'S OFFICE

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION
OF THE MORGAN COUNTY COUNCIL
TUESDAY, AUGUST 21, 2007
4:00 P.M.
MORGAN COUNTY COURTHOUSE
48 WEST YOUNG STREET
MORGAN, UTAH**

Except as noted above, times for agenda items are approximate and may be changed as circumstances require. Agenda items may or may not be discussed in the order they are listed. Interested members of the general public are encouraged to remain in attendance for the duration of the meeting in the event discussion of an agenda time begins earlier than listed

AGENDA:

- 4:00 p.m. Call to Order
 Prayer
 Approval of Agenda
 Approval of Minutes
- August 7, 2007 Council Meeting
 - August 7, 2007 Executive Session
- Approval of Checks
 Approval of Personnel Action Forms
- 4:10 p.m. Public Comment Period
- 4:15 p.m. County Council Business
- 4:20 p.m. Concur with Planning Commission Administrative Decisions
- 4:25 p.m. Teresa Lake – Discussion/Decision on
- Appointment of Election Judges
 - Declare Croydon as a "Vote by Mail Precinct" for the Special Election Only
 - Approval of polling locations for the November Special Election
- 4:30 p.m. Lynette Stephens – Discussion/Decision to clarify motion from July 21, 2007 meeting in regards to the sides of the Enterprise Park to be fenced
- 4:35 p.m. Lynette Stephens – Discussion/Decision to fix electrical problems at the fairgrounds – Center Pole & Rodeo Field Lights
- 4:45 p.m. Jann Farris – Discussion/Decision on Approval of contract with Robinson Waste for garbage disposal services
- 4:50 p.m. Community Development – Discussion/Decision on Rasmussen Minor Subdivision – Preliminary/Final Plat Approval, 2 lots located as a part of NE ¼ of Section 36, T3N, R2E (Hwy 66 – Porterville)
- 4:55 p.m. Community Development – Discussion/Decision on Valley View Minor Subdivision – Preliminary/Final Plat Approval, 1 lot at approximately 1763 South Highway 66 (1.83 acres)
- 5:00 p.m. Public Hearing – LUMC Amendments Chapter 16, Supplementary Regulations, Chapter 22, Minor Subdivisions & Adoption of Ordinance CO-07-12, adopting said amendments
- Staff Presentation
 - Public Hearing
 - Discussion/Decision
- 5:20 p.m. Community Development – Discussion/Decision on Craig Miles – Preliminary Plat approval for "Richville Mountain Vistas", a 7 lot P.R.U.D. located at approximately 930 W Highway 66

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'.

Date Posted August 15, 2007
Time Posted: 1:50 p.m.
Posted By: Teresa Lake

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Council Members Present

Chad Hawkes, Vice Chairman
Karen Sunday
Tina Kelley
Sid Creager
Lynette Stephens
David Gardiner

Other Staff

Teresa Lake, Deputy Clerk
Jann Farris, Attorney
Gene Ercanbrack, Sheriff
Sherrie Christensen, County Planner
Gaston Dupre, Facilities Manager

Others Present

Deanne Winterton
Brenda Crossley
Jill Judd
Debbie Sessions
Steve Robinson
Lindy Rasmussen
DeVan Carter
Sharlene Carter
Roland Haslam
Dee Haslam
Zac Haslam
Craig Miles
Robert Saunders

Vice Chairman Hawkes called the meeting to order at 4:00.

Chairman Sanders was excused.

The invocation was given by Member Creager.

Approval of Agenda

The 5:00 agenda item will be for discussion only, no decision will be made until next Council Meeting.
There are no Planning Commission Administrative Decisions.

Member Gardiner moved to approve the agenda with the noted corrections. Seconded by Member Stephens. The vote was unanimous. The motion passed.

Approval of Minutes

- **August 7, 2007 Council Meeting**
There were corrections noted.

Member Sunday moved to approve the minutes of the August 7, 2007 Council Meeting with the noted corrections. Seconded by Member Gardiner. Vice Chairman Hawkes abstained as he was not in attendance at that meeting. All other Members voted for. The motion passed.

- **August 7, 2007 Executive Session**
There were noted corrections.

Member Creager moved to accept the minutes of the August 7, 2007 Executive Session. Seconded by Member Gardiner. Vice Chairman Hawkes abstained as he was not in attendance at that meeting. All other Members voted for. The motion passed.

Approval of Checks

Member Sunday moved to approve the check edit list of August 15, 2007. Seconded by Member Stephens. The vote was unanimous. The motion passed.

Approval of Personnel Action Forms

Vice Chairman Hawkes stated that he had concerns with approving these Personnel Action Forms at this time; it would be more appropriate to do this at budget time in November. He and Eileen Nelson have collected the information and are working to put together a package to update the salary plan for the County before the Budgets are set in November. He stated that if the Council starts doing these one at a time they are going to have significant issues in the building. His personal feeling was that they should hold off on this until the beginning of next year when everyone can be handled together.

Member Stephens noted that back when the budget was being done she wanted to take care of this then but there was not enough money in the budget so this was left as it was. There were more adjustments made to the budget and there was \$10,000 added in making adjustments to other people's wages but this one was not adjusted at that time. She commented that she mentioned this after the budget hearing and has mentioned it several times since. This position is a Director, as well as the Library, and should be moved and not left to dangle any longer.

Vice Chairman Hawkes agreed with that. He stated the problem is not in giving them the raise; he feels like they deserve it but that there are also others in the building that need to be looked at. If we approve these two we are going to create some significant discontent here in the building. He stated that while he agrees he still feels that there are going to be problems; one in particular would be that where the position was filled during the year that people may have applied or not applied based on the wage that was advertised and now someone gets in and they are all of a sudden bumped up, this could create some problems within the building and that is his concern.

Member Stephens noted that when the one person left she was offered more money, even more than this, if she would stay and she chose not to. Member Stephens stated that in a policy decision making thing that the Council does not have to worry about setting precedent as long as they follow what is in the procedure manual, and it says they can, under reclassification, it says they can adjust the incumbents salary to the new range and may give up to 3%.

Vice Chairman agrees that the Council can do this but that it will create problems.

Member Kelley noted that on the Personnel Action Form that she submitted, she had asked for some direction from the Council Chairman as to what to do, what the budget procedure was, and how to fill it out and she was advised to submit the Personnel Action Form that she did.

Vice Chairman Hawkes stated that he feels that her Personnel Action Form is less controversial of the two and still feels it would be more appropriate when the whole salary plan is looked at. He noted that not everyone is going to be happy with that but there are some significant issues here for potential problems.

Member Gardiner stated that he thinks anytime you do something like this that the same potential exists.

Vice Chairman Hawkes stated that he agrees but they are working on the whole salary plan; it is a few months away but that they should hold off until then.

Member Stephens asked, "So you want to let these two positions continue to flounder?"

Vice Chairman Hawkes stated "Yes", his personal opinion is to wait until November and then they will know that they will for sure get it in January.

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Member Sunday stated that she had done a little research and that these two positions are more glaring than any of the others in the building. These two are significant, the others are minor, and they need to happen. These two should happen, it is obvious they should happen; it is a shame to let it go any longer.

Member Kelley agreed with that. She also had Eileen Nelson so some research for her to find out what equivalent wages were so that she would have that information; it is not even what a similar position is anywhere else.

Vice Chairman Hawkes agreed with all that; timing is more of a problem for him.

Member Creager noted that they are eight months late in doing this.

Vice Chairman Hawkes noted that is true but the problem you have is the rest of the building. We have been down this before, we have done this before, and it is not really comfortable, not necessarily that everything we do is comfortable, but he feels they are potentially opening up a can of worms.

Member Gardiner noted that the same can of worms will be opened up no matter what when this is done.

Vice Chairman Hawkes noted that to a certain extent that is true but it would be fairer to do it when the budget is done in November.

Member Stephens noted that last year they gave raises to everyone and there were complaints after.

Vice Chairman Hawkes understands that and knows that they are never going to make everyone happy.

Member Gardiner moved to approve the Personnel Action Form for JaNeice H. Whitaker, Community Services Director. Seconded by Member Kelley. Vice Chairman Hawkes voted against. All other Members voted for. The motion passed.

Member Kelley moved to approve the Personnel Action Form for Valerie Hancock, Library Director. Seconded by Member Creager. Vice Chairman Hawkes voted against. All other Members voted for. The motion passed.

Public Comment Period

There was no Public Comment.

County Council Business

Member Stephens presented a gift and letter of appreciation to Brenda Crossley and Jill Judd for all the time and hard work they put into the County Fair.

Member Kelley presented an appreciation gift from the Council to Member Stephens for her hard work and time spent working with the Fairboard.

Concur with Planning Commission Administrative Decisions

There are no Planning Commission Administrative Decisions.

Teresa Lake – Discussion/Decision on

- **Appointment of Election Judges**
- **Declare Croydon as a “Vote by Mail Precinct” for the Special Election Only**
- **Approval of polling locations for the November Special Election**

Vice Chairman Hawkes left the room since his wife is being nominated as an election judge. He turned the chair over to Member Gardiner for this item.

Member Sunday moved to declare the Croydon Precinct “Vote by Mail” for the November Special Election. Seconded by Member Stephens. The vote was unanimous. The motion passed.

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Member Stephens moved to accept the proposed voting locations. Seconded by Member Sunday. The vote was unanimous. The motion passed.

Member Stephens moved to accept the appointment of the Election Judges. Seconded by Member Sunday. The vote was unanimous. The motion passed.

Member Gardiner turned the meeting back over to Vice Chairman Hawkes.

It was discussed that the Council Meeting of November 6, 2007 would interfere with the election.

Member Gardiner moved to cancel the Council Meeting scheduled for November 6, 2007. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Lynette Stephens – Discussion/Decision to clarify motion from July 17, 2007 meeting in regards to the sides of the Enterprise Park to be fenced

There was discussion that the motion from July 17, 2007 regarding the fence for the Enterprise Park needed to be clarified.

Member Sunday moved to clarify the motion from July 17, 2007 regarding the Enterprise Park to state that the fence be constructed inside the property line by up to 10 inches along the common property lines with lots 17, 18 and 20 of Summer Ridge PRUD and lot 1 of Pavilion Subdivision and that said fence may also be adjusted to accommodate the current locations of the power boxes. Further it is clarified that this action does not infer a transfer of a property title to any of the adjacent property owners, merely places the fence on a line other than the property line; this will also include the fence line along the right of way line on Old Highway Road. Seconded by Member Gardiner. The vote was unanimous. The motion passed.

Lynette Stephens –Discussion/Decision to fix electrical problems at the fairgrounds – Center Pole & Rodeo Field Lights

Gaston Dupre, Facilities Manager, stated that there were electrical problems during the fair that need to be fixed. In addition, the meter needs to be separated so that the exhibit building and the arena lights have their own meter. Randal Clark has offered to donate the labor and do the work for material cost only.

Vice Chairman Hawkes commended Mr. Dupre and his department for the hard work and time they spent on the fairgrounds. He also noted that the materials are over \$1,000 but with the labor being donated bids are not needed. He suggested using money from the Mineral Lease Funds account.

Member Creager feels like there should be enough money in the Mineral Lease Funds but is hesitant to guarantee that with the recent motions that have been made regarding these funds.

Member Creager moved to approve the funding to fix or repair the electrical problems that we currently have at the fairgrounds and that we use funds from the Mineral Lease provided that funds are available and if not then we defer to the General Fund and that we pay those funds to an invoice of material only and that the funds approved are not to exceed \$7,200.00. Seconded by Member Gardiner. The vote was unanimous. The motion passed.

Jann Farris – Discussion/Decision on Approval of contract with Robinson Waste for garbage disposal services

Jann Farris, Attorney, stated that he and Member Creager have worked with Robinson Waste to work out this agreement.

There was discussion about Commercial users. Jann Farris stated that Commercial Users can contract with whomever they would like.

Member Creager noted that the paragraph in question had been removed from the contract. In paragraph 22 that is being questioned, he noted that there will be some Commercial use containers kept at the parks

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and some businesses have requested it continued through the County, so it will be allowed but not mandated or required.

Member Gardiner moved to approve the contract with Robinson Waste for garbage disposal services and for the contract to begin July 1, 2007. Seconded by Member Creager. The vote was unanimous. The motion passed.

Community Development – Discussion/Decision on Rasmussen Minor Subdivision – Preliminary/Final Plat Approval, 2 lots located as a part of NE ¼ of Section 36, T3N, R2E (Hwy 66 – Porterville)

Sherrie Christensen, Community Development, noted that originally the applicant had applied for a 3 lot subdivision based on using a shared well but they ran into problems with the Health Department so they have amended their request to a 2 lot Subdivision. The Planning Commission recommended approval based on the following conditions:

- Red line corrections need to be addressed.
- Lot size issue with the Weber Morgan Health Department is resolved prior to placement on the County Council agenda.
- Slope is determined by an engineering review and restricted if required.

Sherrie noted that the three conditions given by the Planning Commission have been resolved; based on this information she recommends approval.

Member Creager moved to approve the Rasmussen Minor Subdivision, Preliminary/Final Plat Approval, 2 lots located as a part of NE ¼ of Section 36, T3N, R2E (Hwy 66 – Porterville) based on the findings and conditions of the Planning Commission. Seconded by Member Stephens. The vote was unanimous. The motion passed.

Community Development – Discussion/Decision on Valley View Minor Subdivision – Preliminary/Final Plat Approval, 1 lot at approximately 1763 South Highway 66 (1.83 acres)

Sherrie Christensen, Community Development, stated that this is a 1 lot subdivision located at approximately 1763 South Highway 66. The Planning Commission recommended approval based on the following findings:

- The proposed development is in concurrency with the purposes of the LUMC, namely:
 - The development is within the requirements for lot size and frontage.
 - Approval of the well and septic tank have been received from the Health Department.
 - The development preserves to the greatest extent possible the existing landscape features, watershed, animal habitat and natural amenities in a harmonious and aesthetically pleasing manner.
- The proposed development is in compliance with the adopted General Plan and the Richville Area Plan.
- Required approval letters have been received for the provision of well and septic services.

And conditions:

- Redline items are revised prior to County Council review, namely the lot address, zoning line, NFPA Standard 13 note.
- UDOT Approval is provided.
- All requirements contained in the Consulting Engineer's report be addressed.

Sherrie stated that a new plat has been brought into her office and the redline items have been taken care of; and at this time the only thing outstanding is the UDOT approval for their access. She talked with DeVan and Sharlene Carter, the applicants, prior to the meeting and they have talked to UDOT. It takes approximately 55 working days to receive approval and they feel like they are about two weeks out from that approval. Sherrie requests approval upon receiving the UDOT approval.

Members Kelley and Gardiner stated that they do not like to approve things for final without having all the approvals in order.

Member Stephens stated that she does not like to hold applicants up.

Member Stephens moved to grant approval based on the findings and conditions of the Planning Commission for the Valley View Minor Subdivision, Preliminary/Final Plat Approval, 1 lot subdivision located at approximately 1763 South Highway 66 with the encouragement to the Planning Commission that they do not send applicants forward without everything being complete. Seconded by Member Sunday. Members Gardiner and Kelley voted against. All other Members voting for. The motion passed.

Public Hearing – LUMC Amendments Chapter 16, Supplementary Regulations, Chapter 22, Minor Subdivisions & Adoption of Ordinance CO-07-12, adopting said amendments

- **Staff Presentation**
- **Public Hearing**
- **Discussion/Decision**

It was noted that there will not be a decision on this item due to some clerical problems with the draft document.

Member Gardiner moved to go out of regular session into Public Hearing. Seconded by Member Stephens. The vote was unanimous. The motion passed.

Public Hearing

Robert Ferrell stated that he lives in Enterprise and would like to build a mother-in-law apartment. He noted that one of the concerns in Morgan County is for controlled growth and that these types of apartments encourage growth through the back door. He commented that there is not affordable housing in the area and what he is trying to do is build a detached garage with an accessory apartment above it with an elevator in order to care for his mother. He offered a couple of suggestions:

- Limiting the size of those apartments.
- Limit the use to immediate family members only, that to include aging parents
- Not allowing them to be rented so they are not considered an income source but allow an opportunity to help family.

Roland Haslam commented that his son has an old car that he is working on and it will be a while before it is licensed and he has an old tractor that he would like to rebuild; he thinks it is unfair for the County to expect residents to house these types of vehicles. He also has concerns about the weed control and how that is going to be enforced.

Julie Croft stated that she is concerned about the weed ordinance and the set back for homes along streams. She commented that if this ordinance is passed then homes like hers would become non-conforming; she would like existing homes to be exempt. She also noted that there have been lots created in Peterson that will probably not be build-able if this is approved.

Member Creager moved to go out of Public Hearing and back into regular session. Seconded by Member Stephens. The vote was unanimous. The motion passed.

Discussion

Sherrie requested comments and direction from the Council so that she knows how to move forward.

There was discussion about non-conforming homes and existing homes.

There was discussion about junk cars.

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Sherrie stated that limiting the number of junk cars and weeds is a good direction to go. Junk can cause the values of neighboring homes to go down. She noted that zoning violations are complaint driven. Common sense needs to be a part of this.

Vice Chairman Hawkes asked if this could just be applied to certain zones.

Member Kelley has a hard time restricting this to certain zones and areas as it would be unfair.

Member Stephens stated that restricting weeds and grass to 8 inches is unreasonable along irrigation ditches.

Member Kelley feels like allowing extra buildings for mother-in law apartments is creating a re-zone without going through the process and is going against the zoning.

Member Sunday stated that she likes the restrictions and the way the ordinance is written. She noted some pros:

- In the villages it replaces apartment buildings
- It makes affordable housing in the villages
- It gives an alternative for caring for aging relatives

And one con:

- It needs to specify the lot size where this would be allowed and then where it would not be allowed

Member Kelley agreed that it is well written but what happens in 2 years when the residents are not complying, do we require that they tear the building down? She has a hard time believing this will happen.

Sherrie stated that they would be required to make it conforming. They would be required to sign a notarized agreement. It would be recorded on the property so that if the property is sold the next owner would be required to comply.

Sherrie will get the changes made to the document and sent to all Council Members by the end of the week so that it can be reviewed and a decision can be made at the next meeting.

Community Development – Discussion/Decision on Craig Miles – Preliminary Plat approval for “Richville Mountain Vistas”, a 7 lot P.R.U.D. located at approximately 930 W Highway 66

Sherrie Christensen, Community Development, stated that this is a Preliminary Plat approval for Richville Mountain Vistas; all the requirements have been met and the plat has been corrected. The Planning Commission recommends approval based on the following Findings:

- The proposed development is in concurrency with the purposes of the LUMC and the PRUD, namely:
 - The development is a creative use of land and encourages the preservation of permanent open space and sensitive areas, specifically providing permanent areas of agricultural use and buffer to abutting agricultural uses;
 - The development utilizes a variety of density and use, rather than tunnel and sprawl zoning concepts;
 - The development uses various features in harmony with natural features of the land;
 - The development preserves to the greatest extent possible the existing landscape features, watershed, animal habitat and natural amenities in a harmonious and aesthetically pleasing manner.
- The proposed development is in compliance with the adopted General Plan and the Richville Area Plan;
- Required approvals have been received for the provision of wells and septic services.
- The developer has demonstrated a rural cluster pattern of development effectively on this property.
- Provision for a development agreement is not necessary and is waived.
- The property is being developed in accord with established zoning and density rights.

And Conditions:

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- Final Approval of the Conservation Easement by the County Council
- All requirements contained in the Consulting Engineer's review of the Construction documents will be completed to the satisfaction of the engineer.

Member Gardiner moved to approve the Preliminary Plat for "Richville Mountain Vistas", a 7 lot P.R.U.D. located at approximately 930 W Highway 66 with the findings and conditions of the Planning Commission. Seconded by Member Stephens. The voted was unanimous. The motion passed.

Member Gardiner moved to adjourn. Seconded by Member Stephens. The vote was unanimous. The motion passed.

Approved:_____
Chairman

Date:_____

ATTEST:_____
Clerk

Date:_____