

MORGAN COUNTY COMMISSION MEETING MINUTES



PUBLIC NOTICE is hereby given that the MORGAN COUNTY COMMISSION will hold a regular commission meeting in the Commission Meeting Room at 48 West Young Street, Morgan, Utah on

**MORGAN COUNTY COMMISSION MEETING MINUTES
DECEMBER 19, 2023**

4:30 PM WORK SESSION 5:00PM REGULAR MEETING

COUNTY COMMISSION

Commission Chair Mike Newton
Commissioner Jared Andersen
Commissioner Matt Wilson
Commissioner Robert McConnell
Commission Vice Chair Blaine Fackrell

OTHER EMPLOYEES

Commission Executive Assistant Julie Rees
IT Director Jeremy Archibald
Clerk/Auditor Leslie Hyde
Planning Director Josh Cook
Planner 1 Jeremy Lance
Fire Chief Boyd Carrigan
Emergency Director Austin Turner
Fire Marshall Dave Rich
Fire Warden Dave Vickers
Deputy Clerk/Auditor Cindee Mikesell

OTHERS IN ATTENDANCE

Debbie Sessions
Tina Kelley
Ben Wilhelm
Chase Freebairn
Adam Toone
Ed Shultz
Andrew Phillips
Cam Preston
Ron Whitear
Marcus Weller
Tom Guffey
Jerry Pierce
Chad Salmon

4:30 WORK SESSION

Range & Peaks PIDs Discussion/Marcus Keller/Crews & Associates.

What are the true benefits to the county?

A Range discussion - Ben Wilhelm, Underwriter with CW Group. Representing the PID application. These are high end homes, this PID helps them to be able to do the project. Without the PID they would not be able to bring in the housing. There are 35 acres in the development. PID is to help finance the public improvements. For the Range they are seeking a property tax.

5:00 COMMENCEMENT OF MEETING 5:02 pm

(A) Opening Ceremonies –

1. Welcome: Commission Chair Newton
2. Invocation: Commission Chair Newton

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3. Pledge of Allegiance: Commissioner Chair Newton

(B) Consent Items –

1. Attorney Garrett Smith – Ratification of an increase this year in the county attorney's budget to cover the increased cost of legal research and an additional user on the account for our new deputy attorney.

The Agreement locks prices in for 3 years.

Commissioner McConnell moved to approve the LexisNexis Agreement for state and local governments account #1000088B0 previously executed by Attorney Smith on December 8th, 2023.

Seconded by Commission Vice Chair Fackrell.

VOTE:

Commission Chair Newton AYE

Commission Vice Chair Fackrell AYE

Commissioner McConnell AYE

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed.

2. Attorney Garrett Smith – Ratification - use of ARPA funds – The Children's Justine Center.

The contract has been updated with additional items and corrections needed.

Commissioner McConnell moved to approve the Interlocal Cooperation Agreement for the distribution of Corona Virus State and Local Recovery Funds for the construction of a new Children's Justine Center as presented.

Seconded by Commission Vice Chair Fackrell.

VOTE:

Commission Chair Newton AYE

Commission Vice Chair Fackrell AYE

Commissioner McConnell AYE

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed.

3. Minutes for December 5th, 2023 Meeting.

Commissioner Wilson moved to approve the December 5th, 2023 Meeting Minutes with correction.

Seconded by Commission Vice Chair Fackrell.

VOTE:

Commission Chair Newton AYE

Commission Vice Chair Fackrell AYE

Commissioner McConnell AYE

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed

(C) Commissioner Declarations of Conflict of Interest – None

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(D) Public Comments

1. **Ed Schultz** Wasatch Peaks Ranch

The decision made in the courts has greatly impacted Wasatch Peaks Ranch & the citizens of Morgan County. We feel very supported by the citizens of this county. Ed helped to clarify misinformation that is going around. Taxes: Significant tax revenue would be paid to the county and the school district. In 2022 Wasatch Peaks Ranch added 172 million of real estate with 2.2 million being paid in property taxes. Two-thirds of this funding goes to the school district. In 2023 Wasatch Peaks Ranch created another 55 homes sites. For 500 home sites there would be over 3.2 Billion worth of property and tax revenue generated for the county and school district. We employ 190 employees at Wasatch Peaks Ranch and 40 of them are Morgan residents. If there is an attempt to stop our operations this will affect one of the largest employers in the County. Tens of millions of dollars of contracts are open with and there would be many companies like Whitaker and many other companies through Northern Wasatch. The impact is significant to so many who have relied on this project. Impact letters were given to Attorney Garrett Smith.

2. **Adam Toone**

The GeoTech Hazard Ordinance that you have is a mirror image of what the county had back in 2008. It adds 10-15% to every project. It is a burden for an applicant who wants to add on to their homes.

Would like to see the county to use software that lessens the paperwork involved in Permits. Make this process more user friendly.

Appreciate the support of the PDCF Fund and would like to see this continue.

3. **Andrew Phillips**

Thank you for all you do for our County. There are many of us in this community who recognize all that you give to the county.

There are very few who are fighting against Wasatch Peaks Ranch and they are the minority. I wholeheartedly support Wasatch Peaks and all they have done for this community. I commend them for how they have handled themselves. They have given so much for this community.

4. **Ronnie Whitear**

I live in Peterson Utah. There are a lot of trucks that travel through our area.

Wasatch Peaks Ranch impacts my farm, Hinds Store, and the Patterson property and storage units the hardest. I have witnessed many groups come through this area who wanted to purchase the mountain and there were many ideas of what they wanted to develop there. The best project we could have hoped for is Wasatch Peaks Ranch. I support them.

(E) Presentations – None

Item #6 was voted on. See vote below.

(F) Action Items

1. **Cindee Mikesell** – Discussion/Decision –Clerk/Auditor

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- a. Passing a Resolution for Mike Newton to represent Morgan and be on the Board at Wasatch Integrated Waste Management. Starting January 1, 2024 to December 31, 2024. Resolution CR-23-17.

Commissioner McConnell moved to approve resolution number CR-23-17, a resolution appointing Mike Newton to represent Morgan County to be on the board at Wasatch Integrated Waste Management for calendar year 2024.

Seconded by Commission Vice Chair Fackrell

VOTE:

Commission Chair Newton AYE

Commission Vice Chair Fackrell AYE

Commissioner McConnell AYE

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed

2. **Commission Chair Mike Newton** – Discussion/Decision – Commission

- a. Appointment of member to the UAC Board

Commissioner McConnell moved to appoint Commissioner Jared Andersen as a member of the UAC Board with Commission Vice Chair Fackrell as an alternate.

Seconded by Commissioner Wilson.

VOTE:

Commission Chair Newton AYE

Commission Vice Chair Fackrell AYE

Commissioner McConnell AYE

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed

3. **Commission Chair Mike Newton** – Discussion/Decision – Commission

- a. Ratification of 2024 Live Stock Predator Control Agreement with State of Utah and Wool Growers Association.

Commissioner Wilson moved to ratify the 2024 Live Stock Predator Control Agreement with State of Utah and Wool Growers Association.

Seconded by Commissioner Andersen.

VOTE:

Commission Chair Newton AYE

Commission Vice Chair Fackrell AYE

Commissioner McConnell AYE

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed

A Break and reconvened at 6:16 pm.

6:00 Budget Hearing 6:16 PM

Leslie Hyde: Amendment for Morgan County's 2023 Budget

Amendments needed for certain budgets for the 4th quarter of 2023.

- Request for a motion to adjourn public meeting and convene public hearing.
Commissioner Andersen moved to adjourn public meeting and convene public hearing

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- Seconded by Commissioner Wilson.
- Public Comments - None
- Request for motion to adjourn public hearing and reconvene public meeting
Commissioner Wilson moved to adjourn public hearing and reconvene public meeting.
Commission Vice Chair Fackrell

Action: Approval of Resolution CR-23-16 amending Morgan County's 2023 Budget.
Commissioner McConnell moved to approve Resolution CR-23-16.
Seconded by Commissioner Fackrell.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

4. **Attorney Garrett Smith** – Discussion/Decision – Attorney

a. Proposed Sprinkler Ordinance

A discussion about a possible Sprinkler Ordinance. This will go to the Planning Commission after this meeting.

Fire Chief Carrigan shared details about the need for sprinklers when water is not available to residents. When homes are not near to fire hydrants, they are mandated to have sprinklers.

Commissioner McConnell moved to forward this on to the planning commission.

Seconded by Commissioner Wilson.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

5. **Attorney Garrett Smith** – Discussion/Decision – Attorney

a. Extension of Professional Services Agreement.

Chief Carrigan asked for an extension for Dr. Earl's contract while an RFP goes out to get a new contract for these professional services. The contract is \$15,000.00 annually.

Commissioner Wilson moved to extend the Professional Services Agreement with Dr. Earl for the same amount we have been paying him until we can get an RFP out for 180 days.

Seconded by Commissioner McConnell.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE

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The Vote was unanimous. The Motion passed

6. **Attorney Garrett Smith** – Discussion/Decision – Attorney
 - a. At-Risk Agreement for Lee's Market Amendment allowing CMU block to be installed. Commissioner Andersen moved to remove item #6 from the agenda. Seconded by Commissioner Wilson.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

7. **Attorney Garrett Smith** – Discussion/Decision – Attorney
 - a. Attorney Indigent Defense Budget - for 2024 increase.
This agreement mirrors the previous agreement that was done, and will continue through 2024. The county does pay for Indigent Defense. Everyone has a right to an attorney. The caseload has tripled and we are now needing \$4,000.00.

Commission Vice Chair Fackrell moved to enter into this interlocal agreement for the provision of indigent services defense services with Weber County

Seconded by Commissioner McConnell.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

8. **Josh Cook** - Discussion/Decision – Planning Director/Planning Department
 - a. ROAM Commercial Flex Condominiums Final Plat
CW Land Co requests final plat approval for the ROAM Commercial Flex Space Units Final Plat, which would create 14 commercial flex space condominiums, located generally northeast of the intersection of W Old Highway Road and Queens Garden Road in Mountain Green. 1.455 acres.

All concerns have been addressed. Staff is recommending approval.

Commissioner Andersen moved to approve ROAM Commercial Flex Condominiums final plat application 23.073 allowing for a 14-lot subdivision of land located approx. 5852 and 5850 and 5892 North Queens Garden Road in unincorporated Morgan County in the staff report dated December 23, 2023

Seconded by Commission Vice Chair Fackrell.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE

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Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

9. Josh Cook - Discussion/Decision – Planning Director/Planning Department

a. Canyon View West (MTN 4) Commercial Site Plan

Request for site plan approval for the Canyon View West MTN 4 Commercial Site Plan, a commercial building in the Canyon View Commercial west area. Located at 5738 West Canyon View Place in Mountain Green. Chad Salmon 1.51 acres.

Two applications for this project #23.068 & #23.085. Tonight, we are asking for approval of both the Site Plan and the Conditional Use Permit. The Planning Commission is recommending for approval.

Commissioner McConnell moved to approve the MTN 4 Commercial Site Plan application 23.068 allowing for the proposed commercial development located at 5738 West Canyon View Place in Mountain Green based on the findings and with the conditions listed in the staff report dated December 19, 2023.

Seconded by Commissioner Wilson.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

Commissioner McConnell moved to approve the MTN 4 CUP application 23.085 allowing for the proposed commercial development located at 5738 West Canyon View Place in Mountain Green based on the findings and with the conditions listed in the staff report dated December 19, 2023.

Seconded by Commissioner Wilson.

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

(G)Public Hearings

1. Josh Cook - Discussion/Public Hearing/Decision – Planning Director/Planning Department

Croydon Acres Subdivision 1st Amendment.

The applicant requests approval of the Croydon Acres Subdivision 1st Amendment to amend the Croydon Acres subdivision and amend the line between two parcels.

Application no.: 23.071 Mike Schultz. Located at 1415 N 6800 E Croydon.

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Should have been an Action Item.

Staff is recommending approval.

- Request for a motion to adjourn public meeting and convene public hearing
Commissioner Andersen moved to adjourn public meeting and convene public hearing.
Seconded by Commissioner McConnell.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
 - Public Comments - None
 - Request for motion to adjourn public hearing and reconvene public meeting
Commissioner Fackrell moved to adjourn public hearing and reconvene public meeting.
Seconded by Commission Vice Chair Fackrell.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
 - Action:
Commissioner McConnell moved to approve the Croydon Acres subdivision First Amendment application #23.071 located at 1415 N 6800 E Croydon based on the findings listed in the staff report dated December 19, 2023.
Seconded by Commission Vice Chair Fackrell.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
- 2. Josh Cook - Discussion/Public Hearing/Decision – Planning Director/Planning Department**
- Detached Accessory Dwelling Units Text Amendment**
Request for approval of a text amendment to modify the following sections of Morgan County Code 154.001: Definitions 155:341: Internal Accessory Dwelling Units (ADUs).
The modification includes a definition of Internal Accessory Dwelling Units. Multiple meetings with the Planning Commission and many hours have been put into drafting this text amendment. The planning department has received many calls in support of this amendment.

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- Request for a motion to adjourn public meeting and convene public hearing.
Commissioner Andersen moved to adjourn public meeting and convene public hearing.
Seconded by Commission Vice Chair Fackrell.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
 - Public Comments –
Tina Kelley – Very appreciative of the Planning Commission working hard on this issue.
 - Request for motion to adjourn public hearing and reconvene public meeting
Commissioner McConnell moved to adjourn public hearing and reconvene public meeting
Seconded by Commissioner Wilson.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
 - Action Item:
Commissioner McConnell moved to approve Ordinance CO-23-21 in addition to the land use management code for Morgan County amending Sections 155.08 Definitions and amending Section 155.34 Accessory Dwelling Units pen ad us close pen comma to add code language for detached accessory dwelling units, otherwise known as detached accessory dwelling units code text amendment and establishing an effective date with the following addition to Section 14C of part D adding “except for any legally conforming structure” at the beginning of that section, so except for any legally conforming structure, any existing detached accessory dwelling.
Seconded by Commissioner Wilson.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
3. **Josh Cook - Discussion/Public Hearing/Decision – Planning Director/Planning Department**
Planned Community (PC) Zone text amendment.
Request for an addition to the Land Use Management Code for Morgan County, amending sections 155.0018 Definitions and adding sections 155-455 through 155-464 Planned Community (P-C) Zone, to create a new zoning District.

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Planning Commission has had multiple work sessions on this matter and it has come to the County Commission 4 times. All of the requested changes have been added.

- Request for a motion to adjourn public meeting and convene public hearing.
Commissioner McConnell moved to adjourn public meeting and convene public hearing.
Seconded by Commissioner Wilson.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
- Public Comments
Tina Kelley
I am against this ordinance. A lot of problems are created through these kinds of changes.
- Request for motion to adjourn public hearing and reconvene public meeting.
Commissioner Andersen moved to adjourn public hearing and reconvene public meeting.
Seconded by Commissioner McConnell.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed
- Action Item:
Commissioner McConnell moved to approve Ordinance #CO-23-19 in addition to the land use management code for Morgan County amending sections 155-008 definitions and adding sections 155-455 through 155.464 Planned Community PC Zone to create a new zoning district know as the Planned Community PC Zoning District Overlay and establishing an effective date of December 19, 2023.
Seconded by Commission Vice Chair Fackrell.
VOTE:
Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

Commissioner Comments

- Commission Chair Newton
 - Grateful to all of the County staff for all of their hard work this year.
 - Croydon Bridge is on track for completion date.
- Commission Vice Chair Fackrell

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- WRFC Economic Development Group wants to create regionalization of County partnerships.
- A report was given on Davis Tech stats. There is a great new program called Custom Fit.
- Requested to go into a closed session.
- Commissioner McConnell
 - Joe Garfield is working on getting a grant for the airport.
 - The Airport Plan needs to be redone.
 - Utah Highway Patrol would like to use a section of the airport.
- Commissioner Wilson
 - Merry Christmas.
- Commissioner Andersen
 - Will find time to meet with Josh Cook about the geological study that was spoken of tonight.
 - Met with our Recreation Director. She was able to get two certifications and was nominated for Department of the Year through URPA. Our director was offered a full ride scholarship to go to the Director's Summit in Georgia.
Top participation in the state for Jr Jazz award.
Second largest football program in Northern Utah.
Coed Softball and women's Softball departments were created.
Our Director was able to Cut costs by \$25,000 for the upcoming year.

Commission Vice Chair Fackrell requested to go into Closed Session to discuss character and professional competence of an individual, and pending litigation.

Commissioner Andersen moved to go into closed session.

Seconded by Commission Vice Chair Fackrell.

VOTE:

Commission Chair Newton AYE

Commission Vice Chair Fackrell AYE

Commissioner McConnell AYE

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed

In Attendance

Debbie Sessions

Josh Cook

Jeremy Lance

Julie Rees

Garrett Smith

Matt Wilson

Jared Andersen

Mike Newton

Robert McConnell

Blaine Fackrell

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Commissioner Wilson moved to go out of closed session where they discussed character and professional competence of an individual, and pending litigation.
Seconded by Commissioner Andersen

VOTE:

Commission Chair Newton AYE
Commission Vice Chair Fackrell AYE
Commissioner McConnell AYE
Commissioner Andersen AYE
Commissioner Wilson AYE
The Vote was unanimous. The Motion passed

Adjourn – Commission Vice Chair Fackrell moved to adjourn.

Note: The Commission may vote to discuss certain matters in Closed Session (Executive Session) pursuant to Utah Code Annotated §52-4-205.

APPROVED 
County Commission Chair Mike Newton

Date 2/6/2024

ATTEST 
County Clerk/Auditor Leslie Hyde

Date 2.7.2024