

**MINUTES OF MORGAN CITY
COUNCIL MEETING**

OCTOBER 22, 2024; 7:00 P.M.

**MAYOR AND COUNCIL MEMBERS
PRESENT:**

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

STAFF PRESENT IN-PERSON:

Ty Bailey, City Manager; Gary Crane, City Attorney; Denise Woods, City Recorder; Clark Crook, Power Foreman; Dyson Blackburn, Morgan Electric Department; and Traca Wardell, Utility Clerk

EXCUSED:

Eric Turner

OTHERS PRESENT:

Dave and Lorna Carter; Adam Hacker, Wasatch Integrated Waste Management District; Weber State Political Science Students – Rhett Wevers, Ryker Moser, Eric Brenchley, Majer Niederhauser, Tessa Whimpey, Saige Blackburn, Brinley Turner, Jackson Flitton, Jace Williams, Zach Dredge, Jack Whitmer, Shawn Orton, Kale Anderson, Krew Lowe, Miller Beardall, Tiffany Ellis, and Courtney Ellis

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 Alexander.

APPROVAL OF MEETING AGENDA

MOTION: Council Member London moved to approve the agenda.

SECOND: Council Member Richins

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

MINUTES AND WARRANTS

MOTION: Council Member Alexander moved to approve the following:
Minutes of the City Council Work Meeting – August 27, 2024;
Minutes of the City Council Meeting – August 27, 2024;
Minutes of the City Council Meeting – September 10, 2024; and
Warrants (09/06/2024 – 10/18/2024).

SECOND: Council Member Richins

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

CITIZEN COMMENTS

No citizen comments.

VERBAL PRESENTATIONS

RECOGNITION – DYSON BLACKBURN – 3RD YEAR CERTIFICATE FOR COMPLETING THE 3RD YEAR LINEMAN STEP TEST

Mayor Gale stated Dyson was diligently working towards his lineman certification and he had recently received his 3rd year certificate for completing the 3rd year lineman step test.

Clark Crook, Power Foreman, explained that Dyson participated in a four-year apprenticeship program, completing three years under the Mountain Power Superintendent Association (IPSA), the governing body responsible for testing and approving his advancement. Each year, Dyson passed step tests required for progression, which assessed his knowledge and practical skills. His recent advancement to the fourth year allowed him to handle higher voltage work independently, providing significant value to the team. Dyson's testing involved four main areas: a written knowledge test, a transformer test covering connections and theory, a phasing test with wires, and a hands-on practical test where he led a project. Clark stated he performed well in each component, demonstrating strong capability and readiness for increased responsibility.

Dyson Blackburn thanked the Council, the City, and his co-workers for the opportunity to pursue his education and for their support in helping him advance.

Council Member London explained the four-year apprenticeship program allowed participants to work for the City while earning a salary, with the City covering the cost of their schooling. He stated upon completing the program, participants could qualify as journeyman linemen. He said this approach helped attract skilled individuals to the City's electrical department.

Clark explained the City incurred significant expenses for the apprenticeship program, covering costs for schooling, transportation, and required training. Apprentices attended a week-long hands-on school to practice techniques learned during the year. He stated the apprentices were required to complete 122 classroom hours and nearly 2,000 on-the-job hours annually toward their apprenticeship.

ACTIVE AGENDA

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

The parcel of property affected by the Delay Agreement was displayed on the screen.

Ty Bailey, City Manager, explained that during the project's development, the City needed to engineer a street to evaluate the feasibility of installing a curb, gutter, and sidewalk on one side within a 60-foot right-of-way. He noted that engineering confirmed compatibility, but the planned sidewalk location conflicted with existing power poles. He said since a grant-funded project was already in place to bury these poles, the City proposed delaying sidewalk construction until the poles were buried, likely the following year. Ty stated that curb and gutter installation could proceed immediately, allowing the City to advance this aspect of the project without delaying the sidewalk.

Ty outlined the plan to install a sidewalk along the entire length of one side of the street as part of the development requirements. He mentioned that the City Engineer had surveyed the area, ensuring that additional sidewalks could be installed if future development occurred on the west side. The right-of-way and design elements were deemed sufficient to extend the sidewalk to State Street.

Council Member Alexander inquired about the resolution's first clause, which referred to an application for an industrial park that included storage units with residential units, asking whether residential units would be part of the project.

Ty clarified that four buildings in the Industrial Park were designated as flex spaces, featuring shop areas on the ground floor and living units above, while the remaining buildings were for storage. He confirmed that the M-D Zone (Manufacturing and Distribution) permitted this development, and approval was granted by the Planning Commission for four residential units. Additionally, he reiterated that the City planned to enforce the curb, gutter, and sidewalk requirements after the power lines were buried. The area was engineered to support the City's development goals, including road expansions and right-of-way acquisition, ensuring future connectivity and functionality for potential developments.

MOTION: Council Member Alexander moved to adopt Resolution 24-34 – 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.

SECOND: Council Member Wardell

Discussion on the Motion: No discussion.

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

Vote was 4 ayes; Motion passed unanimously to adopt Resolution 24-34 - 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; Council Member Turner was absent.

CHANGES TO THE WASTE MANAGEMENT FEE SCHEDULE TO INCLUDE RECYCLING - WASATCH INTEGRATED, CITY AND COUNTY NEW RECYCLING PROGRAM

Mayor welcomed Adam Hacker, Financial Officer, with Wasatch Integrated Waste Management District to the meeting.

An updated document showing the recycle program estimates was distributed to the Council prior to the meeting. This document differed from the one initially in the packet.

Council Member Alexander asked what the Council would be deciding tonight.

Traca Wardell, Utility Clerk, explained this was for discussion only for the Council tonight and no decision would be made. She stated the County Commission would be reviewing this and making their decision next Tuesday whether to move forward with the program and then it would come back to the City Council for their decision on November 12th.

Council Member London explained there had been a meeting with the Council Commission and it was decided that the City continue to align its rates with the County. He mentioned a meeting with the County Commission a month prior, and discussions focused on whether to implement a bundled service or an opt-out program. He stated the figures presented reflected both options. He stated the County had nearly made its decision, leaning towards the bundled service based on the last discussion during the work meeting. He said one notable aspect of the bundled service was that, unlike the opt-out program, which would have allowed residents to decline service and return their cans, the bundled service would ensure that all residents received a can regardless. He said additionally, the bundled service accommodated hardship cases.

Traca explained the Homestead Credit was income based and if you've been in the same home for 25 years or longer you would qualify for the Homestead Credit and it was a 25% discount.

Discussion regarding the estimated costs associated with the new recycling program for the City and County. Each resident would pay \$25.50 per month for two cans (one black garbage can and one blue recycling can). If the Council approved the program the cans would be ordered, and the fees would change on June 1, 2025, or as soon as everyone had received their cans. Approximately 4,000 cans would be ordered between the City and the County. Also, informational stickers would be put on the cans outlining the Do's and Don'ts of what to place in the recycling can. Traca mentioned some educational flyers and postcards would also be mailed out to residents.

Council Member London asked Adam to explain the credit for the diversion rate.

Adam Hacker, Financial Officer, with Wasatch Integrated Waste Management District, explained the diversion was based on the percentage of recyclables and green waste from the total waste. He said after calculating the monthly can count, a credit memo was issued, reflecting the percentage of total waste diverted through recyclables.

London mentioned that Wasatch Integrated passed a resolution to initiate a Special Service District to enter into a recycling program with the member cities in Davis and Morgan Counties.

This item would come before the Council for a decision on November 12th.

MORGAN CITY CODE 8.04.040 – CONNECTION TO SYSTEM – DAVE CARTER, 350 SOUTH STATE STREET

Council Member London said when John Carter built the home, it should have been connected to the sewer if it was within 200 feet of the main. However, it was never connected, and the reason for this is unknown. He said currently, the property is not connected to the sewer, raising questions from Dave Carter regarding the continued payment of sewer charges.

Dave Carter gave a brief history of the property. He said when the lot was originally purchased, the grandparents' old house, which had been on a septic tank for over 50 years. He said since there was no mention of a sewer connection in the building permit or any sewer charges for John and Lisa Carter, it appeared the property was likely grandfathered in due to its existing septic system. He said when his father purchased the lot (or house) and initially paid the monthly bill, it did not include any City sewer charges. He stated for about the first year, no City sewer fees were billed, and the payment was set up on automatic pay without close monitoring. He said later, City sewer charges were added without any notification, which came as a surprise. He said they only discovered the charges after encountering septic tank issues that required maintenance, revealing they had unknowingly been paying for City sewer services.

Council Member London expressed his confusion over why John did not connect to the sewer when he built the home, as he was within 200 feet, which should have required connection by ordinance. He assumed that either the City allowed him an exemption or there was some form of communication permitting him not to connect. He stated there wasn't any documentation or agreement explaining this exemption, which he found puzzling.

Lorna Carter mentioned a lift pump would have been required to connect to the system in the road, and she assumed this had been part of the discussion regarding the hook-up because of the cost of the lift station.

Council Member London asked since the property was within the 200-foot requirement what actions could the City take if they are in violation of the ordinance.

Ty explained if a property is within 200 feet of a sewer line, the ordinance requires connection within 90 days, without any grandfathering provision. He said if the sewer line was installed in front of a property, owners have 90 days to connect before charges apply. The only option under the ordinance is to enforce connection if the property is within the required distance. He explained the ordinance had been violated and nobody knows why. He clarified his role in applying the ordinance which the City Council sets. He stated the ordinance defined sewer service as "provided" if a sewer line is within 200 feet of a home, justifying billing. He noted that billing likely started following a periodic audit before his tenure, and they lacked records suggesting the property shouldn't be billed. He said pursuant to the ordinance, if a property fails to connect as required, the City can shut off water or issue a Class B misdemeanor.

Discussion regarding a hookup fee if the property owners choose to connect to the sewer. It was mentioned they would not be charged a hookup fee, as the connection should have been addressed when the sewer line was initially installed or when the property was built. While the City Council may have some discretion on this, Ty believed waiving the hookup fee would be appropriate. However, the owners would need a lift station, which is a common requirement for similar buildings. Ty stated when sewer had been put in throughout the City everyone had been forced to connect.

Ty stated he aimed to prevent future issues by addressing problems early, favoring solutions that avoid delays unless a delay agreement benefits the City. For example, in development scenarios, developers are sometimes asked to complete a full road, with neighboring properties reimbursing their share if developed within a set timeframe. He explained that such arrangements ensure complete infrastructure without leaving partial work. In this case, though they hadn't enforced connection requirements strictly, the City continued billing for sewer access as the service was technically provided, and all properties within the City paid their frontage share for the sewer. Ty explained delay agreements typically didn't delay ordinances but instead addressed specific development standards, such as those related to building regulations.

Discussion regarding the state code. The state code set a 300-foot standard from the sewer line to the property line, while the City's ordinance specified a 200-foot distance to the building itself. If a house was more than 300 feet from the sewer line, the City couldn't mandate a connection, but if within 300 feet, the

state allowed the City to require it. The health department also enforced the 300-foot rule for permitting septic tanks.

Council Member Alexander asked if this issue had been discussed with Gary Crane, City Attorney.

Ty stated he had discussed potential solutions with Gary, who couldn't attend the meeting. He said in the discussion, Gary said that ordinances must be applied universally – either enforced for everyone or repealed for all. He stated the City opened themselves up to more liability if we violate our own ordinance. The service had been provided and it was being paid for. He said from the administrative side he hadn't found any other way around this situation other than to apply the ordinance.

Comments from Lorna were not audible.

Council Member London stated even though they had been paying the fee they were still in violation of the ordinance, but he would like to have legal's opinion on the matter.

Council Member Alexander agreed.

Ty stated administratively he planned to leave the situation unchanged until further direction was given. He said given the length of time and the existing conditions; the City did not intend to force a connection. After considering other options, he had determined that sewer service had been provided and paid for, but he was not proposing to enforce the connection. Any enforcement would require further investigation and consistent application across all properties. He said if the property owners chose to connect, they likely wouldn't be charged a hookup fee.

CITY REPORTS

CITY COUNCIL

Council Member Alexander reported on the Planning Commission meeting held on October 15, 2024. He informed the Council that Lance Prescott had resigned from his position on the Planning Commission. Discussion regarding filling the vacancy and a letter acknowledging Lance's service on the Commission to be drafted and signed by the Mayor. He also stated they reviewed the draft subdivision ordinance, with Jake noting the need to have it in place by the end of the year. He said the Commission was working quickly, given the Commission's monthly meeting schedule. The Planning Commission reviewed the draft for the second time last Tuesday, and the goal was to present it for acceptance or recommendation at their next meeting in November and then it would come to the Council for adoption in December.

Council Member Alexander also reported on the Planning Commission's discussion regarding development incentives for parks and trails. He said the City could approach the developer to explore their interest in contributing to a park or trail. It became clear that while the City could require infrastructure like roads, it could not mandate parks or trails, as the City typically funds these. However, the City could offer incentives, such as fee reductions, for developers who set aside land for parks or trails. He said Jake was tasked with researching other programs and bringing back a recommendation. He said the Planning Commission agreed to move forward with considering an incentive program. Ty added that incentives could involve adjustments to development standards, such as narrower roads in exchange for wider sidewalks.

CITY MANAGER

Risen Water – Purchase of Rippler to get rid of BOD and TSS at Sewer Lagoons – Ty mentioned that the cost of the rippler was split 50/50 – half paid now and half upon installation, totaling approximately \$58,000. While it seemed expensive, the investment was justified if it increased sewer capacity. He stated the technology being used created ripples in the sewer lagoons to help reduce BOD (biochemical oxygen demand) and total suspended solids (TSS). This system was funded through impact fees, as it increases sewer capacity. This would be used in areas without diffusers. He confirmed that the system wasn't exceeding standards, but the sewer operator was focused on continuous improvement. He said the sewer permit would expire in 2025, and six months before then, the capacity limits might be extended through the reapplication process, provided the lagoons are healthy. The plan was to apply for growth benefits based on improvements already made.

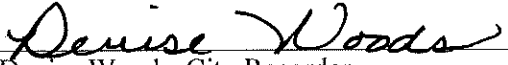
Crack Seal Project – Ty stated sections of town were getting crack seal done before winter. He said the Road Maintenance Project was finishing up and the only thing left was putting concrete collars on the valves.

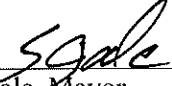
Generator Project – Ty stated the generator project was almost 100% complete and he had asked for reimbursement from the grant. He said they had tested the big generator up at the well by cutting the power to the well and the generator did a good job operating it.

RFP – State Street Electrical Project – Ty said the RFP was for engineering and project management of the State Street Electrical Project. The project would bury the power line on State Street down 400 East.

UAMPS Natural Gas Projects – Ty said the projects involved two different generator plants: a base load plant in Idaho and a peak plant in Millard County. He said a power sales contract was prepared for Council adoption. The request was for two megawatts, which replaced the 1.5 megawatts from the Carbon Free Power project and accounted for future growth by the time the plant became operational.

This meeting was adjourned at 9:00 p.m.


Denise Woods, City Recorder


Steve Gale, Mayor

These minutes were approved at the November 12, 2024 meeting.