

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.

Notice: Commissioner McConnell may be participating virtually

MORGAN COUNTY COMMISSION MEETING MINUTES

July 2nd, 2024

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

Action Item(s) that includes Public Hearing(s) will be held at or after 6:00 PM

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
Maddie Maloney
Blaine Murray
Stuart Beal
LeMoyne Adams
Benson Whitney
James Sargent
Steve Clark
Jason Morgan
Craig Widmier
Maggi Mathews
Jeremy Sorensen
Vaughn Nickerson

OTHER EMPLOYEES

IT Director Jeremy Archibald
Deputy Clerk/Auditor Katie Lasater
County Attorney Garrett Smith (CA)
Planning Director Josh Cook
Planner 1 Jeremy Lance

4:30 WORK SESSION

Interviews for At-Large Planning Commissioner(s)

- Maddie Maloney from Mountain Green came to interview.
- Blaine Murray from Mountain Green came to interview.
- Stuart Beal from Milton came to interview.
- LeMoyne Adams from Layton came to interview.
- Benson Whitney from Mountain Green came to interview.
- James Sargent from Mountain Green came to interview.
- Steve Clark from Milton came to interview.

5:28 COMMENCEMENT OF MEETING

(A) Opening Ceremonies –

1. Welcome: Chair Newton
2. Invocation and/or Moment of Reflection: Chair Newton
3. Pledge of Allegiance: Chair Newton

(B) Consent Agenda Items

1. Approval of the County Commission meeting minutes for June 18th, 2024.
2. Resolution CR 24-65 approving a request to waive Fairground Fees and On-site Maintenance for the State FFA Leadership Event 7/17 to 7/18.

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3. Resolution CR 24-66 approving a request to waive Fairground, Special Event Security provided by the Morgan County Sheriff's Office, On-site maintenance staff, stand-by EMS, and dumpster fees for the Morgan Chamber Fourth of July Event.
4. Approval of the County's 2023-2024 Opioid Report
5. Approval of the County's FY 2024 Governor's Office of Economic Opportunity Rural Grant APP-082327
6. Approval of the County's FY 2024 Governor's Office of Economic Opportunity Rural Grant APP-089577
7. Approval of the County's FY 2022 Year 3 Governor's Office of Economic Opportunity Rural Grant Program Part B APP-089535
8. Approval of the County's 2023-2024 Transient Room Tax Report
9. Resolution CR 24-67 approving the Utah Retirement Systems Pick Up Increase for Tier II Hybrid Public Safety
 - a. Commissioner Fackrell requested to remove numbers 5,6,7 and 8.
 - b. Commissioner Fackrell made corrections earlier for previous meeting minutes to remove Commissioner Wilson's name from attendance.

Commissioner Andersen motioned to approve consent item agenda items 1-4 & 9. And postpone items 5-7 & 8 to a future meeting.

Seconded by Commissioner Andersen

VOTE:

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

The Vote was unanimous. The Motion passed.

(C) Commissioner Declarations of Conflict of Interest

- Commissioner Andersen has conflict of interest with item one. The firm he works for represents Mountain Green Sewer District for a project they are currently working on in construction management.

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

- **None.**

(E) Presentations

Jason Morgan – Morgan Conservation District

Discussion on Dyer's Woad Mitigation

- Jason Morgan introduced this to the Commission. His information is included in the packet. This year they handed out 548 bags for collection of Dyer's Woad, and took in 493. He talked about the success of the community getting involved with mitigation.
- Maggie Mathews presented from USU extension and discussed what they know at this time about mitigation of Dyer's Woad. Her handout is included in the packet.

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- Kathy James from Morgan Conservation District presented to the Commission as well. The handout is included in the packet.

(F) Action Items

1. **Jeremy Sorensen** – Discussion/Decision – Mountain Green Sewer Improvement District (MGSID) Manager

Request to Waive Commercial Transport Impact Fee on Morgan County Building Permit # 2222631

- a. Jeremy Sorensen introduced this to Commission stating the Mountain Green Sewer Improvement District is striving to minimize costs for Mountain Green residents. When paying the building permit fee for the new sewer plant upgrade, discussions with Planning about the transportation impact fee led to confusion. Planning indicated that policy adherence required Commission review, prompting this request. The district is contesting the classification of the upgrade as a commercial building, which implies a traffic impact 40 times that of a residential property. The actual impact will be minimal, with no increase in worker numbers, reduced deliveries due to a switch to UV treatment, and overall traffic remaining the same or decreasing. The district seeks a reduction or elimination of the transportation impact fee.
- b. Chair Newton asked CA if he has reviewed the code and if he would find it appropriate to adjust this.
- c. CA addressed this stating he has reviewed this and as far as the code provisions this would be allowed.

Commissioner Fackrell motioned to approve waving the commercial transportation impact fee of \$17,979.68 for the Mountain Green Sewer Improvement District.

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.

2. **Commissioner Matt Wilson** – Nomination/Appointment of Chans McMillan to represent Stoddard/Milton area on the Morgan County Planning Commission

Resolution CR 24-34 Nomination & Appointment of Chans McMillan to the Morgan County Planning Commission

- a. Chans McMillan addressed the Commission stating he is excited about the opportunity to serve the community by being on the Planning Commission.

Commissioner Wilson motioned to approve the appointment of Chans McMillan to represent the Stoddard/Milton area on the Morgan County Planning Commission.

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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3. Morgan County Commission – Nomination/Appointment of citizen(s) to the Planning Commission

Resolution CR 24-35 Nomination & Appointment of citizen(s) to the Morgan County Planning Commission At-Large

- a. Commissioner Andersen stated he would prefer to postpone this item till the next meeting to have more time to evaluate and give recommendation.
- b. CA mentioned due to code that it does mention the residents of the county would be able to apply for these seats and that LeMoyné would be unable to continue forward as he isn't a resident of the county.

Commissioner Fackrell motioned to postpone this item to the next 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.

4. Josh Cook – Discussion/Decision – Planning Department

Request for Reduction Commercial Transport Impact Fee on Morgan County Building Permit at Scotsman Center based off traffic study.

- a. Craig Widmier addressed the Commission representing the Scotsman Center, requesting a change in the commercial impact fee calculation from a square foot rate to a trip generation rate based on county-approved impact fees. In the first phase of their storage units project, a 2018 traffic impact study by Horrocks Engineers determined a rate of 0.25 trips per day per unit. Using the county's guideline of \$73.23 per peak trip, the impact fee for the first phase with 190 units was calculated at \$3,515.04. For the second phase, with 48,837 square feet of storage space, the current method would result in an impact fee of \$76,354.21 based on the commercial square foot fee. He is seeking to use the trip generation calculation instead, as it was approved by the County Engineer for consistency with the first phase.
- b. Commissioner Fackrell added that the Scotsman Center's operations encompass storage units, farmers markets, teaching, riding, and boarding activities. The current discussion pertains specifically to the storage units, with an average of 49 trips per day generated by these units alone. The building application for development under consideration focuses solely on the storage units, not the entire operation of the Scotsman Center. He asked for clarification so as to understand the impact fee calculations.
- c. Planning Director clarified that The applicant has already paid traffic impact fees for the previous phase and other existing buildings on site. The current traffic impact fee calculation, based on the expansion of the storage units, should consider only the additional impact. The fee should not be calculated based on all existing uses, as fees for those have already been paid. The current calculation of \$76,000 pertains solely to the 190 storage units, not reflecting the actual traffic impact they are expected to generate.

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Commissioner Andersen motioned to approve the change to the commercial impact fee transportation impact fee for the Scotsman center storage for phase two in the amount of \$3,588.20.

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. Josh Cook – Discussion/Decision – Planning Department

Nettleton Cobble Creek Reservoir Conditional Use Permit: Request for approval of A request for approval of a Conditional Use Permit (CUP) for a reservoir to provide needed water pressure for the Cottonwoods Development that is identified as parcel number 00-0092-3775 and serial number 07-005-106-02 and is approximately located 3,000 feet southeast of the Mountain Green Elementary School in unincorporated Morgan County.

- a. Commissioner McConnell added he is declaring a conflict of interest with this item and he won't participate in the discussion. He represents Mountain Green Mutual Secondary water company, which did send in a letter a couple of items with respect to this application.
- b. Planning Director introduced this to the Commission this application is for a water reservoir on property zoned MU-160. Last year, Mr. Nettleton applied for and received a Conditional Use Permit (CUP) for a water tank, but we are still awaiting construction and design drawings as well as site plan approval. This current CUP is a C-3, which requires final approval from the county commission. The planning commission has already met, discussed, and unanimously recommended approval of this item. He added he wanted to emphasize that this approval is only for the land use, not for construction. No detailed design drawings or standards have been submitted; the provided drawings were rudimentary. Therefore, his recommendation for approval includes specific stipulations to ensure proper compliance and address any potential issues.
- c. The Commission agreed they wanted more time to look into this and have the applicant come to the meeting and offer explanations and to answer questions before approving.
- d. Chair Newton asked for clarification on the approval, he understands that granting a conditional use permit does not automatically allow construction. The applicant will still need to meet numerous requirements before proceeding. This involves approvals from the state as well as returning to us for site plan approval and other necessary steps. The Commission will have additional opportunities to review the project.
- e. The Planning Director added the possibility of adding another condition with putting a time limit of one, two or 5 year review, and if it hasn't met the requirements then the Commission can revoke the CUP.
- f. Chair Newton stated he wasn't comfortable adding that stipulation until the Commission has had a chance to hear from the applicant and discuss this item more.

Commissioner Wilson motioned to postpone item until the applicant is able to attend to answer questions.

Seconded by Commissioner Fackrell

VOTE:

Commission Chair Newton AYE

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Commission Vice Chair Fackrell AYE

Commissioner McConnell ABSTAIN

Commissioner Andersen AYE

Commissioner Wilson AYE

The Vote was unanimous. The Motion passed.

Commissioner Comments

- **Commissioner Andersen**
 - He has been in communication with UDOT and is wanting to avoid having to form special service districts for stormwater.
 - He got the RFP out for the environmental services at the fairgrounds.
 - He received an estimate from Wasatch Civil for sports fields.
 - Weber Basin Water Board meeting discussed house bill 89 about water re-use. There is a conflict with federal rights vs. private rights to this.
 - He met with regional recreation council and will keep the Commissioners informed on what this looks like.
- **Commission Chair Newton**
 - Department of Natural Resources and Division of Forestry have issued fire stage 1 restrictions, these can be reviewed online.
 - The Union Pacific Big Boy is doing a heritage reunion, it will arrive in Morgan 11 a.m. to 11:15 a.m.
 - 4th of July festivities will be commencing throughout town, parade in the morning, cardboard regatta and fireworks at the fairgrounds in the evening.
 - The bears art exhibit have arrived for the Library and we are still in the process of setting that up.
- **Commission Vice Chair Fackrell**
 - We are required by law to allow the public to comment in meetings and they can now do this on YouTube as well, the IT director has set this up.
 - He spoke with the Sheriff's department as they completed a sting near Taggart's, the Sheriff would like to come in for a work session to discuss what happened.
 - He would like any Commissioners to think of what they would like to be brought before legislators for next year and give to him.
- **Commissioner McConnell**
 - The Forest Service has accepted our proposed grant of \$120,000 per year for a five-year lease extension starting March 1, 2025. This extension follows a "two-year firm, three-year soft" format, allowing the other party a 120-day cancellation right. They anticipate remaining for the full five-year term, as this approach aligns with their lease extension practices. If there are no objections to these terms, he will confirm their acceptance via email, and they will prepare the formal amendment, which he will then add to the agenda.
- **Commissioner Wilson**
 - He thanked all who have donated to the 4th of July celebrations.
 - He talked about his meeting with Weber-Morgan health, At their last meeting, they discussed Meals on Wheels extensively due to a \$450,000 budget cut, which will result in a transition to a waiting list system. Currently, we are the only providers offering service seven days a week, but they will now reduce to five days a week, aligning with the rest of the state. This change raises concerns for those without family or other support. They plan to conduct a study to assess if recipients have alternative means of support. If there are individuals in our county without such means, he proposes increasing our budget to maintain their seven-day service. The study results will be available by the next meeting, and he'll update everyone then.
 - Currently, we have 30 people on Meals on Wheels in our county.

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Commissioner Fackrell motioned to go into executive session for the purpose of discussing pending or imminent litigation and the purpose purchase or disposition of real property and waived the rules to allow Commissioner McConnell to participate virtually.

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 Fackrell motioned to close executive sessions and adjourn.

Seconded by Commissioner Wilson

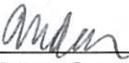
VOTE:

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 – 8:33 p.m.

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

APPROVED: 
Morgan County Commission Chair

DATE: 7/18/24

ATTEST: 
Morgan County Deputy Clerk/Auditor

DATE 7/18/24

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call
Kate Becker at 435-800-8724 at least 24 hours prior to this meeting. This meeting is streamed live.

If you want to participate virtually in any public comment listed on this agenda, you need to contact
Jeremy@morgancountyutah.gov at least 48 hours before the scheduled meeting.