

**NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION
OF THE MORGAN COUNTY COUNCIL
TUESDAY, SEPTEMBER 22,2009
5:00 P.M.
MORGAN COUNTY COURTHOUSE
48 WEST YOUNG STREET
MORGAN, UTAH**

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

AGENDA:

- 5:00 p.m. Call to Order
Prayer
Approval of Agenda
Approval of Minutes
Approval of Checks
Personnel Action Form
Garbage Waivers
- 5:15 p.m. Public Comment Period
- 5:20 p.m. County Council Business
- 5:25 p.m. Bonnie Thomson - Discussion/Decision - Request Abatement for Parcel #01-004-272
- 5:30 p.m. Jann Farris - Discussion/Decision - Draft Proposed Ordinance Prohibiting Targeted Picketing at a residence CO-09-XX
- 5:35 p.m. Planning & Development - Discussion/Decision - Kipp Adams Subdivision Final Application Approval
- 5:45 p.m. Joe Garfield - Discussion - Report on damages and repairs to the airport infrastructure
- 5:55 p.m. Airport Advisory Board - Discussion/Decision - Request permission to meet with Mark Miller to discuss the revised Airport Master Plan and authorize payment for his time
- 6:05 p.m. Grant Crowell- Discussion/Decision - Adopt Resolution CR-09-XX requiring the payment of actual costs of development and permit review by outside consultants and outsourced staff by applicants and amending the County fee schedule accordingly
- 6:20 p.m. Garth Day - Discussion/Decision - Approve Resolution CR-09-XX approving Interlocal Agreement between Morgan County and the Morgan County Redevelopment Agency regarding a loan to assist the agency in funding administration expenses and in the planning, undertaking, construction or operation of Urban Renewal, Economic Development or Community Development projects within the County
- 6:30 p.m. Appoint Members to the Board of Appeals

ADJOURN

Note: The Council may vote to discuss certain matters in Executive Session pursuant to Utah Code Annotated 52-4-5. In compliance with the Americans with Disabilities Act, individuals needing accommodations (including auxiliary communicative aids and services) during this meeting should notify Stacy Lafitte at (801)845-4011 at least 24 hours before this meeting. Agendas are also posted on the county web site at <http://www.morgan-county.net> under 'Agendas & Notices' and on the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>

Date Posted September 17, 2009
Time Posted: 10:00 a.m.
Posted By: Teresa Lake

NOTICE OF MEETING TO BE HELD IN PUBLIC AND EXECUTIVE SESSION
OF THE MORGAN COUNTY COUNCIL
TUESDAY, SEPTEMBER 22, 2009
5:00 P.M.
MORGAN COUNTY COURTHOUSE
48 WEST YOUNG STREET
MORGAN, UTAH

Members Present

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

Others Present

Mike Jensen
Debbie Sessions
Fred Thurston
Joan Hellstrom
Bryan Boyce
Kipp Adams
Tony Jones
Dale Winterton
Sandy Kester
Robert Wright
Chris VanCampen
Smoky Dillree
Stan Stuart
Joel LaBorde
Deanne Winterton
Dale Lake
Kipp Adams
Mike Royall

Other Staff Present

Garth Day, Council Administrator
Jann Farris, County Attorney
Teresa Lake, Deputy Clerk
Grant Crowell, Planning & Development Services Director
Charlie Ewert, County Planning Tech
Kevin Edwards, Chief Deputy
Joe Garfield, Airport Manager
Bonnie Thomson, County Treasurer

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

The invocation was given by Member Sunday.

Approval of Agenda

It was noted the RDA meeting that was scheduled for immediately following the Council Meeting has been cancelled so the 6:20 item needs to be tabled.

Member Sunday moved to approve the agenda for September 22, 2009 with the noted changes. Seconded by Member Lundgren. The vote was unanimous. The motion passed.

Approval of Minutes

There were corrections noted.

Member Hansen moved to approve the minutes of September 1, 2009 with the noted corrections. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Approval of Checks

Member Lundgren moved to approve the Check Edit List of September 16, 2009. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Personnel Action Form

Member Sunday moved to approve the Personnel Action Forms for the new hires, Grant Crowell and Shirlee Wilkerson, as full time employees. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Garbage Waivers

Member Lundgren moved to waive the fees on account #490.2 because the customer is deceased. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Member Lundgren moved to waive the fees on account #1.4 because the customer has moved and every effort has been made to find them. Seconded by Member Hansen. The vote was unanimous. The motion passed.

Member Sunday moved to waive the \$8.00 late fee on account #1581.1 with the finding it was a recommendation from the Billing Clerk and justified. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Member Sunday moved to deny the \$4.00 late fee on account #98.1 with the finding it was a recommendation from the Billing Clerk and it is not justified. Seconded by Member Kelley. The vote was unanimous. The motion passed.

Public Comment Period

Tony Jones stated the mink business is a big industry in Morgan County and he would like to see their businesses protected from the protesters who have threatened to come to Morgan. He asked the Council to approve the ordinance that is on the agenda later.

County Council Business

Member Kelley stated on September 30, 2009 there will be a presentation by John Eldredge about the Utah War and Johnston's Army; this is being sponsored by the Historical Society. She also noted a presentation by Ron L. Andersen regarding the Wit and Wisdom of Abraham Lincoln sponsored by the Library Board on October 8th; this presentation is to commemorate the Bicentennial of the birth of Abraham Lincoln.

Member Sunday stated the Recreation Department is looking for a new Recreation Director.

Chairman Creager read an email from a citizen thanking the Council for their decision to have the Hayes home removed.

Bonnie Thomson - Discussion/Decision - Request Abatement for Parcel #01-004-272

Bonnie Thomson, County Treasurer, stated the owner of Parcel #01-004-272 qualifies for an abatement on his property taxes except for the age requirement, he is too young, but she feels that it is justified and should be approved. She noted there are age exceptions that allow the abatement to be approved.

Member Gardiner moved to approve the abatement for Parcel #01-004-272 with the findings that there is a hardship and the exception to the age. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Jann Farris - Discussion/Decision - Draft Proposed Ordinance Prohibiting Targeted Picketing at a residence CO-09-06

Jann Farris, County Attorney, stated in anticipation of November and the threats for picketing of the mink farms he has contacted other counties to see how they have handled this type of situation. He recommends approval of the ordinance to protect the citizens from being personally attacked on their own property. He stated the picketers would have to move away from the residences of the mink farmers.

It was suggested to change the wording in #2 to read "Residence" means any single-family, duplex, or multi-family dwelling and to change the distance to one thousand feet (1000') of the property line.

Chairman Creager acknowledged the mink farmers in the audience and read the ordinance and asked for their input.

Tony Jones stated they would like to see a limit put on the number of picketers that were allowed per day. He also asked if the names of the picketers could be kept on file in case of problems.

It was noted the number of picketers is controlled by the mass gathering permit ordinance and it would not be legitimate to require the names.

Member Lundgren stated he would like to have "in residential areas" taken out under the purpose.

Stan Stuart stated they would like to have a time limit or period set for the picketers so they do not have to worry about them around the clock.

Member Lundgren moved to approve Ordinance CO-09-06 with the following changes:

1. Delete "in residential areas" under PURPOSE;
2. Under DEFINITIONS item 2 delete everything after multi-family dwelling~
3. Amend the distance under item 3 to be one thousand feet (1000');

With the finding that this ordinance is necessary for the health, safety and welfare of the citizens of Morgan County. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Planning & Development - Discussion/Decision - Kipp Adams Subdivision Final Application Approval
Charlie Ewert, Planning Tech, stated Kipp Adams has requested a final application approval for a one lot subdivision located at approximately 2980 South Morgan Valley Drive. He noted the Planning Commission recommends approval based on the following findings and conditions:

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. Because the land was unlawfully subdivided, allowing the subdivision would correct the infraction for this lot.
3. The subdivision fronts a Rural Major Collector Street, so curb, gutter, and sidewalk should not be required.
4. The property is outside of any flood zone as evidence by the flood zone map.

Conditions:

1. All requirements of the Morgan County LUMC are met and adhered.
2. All requirements of the County Engineer, County Surveyor, and County Recorder are met and adhered and that the final requirement of the County Recorder is met prior to the final recommendation being presented to the County Council.
3. The following conditions regarding fire protection are met: Adequate water storage, installation of a dry standpipe system as required by Morgan County LUMC.
4. All requirements of the final plat application are submitted to Morgan County.

Member Kelley stated she feels this in violation of the LUMC by not recording the other property as part of the subdivision.

Kipp Adams stated the other property is part of the plat.

Member Sunday moved to approve the Final Application for Kipp Adams for a one lot subdivision, located at approximately 2980 South Morgan Valley Drive with the findings and conditions of the Planning Commission. Seconded by Member Hansen. Member Kelley voted against. All other members voted for. The motion passed.

Joe Garfield - Discussion - Report on damages and repairs to the airport infrastructure

It was noted that Mr. Ammon Pentz had dug a trench on the airport taking out the water suppression line.

Joe Garfield, Airport Manager, stated there is still a trench at the airport and Mr. Pentz has been notified and he will fix it at no charge to the County or any of the airport hangar owners. He noted that Mr. Pentz needed to know where it was to be placed and the County Engineer has revised the drawings and they need to be revised again.

Garth Day, Council Administrator, stated between the sewer lines and the hangars is where the County Engineer has drawn the new water lines. He noted putting the water lines between the sewer line and the hangars crowds everything in there. He stated the County Engineer will be revising the drawings.

It was noted the gas company reserves the right to place the gas line in their easement which is already in place.

Member Lundgren stated he had talked with Mike Babcock who said there are sewer manholes in place but he is not aware how many of them are actually hooked up to the sewer line; it should be determined how many are hooked to the sewer in the street.

It was noted the manholes have been identified on the new drawing.

It was noted that Mr. Pentz will replace the line he took out and he will need to pay for the flushing of the line, re-pressurization. and the sanitization test.

Airport Advisory Board - Discussion/Decision - Request permission to meet with Mark Miller to discuss the revised Airport Master Plan and authorize payment for his time

It was noted the Airport Advisory would schedule the meeting with Mark Miller once the approval was given to meet with him and authorization for payment.

Member Kelley noted that nothing should be moving forward on the airport until the drawings are final and the meeting between the Airport Advisory Board and Mark Miller takes place.

Member Lundgren moved to give the Airport Advisory Board authorization to meet with Mark Miller, the County Engineer, to discuss the revised airport master plan after he has had the opportunity to make the revisions with the water, sewer and other utilities and authorize payment for Mr. Miller's time. Seconded by Member Haslam.

It was suggested to take the money from General Engineering Services.

Member Lundgren moved to amend his motion to include taking the money from the General Engineering Fund to pay for these services. Seconded by Member Haslam. The vote was unanimous. The motion passed.

Grant Crowell - Discussion/Decision - Adopt Resolution CR-09-XX requiring the payment of actual costs of development and permit review by outside consultants and outsourced staff by applicants and amending the County fee schedule accordingly

Grant Crowell, Planning & Development Services Director, stated this is needed to get some cost recovery from applicants for permit reviews being done by outside consultants and outsourced staff. He stated there is no fee schedule in place and this would help to re-coup the costs.

Member Gardiner moved to approve Resolution CR-09-13 amending the fee schedule for Morgan County regarding the review development submittal by outside consultants and outsourced staff. Seconded by Member Sunday. The vote was unanimous. The motion passed.

Garth Day - Discussion/Decision - Approve Resolution CR-09-XX approving Interlocal Agreement between Morgan County and the Morgan County Redevelopment Agency regarding a loan to assist the agency in funding administration expenses and in the planning, undertaking, construction or operation of Urban Renewal, Economic Development or Community Development projects within the County

This was tabled until a future meeting.

Appoint Members to the Board of Appeals

Member Lundgren stated the Board of Appeals has lost a couple of members and there are some that have asked to be replaced and this board needs to be functioning. He stated the Board needs training in order to properly do their job.

Member Sunday noted the Ordinance governing the Board of Appeals states "the Board of Appeals shall consist of five members appointed from the five County Council Districts and may include whatever number of alternate members the governing body considers appropriate". She stated from those who have applied for these positions there are two from Mountain Green, one from Peterson, one from Canyon Creek and one from South Morgan and there is not one from North Morgan. She suggested that since there are two

from Mountain Green and because they shall be appointed from the five County Council districts that one of the Mountain Green applicants could be a sitting alternate while the ad is put out again trying to get someone from the North Morgan area and some other alternates.

Member Kelley noted that J. Blair Larsen holds a position in the Mountain Green Sewer District and she does not know whether that precludes him from serving on the Board of Appeals due to the BOA by-laws which states "at least three of the members, excluding alternates, shall hold no other public office".

Member Sunday moved to approve the applications for appointment to the Board of Appeals and place Bradley W. Richards (representing the Mountain Green Area), Seth Wallace (representing the Peterson Area), Jared Anderson (representing the Canyon Creek Area), Chris VanCampen (representing the South Morgan Area), and J. Blair Larsen SR as an alternate and put out additional advertisement seeking applicants for the North Morgan Area and alternates to serve on that Board. Seconded by Member Hansen.

Grant suggested determining the term limits for each member.

Member Lundgren suggested the term limits be randomly assigned and to let the Board determine that amongst themselves and report back to the Council.

Member Kelley stated that she sits on the Mountain Green Sewer Board with Blair Larsen and does not feel there is a conflict of interest.

The motion stands. The vote was unanimous. The motion passed.

Training for the Board of Appeals was discussed and there is training offered through UAC or Craig Call. It was suggested that Grant take care of the training through his department.

Member Lundgren moved to adjourn.

Date, _____

ATTEST --c-- Date' _____
 Clerk