

MORGAN COUNTY COMMISSION MEETING MINTUES



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

MAY 7, 2024

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

COUNTY COMMISSION

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

OTHERS IN ATTENDANCE

Debbie Sessions
Tina Kelley
Nathan Rich
Preston Lee
Collette West
Jory Whalen
Bill Black
Lori Lee
Bill Coutts

OTHER EMPLOYEES

IT Director Jeremy Archibald
Deputy Clerk/Auditor Katie Lasater
Fire Chief Boyd Carrigan
County Administrative Manager Kate Becker
Planning Director Josh Cook
Planner 1 Jeremy Lance
Building Official Dave Webster
County Recorder Brenda Nelson

4:00 WORK SESSION

Wasatch Integrated Waste Management: New Recycling Program

- Nathan Rich introduced this to the Commission. The presentation is included in the packet. The county will be implementing mandatory recycling and will have this ready by July 2025.

5:00 COMMENCEMENT OF MEETING

(A) Opening Ceremonies –

1. Welcome: Chair Newton
2. Invocation and/or Moment of Reflection: Commissioner Wilson, Chair Newton acknowledged Teacher Appreciation Week.
3. Pledge of Allegiance: Commissioner Wilson

(B) Consent Items

1. Approval of the County Commission Work Session Minutes for April 16th, 2024.
 - a. Chair Newton mentioned the change made to language regarding a match discussed in the work session to state the Commission is in favor of supporting up to \$10,000 of the match grant.
 - b. Commissioner McConnell noted a correction to Pro-West & Associates, correction made.

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Commissioner McConnel moved to approve County Commission Work Session and Meeting Minutes for April 16th, 2024.

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.

2. Resolution CR 24-28 and CR 24-29 resignation of Morgan County Planning Commissioner Miller and Morgan County Planning Commissioner Phillips.

Commissioner Fackrell moved to accept CR-24-28 and CR-24-29, the resignation of Planning Commissioners Miller and Phillips

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.

(C) Commissioner Declarations of Conflict of Interest

-None

(D) Public Comments (please limit comments to 3 minutes)

- Bill Coutts addressed the Commission. He is here Representing the Mountain Green Sewer Improvement District. An update was given on the progress of the Mountain Green plant expansion. He believes an oversight led to a stop work notice in January due to a lack of notification regarding the need for a building permit. As a result, work in certain areas of the plant expansion has ceased, incurring a daily cost for constituents. The request is for the Commissioners to work with the Planning Director to address the oversight and allow work to proceed without further financial impact on constituents.
- Martin Quinlan addressed the Commission, he applied for a building permit for an addition between an existing house and garage at 3850 South Highway 66. He stepped in to assist his overwhelmed builder with the geoscaping process. With guidance from Planner 1, he completed the application using information from the Utah geographical site. However, he was unaware that a geologist's signature is required to proceed. He thinks this requirement, though common for larger projects, seems excessive for his 1000-square-foot, level-ground addition without slopes, erosion, or obstacles. He suggested exploring alternative processes for small projects like his.

(E) Presentations

1. Chief Boyd Carrigan: Presentation of Staff Educational Advancements

- a. Fire Chief addressed the Commission, he would like to honor MS Deputy Director Erica White and her students for successfully organizing and completing the 2024 Advanced EMT class at Firehouse 121. Erica's dedication, hard work, and adept handling of challenges and logistics are highly praised. The immense effort and time invested by Erica and her students are acknowledged with gratitude. He highlighted their commitment to enhancing EMS and knowledge in the community is

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invaluable and sets a remarkable standard for pre-hospital care excellence. He stated It's an honor to recognize Erica and her students for this remarkable achievement.

b. Fire Chief also recognized that EMS Administrative Assistant Honor Hunt is now a licensed LPN.

2. **Wasatch Civil Engineering:** Presenting the completed GEO Hazard Map

- a. Tyson with Wasatch Civil Engineering gave a presentation on proposed Geohazards map.
- b. Commissioner Andersen raised concerns he had about inaccuracies in slope measurements, noting discrepancies in reported slopes compared to actual terrain features. He emphasized the need to differentiate between properties with significant slopes and those that are relatively flat. He proposed a user-friendly map interface where residents and Planning and Zoning officials can easily access soil classifications for each lot. This would enable residents to determine if geologic scoping is necessary based on their specific soil classifications, streamlining the process, and reducing unnecessary assessments.
- c. Planning Director confirmed that the map currently excludes non-hazardous soils from its symbology. Therefore, properties lacking soils with known hazards will not be depicted on the map. This approach ensures that only properties with soil hazards are highlighted, providing clarity for users reviewing the map.

(F) Action Items

1. Wasatch Civil Engineering – Discussion/Decision

Review of Fairgrounds Conceptual Plan and previously submitted public comments for approval and adoption.

- a. Jory Whalen with Wasatch Civil Engineering presented this item to the Commission. Wasatch Civil Engineering and the Commission previously convened to discuss plans for the Fairgrounds park, covering various amenities such as soccer fields, an events complex, river features, motocross, bike trails, and bike parks. As the project progressed, significant constraints were encountered, particularly due to floodplains covering a considerable portion of the area. While major structures are prohibited in these zones, surface features like parking fields are permissible. Parking emerged as a primary concern amidst the multitude of proposed amenities. He added the main goal is identifying how to phase this and identify priorities the county wants to accomplish in the coming years.
- b. The Commissioners discussed the plan and had a lengthy discussion on the plan.
- c. Commissioner McConnell suggested prioritizing the identification of backbone infrastructure elements that are essential and cannot be altered. Once these are determined, adjustments to other aspects of the plan can be made. He recommended obtaining cost estimates for various items and proposed moving forward with at least one field promptly. Regarding the event complex, seen as a potentially costly component, he suggested it be addressed separately, focusing initially on identifying a suitable location. He emphasized the importance of establishing a solid plan for backbone infrastructure before proceeding with other aspects of the project.
- d. Jory Whalen stated this gives them good direction and they will set up an informal follow up meeting to discuss the path forward on this.

2. Commissioners Mike Newton & Matt Wilson – Discussion/Decision – Morgan County Fair Resolution CR 24-36 Ratification of the Morgan County Fair Coordinator Job Posting.

- a. Chair Newton noted that we have someone who will be doing the fair this year but will be for this year only. We are still looking for a more permanent individual to do this job.

Commissioner McConnell moved to approve Resolution CR-24-36, the ratification of the Morgan County Fair Coordinator Job Posting.

Seconded by Commissioner Andersen

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.

3. Kate Becker – Discussion/Decision – Administrative Manager

Resolution CR 24-26 approval of the Parcel Fabric Development and Addendum Services Contract with Pro-West & Associates, Inc.

- a) County Manager introduced this to The Commission. She provided an update on the RFP approved on March 12, bringing forward the revised submission from the April 16 meeting, which includes additional layers requested by planning and zoning. The estimated total cost for this contract is \$248,503, as detailed in the contract provided. The Deputy County Attorney has reviewed the contract, but final approval is pending from the County Attorney's signature.
- b) Chair Newton clarified that we have already approved the funding to do this, and now this is approving the actual payment. This will be paid for with ARPA funding which is federal funding.

Resolution CR 24-30 approval of the Service Agreement for Surveying Services with Entellus, Inc.

- a) County Manager introduced CR-24-30 stating this is in the five-year plan aimed at updating their GIS fabric, with the initial phase involving securing a contract. She highlighted the need for a contract with a surveyor, as the previous one expired in 2013. She presented the RFP for this contract to the commission during the March 19 meeting. After discussing in a meeting where the Recorder and Planning Director was present they all felt it would be best to have a surveyor for each office.

Resolution CR 24-31 approval of the Service Agreement for Surveying Services with Wasatch Civil Engineering.

Commissioner Wilson moved to approve Resolution CR-24-26, approving the parcel fabric development addendum service contract with Pro-West & Associates.

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.

Commissioner McConnell moved to approve Resolution CR-24-30 a Resolution of the Morgan County Commission to accept the agreement with Entellus Inc. for non-exclusive surveying services to the Morgan County Recorder, with the following modification that the compliance with applicable law provision include a specific reference to the statutory provisions cited by Commissioner Anderson and subject to approval of the County Attorney.

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.

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Commissioner McConnell moved to approve Resolution CR-24-31, an approval of the service agreement for surveying services with Wasatch Civil Engineering with the same modifications listed for CR-24-30.

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.

4. Robert McConnell – Nomination/Appointment to Planning Commission

Resolution CR 24-32 Nomination & Appointment of Planning Commissioner Seat representing Mountain Green.

- a. Chair Newton added a precursor to this discussion stating prior to the Planning Commission discussion, it's noted that changes were made to the planning Commission text a couple of months ago, followed by a referendum. Discussions with the referendum sponsors led to requested amendments, which will be reviewed by the Planning Commission at their next meeting. Regardless of these changes, the two Planning Commission items on tonight's agenda remain unaffected. This clarification is provided for the public's awareness.
- b. Commissioner McConnell wanted to discuss his recommendation Matthew Bishop for the particular seat.
- c. County Manager added, she was assigned the task of posting two job openings, one tailored to specific areas to align with previous text code amendments and another for broader coverage. Initially, only applicants from Mountain Green applied, prompting a reposting for vacancies in other areas. This approach ensures procedural adherence to old, new, and potential future text codes. She also added, the intention behind considering two potential appointments tonight stems from the need to address four open seats out of seven, with difficulties in achieving a quorum. To facilitate the referendum process based on Planning and Zoning's passing of the new text amendment, a quorum is necessary. The decision to nominate two appointments, rather than all four, was suggested by Chair Newton to find a middle ground between the current text and the potential amended text.
- d. The Commission agreed to have the job reposted.

Commissioner McConnell nominated Matthew Bishop, Commissioner Andersen motioned to approve CR-24-32 effective May 7th, 2024.

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.

5. Morgan County Commission – Nomination(s)/Appointment(s) to Planning Commission

Resolution CR 24-33 Nomination & Appointment of Planning Commissioner At-Large.

- a. Commissioner Wilson stated we should interview all of them in a work session.
- b. All of Commission agreed they would prefer it to be advertised one more time. It will be closed the Thursday before the next meeting.

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Commissioner Fackrell moved to postpone this item CR-24-33 until the May 21st 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.

6. **Josh Cook – Public Hearing/Discussion/Decision -Planning Department**

Geologic Hazard Code Text Amendment: Request for approval of a text amendment [Ordinance CO 24-12] to modify Morgan County Code (MCC) § 155.220-237 Geologic Hazards.

- a. Planning Director introduced this to the Commission. Commission instructed staff to amend the geologic hazards ordinance to alleviate costs for property owners regarding geohazard reports. He stated the Planning Commission recommended approval with some suggested language modifications, including removing a section that excludes subdivision applications from the ordinance's scope. Collaborating with the County Geologist and County Engineer, proposed changes reflect discussions on soil classifications. Some classifications are proposed for deletion or consolidation for clarity. Additional revisions may be considered in consultation with the county geologist. The County Geologist was present for questions.
- b. Planning Director added clarification stating, if a developer plans to build a subdivision and uses the web map to confirm the absence of hazards or hazards in non-impactful areas, they can proceed accordingly. In such cases, the developer can forgo a geologic hazard report. The recorded plat would include a note stating the absence of a geologic hazard report due to the web map's findings, alongside an affidavit of liability provided by the developer.

Commissioner Fackrell moved to close the public meeting and convene the public hearing

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.

- Martin Quinlan addressed the Commission he expressed gratitude for efforts made in resolving an issue related to their property. He highlighted the challenge of using a 15,000-pound backhoe to dig on his property between a house built in 1978 and a garage built six years ago. Despite no changes or disturbances to the area, he is uncertain about the next steps forward.
- Tina Kelley from Mountain Green addressed the Commission with concerns at the Planning Commission meeting regarding the geohazards Geotech ordinance. She appreciated Commissioner McConnell's insights, given her proximity to areas affected by landslides. She emphasized the importance of caution in amending the ordinance, citing past landslide incidents. She expressed initial concerns about proposed soil-related changes but was reassured by Mark Miller's involvement in reviewing revisions. She highlighted past efforts to address exorbitant fees for geologic consultants and emphasized the need for professional input in ordinance revisions.

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- Bart Smith addressed the Commission he commended the Commission for their practical approach and thorough discussions. As a developer he has been impacted by the geologic hazard ordinance, he stressed the importance of careful consideration to avoid community stigmas. He expressed understanding of the need for standards but raised concerns about the requirement to install retaining walls before selling lots. He proposed that building placement could often mitigate the need for excessive retaining, suggesting potential cost savings. He encouraged discussion on adjusting the ordinance to allow for more flexibility without compromising safety standards. commended the commission for their practical approach and thorough discussions. As a developer impacted by the geologic hazard ordinance, he stressed the importance of careful consideration to avoid community stigmas. Bart expressed understanding of the need for standards but raised concerns about the requirement to install retaining walls before selling lots. He proposed that building placement could often mitigate the need for excessive retaining, suggesting potential cost savings. He encouraged discussion on adjusting the ordinance to allow for more flexibility without compromising safety standards.
- Wade Warner addressed the Commission he discussed the significant expenses associated with building projects, particularly in relation to hazard assessment, Geotech analysis, road development, and sprinkler system installation. He mentioned the absence of identified hazards on a lot approved in the 90s, where three other homes already exist. Following discussions with the Planning Director, bids for Geotech assessments returned at \$13,000, highlighting a major expense. He expressed appreciation for the ongoing discussion and indicated a willingness to wait for further developments from the meeting before proceeding with Geotech assessments.

Commissioner Wilson moved to close the public hearing and reconvene the public meeting.

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.

- County Geologist addressed the Commission and the Commission and Geologist had a lengthy discussion on the soils. Please refer to the YouTube video for more information.

Commissioner McConnell moved to postpone until the next meeting on May 21, 2024.

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.

7. Josh Cook – Discussion/Decision -Planning Department

Witbeck Plat Vacation: Request for approval of a plat amendment to vacate two lots from the Ned Witbeck subdivision, identified by parcel numbers 00-0086-9652 & 00-0086-9735 and serial numbers NWIT1-0001-1 & 01-004-226-02-2, and combine those two properties into an

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additional larger parcel, identified by parcel number 00-0086-9997 and serial number 01-004-226-03, and is approximately located at 2115 N Morgan Valley Drive within Milton, Utah.

- a. Planner 1 introduced this to the Commission, all the information is included in the packet.
- b. Planning Director added clarification that the square lot is definitely part of the existing subdivision. Mr. Witbeck intends to combine both entities into the larger parcel. The legal description for the rectangular lot also references it as part of the subdivision, raising questions about a potential error in the legal description. He has asked the surveyor to investigate this issue, as either he or his father conducted the previous subdivision. He recommends that the Commission advise vacating both parcels or fragments from the subdivision, to address any potential discrepancies with the rectangular lot. The square lot is confirmed to be part of the subdivision, but the legal description of the rectangular lot needs verification.

Commissioner Wilson moved to approve the Witbeck Plat Vacation application number 20.4012. Approximately located at 2115 North Morgan Valley Drive within Milton, based on the findings listed in the staff report, dated May 7 2024.

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.

8. Josh Cook – Discussion/Decision -Planning Department

Shady Creek Final Plat: Request for approval of the Shady Creek Estates Final Plat, a proposed subdivision of 21 lots. The conceptual plan was approved by the County Commission on January 18, 2021. Applicant: S & S Holding, LLC; Address: 5700 W Woodland Drive, Mountain Green; Area: 18.39 acres; General Plan Land Use Designation: Rural Residential and Village Low Density Residential; Zoning District: R 1-20.

- a. Planner 1 introduced this to the Commission. All the information is included in the packet.
- b. Commissioner Fackrell mentioned he already spoke to applicant about getting fiber optic internet to the entire subdivision and stated applicant will achieve this.
- c. Applicant Bart Smith addressed the Commission he outlined the lengthy process of the project application, which began in December 2015. He described conducting initial geologic studies with a specific geologist, who was later hired by the county, necessitating a second study. Despite facing various roadblocks and conflicts, including the need for additional reviews by different geologists, he emphasized the thoroughness of the review process. He highlighted that the subdivision has been closely scrutinized, with careful consideration given to addressing concerns, including slope issues, and retaining walls. Despite setbacks, he expressed relief that the project is nearing completion after years of meticulous review.

Commissioner McConnell moved to approve the Shady Creek final plat application number 22.07 for allowing for a 21 lot subdivision of land located at approximately 5700 West Woodland drive in Mountain Green, based on the findings and with the conditions listed in the staff report dated May 7, 2024.

Seconded by Commissioner Fackrell

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.

- Planning Director addressed comments made in public hearing by Bill Coutts who was representing Mountain Green Sewer Improvement District. He stated that at no time did he give permission to start construction. He stated it is against his ethical integrity to violate the basic standards of being fair to and being fair to everybody. Therefore he never gave permission to Mountain Green Sewer to start construction without a permit. They submitted for a building permit back in August. West Coast Code Consultants has been working on and reviewing those and providing comments back through December. The comments were posted to Civic Review and they were sent out to two different individuals. The comments were more than 10 pages long from January to now, and nothing has been said back from MTN Green Sewer. He also stated that the Building Official caught them starting construction in October. At that time he did not issue a stop work order as he prefers to work with property owners and give them time to obtain the permit. MTN Green will be double feed. That is standard operating procedure for people that begin to work without a permit. He noted that is the second time MTN Green Sewer has built a building without a permit. They were double feed last time.
- Commissioner McConnell asked for clarification stating that the solution to the problem to get them back working would be for them to respond to Planning Director's review comment and get a permit. He stated his view is that we need to be very clear with them on what is needed from them, for them to get working again.
- Building Official addressed the Commission stating that MTN Green Sewer submitted and application however there was not a full set of plans submitted with the initial application. Once Planning had a complete set of plans they were sent out and they also started reviewing them immediately. He also added he did not put a stop to construction before as he hoped they would obtain what they needed from Planning so as to not delay the project.
- Commissioner McConnell added he thinks it would be a good idea to move through this as expeditiously as possible. And to possibly implement into Civic Review that if we don't have a response within 2-4 weeks that an automatic reminder be sent if we have not received a response to what we have sent on there.
- Planning Director stated he will talk to Civic Review to see if a reminder function is possible.
- Chair Newton stated he was glad that the Planning Director clarified that the county will not allow them to move forward without a building permit.

Commissioner Comments

- Commissioner Andersen
 - Him and Commissioner Fackrell attended the UAC conference and obtained great information and changes that were made, him and Commissioner Fackrell will compare notes to ensure our elected officials and department heads are aware of the changes.
- Commission Chair Newton
 - No comments.
- Commission Vice Chair Fackrell
 - June 7th is a golfing tournament at the Round Valley Golf Course. He would like to see if we can put together a team of 4 to represent the county.
 - Morgan Valley auto show is on June 15th at 9 a.m.
 - July 4th activities coming up, there will be a parade in the morning, a cardboard river regatta in the afternoon and fireworks at the fairgrounds in the evening.
- Commissioner McConnell
 - He has used the Counties choir risers system and he along with the choirs that used them have been very impressed with them.
- Commissioner Wilson
 - We are behind on planning the county fair, he stated he would like some involvement from Mountain Green residents on this.

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- o He met with the school superintendent and Lydia did as well, they were both pleased with how the meeting went.
- o Weber Morgan Health Department used some of their Opioid dollars and hired a part-time employee Kate Dickman from Mountain Green and will be working in the basement of the city building.
- o Weber Morgan Health is getting a new CFO, it is posted for anyone that would like to apply for it.

Commissioner Fackrell moved to go into closed session to discuss character and professional competency.
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.

Commissioner McConnell moved to go out of the closed session and adjourn.

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.

Adjourn – 9:53

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

APPROVED: Blair Fackrell - vice chair DATE: June 5, 2024
Morgan County Commission Chair

ATTEST: Kate L. Sato DATE: 06/05/2024
Morgan County Deputy Clerk/Auditor