



Council Meeting

10-22-24

(7:00 p.m.)



MORGAN CITY COUNCIL AGENDA
OCTOBER 22, 2024 – 7:00 P.M.
MORGAN, UTAH

PUBLIC NOTICE is hereby given that the Morgan City Council will hold a public meeting in the Council Room in the City Office Building, 90 West Young Street, Morgan, Utah, commencing at 7:00 p.m. on October 22, 2024. The public meeting will be live streamed on YouTube and a recording available on <https://morgancityut.org/meetings>.

WORK MEETING – 6:00 P.M. – CANCELLED

GENERAL MEETING – 7:00 P.M.

1. A. Welcome - Mayor Steve Gale
B. Pledge of Allegiance and Opening Ceremony
C. Approval of Meeting's Agenda
2. **CONSENT AGENDA:**
 - A. Minutes of the City Council Work Meeting – August 27, 2024;
 - B. Minutes of the City Council Meeting – August 27, 2024;
 - C. Minutes of the City Council Meeting – September 10, 2024; and
 - B. Warrants – (09/06/2024 – 10/18/2024)
3. **CITIZEN COMMENTS** (Time has been set aside for the public to express their ideas, concerns, and comments. Comments are limited to 3 minutes per person with a total of 30 minutes for this item. Open Comment Cards are available on the City's website, morgancityut.org and are to be filled out and submitted to the City Recorder before 5:00 p.m. on the day of the meeting.)
4. **VERBAL PRESENTATIONS**
 - A. Recognition – Dyson Blackburn – 3rd Year Certificate for Completing the 3rd Year Lineman Step Test.
5. **ACTIVE AGENDA**
 - A. Discussion / Action – A Resolution Authorizing the City to Enter Into a Delay Agreement With Lucerne Management Company, LLC for the Delayed Installation of Listed Improvements Along the Frontage of Property Located at the Intersection of 400 East and 400 North, Morgan, Utah; Reflecting the Dedication of the Property for the Placement of Said Improvements; and Authorizing the Mayor to Execute the Agreement – Resolution 24-34
 - B. Discussion – Changes to the Waste Management Fee Schedule to Include Recycling - Wasatch Integrated, City and County New Recycling Program
 - C. Discussion – Morgan City Code 8.04.040 – Connection to System – Dave Carter, 350 South State Street
6. **CITY REPORTS AND BUSINESS**
 - A. City Council
 - B. City Manager Updates
Risen Water – Purchase of Rippler to get rid of BOD and TSS at Sewer Lagoons
7. **ADJOURN**

-
- A Work Session will be held prior to the General Meeting to discuss miscellaneous matters if needed.
 - This meeting will also be live streamed via <https://morgancityut.org>.
 - The Council at its discretion may rearrange the order of any item(s) on the agenda.
 - In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Denise Woods, City Recorder, at (801) 829-3461 at least 48 hours prior to the meeting.
 - This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Morgan Council Conference Room, 90 West Young Street, Morgan, Utah. Elected Officials at remote locations may be connected to the meeting electronically to participate.
 - Notice is hereby given that by motion of the Morgan City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.

- The undersigned, duly appointed City Recorder does hereby certify that the above notice and agenda was posted within the Morgan City limits on this **18th day of October, 2024** at Morgan City Hall, on the Utah State Public Notice Website (<https://www.utah.gov/pmn>), on the City's Website (<https://morgancityut.org>), and three public places within the City.
 - The 2024 meeting schedule was posted on the City's Website and Public Notice Website on December 12, 2023.
- /s/ Denise Woods, City Recorder

DRAFT

MINUTES OF MORGAN CITY COUNCIL WORK MEETING

AUGUST 27, 2024; 6:02 P.M.

MAYOR AND COUNCIL MEMBERS PRESENT:

Mayor Steve Gale, Tony London, Jeff Wardell, Eric Turner, and Jeffery Richins

STAFF PRESENT:

Ty Bailey, City Manager; Gary Crane, City Attorney; Jake Young, City Planner, CitiDesign; and Teresa Shope, Acting City Recorder

EXCUSED:

Dave Alexander and Denise Woods

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.

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

ITEMS FOR DISCUSSION

AMENDING THE ZONING DESIGNATION OF A PARCEL OF PROPERTY CONTAINING APPROXIMATELY 77.45 ACRES LOCATED AT APPROXIMATELY 400 WEST 200 NORTH, BY CHANGING THE ZONING DESIGNATION FROM AGRICULTURE (A) TO SINGLE FAMILY RESIDENTIAL BY DESIGNATING 38.56 ACRES TO R-1-10 AND 38.88 ACRES TO R-1-12; PROVIDING FOR THE AMENDMENT TO THE ZONING MAP – ORDINANCE 24-12

Jake Young, City Planner, CitiDesign, gave a description of the property involved in the rezone. He stated the property covered 77 acres and was located in the southwest part of the City. Its primary use was agriculture, with fields actively being cultivated. He mentioned several ditches ran through the property, and East Canyon Creek bordered the southern part of the property. He stated the current zoning was agricultural use, and although the property was within the City boundary, it extended to the southern City limits. He stated this item was before the Planning Commission last week on August 20, 2024, for a public hearing regarding the rezone. Jake said there was one person in attendance to the public hearing and he expressed some opposition, primarily concerned that he was the only one present and felt the meeting was not adequately noticed. He was informed that the noticing process followed City ordinance, state code, and standard protocol, although no handwritten notices were delivered to individual doors, which may have been preferred. His opposition was more related to the change from open fields to residential development.

Jake displayed a map of the property to be rezoned. He explained the applicant was proposing the zoning of R-1-10 to the north portion of the property and R-1-12 to the southern portion. He pointed out the access points of 525 West, 400 West, 350 West and an opportunity for future connections to the West. He explained the R-1-10 zone was 10,000 square foot lots. He stated the requested parcels were based on specific zoning areas, accompanied by a legal description, which was the determining factor. The City engineer had reviewed the legal descriptions, confirming they matched what the applicant proposed on the map. He said the area was flat with no slope issues. However, to the south, the property was in the floodplain so it was in sensitive lands. He pointed out on the map the surrounding properties which were zoned R-1-

DRAFT

10, R-1-12, and R-1-20 and it was all residential and the proposed use for this property was residential. He clarified the original map provided with the application did not match the legal descriptions. A second map was submitted to correct this error. He said since the original application included the correct legal description for the proposed area, the submission was accepted.

Jake displayed a map from the General Plan, which was adopted this year. He pointed out the tan area as MDR (Medium Density Residential), allowing for three to five units per acre, including roads and utilities. He stated this resulted in slightly smaller lot sizes due to the gross acreage calculation. He pointed out the yellow area to the west and southwest was designated as LDR (Low Density Residential), allowing for two to three units per acre. He explained the General Plan was advisory and it didn't need to be followed exactly and sometimes it didn't follow property lines exactly. The General Plan was meant to be interpreted. He stated the R-1-10 matched up with the MDR and the R-1-12 matched up with the R-1-12 in terms of numbers of units.

Jake stated this application was requesting a change of the base zoning from Agriculture to R-1-10 and R-1-12. He explained the applicant could come back and do a new application for an MRO (Mixed Residential Overlay) Zone and there would be a new public hearing. The MRO would be another rezone because it was a different zone (overlay zone).

Gary Crane, City Attorney, explained the MRO was a different zone, known as a floating zone or overlay zone. He stated it existed above the City and could only be applied if a developer chose to invoke it, which would require a legislative act, unlike normal subdivisions that were administrative acts. He said while it seemed to bypass the subdivision ordinance, it did not, because state law encouraged these zones to promote a mix of housing. He said the overlay zone acted as an additional layer over existing zones, with both the original zoning provisions and those of the floating zone applying. He explained it functioned similarly to a sensitive lands ordinance, applying additional regulations to the underlying zone that would not apply to a regular development.

Gary explained the reason for this approach was to provide flexibility at the Council level. He stated when the MRO Zone was established, it was determined that those proposals needed to come before the Council due to the way densities and open space were distributed. He said this flexibility could not be achieved with a standard subdivision, which must adhere to all regulations in the subdivision ordinance, as required by state law. Subdivisions had to be administrative unless a mixed zone, like the MRO Zone, was implemented. He stated in such cases, the floating zone could be applied, with its conditions imposed in addition to the existing ground zone conditions.

Discussion regarding the rezone process and applying for an MRO zone. Mayor asked what could happen if the City received an application for a rezone to an MRO zone and the Council denied it.

Gary stated that legislative acts allowed significant discretion in decision-making. He said while certain parameters and the purpose of an MRO Zone had to be considered, it was still within the authority to deny an MRO Zone. In doing so, individuals would retain their rights under the existing zones. He emphasized that it was acceptable to reject an MRO Zone if it was deemed unsuitable for the area.

Mayor asked regarding the applicant coming in and applying for the MRO Zone and the Council approving it on the upper portion of the development but denying in on the lower portion due to the language in the ordinance that the MRO Zone is used for infill.

DRAFT

Gary indicated that while discretion was key, denying a request solely based on one condition might not be sufficient. He advised careful consideration since not all conditions had to be met. He said the focus was on whether the MRO Zone would be a positive addition to the City. He stated parameters could be set, but a rezone could be approved for any rational basis. He explained by identifying criteria such as infill areas and proper connections, rational bases were established for making decisions.

Jake recalled a discussion by the Council during the finalization of the MRO language regarding the potential removal of the infill requirement. He said although there was consideration of pulling that requirement, as shown in the meeting minutes, it was ultimately left in place. He stated Morgan didn't have a lot of infill within the City.

Jake continued with the report on the agenda item. He stated the lower portion of the development was in sensitive lands and it didn't affect the rezone but if they did apply for a subdivision it would apply and they would have to meet all the requirement of the sensitive lands, which could preclude them from having development in that area. He also pointed out that a portion of the development was in the well recharge area and there would also be separate requirements for development in that area.

Jake displayed maps from the General Plan showing the transportation map, parks, and trails. He stated the City could require parks and trails, but the City could work with the developer to possibly provide a trail or park.

Council Member Turner expressed significant concerns about the potential rezoning, particularly regarding the capacity of existing infrastructure. He questioned whether there was sufficient power, water, and sewer resources to support the proposed development. He also highlighted that the area's roads, especially 200 North, were already congested and might not be able to handle increased traffic from new homes. He stressed the importance of evaluating infrastructure, including roads, sewer lines, and the wastewater plant, before moving forward with the rezoning decision.

Ty Bailey, City Manager, acknowledged that while the sewer system was nearing the need for a full mechanical upgrade, other areas of infrastructure were well-prepared for future growth. He noted that the City had three substations, each capable of handling the entire City's power needs. However, traffic control was less ideal due to the lack of stoplights and limited impact fees, as the City's roads were already wide. He emphasized that infrastructure work had been done with future growth in mind, aiming for it to be self-sustaining.

Council Member London questioned whether as a legislative body should we deny a rezone based on concerns about infrastructure or approve the rezone and address those issues during the planning stage.

Gary explained that concerns about utilities and infrastructure should be addressed during the planning stage, not during the rezoning process. He said according to the ordinance, if adequate facilities are not available, a subdivision does not have to be approved even if the rezone is granted. He stated the General Plan designates areas for residential use, and infrastructure assessments – such as traffic studies or sewer capacity – are handled by engineers at a later stage. He said if utilities are insufficient, adjustments can be made before approving a subdivision and in extreme cases, a moratorium could be enacted to pause all development until issues are resolved.

Jake stated he had been in contact with the UDOT Planner to possibly work towards a transportation plan for Morgan City. He said when he spoke with the UDOT Planner he identified the key priorities for the City as improving the safety of the existing interstate configuration and exploring potential locations for a

DRAFT

second interchange for future needs. He said he also mentioned reconfiguring areas like the Young Street Bridge and addressing citywide grid issues, including building bridges across Island Road and filling other infrastructure gaps needed for Morgan.

Discussion regarding the last moratorium, the number of homes allowed into the area was limited on a first-come, first-served basis until the Lagoon issues were resolved. The restriction was based on sewer capacity, with an estimated 32 equivalent residential units (ERUs) available. The prior Sewer Supervisor had previously warned about limited capacity in the sewer system. In response, the front and back ends of the system were rebuilt to increase capacity, leading to the lifting of the moratorium. Moving forward, it was suggested that Ty, speak with the City's engineer and sewer and water supervisor regarding the systems, and assess any emerging capacity issues. If needed, another moratorium could be implemented based on his assessment. The discussion also noted emotional concerns from residents, often related to fears of growth, loss of rural character, and limited resources. These concerns were acknowledged but emphasized the importance of basing decisions on actual system capacity rather than perceptions.

FIRST AMENDED AGREEMENT FOR ANNEXATION AND DEVELOPMENT OF LAND BETWEEN MORGAN CITY AND LISA C. AND SHAUN D. PREECE, WAYLON S. AND MICHAELA PREECE, EUGENIA H. AND BLAKE E. ROWSER, ARLENE S. CHRISTENSEN, TRUSTEE AND DEANNE C. JOHNSON, TRUSTEE – RESOLUTION 24-30

Gary explained the major change involved in the Preece Amended Annexation Agreement was delaying improvements, specifically the installation of sewer lines. He stated lot owners were initially required to install a sewer line from the corner of 700 East, but the revised plan introduced a 20-foot-wide easement. He explained this easement would allow the sewer line to run through specific properties and connect to an existing sewer line that would extend down the road to the sewer lagoons. He stated the new sewer line was planned for future installation and future development.

Mayor stated if there was a septic tank issue with the property owners they would be required to hook onto the sewer line.

TRAINING – GARY CRANE, CITY ATTORNEY

No training was provided.

This meeting was adjourned at 7:00 p.m.

Teresa Shope, Acting City Recorder

Steve Gale, Mayor

These minutes were approved at the October 22, 2024 meeting.

DRAFT

MINUTES OF MORGAN CITY COUNCIL MEETING

AUGUST 27, 2024; 7:02 P.M.

MAYOR AND COUNCIL MEMBERS PRESENT:

Mayor Steve Gale, Tony London, Jeff Wardell, Eric Turner, and Jeffery Richins

STAFF PRESENT IN-PERSON:

Ty Bailey, City Manager; Gary Crane, City Attorney; Jake Young, City Planner, CitiDesign; and Teresa Shope, Acting City Recorder

EXCUSED:

Dave Alexander, and Denise Woods

OTHERS PRESENT:

Shaun and Lisa Preece, Garret Preece, Isabella Mecham, Jessy Preece, and Ben Russell, Center Point Construction

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.

This meeting was called to order by Mayor Steve Gale.

The pledge of allegiance was led by Council Member Turner.

The opening ceremony was presented by Ty Bailey, City Manager.

APPROVAL OF MEETING AGENDA

MOTION: Council Member Turner moved to approve the agenda.

SECOND: Council Member London

Vote was 4 ayes; Motion passed unanimously to approve the agenda; Council Member Alexander was absent.

MINUTES AND WARRANTS

MOTION: Council Member Richins moved to approve the following:
Warrants (08/09/2024 – 08/23/2024)

SECOND: Council Member Turner

DRAFT

Vote was 4 ayes; The motion passed unanimously to approve the minutes as written and one set of warrants; Council Member Alexander was absent.

The minutes for August 13, 2024, were not available for approval.

CITIZEN COMMENTS

No citizen comments.

Jake Young, City Planner, mentioned the master plan for Morgan City which focused on the downtown Commercial Street and State Street areas, as well as future citywide trail placements. He announced an open house to be held at the Middle School, where three different scenarios would be presented for public input. He explained this was part of a 20-year planning effort.

ACTIVE AGENDA

AMENDING THE ZONING DESIGNATION OF A PARCEL OF PROPERTY CONTAINING APPROXIMATELY 77.45 ACRES LOCATED AT APPROXIMATELY 400 WEST 200 NORTH, BY CHANGING THE ZONING DESIGNATION FROM AGRICULTURE (A) TO SINGLE FAMILY RESIDENTIAL BY DESIGNATING 38.56 ACRES TO R-1-10 AND 38.88 ACRES TO R-1-12; PROVIDING FOR THE AMENDMENT TO THE ZONING MAP – ORDINANCE 24-12

Jake displayed on the screen his report which was in the packet regarding this application for rezone. He explained this was a request to rezone approximately 77.45 acres of land within the City boundaries, currently zoned for agriculture. He stated the applicant sought two rezones. The first area, about 38 acres, included specific parcels as outlined in the application was to rezone agricultural land to R-1-10 (10,000 sq. ft. minimum lots) and the second request was to rezone agricultural land to R-1-12 (12,000 sq. ft. minimum lots), with the second area also covering approximately 38 acres.

Jake stated the proposed rezoning was deemed compatible with the General Plan, particularly in relation to future land uses and transportation. He informed the Council that a public hearing was held by the Planning Commission, and they received comments, including concerns about existing easements on adjacent properties and the general shift from agricultural to residential use.

Jake said the Planning Commission voted unanimously in favor of the rezone. He explained the decision was now before the Council for a final vote, with options to approve, reject, approve with conditions, or defer for further consideration. He noted that no subdivision was proposed at this time, though the applicant could submit one in the future.

Jake highlighted that the area under consideration lacked parks, and discussions were recommended with landowners regarding potential park development. He stated the General Plan had also identified East Canyon Creek as a potential trail corridor. He explained that although parks and trails were not legally required like roads, the City could engage with landowners willing to discuss these amenities.

Jake stated utilities were present and serviceable, but detailed engineering would be required during any subdivision proposal to ensure utility standards were met. He stated if these standards could not be met, the project would not proceed until adequate services were available.

Jake pointed out the proposed areas on the rezone map. The proposed areas for R-1-10 (north) and R-1-12 (south) zoning, where separated by a defined boundary. He pointed out the surrounding zones included R-

DRAFT

1-10, R-1-12, R-1-20, and agricultural zones, with unincorporated Morgan County to the south. The displayed maps provided a visual representation of the rezoning proposal, which aligned with the legal description. He stated the General Plan, adopted earlier in the year, designated the area as Medium Density Residential (MDR) and Low Density Residential (LDR), aligning with the proposed zoning changes. He explained the General Plan was viewed as advisory, and it was up to the City Council to interpret and decide how to act on it. He said the request was not seen as being in opposition to the General Plan.

Jake pointed out the southern area on the map, marked in blue, was identified as sensitive land. He stated any future development applications for this area would be required to comply with the sensitive lands ordinance, which would be reviewed by the City Council. Additionally, there were specific requirements related to the well recharge area that would need to be met.

Jake pointed out the transportation plan in the packet and indicated the need for street connections if the project moved forward, with a focus on improving street connectivity in the area. He mentioned the absence of parks nearby, with the closest being Fox Point Park, and expressed a desire to seek park opportunities, especially in anticipation of growth. Additionally, the City's Trails Plan, part of the General Plan, identified East Canyon Creek as a potential trail corridor. He said the City intended to engage landowners and developers in discussions about trail development, regardless of whether a project was underway, though development would provide a key opportunity for such discussions.

Council Member London stated the Council had reviewed this item thoroughly in the previous work session tonight. He explained the discussion largely focused on the City Council's role in deciding whether to approve the zone change. He said questions were raised about future details regarding roads, capacity in water, sewer and electricity, which would be addressed later during the subdivision ordinance process. He stated the primary task for the City Council this evening was to determine whether to pass the ordinance approving the zone change, with recognition that much work would remain to be done in the future.

MOTION: Council Member London moved to adopt Ordinance 24-12 – An ordinance amending the zoning designation of parcels of property containing a total of approximately 77.45 Acres located at approximately 400 West 200 North, by changing the zoning designation thereof from agriculture (A) to single family residential by designating 38.56 Acres to R-1-10 and 38.88 Acres to R-1-12; Providing for the amendment to the Zoning Map; Providing for repealer; Providing for severability; and Providing for an effective date.

SECOND: Council Member Wardell

Discussion on the Motion: Council Member Richins disclosed that there might be a perceived conflict of interest regarding his vote due to a family member's proximity to the matter. He clarified that the issue did not personally affect him, and he felt he could still vote on it. He noted that while there may be a perception of a closer tie, he had no direct involvement, apart from the family member mentioned being somewhat closer to the issue.

Gary Crane, City Attorney, clarified that, under Utah law, there was no pecuniary interest involved, meaning the individual would not gain financially from the outcome, whether positive or negative. He noted that in a small town like Morgan, personal associations are common, but Council Member Richins had appropriately disclosed their situation.

ROLL CALL VOTE: Dave Alexander – absent
Jeffery Richins – aye
Jeff Wardell – aye

DRAFT

Tony London – aye
Eric Turner – aye

Vote was 4 ayes; Motion passed unanimously to adopt Ordinance 24-12 – An ordinance amending the zoning designation of parcels of property containing a total of approximately 77.45 Acres located at approximately 400 West 200 North, by changing the zoning designation thereof from agriculture (A) to single family residential by designating 38.56 Acres to R-1-10 and 38.88 Acres to R-1-12; Providing for the amendment to the Zoning Map; Providing for repealer; Providing for severability; and Providing for an effective date.

FIRST AMENDED AGREEMENT FOR ANNEXATION AND DEVELOPMENT OF LAND BETWEEN MORGAN CITY AND LISA C. AND SHAUN D. PREECE, WAYLON S. AND MICHAELA PREECE, EUGENIA H. AND BLAKE E. ROWSER, ARLENE S. CHRISTENSEN, TRUSTEE AND DEANNE C. JOHNSON, TRUSTEE – RESOLUTION 24-30

Gary explained the changes proposed to the current Annexation Agreement were marked to show language which was removed and added. He referred to the Amended Annexation Agreement in the packet. He stated the family involved in the subdivision process encountered challenges that were more complex than anticipated, with some tasks proving difficult or impossible to accomplish. He said as a result, they requested an amendment to the current annexation agreement to address these difficulties. He said a proposed change was to paragraph 3.1 – Sanitary Sewer Line, which included dedicating a 20-foot-wide easement to the City for future installation of an 8-inch sewer line. This easement would allow properties within the area to connect to the sewer line in the future. He explained the 20' wide sewer line easement and access would run from 700 East along the east side of Lot 2, Lot 1, and property owned by Arlene S. Christensen (Parcel No. 00-0092-7169), then from east to west along the southern boundary of the Christensen. He stated the parties agreed to connect to the sewer line when one of two events occurred: either further development of the land or the agricultural piece being developed. Either scenario would trigger the requirement for everyone to connect, resulting in a fully operational sewer line.

Mayor clarified this was for the Preece property.

Gary referred to paragraph 3.3 – 600 West – North of the UDOT and Railroad Right of Way. He explained the improvements along 700 East and 600 West would be delayed, and the owners agreed to dedicate five feet along the property line. He stated the road was owned by UDOT and the City was responsible for acquiring possession. To achieve a 60-foot right-of-way, five feet would be needed from both sides of the road. The agreement allowed the family to provide the required five feet now, with the other side contributing when that property develops in the future. He also explained the storm drain installation was postponed as there was no existing system to connect to until the agricultural land was developed. He stated it was anticipated that a detention basin or similar system would be required at that time. He said the owners agreed to connect to the future storm drain system once it was established.

Gary referred to paragraph 3.7 – New Homes on Lots Fronting on 700 East and New Development on 600 West. He stated the owners requested the City to delay curb, gutter, and sidewalk improvements until the agricultural land was developed. He said once that development occurred, they agreed to complete the improvements on 600 West and if and when there is development and a connection on 700 East the owners would kick in and help put in those improvements. He stated there was a commitment on the owners part to put the improvements when we there was actually something to connect to.

Council Member London asked if the delay agreements were already in place or if this amended agreement constituted the delay agreements.

DRAFT

Gary said no, the delay agreements would come to the City Council for approval at a later date and they would be recorded against the land. He explained one delay agreement was for curb, gutter, sidewalk and storm drain and the second was for sanitary sewer. He stated they were also required to hook up to the secondary water system if and when it was available.

Gary mentioned the owners also agreed to reroute the existing water line from 700 East down 600 West to avoid running through the middle of their lot. The plan was to extend an 8-inch water line with the subdivision to the corner lot, as shown by the dashed line on the map displayed. This new water line would be installed during the development.

Gary asked if he had discussed all the changes and if the Amended Agreement was good.

Garrett Preece stated the Agreement was good. (Teresa Shope, Acting City Recorder confirmed this comment.)

MOTION: Council Member London moved to adopt and approve Resolution 24-30 – A resolution adopting and approving the First Amended Agreement for Annexation and Development of Land Between Morgan City and Lisa C. and Shaun D. Preece, Waylon S. and Michaela Preece, Eugenia H. and Blake E. Rowser, Arlene S. Christensen, Trustee and Deanne C. Johnson, Trustee.

SECOND: Council Member Richins

Discussion on the Motion: No discussion.

ROLL CALL VOTE: Dave Alexander – absent
Jeffery Richins – aye
Jeff Wardell – aye
Tony London – aye
Eric Turner – aye

Vote was 4 ayes; Motion passed unanimously to adopt and approve Resolution 24-30 30 – A resolution adopting and approving the First Amended Agreement for Annexation and Development of Land Between Morgan City and Lisa C. and Shaun D. Preece, Waylon S. and Michaela Preece, Eugenia H. and Blake E. Rowser, Arlene S. Christensen, Trustee and Deanne C. Johnson, Trustee.

BID AWARD – RENEGADE LANDSCAPES – CITY ENTRY MONUMENT PROJECT; RATIFYING THE CITY MANAGER’S SIGNATURE ON THE NOTICE TO AWARD – RESOLUTION 24-29

Ty stated at the last City Council meeting, he mentioned that the bid for the City Entry Monument Project had been received and accepted. He said the decision was made for the bid to be signed and later ratified by the Council. He stated there was a meeting with the City Engineer, applicant and Jake Young, City Planner, which led to adjustments that reduced the original bid from \$156,000 to align with the engineer's estimate of \$140,000. He stated the bid was awarded, and the notice to proceed was approved. He explained this Project was part of the Rural Opportunities Grant from 2023. He said the Council’s approval was needed to ratify his signature.

DRAFT

Ty clarified that the bid included everything except the block lettering on the sign. He said the contractor was responsible for installing the upright posts, while the City still needed to purchase the signs. He stated the signs would feature block lettering and be backlit for nighttime illumination. He mentioned there would also be a 40-foot flagpole to the left of the sign with a light. He stated the sign would say “Welcome to Historic Morgan City.”

MOTION: Council Member Turner moved to adopt and approve Resolution 24-29 – A resolution authorizing an agreement with Renegade Landscapes for the City Entry Monument Project; Authorizing further negotiations and change orders necessary for the completion of the City Entry Monument Project; and Ratifying the City Manager’s signature on the Notice to Award.

SECOND: Council Member Richins

Discussion on the Motion: No discussion

ROLL CALL VOTE: Dave Alexander – absent
Jeffery Richins – aye
Jeff Wardell – aye
Tony London – aye
Eric Turner – aye

Vote was 4 ayes; Motion passed unanimously to adopt Resolution 24-29 – A resolution authorizing an agreement with Renegade Landscapes for the City Entry Monument Project; Authorizing further negotiations and change orders necessary for the completion of the City Entry Monument Project; and Ratifying the City Manager’s signature on the Notice to Award.

Gary Crane and Jake Young left the meeting at 8:02 p.m.

CITY REPORTS

CITY COUNCIL

COG (Council of Governments) – Council Member Richins explained COG (Council of Governments) was made up of representatives from the City, County, and School District. He stated Council Member Alexander and Council Member London attended several of the meetings with Wasatch Front Regional Council (WFRC) to represent the City.

CITY MANAGER

Department of Energy Grant – Ty The updated the Council regarding a grant from the Department of Energy. The City had received the intent to award the grant so the project can move forward. The grant was intended to bury power lines on State Street and 400 East toward Industrial Road. He said the project was valued at \$1 million, with \$600,000 covered by the grant. He explained the plans for this project were made to combine this effort with a sidewalk replacement project, as the existing sidewalk would be disrupted during the power line work and was already in poor condition. Engineering work and bidding were still pending at the time.

Crown Castle Lease – Extension – Ty referenced the letter from Crown Castle. He stated there had been discussions regarding a lease agreement for the communication tower at the Transfer

DRAFT

Station. He explained initially, a 30-year lease was proposed, but it was deemed too long. He stated the revised terms included a 10-year lease with a 4% escalator, down from the previous 5%, along with a \$15,000 sign-on bonus. He asked the Council for feedback to determine whether the terms were acceptable or if further negotiations were necessary before finalizing the agreement. The Council expressed agreement with the 10-year lease and the 4% escalator to keep up with inflation.

This meeting was adjourned at 8:10 p.m.

Teresa Shope, Acting City Recorder

Steve Gale, Mayor

These minutes were approved at the October 22, 2024 meeting.

DRAFT

MINUTES OF MORGAN CITY COUNCIL MEETING

SEPTEMBER 10, 2024; 7:00 P.M.

MAYOR AND COUNCIL MEMBERS PRESENT:

Mayor Steve Gale, Jeff Wardell, Jeffery Richins, and
Dave Alexander

STAFF PRESENT IN-PERSON:

Ty Bailey, City Manager; and Denise Woods, City
Recorder

STAFF PRESENT ELECTRONICALLY:

Gary Crane, City Attorney

EXCUSED:

Eric Turner and Tony London

OTHERS PRESENT:

Kate Becker, Administrative Manager, Morgan
County

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.

This meeting was called to order by Mayor Steve Gale.

The pledge of allegiance was led by Council Member Richins.

The opening ceremony was presented by Council Member. Wardell

APPROVAL OF MEETING AGENDA

MOTION: Council Member Wardell moved to approve the agenda.

SECOND: Council Member Richins

Vote was 3 ayes; Motion passed unanimously to approve the agenda; Council Member Turner and Council Member London were absent.

MINUTES AND WARRANTS

MOTION: Council Member Alexander moved to approve the following:
Minutes of the City Council Work Meeting – August 13, 2024; and
Warrants (08/23/2024 – 09/06/2024)

SECOND: Council Member Richins

DRAFT

Vote was 3 ayes; The motion passed unanimously to approve the minutes as written and one set of warrants; Council Member Turner and Council Member London were absent.

CITIZEN COMMENTS

No citizen comments.

ACTIVE AGENDA

AGREEMENT FOR INSTALLATION AND MAINTENANCE OF GAGING STATION BETWEEN U.S. GEOLOGICAL SURVEY (USGS) UTAH WATER SCIENCE CENTER AND MORGAN CITY – RESOLUTION 24-32

Ty Bailey, City Manager, explained this agreement allowed for the installation of a monitoring station on Young Street Bridge. He stated this station would include a gauge to provide real-time streamflow data, particularly useful during flood seasons, displaying accurate water levels as they entered the City. He said the setup had minimal impact, with a small attachment to the bridge and most of the equipment would be placed on the bank near the Jenkins Property and not on the side where the City was doing the trail work. Additionally, a physical gauge was placed to display water levels. He said despite the complexity of the system, it had minimal impact on the surrounding area.

Council Member Alexander asked regarding the terms of the agreement.

Ty explained it was for 5 years unless terminated earlier by USGS or the landowner upon 60 days written notice. It would stay in place until one of the parties terminated the agreement.

MOTION: Council Member Wardell moved to adopt Resolution 24-32 – A resolution adopting and approving an Agreement Between U.S. Geological Survey (USGS) Utah Water Science Center and Morgan City for the Installation and Maintenance of a Gaging Station Located in the Weber River at Approximately 500 East and Young Street (Young Street Bridge).

SECOND: Council Member Richins

Discussion on the Motion: No discussion.

ROLL CALL VOTE: Dave Alexander – aye
Jeffery Richins – aye
Jeff Wardell – aye
Tony London – absent
Eric Turner – absent

Vote was 3 ayes; Motion passed unanimously to adopt Resolution 24-32 – A resolution adopting and approving an Agreement Between U.S. Geological Survey (USGS) Utah Water Science Center and Morgan City for the Installation and Maintenance of a Gaging Station Located in the Weber River at Approximately 500 East and Young Street (Young Street Bridge).

AGREEMENT CONCERNING THE MORGAN COUNTY COUNCIL OF GOVERNMENTS (COG) – RESOLUTION 24-33 – KATE BECKER, ADMINISTRATIVE MANAGER, MORGAN COUNTY

Kate Becker, Administrative Manager, Morgan County, explained there had been confusion regarding voting rights and the number of votes allotted to each entity. She stated the RPO (Rural Planning Organization) and COG (Council of Governments) processes were not previously formalized by resolution,

DRAFT

and recent meetings focused on addressing this issue. She said the agreement in the packet was the result of several discussions in COG meetings. She explained the 2002 version of the agreement was not officially presented as an amendment, as there had never been an agreement or resolution in place at the County or City level. She stated COG served primarily as an advisory body for the corridor preservation tax which brought in approximately \$500,000.00 per year.

Kate explained the RPO met on Monday and the Public Works Directors for both the City and the County along with WFRC (Wasatch Front Regional Council), collaborated to create a priority list of projects for funding. She said this list was then recommended to COG, which included the City, County and the School Board as voting members. Since this group was responsible for managing nearly half a million dollars annually, the lack of formal resolution in appointing the recommending body was seen as a significant issue that needed correction.

Denise Woods, City Recorder, asked for clarification regarding the reference to the Morgan County Commission of Governments in the Preamble and then in section I – Purpose the reference was Morgan County Council of Governments.

Kate clarified that it should be the Morgan County Council of Governments in the Preamble.

Ty expressed appreciation for Kate and the work she has bringing the City and County together.

MOTION: Council Member Alexander moved to adopt Resolution 24-33 – A resolution adopting and approving an Agreement Concerning the Morgan County Council of Governments (COG) with the change to the Preamble regarding the language Morgan County Council of Governments.

SECOND: Council Member Richins

Discussion on the Motion: None

ROLL CALL VOTE: Dave Alexander – aye
Jeffery Richins – aye
Jeff Wardell – aye
Tony London – absent
Eric Turner – absent

Vote was 3 ayes; Motion passed unanimously to adopt Resolution 24-33 – A resolution adopting and approving an Agreement Concerning the Morgan County Council of Governments (COG) with the change to the Preamble regarding the language Morgan County Council of Governments.

Ty discussed two requests to the COG this year. He stated the first request involved using Corridor Preservation funds to purchase land in front of the UDOT shed for future road development. He said this was considered the most appropriate use of the funds.

He explained the second request was for a Trails Grant, seeking additional funding from COG to create a trail from State Street down 300 West and Island Road to 400 West. Since traditional sidewalk infrastructure was not feasible due to obstacles, a study would be conducted to explore the possibility of constructing a paved trail instead.

DRAFT

CITY REPORTS

CITY COUNCIL

Council Member Alexander mentioned that he and Ty had attended the Utah League of Cities and Town Conference in Salt Lake City.

CITY MANAGER

Project Updates

300 West Project – Ty updated the Council on the 300 West project, between Young Street and 100 South, which was nearly complete, with landscaping work in progress. He said as part of the road contract, a homeowner was required to install curb, gutter, and sidewalk in front of their new home and the remainder of the block, a short stretch without further development potential, was also completed, creating a small connection to the nearby park and Young Street.

Young Street Bridge Trail - Ty stated work had begun on the project beneath the bridge, with dewatering efforts already underway. He said concrete pouring was expected to start soon. He explained the project included a trail under the bridge and a parking lot, with the possibility of adding a restroom depending on available funds.

City Monument and Entry Project – Ty stated the City entrance project had just begun, with materials being moved at the corner of Commercial and State Street.

Speed Limit – SR-66 – Ty said that UDOT announced changes to the speed limit on SR-66 after conducting a speed study. He explained the speed limit on State Street would remain at 30 mph until exiting the town, where it used to increase to 40 mph after 200 South but would now stay at 30 mph. Additionally, the speed limit outside the City in the County would be reduced from 50 mph to 40 mph. He expressed frustration that these changes were made without their input, despite ongoing collaboration with UDOT on a separate study.

Recycling Program – Ty there would be a meeting on October 1st and 4:00 p.m. to discuss the recycling program. He said the City would partner with the County to secure pricing from Robinson Waste, which had not been available previously. He said additionally, an incentive was obtained from Wasatch Integrated, outlining the subsidy per recycling can. This allowed the City and County to better evaluate the financial impact of the decision to implement the recycling program.

City Generators – Ty said the generators were installed, with wiring still pending for the control box to automate power management based on the building's needs. He said the system was plumbed into the building's natural gas line, and a new meter was installed. He said the City had two portable diesel generators which were also acquired under a grant, with one larger than the other, capable of powering wells and sewer systems during outages. He stated pre-wired plugs were installed at various locations, including the City shop, for easy connection. The system provided backup power for essential services. He said plans were underway to submit for grant reimbursement, and discussions about contracting maintenance for the generators were ongoing, with an interest in securing a better deal for servicing.

DRAFT

This meeting was adjourned at 7:50 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the October 22, 2024 meeting.

RESOLUTION 24-34

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A DELAY AGREEMENT WITH LUCERNE MANAGEMENT COMPANY, LLC FOR THE DELAYED INSTALLATION OF THE LISTED IMPROVEMENTS ALONG THE FRONTAGE OF PROPERTY LOCATED AT THE INTERSECTION OF 400 EAST AND 400 NORTH, MORGAN, UTAH; REFLECTING THE DEDICATION OF THE PROPERTY FOR THE PLACEMENT OF SAID IMPROVEMENTS; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

WHEREAS, Morgan City has received an application in the Industrial Park for storage units with residential units as an accessory dwelling, referred to as ACS Red Wagon Storage; and

WHEREAS, the property is zoned Manufacturing and Distribution (M-D) and the proposal is consistent with the zoning designation and the General Plan for the development in this vicinity; and

WHEREAS, the owner has divided, developed, or otherwise altered or improved the subject property in such a way that the laws and ordinances of Morgan City require the installation of curb, gutter, and sidewalk along the entire frontage of the subject property (the width, location, and configuration of the sidewalk are within the sole discretion of the City); and

WHEREAS, owner will dedicate the depth of property necessary for the installation of the improvement to meet City's requirements along the frontage of the subject property; and

WHEREAS, installation of said improvements shall require the moving of power poles to accommodate the construction of the improvements; and

WHEREAS, the final location for the improvements along 400 East have not been determined, therefore, City Council determines it to be in the best interest of the City and its citizens to enter into this Delay Agreement to facilitate the installation of curb, gutter, and sidewalk, to a time more beneficial to the City and the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE MORGAN CITY COUNCIL:

1. That the City is hereby authorized to enter into a delay agreement entitled Agreement for Delaying the Installation of Development Improvements, which is attached hereto and incorporated herein by this reference, for delaying the installation of curb, gutter, and sidewalk along the entire frontage of property located at the intersection of 400 East 400 North, Morgan, Utah.
2. That the Mayor is hereby authorized to execute the delay agreement and any additional documents to meet the objectives of this resolution.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 22nd day of October, 2024.

STEVE GALE, Mayor

ATTEST:

DENISE WOODS, City Recorder

APPROVED AS TO FORM:

GARY R. CRANE, ATTORNEY

When Recorded Return To:

Morgan City
90 West Young Street
P.O. Box 1085
Morgan, UT 84050

**AGREEMENT FOR DELAYING THE INSTALLATION
OF DEVELOPMENT IMPROVEMENTS**

Comes now MORGAN CITY, a municipal corporation within the State of Utah (hereinafter "City"), and LUCERNE MANAGEMENT, LLC, of 2970 South Morgan Valley Drive, Morgan, Utah, (hereinafter "Owner"), and for good and valuable consideration, the receipt of which is hereby acknowledged, state and agree as follows:

1. That Owner has divided, developed, or otherwise has altered or improved the subject property in such a way that the laws and ordinances of Morgan City require the installation of the named improvements by Owner.
2. That due to existing conditions, such as the absence of the determination of the final design, location, or size of the improvements, or the absence of existing improvements to which these would connect, the Parties agree to delay the installation of these improvements.
3. Owner understands that Owner will be solely responsible for the costs of these improvements at the time they are installed; understands that this agreement runs with the land, thus any subsequent owner or interest holder in the subject property will have this same obligation; and that the timing of the installation, the installer, and the design of the improvements are within the sole discretion of the City.
4. That the City may call for the installation or the Owner's participation in the installation of the improvements and/or the moving of the power poles, after completing the final design for the location and size of the improvements and will give Owner as much advance notice as is practical.
5. The named improvements are: curb, gutter, and sidewalk along the entire frontage of the subject property, which improvements shall require the moving of power poles to accommodate the construction of the improvements (The width, location, and configuration of the sidewalk are within the sole discretion of the City).
6. At the City's discretion, in lieu of moving the power poles and/or putting in improvements, the City may allow Owner to post a bond to cover the costs of the improvement. The dedication of property for the improvements shall still be made at the time of the filing of the plat.
7. Owner will dedicate the depth of property necessary to meet the City's requirements along the frontage of the subject property at or immediately after the filing of the plat dividing said property.

8. The subject property is:

Approximately located at the intersection of 400 East 400 North, Morgan, Utah; and/or

Tax Identification number(s): Parcel No. 00-0070-7462 / Serial No. 05-281-03

Signed this ____ day of _____, 2024, by the Owner(s):

LUCERNE MANAGEMENT COMPANY, LLC

By: _____
(Print Name)

Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF MORGAN)

On this _____ day of _____, 2024, personally appeared before me _____, who duly acknowledged to me that he is the _____ of LUCERNE MANAGEMENT COMPANY, LLC, and that the document was signed by him in behalf of said corporation, and he acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

Print Name

My Commission Expires

MORGAN CITY CORPORATION

By: STEVE GALE
Title: Mayor

STATE OF UTAH)
 : SS.
COUNTY OF MORGAN)

On this ____ day of _____, 2024, personally appeared before me STEVE GALE, proven on the basis of satisfactory evidence, and who by me duly sworn, did say that he is the Mayor of Morgan City Corporation, and that said document was signed by him in behalf of Morgan City Corporation, and STEVE GALE acknowledged to me that Morgan City Corporation executed the same.

WITNESS by hand and official seal hereto affixed the day and year in this certificate above written.

NOTARY PUBLIC

Print Name

My Commission Expires

APPROVED AS TO FORM:

GARY R. CRANE
City Attorney

Morgan City and County Recycle Program Estimates 10.01.24									
<u>Bundles Service</u>			<u>Opt. Out</u>			<u>Difference in Cost</u>			
Can Cost	\$57 - \$15	\$42.00	Can Cost		\$57 - \$10	\$47.00			\$5.00
Hauling Cost	100%	\$3.50	Hauling Cost		55%	\$5.00			\$1.50
Tipping Fee		\$0.00	Tipping Fee			\$0.00			\$0.00
Can Payback	\$42 / 24	\$1.75	Can Payback		\$47 / 24	\$1.96			\$0.21
Total		\$5.25	Total			\$6.96			\$1.71
Current garbage		\$20.00	Current garbage			\$20.00			
Total per month		\$25.25	Total per Month			\$26.96			\$1.71
25.50/ month or hardship of 19.12/ month (25% discount), bundled service regardless with no implementation cost to customer.									
Hardship is defined as a home that qualifies for either Homestead Credit or Circuit Breaker.									
		A	New rate with 75% - 25%	1st Can		\$20.22			
				Recycle Can		\$6.74			
		B	New rate with 80% - 20%	1st Can		\$21.57			
				Recycle Can		\$5.39			
		C	New rate with 85% - 15%	1st Can		\$22.92			
				Recycle Can		\$4.04			

8.04.040 CONNECTION TO SYSTEM

- A. Required: It is hereby expressly provided that it shall be unlawful for the owner or other person having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial use, any part of which building is within two hundred feet (200') of any sewer then in existence and used in the city, to construct or permit to be constructed or to use or permit to be used any privy, vault, septic tank or cesspool connected with such building. Each such owner or other person shall, within ninety (90) days after having been given notice by the city that an accepted public sewer is ready to receive connections therewith, cause such building to be connected with such sewer and it shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause or permit to exist any privy, vault, septic tank or cesspool to which such building is connected or which is used by the occupant thereof. Whenever an accepted public sewer is available to receive connections therewith, the wastewater supervisor shall cause appropriate notice to be served upon the owner, agent or other person having charge of or occupying all property coming within the scope of this section that such public sewer is ready to receive connections therewith and that all plumbing must be connected with such sewer. (1973 Code § 16-3-28)
- B. Permit Required:
1. It shall be unlawful for any person to commence or carry on the work of laying, repairing, altering or connecting any sewer pipe with the public sewer without first having a permit to do so from the wastewater supervisor. Such permit must be on the premises during the whole time the work is in progress and must be exhibited upon a request to the wastewater supervisor or his authorized agent.
 2. It shall be unlawful for any person to connect or attach any private drain or house connection directly or indirectly with the public sewer without having first received the regular permit from the wastewater supervisor. (1973 Code § 16-3-5)
- C. Application: The application for a permit for a sewer connection must be made in writing by the user of the premises or his authorized agent and must be accompanied by plans showing the cause of the connection, its size and the size and location of all branches to be connected. The application and plans, together with any connection fee as hereinafter provided for, shall be deposited with the city treasurer and when approved by the wastewater supervisor shall be granted, subject to the provisions of this chapter. (1973 Code § 16-3-6)
- D. Fee:
1. There shall be no connection fee for property to the city sewer system upon all connections completed and in service within ninety (90) days after the city has given notice that said sewer system is available for public use. If connection is made to said sewer system subsequent to ninety (90) days after the city has given notice that said sewer system is available for public use, then a connection fee as established by ordinance of the city council shall be paid by each such property

owner for connection to said sewer system at such subsequent date and said property owner, in addition to paying the service connection fee, will be required to run the necessary sewer connection lines at his own expense to the main sewer line, to make the connection at his own expense, subject to the city's inspection and approval, and to restore and repair the street or any other improvements affected in a manner satisfactory to the city.

2. If any abutting property is not connected to the sewer within ninety (90) days after the city has given notice that said sewer system is available for public use, provided the sewage facilities are available in sewage lines passing in front of such property, the city shall discontinue service of water to such property and shall not serve such property with water until the sewer connection is made and the connection charge paid, and further, in the event any owner of improved property fails or refuses to make such connection prior to such date, such failure or refusal is hereby declared to be a class B misdemeanor, subject to penalty as provided in MCC 1.08.010, and each day that such failure or refusal continues is hereby declared to be a separate offense and punishable as such. (1973 Code § 16-3-30; amd. 2003 Code)
- E. Issuance: All permits for sewer connections shall be issued to the licensed plumber or drain layer who is to do the work. (1973 Code § 16-3-10)
- F. Revocation: The wastewater supervisor may at any time revoke a permit for a sewer connection on account of defective work. (1973 Code § 16-3-11)

