

**MINUTES OF MORGAN CITY  
COUNCIL WORK MEETING**

**JULY 9, 2024; 6:00 P.M.**

**MAYOR AND COUNCIL MEMBERS**

**PRESENT:**

**Mayor Steve Gale, Jeff Wardell, Eric Turner, Jeffery Richins and Dave Alexander**

**STAFF PRESENT:**

**Ty Bailey, City Manager; Gary Crane, City Attorney; Jake Young, City Planner, CitiDesign; and Denise Woods, City Recorder**

**EXCUSED:**

**Tony London**

**OTHERS PRESENT:**

**Roger Timmerman, Executive Director, UTOPIA Fiber**

**This meeting was held in the Council Conference Room of the Morgan City Offices, 90 West Young Street, Morgan, Utah. The meeting was streamed live on YouTube and available for viewing on the City's website – [morgancityut.org/meetings](http://morgancityut.org/meetings).**

This meeting was called to order by Mayor, Steve Gale.

**PRESENTATION – GENERAL PLAN PRIORITIZATION – JAKE YOUNG, CITY PLANNER, CITIDESIGN**

Jake Young, City Planner, CitiDesign, explained a work session with the Planning Commission was held recently to discuss the implementation of the General Plan for Morgan City. After years of effort, the focus shifted to putting the Plan into action and setting priorities. The outcomes of this discussion were then presented to the City Council and the Mayor for their feedback and further action.

Jake stated the Downtown Master Plan was in progress, including a recently completed survey. The downtown ordinance and the Parks and Trails Master Plan were also part of this project, along with the Master Plan Community Ordinance, all of which were ongoing. No further action was needed at this stage. A public workshop was scheduled for August 28th, likely at the middle school at 6:00 p.m., to present three different scenarios for downtown, parks, and trails. The public will be invited to provide feedback, and advertising efforts for this event are underway.

Jake explained the subdivision update was prioritized as number one due to state code requirements for completion by the end of the year. The 2023 Legislative Session did not include communities with 5,000 or fewer residents, but the 2024 session did, mandating that all communities update their subdivisions to align with state requirements. The Planning Commission was part of the process and would review the draft ordinance in August and if possible a public hearing would be held in September. He stated the final approval was planned for October, though it could be advanced by a month if necessary. The public hearing would occur at the Planning Commission level, eliminating the need for a City Council public hearing. This update would grant the Planning Commission the authority to approve subdivisions, a change implemented statewide.

Jake stated the Planning Commission would also like to work on the following items:

- A quick guide for zoning designations was proposed to complement the General Plan and help interpret future land uses.

- The land use classification table needed a review to possibly combine items and add or subtract uses, especially with new technology.
- The Transportation Master Plan was to be developed with the help from UDOT with a grant.
- The Plan aimed to detail citywide corridors and address safety concerns at the interchange on State Street, where most accidents occurred.
- A schematic study was suggested to explore the possibility and timeframe for a second Morgan exit, aiming to keep potential development areas on UDOT's radar.
- The landscape ordinance required updates, particularly in the manufacturing and commercial zones.

The Planning Commission was tasked with working on these items and then sending them to the City Council for review, adjustment, and approval.

The next slide listed topics the Planning Commission had discussed, including land use, water, transportation, economic development (be proactive), add more mixed-use developments, pedestrian safety and friendliness on State Street, historic overly, and implement an annual report on the General Plan in March or April. The decision to have it in March or April was because that was immediately after the Legislative Session and any changes or new requirements could be discussed.

Council Member Alexander asked regarding the General Plan zoning and how it was different from the current zoning designation on property.

Jake explained the General Plan encompassed future land use, which differed from zoning as it provided a higher-level planning perspective. Zoning, on the other hand, focused on on-the-ground implementation. He stated the City could proactively rezone areas to align with the future land use or wait for market demand to drive changes. For the Commercial Street Downtown Area, zoning updates were prioritized, whereas peripheral areas of the City were left to respond to market dynamics. This approach acknowledged the 20-year vision of the Plan, allowing some initiatives to be immediate and others to develop over a five to ten-year period, based on market responses.

Jake suggested several things the City could work on soon, i.e., safer pedestrian crossings on State Street, more housing in the Downtown Area, and more trails. Jake stated Morgan lacked public land compared to other places, necessitating a more creative approach to developing trails.

Jake said following legal counsel the City began implementing some practices of the subdivision ordinance. This shifted the decision-making from a City Council vote to the Planning Commission, eliminating the need for a public hearing and allowing for a City Council public meeting instead. The ordinance introduced a structured schedule for developers and the City to make and respond to updates within specified timeframes. This change positioned subdivision approval as an administrative land use decision, meaning that as long as all requirements were met, the Planning Commission should approve it.

Jake explained the function of the Land Use Authority. He stated most cities had their Planning Commission review construction documents, plats, and utilities in advance. If the Planning Commission determined that everything met the necessary criteria, they approved it. The final plat was then subject to a detailed engineering review by staff acting as the Land Use Authority, who ensured it met all requirements and checked all the boxes.

Gary Crane, City Attorney, clarified that the Council's input was provided when the Council developed and implemented an ordinance governing subdivisions. This process differed from the MRO, which was a legislative act involving rezoning. For typical subdivisions, the ordinance was set in place, with the engineer

offering advice and the Planner ensuring all criteria were met. Consequently, the legislature assumed that, once these boxes were checked, the subdivision should be approved.

**PRESENTATION – UTOPIA UPDATE – ROGER TIMMERMAN, EXECUTIVE DIRECTOR, UTOPIA FIBER**

Roger Timmerman, Executive Director, UTOPIA, gave a brief update of UTOPIA Fiber. UTOPIA Fiber, a provider of broadband services, built fiber networks for cities. UTOPIA, an acronym for Utah Telecommunications Open Infrastructure Agency, was formed by 11 cities. Although there were initial challenges, demand for the service increased as cities recognized its value. Morgan City joined the partnership early, along with Woodland Hills and Idaho Falls. UTOPIA's rough years were avoided by Morgan City, which secured financing for the project in 2019, marking the beginning of a more successful phase.

Roger listed the following accomplishments:

- Largest Open-Access Network in United States (220k+ available locations, 23 city-wide projects.
- Biggest public network in the country.
- UTOPIA Fiber involved 23 cities in fiber-to-home projects and had fiber in over 70 cities.
- Fastest Speeds in the United States (10 Gbps residential, 100 Gbps business) and a 400-gig connection was in development for universities.
- It was recognized as the most competitive Open-Access Network, providing 18 different service options.
- UTOPIA Fiber connected more schools with UEN than any other provider, becoming their preferred provider.
- It became the number one provider of air quality data in the state by installing air quality sensors with each network installation.
- The company developed smart city solutions, including wildfire cameras with optical and thermal capabilities, although deployment in some areas was still in progress.
- UTOPIA Fiber worked on public Wi-Fi projects and connected numerous city locations.
- It achieved a net promoter score of 63, the highest in the state for broadband companies.
- Google ratings for UTOPIA Fiber were at 4.6 stars, higher than Google Fiber.
- UTOPIA Fiber continuously aimed to improve services, respond to outages, and upgrade its network, always striving to be the best.

Roger stated UTOPIA Fiber connected homes with individual fiber connections, unlike other providers where multiple homes shared a single connection. He said this approach ensured no interference between customers of different companies. Each home connection was equivalent to an entire city's connection for other providers, offering a premium deployment of fiber. Initially, gigabit service was the best available, but as technology improved and costs decreased, UTOPIA Fiber introduced more affordable 10 gig service and a 2.5 gig tier. They continued developing new applications and improving network monitoring and troubleshooting, supporting new technologies like AI, augmented reality, and virtual reality, ensuring readiness for increasing bandwidth demands.

Roger displayed a slide which showed subscribers by City and also one showing how Morgan City's Network had built out from the beginning to March 2024. UTOPIA had continued to build and expand the network as new addresses were added. Morgan City more than doubled the number of subscribers it needed to secure the bond. Morgan had more than a 67% take rate and it was the highest they had in any other city. A slide was displayed which showed all the connections in the City and some outside in the County.

TRAINING – GARY CRANE, CITY ATTORNEY

Gary Crane, City Attorney, gave training regarding ex parte communications and closed meetings. He explained the Council was elected as officials and were expected to listen to everyone, addressing concerns from garbage collection to potholes. However, on issues requiring decisions, it was advised to allow the process to work, encouraging developers to engage with neighbors. He stated this communication prevented conflicts. He gave an example of a past incident which involved council members who faced backlash due to ex parte communications about a controversial sign. The rest of the Council was unaware of these discussions, leading to misrepresentation and lack of context. The caution was to avoid such situations, ensuring all Council Members had access to the same information.

Gary explained the Planning Commission's primary role was to advocate for and enforce the ordinance, not to represent individual opinions or engage in informal communications. They were expected to avoid ex parte communications, meaning no individual member should meet with developers or neighborhoods outside official meetings. The process was to be allowed to proceed with comments and questions addressed through formal channels. Staff support was available to help answer questions from the public and assist the Planning Commission.


Gary emphasized that while not prohibited, it was strongly advised against City Council Members and elected officials to engage in direct communications outside official channels. Such actions could lead to complications due to strong emotions on both sides. Instead, officials were encouraged to support communication between developers and citizens and to foster participation during the Planning Commission process.

Gary also gave a brief training on closed meetings. He gave an example of an issue with closed meetings which involved North Logan. He said North Logan faced legal issues after a judge determined that meetings held by the City Council regarding the acquisition of landlocked property were improperly closed. The property in question was crucial for City planning, and discussions involved potential acquisition, possibly through eminent domain. Although such topics are typically appropriate for closed sessions, the City failed to properly notify and describe these as "closed meetings" rather than "executive sessions," as required by law. Consequently, the judge ordered the release of the meeting minutes, though North Logan is appealing the decision. The incident highlighted the importance of properly noticing and conducting closed meetings according to legal requirements, ensuring confidentiality where necessary while adhering to open meeting laws.

Gary gave brief directions to the Council when managing large groups during public comment periods. It was suggested that having one person represent the group helped avoid repetitive statements. He stated the City Council was there to listen, with staff taking notes on relevant issues. There was a three-minute limit per speaker to keep the process efficient. Written comments were also encouraged, as they could be reviewed by everyone on the council.

This meeting was adjourned at 7:01 p.m.

  
Denise Woods, City Recorder

  
Steve Gale, Mayor

These minutes were approved at the August 13, 2024 meeting.