

MORGAN CITY

Council Meeting

06-23-15

Work Session

6:00 p.m.

***NOTICE OF WORK MEETING
OF THE MORGAN CITY COUNCIL***

Pursuant to Utah Code, Title 52, Chapter 4, notice is hereby given to members of the Morgan City Council and to the general public that the Morgan City Council will hold a work meeting in open public session on Tuesday, June 23, 2015 at **5:30 p.m.**, in the Council Room of the City Office located at 90 West Young Street.

AGENDA

Items for Discussion

1. Resolution #15-24 – open and adjust 14-15 budgets
2. Resolution #15-23 – approval of Jon Cannon Subdivision – exchange agreement
3. Resolution #15-25 – approval of Rynell Business Park – delay agreements
4. Young Chrysler – conditional acceptance/escrow release
5. Electric rate review finalization
6. Zone change request – from R-1-8 to RM-15 and RM-15 to R-1-8 at approximately 700 East Great View Drive and 800 East 650 North
7. Ordinance #15-08, amending Section 10-10-8 of City Code – screening, fencing, clear view
8. Council department review
9. Financial statement review
10. Attorney Crane – council training

In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.

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.

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Julie A. Bloxham, City Recorder, (801) 829-3461 at least 24 hours before the meeting.

Morgan City invites any person, church or other civic organization to contact the Mayor, to be scheduled for presenting a thought, reading, opening remarks, or invocation in the opening ceremony portion of the public meeting. Written invitations will be made by the Mayor to those who wish to participate.

This meeting may be held electronically to allow a member to participate.

Posted on 06-17-15

2:00 p.m.

Julie A. Bloxham, Recorder

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MINUTES OF WORK SESSION MEETING HELD BY MORGAN CITY COUNCIL IN REGULAR
SCHEDULED OPEN PUBLIC SESSION ON TUESDAY, JUNE 9, 2015 AT 6:00 P.M., IN THE COUNCIL
ROOM OF THE CITY OFFICE LOCATED AT 90 WEST YOUNG STREET

Present: Mayor, Ray W. Little.

Council Members: Tony London, Jeff Wardell, Shelly Betz, Mike Kendell and
Fran Hopkin.

City Staff: Gary Crane, Attorney.

Others present: none

This meeting was called to order by Mayor, Ray W. Little.

Items for Discussion

Resolution #15-15
HB 362 Transportation

This resolution was discussed at the last work session and is on the city council agenda for adoption tonight. Tony London reviewed this item and the discussion that took place at the COG meeting. He stated this bill allows for two types of funding. The tax that will be put onto each gallon of gas will automatically take place. HB 362 allows for the County to put a 0.24% local option general sales tax on the ballot for residents to vote on. This resolution states the City is asking the County to consider this option and encourages them to submit the proposal to voters in November 2015.

Attorney Crane stated the way this legislation is written, the County has total responsibility of whether or not they put this to a public vote. There was discussion about whether or not the County is in favor of putting this on the ballot.

Mike arrived to the meeting.

Jeff stated there is a huge need for these funds. There are a lot of projects the City cannot do because of the lack of funds. Island Road is in disrepair and will cost over \$1 million to replace. The proposed bridge that is to be located at the east end of Young Street is a project that is always on the back burner due to lack of funding.

Resolution #15-16
Retirement Contributions

This resolution will adopt the new rates for the retirement contributions for employees. The only change is for the rate for Tier 2 employees. Attorney Crane reviewed for the members the reasons the new tier for retirement was established.

2015-16 Budget Items

- a. Resolution #15-17 – adoption of budget
- b. Resolution #15-18 – sewer rates
- c. Resolution #15-19 – sanitation rates
- d. Resolution #15-22 – 2015 property tax rates and revenue amounts
- e. Ordinance #15-07 – salary schedule

The members reviewed the budget related items. Shelly asked what the changes to the salary schedule included. This adopts a 3% COLA increase for all schedules.

Fran stated the sewer rate resolution implements a 12% increase and has been reflected in the sewer budget. Tony stated the increase for garbage rates is \$1 per month for residential and small commercial users. It essentially raises the rates back to where they were before they were decreased last budget year. This is also reflected in the budget.

The members reviewed the certified tax rates and revenue amounts. The rate is set by the County and for the 2015 year is 0.001936 with an estimated revenue amount of \$304,286.

Rynell Business Park
Final Approval

Tony read for the members a letter from City Planner regarding this development. This letter states the improvements the developer would be required to install. Part of the requirement is the need for the developer to provide a delay agreement. This was initially done, but there were several errors and/or items that needed to be corrected, and the document needs to be recorded with the County. The delay agreement has not been corrected and/or received as of this date. There has been an effort to contact the developer, with no response.

Tony continued with the requirements that were listed in the letter. The necessary information from the utilities has been received, with the exception of secondary water. It was indicated the developer has not contacted secondary water.

Tony stated the Planning Commission has recommended the Council consider waiving the requirement for sidewalk in this development. Mayor Little stated the Planning Commission has recommended waiving the requirement, the planner and engineer have recommended this not be waived. There was discussion about the sidewalk waiver and what this would entail. Mayor Little stated the Council needs to discuss this item and decide what action to take.

The next topics listed are the landscaping requirements and the need for a final plat to be submitted. Mayor Little asked the members to look at the recommendations in their packets from the planner and engineer. The members reviewed the City Planner's recommendations for each issue. It was clarified the improvements for Industrial Road are a different topic than the ones for the cul-de-sac in the development.

The main topics of concerns listed by the City Planner are the landscaping and sidewalk improvements. He stated in his memo if the Council approves the sidewalk waiver and the

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reduction of the right of way width, final approval could be granted. The members reviewed these requirements and how they affect this development.

Mayor Little stated the members need to discuss these requirements and any changes they may want, especially for industrial areas in the future. Shelly stated they may want to make changes, but cannot approve or waive these tonight since the code has to be enforced the way it is written. Attorney Crane reviewed the sections of the code (10-10-6 & 10-10-7) that deal with the landscaping issues.

Tony stated he does not feel a waiver agreement works, he feels the members need to decide what will be required now. He has looked at other business areas in the City since this development has been discussed. The Church on State Street does not have a lot of landscaping, but he feels it looks nice. Attorney Crane stated the options the members need to consider. If the members waive the requirements, the City needs to change the ordinance because the waiver needs to be fair to all industrial developments.

There was discussion on how the waivers would affect this development. It was stated again, the Council cannot go against the current ordinances. They are allowed to waive certain items, such as sidewalks. They will need to go through the process if they want to change the ordinance. Mike stated the church across the street is probably one of the best examples of landscaping you will find. However, in an industrial area you can get a lot of unsightly properties if the landscaping is not maintained.

Shelly stated the church across the street was a remodel and was grandfathered in. The newest church to be constructed on Field Street had to meet the requirements of the ordinance. Jeff stated it is a concern in industrial areas that sidewalks invite children to ride bikes in that area – and the inherent danger because of the large equipment that operates in these areas.

Mayor Little stated the public works staff has asked the question about the requirement for grass in these areas. It does not make sense with the water shortages that we are facing to require a large area of grass and landscaping. Shelly stated it may not make sense, but it is what the ordinance requires at the time. The members cannot approve something that conflicts with the ordinance requirements. There would need to be an ordinance amendment.

Tony stated he feels the Planning Commission basically threw their hands in the air, and recommended what they could do so the Council could look at the issues and make recommendations. If they are going to approve it tonight, they can only waive those items that are legal to waive. The City Engineer recommends if the sidewalk is waived, the 60' right of way still needs to be required. There is concern about the utilities being installed in the 10' right of way.

Mike stated he feels the members should adhere to the code - follow the recommendations and make them do what is required. There was discussion about some of the codes that seem to not make sense. If you require the sidewalk they would have to have 18' of area, if you waive the sidewalk they only need 10'.

Shelly asked Attorney Crane what the justification of approving the waiver is, and how do you waive it for one developer and not the next developer? Attorney Crane stated if they approve

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the waiver tonight, they have to make a determination on the existing code. It was explained the waiver or delay agreement would not work for this development. If the members want to change the code, it needs to be changed at a later date, and the developer will have to comply with the current ordinances if approval is granted tonight.

Jon Cannon Subdivision
125 North 300 East
Final Approval

This item was not discussed.

Council Department Review

This item was not discussed.

Financial Statement Review

This item was not discussed.

Attorney Crane
Council Training

This item was not discussed.

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

Julie A. Bloxham, Recorder

These minutes were approved at the _____ meeting.

**NOTICE OF MEETING TO BE HELD IN
PUBLIC AND CLOSED SESSION
OF THE MORGAN CITY COUNCIL**

Pursuant to Utah Code, Title 52, Chapter 4, notice is hereby given to members of the Morgan City Council and to the general public that the Morgan City Council will hold a meeting in public and closed session on Tuesday, June 23, 2015 at 7:00 p.m., in the Council Room in the City Office at 90 West Young Street.

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, APPROVAL OF MINUTES AND WARRANTS:

1 set of warrants
June 9, 2015 minutes

2. PRESENTATIONS:

Terry Turner, Emergency Management
Re: Flood control and emergency power to senior center

3. CONSENT ITEMS: (These items will be discussed and voted as one item)

4. PUBLIC HEARINGS

Public Hearing

a. for the purpose of a zone change request from R-1-8 to RM-15, and RM-15 to R-1-8 located at approximately 700 East Great View drive and 800 East 650 North.

b. for the purpose of opening and adjusting 2014-2015 fiscal year budgets

Resolution #15-24 – adjusting 2014-2015 budgets

c. For the purpose of amending section 10-10-8 of the Morgan City code – screening, fence requirements, clear view

Ordinance #15-08 – amending 10-10-8 of the Morgan City Code

5. NEW BUSINESS:

Resolution #15-23 – Jon Cannon – exchange agreement

Resolution #15-25 – Rynell Business Park – delay agreements

Young Chrysler – conditional acceptance/escrow release

6. UNFINISHED BUSINESS

7. SPECIAL REPORTS

8. CITIZEN COMMENTS:

9. ADJOURN

Notice is hereby given that:

- A work meeting will be held at 6:00 p.m., or at another time as posted to discuss miscellaneous matters.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- 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 meeting for any of the purposes identified in that chapter

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Julie A. Bloxham, City Recorder, (801) 829-3461 at least 24 hours before the meeting.

This meeting may be held electronically to allow a member to participate.

Posted on 06-17-15

2:00 p.m.

Julie A. Bloxham, Recorder

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MINUTES OF MEETING HELD BY MORGAN CITY COUNCIL IN REGULAR SCHEDULED OPEN PUBLIC SESSION ON TUESDAY, JUNE 9, 2015 AT 7:00 P.M., IN THE COUNCIL ROOM OF THE CITY OFFICE LOCATED AT 90 WEST YOUNG STREET

Present: Mayor, Ray W. Little.

Council Members: Tony London, Jeff Wardell, Shelly Betz, Mike Kendell and Fran Hopkin.

City Staff: Gary Crane, Attorney.

Others present: Jon Cannon, Ryan Nye and Ron Hales.

This meeting was called to order by Mayor, Ray W. Little.

The opening ceremony was presented by Mike Kendell.

The pledge of allegiance was led by Shelly Betz.

Minutes and Warrants

There was discussion about the allowance for steel-toed boots for employees.

MOTION: Tony London moved to approve the minutes of the May 26, 2015 meetings and two sets of warrants.

SECOND: Jeff Wardell. Vote: 5 ayes.

Public Hearings

Public Hearing – for the purpose of final adoption of the 2015-2016 fiscal year budgets, adoption of compensation schedule, adoption of 2015 property tax rates and revenue amounts, and rate increases for utilities.

MOTION: Tony London moved to open the public hearing.

SECOND: Fran Hopkin. Vote: 5 ayes.

No comments by public present.

MOTION: Tony London moved to close the public hearing.

SECOND: Jeff Wardell. Vote: 5 ayes.

New Business

Mayor Little asked for permission from the members to reverse the last two items on the agenda.

Resolution #15-17

Adoption of 2015-2016 Budgets

Mayor Little stated there have been several meetings in regards to these budget items. Tony stated he wants to go on record stating he will approve the recreation department budget this year, but there needs to be some serious discussion before approving this budget next year.

MOTION: Tony London moved to adopt Resolution #15-17, a resolution adopting the 2015-2016 fiscal year budgets for Morgan City.

SECOND: Jeff Wardell.

Discussion on motion: Tony stated the members may seem to be approving these items quickly tonight, but there have been lengthy discussions in previous meetings and a lot of thought has been given to these items.

ROLL CALL VOTE: Shelly Betz – aye
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – aye

Resolution #15-18

Sewer Rates

Fran stated the sewer rate increase will be 12% and is mainly due to State requirements that are being implemented that will impact the budget. The members will still need to look at future options for additional funding needs.

MOTION: Fran Hopkin moved to adopt Resolution #15-18, a resolution adopting the sewer rates for Morgan City.

SECOND: Tony London.

ROLL CALL VOTE: Shelly Betz – aye
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – aye

Resolution #15-19

Sanitation (garbage) Rates

Tony stated a year ago there was a rate reduction in these rates. This resolution will raise them to where they were before the reduction. Tony stated at one time the rate was \$19, it has been adjusted several times, the proposal will increase the current rate to \$14 per month for residential.

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MOTION: Tony London moved to adopt Resolution #15-19, a resolution adopting the sanitation rates for Morgan City.

SECOND: Jeff London.

ROLL CALL VOTE: Shelly Betz – aye
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – aye

Resolution #15-22 – 2015

Property Tax Rates and Revenue Amounts

The members reviewed the resolution that would set the 2015 tax rates at 0.001902, with expected revenue of \$304,286.

MOTION: Shelly Betz moved to adopt Resolution #15-22, a resolution adopting the 2015 property tax rates and revenue amounts.

SECOND: Tony London.

Ordinance #15-07

Salary Schedule

Shelly stated this ordinance will give all schedules a 3% COLA allowance. The employees have not received a cost of living increase for the past few years. Mayor Little stated the City medical insurance coverage increase was small this year and allowed for this COLA increase.

MOTION: Shelly Betz moved to adopt Ordinance #15-07, and ordinance adopting the salary schedule for Morgan City.

SECOND: Tony London.

ROLL CALL VOTE: Shelly Betz – aye
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – aye

Resolution #15-15

HB 362 Transportation Funding

This resolution was discussed during the work session. Tony reviewed this for those present. He stated HB 362 has two components. It automatically implements a sales tax on gas. It also allows for the Counties to put to a vote a 0.25% local option general sales tax. This resolution

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shows support for this proposal and asks Morgan County to consider placing this item on the ballot in November.

Shelly clarified the County has to approve this being put to a vote of the residents, this resolution only shows the City support in having the County submit this item.

Jeff reviewed for those present some of the road improvements that cannot be done due to a lack of funding. Island Road needs to be reconstructed and would cost over \$1 million dollars. There is also a need for a bridge at the east end of Young Street that cannot be done due to money not being available.

MOTION: Tony London moved to adopt Resolution #15-15, a resolution supporting the HB 362 (2015) authorized 0.25% local option general sales tax dedicated to transportation, encouraging the County of Morgan to submit the proposal to voters in November 2015, and encouraging voters to support the proposal.

SECOND: Jeff Wardell.

ROLL CALL VOTE: Shelly Betz – aye
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – aye

Resolution #15-16
Retirement Contributions

Julie Bloxham, Recorder reviewed for the members what this resolution entails. This is a requirement of the Utah State Retirement System and sets the contribution rates for the upcoming year. There was discussion on the Tier 2 level that was added by the State Legislature. Morgan City currently has one employee on the Tier 2 level; these are the only rates that are changing from the previous year.

MOTION: Fran Hopkin moved to adopt Resolution #15-16, a resolution authorizing and directing the participation of the City of Morgan, Utah in the Public Employees Non-Contributory Retirement System of the Utah Retirement Systems for fiscal years 2015-2016.

SECOND: Shelly Betz.

ROLL CALL VOTE: Shelly Betz – aye
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – aye

Jon Cannon Subdivision
125 North 300 East
Final Approval

Attorney Crane stated the City Planner recommended this development be approved. The only item of concern is the road width that is deficient on 300 East. Jon Cannon, who is the developer, has agreed to donate the property needed to widen this road. Jon would be required to install the improvements needed for this development.

Attorney Crane reviewed the exchange agreement for this development. He stated this resolution is not on the agenda tonight. However, the members could approve the development if they want, and the exchange agreement and resolution would be put on the next agenda for approval. Jon stated this subdivision has 4 lots - an existing home, two regular lots and one flag lot.

Shelly asked for clarification on the curb and gutter requirement for the side of the road next to this development. Jon explained the problems with this road, how it is currently structured and the alignment problems that will have to be solved in the future. Jon feels this is a good project and will benefit both his development and the City. Jeff stated it is to the benefit of the City that these improvements not be installed until the City has engineered and corrected the problems with this road.

MOTION: Tony London moved to give final approval to the Jon Cannon subdivision located at 125 North 300 East.

SECOND: Fran Hopkin.

Discussion on motion: Mayor Little asked Jeff to give his opinion on this development. Jeff stated this is a great benefit to the City and will help correct the problems with this road.

VOTE ON MOTION: 5 ayes.

It was stated the exchange agreement and resolution will be on the next agenda for approval.

Rynell Business Park
Final Approval

Ron Hales and Ryan Nye are here tonight in regards to this development. Mayor Little stated there has been a lot of confusion on this item – he asked the developers to give the members an update on what they feel the issues are with this development.

Ron Hales stated there is a City ordinance regulating sidewalks; this requirement was recommended by the Planning Commission to be waived. The width of the road will depend on what the members decide in regards to sidewalks. He stated this is an industrial area and he feels sidewalks create a liability for him. He is proposing not having sidewalks in the cul-de-sac.

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He feels if sidewalks are to be required, there should be a delay agreement in place for it to be installed in the future.

The other concern is the landscape requirement. He stated they have agreed to put an easement in the cul-de-sac that could be used for sidewalk, if required in the future. In association with this requirement, there has been some discussion as to what width of utility easements should be. What they show on their drawing is a 60' roadway with 10' easements on each side.

He stated there will be room for sidewalks to be installed in the cul-de-sac, if that is what is decided. For sidewalks on the Industrial Road portion of the property, they agree to install sidewalks and will sign a delay agreement to do this when sidewalks, curb and gutter are done for the adjoining properties.

The delay agreement had some items that need to be corrected, this has not been done. Ron stated he missed an e-mail that was sent to him by staff - he apologizes, but will take care of it and has no problems making the corrections.

Ron stated he wants to know what the City wants to require, he is willing to do whatever they decide. He wants to be able to construct his business in this development, along with other companies that want to locate in this area. He feels the requirements do not meet what his thoughts are for what should be required in an industrial area as far as improvements and landscaping go. Tony stated why he feels having a delay agreement for improvements in the cul-de-sac does not make any sense. There was discussion about the need for a utility easement and what the ordinance requires at this time.

Ron stated a typical utility easement is not over 10' - however that depends on where the easement starts and stops. The City ordinance requires landscaping from the back of curb to the edge of the sidewalk. Ron stated City Staff had some issues with this because this will cause trees to be planted over the city utilities. Ron stated he is currently being required to provide over ½ acre of easements for this development.

Attorney Crane drew on the whiteboard showing the cul-de-sac and what is being considered tonight. He stated the Council could waive sidewalk, waive part of the sidewalk, or require it. Ron stated he is willing to give 10' for an easement on Industrial Road into the development for future sidewalk, and would landscape it until the time sidewalk is required. He again asked for a waiver of the sidewalk in the cul-de-sac.

Attorney Crane explained the section of the code that requires an 8' landscaping area and how this affects this development. Tony stated this makes a delay agreement impossible to adopt for this area, unless you require an 18' area. Shelly asked where the utilities would be located. Shelly stated this is something different than what has been explained up to this point. She is not aware of any ordinance that only requires sidewalk on one side of a cul-de-sac.

The members discussed what is being proposed and what the ordinance allows. Ron stated he has looked for property to locate his business and some others for quite some time. He is frustrated by the zoning ordinances as they are written in regards to landscaping and sidewalk requirements. He does not want to lose property that he can use for his development. Ron

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stated he can only speak for himself and the lot he owns; he cannot speak for the other two businesses. Ron stated the plans show a 40' road and a 10' easement on either side for the road into the cul-de-sac. He does not want to give the additional 8' for landscaping.

Tony asked about the delay agreement for Industrial Road, is it ready tonight? It was stated it needs to be corrected. This development could be approved tonight if the members can agree what they want to require. The resolution that approves the delay agreement could be put on the next agenda. However, this depends on what the Council approves tonight.

If the members decide to reduce the 8' landscape area, the plans are in place and reflect that. If they want to require something else, the construction plans would need to be amended, and it would have to come back to a future meeting. The Planning Commission has approved the plans, recommending waiving the requirement for sidewalk. This is how the plans are drawn and how they were reviewed by staff. Ron stated they have a letter from secondary water approving this development. There was discussion about the secondary water connection and the placement of the secondary water lines.

Fran asked about the easements that are already being provided for this development. It was stated the letter from David Potter is only for North Morgan Irrigation Company, and not the Secondary Water Association. Mike discussed the Engineer and Planner staff notes; they have both stated they discourage waiving the requirement for sidewalk. He does not feel the requirements are excessive. Mike asked how this is guaranteed with a delay agreement. The agreement will be recorded on the property at the County Recorder's office. Tony stated he feels it would be hard to give approval tonight due to the delay agreement not being completed. Tony stated the members have always had the belief that developments should come before them with all requirements met, there should not be items left to decide when it reaches the Council.

Shelly stated in regards to the letter from Dave Potter – Dave is a board member for secondary water, the letter he has written is for the ditch company that he is the president of, it is not from Secondary Water. Shelly disclosed that she works for the Secondary Water Association and this item has not been discussed or approved by them.

MOTION: Mike Kendell moved to stay with the code requirements as they are currently stated and outlined by the drawing provided by Attorney Crane that shows the requirements for easements for sidewalks, utilities and landscaping.

SECOND: Shelly Betz.

Discussion on motion: Mayor Little stated he does feel the members need to follow code. However, the Planner has stated the sidewalk requirement could be waived. He does not feel requiring 18' of landscaping makes sense. Fran stated he agrees with the Mayor, and he feels they have to follow code. He also agrees with the staff notes that state once waivers are given it is hard to keep consistency.

It has been stated the sidewalk could be waived and considered due to the excess of easements that have already been required. Shelly stated these easements are normal requirements. Fran asked if the easement requirements in place are a reason to give a waiver for the sidewalk.

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Shelly stated she does not feel this is unique or exceptional. The reason for a waiver to other developments such as NAPA was due to the shape of the lot. She feels this does not apply in this case.

Fran stated the City could have required, in the case of NAPA, to have a smaller building constructed. Shelly asked Fran to state the exceptional reasons for a waiver for this development. Mike stated he does not feel the easements are a reason for a waiver for this development. The members reviewed the easements that are provided on the plans.

Shelly stated it makes sense to change the ordinance in the future, and that all the members seem to agree that what the code states is not necessarily what is wanted for this area. Mayor Little stated he feels it is legal to give a waiver for the sidewalk. He does not feel these developers should be punished and made to do something that will not be required of others in the future. Mike stated he knows it may be legal to give a waiver, he does not feel it is merited in this case. Jeff stated he has a problem with the landscape area requirements. He feels there needs to be an adequate area for utility easements. It was again stated the developer should be required to adhere to the ordinances as they are currently written.

VOTE ON MOTION

ROLL CALL VOTE: Tony London – nay
 Fran Hopkin – nay
 Jeff Wardell – nay
 Mike Kendell – aye
 Shelly Betz –aye

Jon Cannon stated he feels it is important the members need to look at what the goals are for the City. He stated he would estimate that both of these business owners, Ryan Nye and Ron Hales conduct over 80% of their business outside of the County. It would make more sense for them to locate their businesses in another City. He also feels these businesses employ people from Morgan. He feels the members need to come to a solution that allows them bring their businesses to this City. He does not feel the City needs to give up anything.

Ron reviewed the easements he is giving for the development. Shelly stated in response to Jon Cannon's comments - the members work hard to get businesses to locate here, and to keep the ones that are here from closing or relocating. The City wants both of these businesses here, and wants to keep them. If the City needs to make a change to the ordinance this will have to be done in the future. They cannot go against ordinances as they are currently written. Tony stated he does not have a problem with the 40' road and the 10' on each side. He does feel the 10' needs to be done as part of the delay agreement for the improvements on Industrial Road.

There was discussion about the secondary water issue – it was stated this would need to be solved by the Secondary Water Association.

MOTION: Tony London moved to grant final approval and to grant a waiver under city code 11-4-2 B the sidewalk requirement, which would reduce the landscape requirement pursuant to 10-10-6, and the developer agrees in addition to give 10 feet instead of 8 feet additional for landscaping. In addition, the developer

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agrees to sign the delay agreement for sidewalk and the utilities will be placed as determined by the City Engineer.

SECOND: Fran Hopkin.

Discussion on motion: Mike stated he feels the City should not waive the 8' requirement. The developer has stated he will put asphalt up to this area and this will cause problems, there needs to be a landscape buffer. If a sidewalk is required in the future, the road will go right up to the sidewalk and bumpers will hang over the sidewalk area. This will create safety issues. He is fine with the easement, but not waiving the 8' buffer requirement.

MOTION: Mike Kendell moved to make a substitute motion, including the same language as above in the motion made by Tony, with the addition of an 8' utility easement provided with 2' being designated as a buffer zone so car fenders do not hang over the sidewalk.

SECOND ON AMENDMENT: Shelly Betz.

Discussion on motion as amended: Mayor Little stated he feels this amendment could be handled in the delay agreement and does not have to be an amendment to the motion. Shelly stated this would require the utilities to be installed in the 10' easement.

VOTE ON MOTION AS AMENDED:

ROLL CALL VOTE: Shelly Betz – aye
Mike Kendell – aye
Jeff Wardell – nay
Tony London – aye
Fran Hopkin - aye

Discussion: Mayor Little reviewed what has been approved or suggested at this time. He stated this motion as amended would require the first 10' be landscaped then an additional 8' utility easement that could be blacktopped if wanted. If a sidewalk is ever installed, there needs to be a 2' protection zone so car bumpers do not hang over sidewalk.

Fran stated he still feels there needs to be consistency in following the code and feels a waiver should only be granted when there is a specific reason. The reason in this case could be the excessive easements already being provided. Mayor Little asked where this would put all of the utilities and where the sidewalk would be located. He just wants to make sure all members are clear what this motion as amended approves. It was stated the intent of the motion is to allow the City engineer to make the determination on where sidewalks and/or utilities would be located.

VOTE ON MOTION AS AMENDED:

ROLL CALL VOTE: Shelly Betz - nay
Mike Kendell - abstain
Jeff Wardell - aye
Tony London - aye
Fran Hopkin -aye

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Attorney Crane stated this development still needs three items - (1) secondary water approval (2) – the original delay agreement be completed correctly and (3) - a second delay agreement for improvements at the site. The resolutions will be put on the next agenda to approve the delay agreement.

MOTION: Tony London moved to grant final approval to Rynell Business Park, subject to approval of a delay agreement on Industrial Road, a delay agreement for the cul-de-sac and an official letter from Secondary Water Association.

SECOND: Jeff Wardell.

Discussion on motion: Shelly stated it has been stated many times before that developments need to have all items in place before final approval is given. Tony stated in this case, the planning commission approved – recommending the waiver of sidewalk. Shelly stated it leaves things left undone and who follows up to see that items are completed?

VOTE: 3 ayes, Jeff, Tony, Fran – 2 nays, Mike and Shelly.

Special Reports

Jeff gave the members a brief update on the 700 east project.

Ryan Nye stated Shayla Hurlbut has been a great asset to him and his business. She has provided him with information on the Fast Track Grant. He has applied for this grant, and it has been approved. This will help subsidize paying for an automated line. This grant is for up to \$50,000.

This meeting was adjourned at 9:10 p.m.

Julie A. Bloxham, Recorder

These minutes were approved at the _____ meeting.

NOTICE

PUBLIC HEARING

Morgan City will hold a public hearing on Tuesday, June 23, 2015 at

7:00 p.m. in the

Council Room of the City Office located at 90 West Young Street for the purpose of opening and making adjustments to the 2014-2015 fiscal year budget. All interested parties are invited to attend.

Morgan City Corporation

Ray W. Little, Mayor

Julie A. Bloxham, Recorder

Published in The Morgan County News June 5th & 12th, 2015.

RESOLUTION #15-24

**BE IT HEREBY RESOLVED THAT AFTER HOLDING A PUBLIC HEARING ON
TUESDAY, JUNE 23, 2015 AT 7:00 P.M., THE MORGAN CITY COUNCIL
DOES OPEN THE 2014-2015 FISCAL YEAR BUDGETS
BY MAKING THE ADJUSTMENTS LISTED IN ATTACHMENT "A":**

See attached sheet

Adopted this 23rd day of June 2015.

Ray W. Little, Mayor

ATTEST:

Julie A. Bloxham, City Recorder

CITY SEAL:

2014-2015 Budget Adjustments - Res #15-24

Revenues

<u>Account</u>	<u>Budget Amount</u>	<u>Adjustment</u>	<u>New Budget</u>
Property Tax Revenue (RDA portion)	301,000	10,680	311,680
TOTALS	301,000	10,680	311,680

Expenditures

<u>Account</u>	<u>Budget Amount</u>	<u>Adjustment</u>	<u>New Budget</u>
Transfer to RDA (City RDA tax increment)	0	10,680	10,680
Totals	0	10,680	10,680

<u>Expenditures</u>	<u>Perpetual Care Trust Fund</u>	<u>Budget Amount</u>	<u>Adjustment</u>	<u>New Budget</u>
	70-40-610 - Perpetual Care Miscellaneous	0	2,500	2,500
	Totals	0	2,500	2,500

Notice to Morgan City Residents
of PUBLIC HEARING
Planning Commission and City Council

The Morgan City Planning Commission and City Council will be holding a public hearing regarding Fencing/clear view Ordinance. The Planning Commission meeting will be held on Tuesday June 16th, 2015 at 7:00 p.m. and the City Council meeting will be held on Tuesday June 23rd, 2015 at 7:00 p.m. in the Court/Council Room at the Morgan City Offices located at 90 W. Young Street.

Published in the Morgan County News on June 5th, 2015

ORDINANCE #15-08

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10-10, SECTION 10-10-8, SUBPARAGRAPH D. OF THE MORGAN CITY CODE; PROVIDING FOR APPLICATIONS; PROVIDING FOR APPLICATION REVIEW AND APPEAL; ESTABLISHING FENCING MATERIALS; PROVIDING FOR FENCING PLACEMENT AND ESTABLISHING CLEAR VIEW AREAS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City to provide property owners with the flexibility in the fencing of their properties; and

WHEREAS, the City recognizes that such fencing flexibility must be tempered with the safety of the traveling public by the establishing of clear view areas; and

WHEREAS, in the intersections of roadways, driveways and roadways, and driveways and sidewalks, there must be sufficient sight distances to avoid conflicts between these travel ways; and

WHEREAS, it is the desire of the City to balance these competing measures and do so with a simplified approach for improved understanding and enforcement; and

WHEREAS, the proposed ordinance meets these objectives.

NOW, THEREFORE, be it ordained by the Morgan City Council:

SECTION I: REPEALER. If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: ENACTMENT. Title 10, Chapter 10-10, Section 10-10-8 of the Morgan City Code is hereby amended to read as follows:

A. Clear View Areas Generally: It is unlawful to place any obstruction within the clear view area, except as provided herein. The clear view areas are as follows:

1. Driveways: The clear view areas for driveways is that triangular area bounded by lines drawn from a point on each edge of the driveway set back fifteen feet (15') from the front property line, to points at the property line in front of the property, thirty feet (30') either side of each edge of the driveway for all streets, excepting 700 East and State Streets, which shall be forty feet (40').

For purposes of this section, the "edge of driveway" shall mean from the point of the driveway that is perpendicular to the street right of way, excluding any driveway expansion, that is behind a sidewalk location, that does not affect the width of the driveway approach or apron.

...

C. Plantings Within Clear View Areas: All plantings of trees, shrubs, or bushes shall be trimmed or pruned so that the shrubs or bushes do not exceed the height of ~~two~~ three feet (2 3') above street level and so that trees are pruned clear of all branches between the ground and a height of seven feet (7'). These measurements are to be made from the top of back of curb, or where no curb exists, from the existing grade at the right of way line.

...

D. Fencing, Generally: ~~For purposes of this section, a non-view obstructing fence is a fence that does not obstruct the view through the fencing for the portion of the fence that is two feet (2') above the surrounding grade. No fence can~~ shall exceed six feet (6') in height without planning commission approval. No fencing shall be installed closer that one foot from a public sidewalk. Where no sidewalk exists, no fencing shall be installed closer that one foot (1') from the right of way line.

Fencing must be installed so as not to interfere with public utilities. Fencing of the rear yard shall not enclose the electric or gas meters and shall not be installed closer than 12 inches from the meter base. Generally, fencing must not be installed closer than 3 feet from utility structures, including fire hydrants, water meter boxes/vaults, power poles, phone pedestals, electrical transformers, electrical boxes, etc. There are specific, required clearance for certain pieced of electrical equipment that may exceed 3 feet. The power department must be contacted before installing fencing around any electrical equipment, to ensure these safety clearances are met.

Permit. Prior to the installation or construction of fencing on residentially zoned, residentially used, or commercial property, an application must be submitted to the City for review. If the application is found to be in compliance with the City Code, a permit will be issued. Upon receiving a permit, the fence may be installed. The issued permit must be retained on the premises for which the permit was issued until the fence is constructed and inspected for compliance with this ordinance by a representative of the City.

Review. If the subject lot is of such a shape or configuration, or possesses other topographical conditions not contemplated by this section, it may be reviewed by the building official to determine whether the proposed fencing meets the intent of this section. If the applicant does not agree with the resolution proposed by the building official, the application will be reviewed by the Planning Commission. The Commission's review is to determine whether the application meets the intent of this section. Any appeal from the Commission is to the Land Use Appeal Authority. The Land Use Appeal Authority shall determine whether there is substantial evidence to support the Commission's decision. Any conflict between this section and the clear view provisions, shall be resolved in favor of the more strict provision.

Material. Fencing shall be made of a durable material such as chain link, wood, vinyl, wrought iron, etc. Materials commonly used for temporary purposes, such as plastic, or material used for agricultural purposes, such as field fencing or barbed wire, shall not be used. Barbed wire and other field-type fencing may be used in areas where zoning allows farm animals, if used for the purpose of keeping animals contained.

1. ~~Front Yard: View obstructing fences are not allowed in the front yard. A fence in the front yard cannot exceed four feet (4') in height. Fencing not exceeding three feet (3') in height is allowed in front yards.~~

Exception. When a taller fence from a side yard or street side yard is transitioning to a front yard fence, this transition may be tapered down within the first ten feet of the taller fence.

2. ~~Side Yards, Street Side Yards, and Rear Yards: Corner Lot: A non-view obstructing fence is permitted in a side yard of a corner lot. Said fence cannot extend beyond the required front setback line, unless it complies with the front yard fencing requirements. It may extend to the side property line. A view obstructing fence may extend into the side yard only to the side lot building setback line. Fencing not exceeding six feet (6') in height is allowed in side yards, street side yards and rear yards.~~

Exception. If the driveway to the main building is in the street side yard, fencing from the driveway edge, closest to the rear lot line, extending to the front, shall not exceed three feet (3') in height.

3. ~~Double Fronted Interior Lots: View obstructing fencing may not extend beyond the building setback line as measured from the street right of way adjacent to the rear yard. Any driveways accessing the rear yard must comply with this section.~~

....

SECTION III: SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: EFFECTIVE DATE. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the most remote from the date of passage thereof.

This ordinance was adopted this 23rd day of June 2015.

Ray W. Little, Mayor

CITY SEAL:

ATTEST:

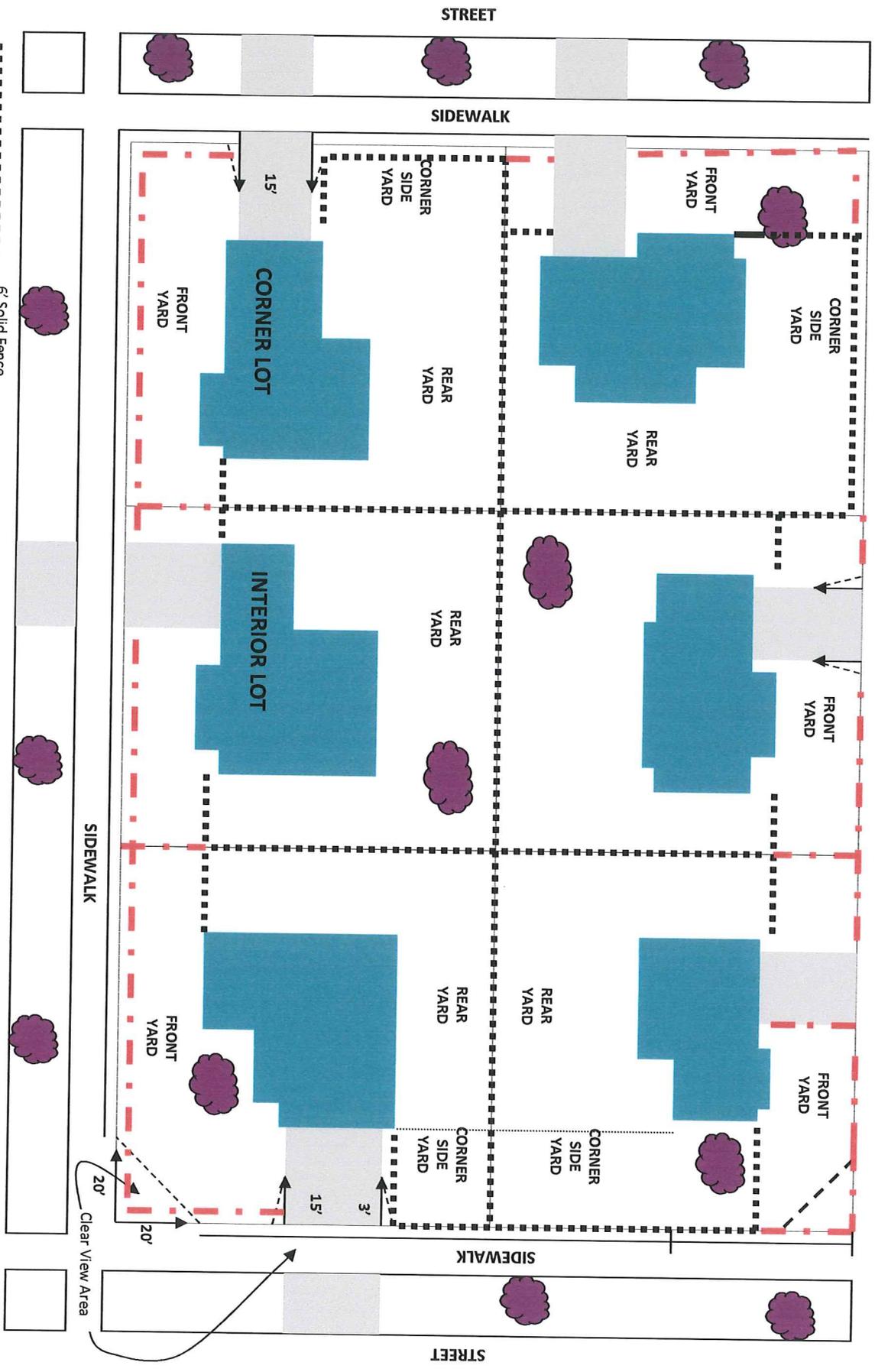
Julie A. Bloxham, Recorder

Approved as to form:

Gary Crane, Attorney

MORGAN CITY FENCE REGULATIONS

All fencing must be at least 1' behind the sidewalk



- 6' Solid Fence
- 3' Solid Fence

RESOLUTION #15-23

A RESOLUTION ADOPTING AND APPROVING AN EXCHANGE OF PROPERTY FOR IMPROVEMENTS BETWEEN MORGAN CITY AND ROCKY MOUNTAIN HOME BUILDERS, LLC.

WHEREAS, Morgan City (the City) has a need to acquire property at the corner of a three way intersection at 125 N. 300 E. in Morgan City for the widening and proper functioning of the intersection; and

WHEREAS, Developer, as part of the subdivision improvements for the Subdivision, will be required to install curb, gutter, sidewalk and a tie in to the abutting 300 E:

WHEREAS, The City will need approximately 8' more of additional width and improvement to bring the street up to City standards so that the intersection will function properly; and

WHEREAS, the Developer will dedicate 20 feet of right-of-way to the City for the entire length of Developer's property along 300 E. at no cost to the City; and

WHEREAS, the City, in exchange for the dedication of the additional 8 feet of property, which will be in addition to the 12 feet of property that Developer is required to dedicate as a condition of subdivision approval, complete the improvement of curb, gutter, sidewalk and asphalt tie in within the right of way, at such time as the City improves 300 E. and the intersection of 125 N. and 300 E.: and

WHEREAS, the Developer will complete all other requirements of subdivision approval, including the construction of driveways and pathways from the City's right of way, after dedication and improvement, to the structure. The Developer shall bond with the City for the improvements of driveways and pathways on each lot so that the completion is guaranteed once the City completes the improvement in the right of way: and

WHEREAS, both the Developer and the City agree that there is adequate consideration underlying the Exchange Agreement and that it is in the best interest of both parties to enter into this Exchange Agreement.

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

1. That the agreement entitled Exchange Agreement, between Rocky Mountain Home Builders, LLC., and Morgan City, which is attached hereto and incorporated herein by this reference, be adopted and approved.
2. That the Mayor be authorized to execute the Agreement.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this _____ day of _____, 2015.

RAY W. LITTLE, Mayor

ATTEST:

JULIE A. BLOXHAM, City Recorder

APPROVED AS TO FORM:

GARY R. CRANE, ATTORNEY

EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2015, by and between Rocky Mountain Home Builders LLC., located in Morgan County, Utah, hereinafter referred to as the "Developer," and Morgan City, a Municipal Corporation of the State of Utah, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, Morgan City (the City) has a need to acquire property at the corner of a three way intersection at 125 N. 300 E. in Morgan City for the widening and proper functioning of the intersection; and

WHEREAS, Developer, as part of the subdivision improvements for the Subdivision, will be required to install curb, gutter, sidewalk and a tie in to the abutting 300 E:

WHEREAS, The City will need approximately 8' more of additional width and improvement to bring the street up to City standards so that the intersection will function properly; and

WHEREAS, the Developer will dedicate 20 feet of right-of-way to the City for the entire length of Developer's property along 300 E. at no cost to the City; and

WHEREAS, the City, in exchange for the dedication of the additional 8 feet of property, which will be in addition to the 12 feet of property that Developer is required to dedicate as a condition of subdivision approval, complete the improvement of curb, gutter, sidewalk and asphalt tie in within the right of way, at such time as the City improves 300 E. and the intersection of 125 N. and 300 E.: and

WHEREAS, the Developer will complete all other requirements of subdivision approval, including the construction of driveways and pathways from the City's right of way, after dedication and improvement, to the structure. The Developer shall bond with the City for the improvements of driveways and pathways on each lot so that the completion is guaranteed once the City completes the improvement in the right of way: and

WHEREAS, both the Developer and the City agree that there is adequate consideration underlying the Exchange Agreement and that it is in the best interest of both parties to enter into this Exchange Agreement.

NOW, THEREFORE, in consideration of the promises, the covenants and conditions herein contained, and the sums of money to be paid, it is hereby agreed as follows:

1. **Estimates.** The cost estimates for the value of the additional 8 feet of property to be dedicated from the developer and exchanged with the City for the City's construction of improvements, including curb, gutter, sidewalk and asphalt tie for the improvement of the intersection at 125 N. and 300 E. and continuing along 300 E. are considered to be good and adequate consideration for this transaction. The parties consider this an equitable exchange.

2. **Property to be dedicated.** Developer shall dedicate to the City by deed or dedication plat, 20 feet of Developer's property along 300 E. at no cost to the City. The property shall be conveyed unencumbered and the developer will, at the request of the City and at the cost of Developer, show good and clear title to the property.
3. **City's Cost of Improvements.** The City shall construct, concurrent with its improvement of the intersection at 125 N. and 300 E. and 300 E. Street, curb, gutter, sidewalk and asphalt improvements within the right of way.
4. **Dedication for exchange.** The Developer will complete all other requirements of subdivision approval, including the construction of driveways and pathways from the City's right of way, after dedication and improvement, to the structure.
5. **Bond Required.** The Developer shall bond with the City for the improvements of driveways and pathways on each lot so that the completion is guaranteed once the City completes the improvement in the right of way.
6. **Modifications.** Any changes or modification of this Agreement by either party shall be in writing and signed by the Mayor.
7. **Binding Affect of Agreement.** This Agreement is binding on and shall inure to the benefit of the executors, administrators, heirs, successors, and assigns of the parties.
8. **Third Parties.** Nothing in this Agreement shall be construed to confer any rights upon any third party.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS Agreement on the date first written above.

MORGAN CITY CORPORATION

By: _____
RAY W. LITTLE, Mayor

ATTEST

JULIE A. BLOXHAM, City Recorder

APPROVED AS TO FORM

GARY R. CRANE, City Attorney

By: _____
Title: Jon Cannon, Member

STATE OF UTAH)
 : ss.
COUNTY OF MORGAN)

On this _____ day of _____, 2015, personally appeared before me Jon Cannon, who duly acknowledged to me that he is a member of Rocky Mountain Home Builders, LLC. and that the document was signed by him in behalf of said corporation, and Jon Cannon acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

RESOLUTION #15-25

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO TWO DELAY AGREEMENTS WITH THE RYNELL COMMERCIAL SUBDIVISION APPLICANTS FOR THE DELAYED INSTALLATION OF LISTED IMPROVEMENTS ALONG ITS FRONTAGE OF INDUSTRIAL DRIVE AND SIDEWALK ALONG ITS FRONTAGE ON THE 400 NORTH CUL DE SAC; REFLECTING THE DEDICATION OF THE PROPERTY FOR THE PLACEMENT OF SAID IMPROVEMENTS; AND AUTHORIZING THE MAYOR TO EXECUTE THOSE AGREEMENTS.

WHEREAS, Morgan City has received an application for a commercial subdivision, referred to as Rynell Commercial Subdivision; and,

WHEREAS, the proposal is consistent with the zoning designation and the General Plan for the development in this vicinity; and,

WHEREAS, at the time of subdivision it is appropriate for the City to require the dedication of property and the installation of required improvements along the frontage of the subject property. However, the final elevation and location for the improvements along Industrial Drive have not been determined, therefore, City Council determines it to be in the best interest of the City to enter into this delay agreement to facilitate the installation of curb, gutter, sidewalk, and the finished width of asphalt to a time more beneficial to the City and the applicant; and,

WHEREAS, this same development surrounds the cul de sac, 400 North, and while the curb and gutter are being installed, the City Council determines that the installation of sidewalk should be the subject of a delay agreement, as there are no other sidewalk in the immediate vicinity, and this agreement will be to the benefit of both parties, as any sidewalk installation will be at a more appropriate time; and

WHEREAS, the Planning Commission has reviewed these requests, and recommended this action.

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

1. That the City is hereby authorized to enter into two delay agreements, which are incorporated herein by this reference, for the delaying the installation of curb, gutter, and sidewalk along Industrial Drive; and delaying only the installation of sidewalk along the 400 North cul de sac for the Rynell Commercial Creek Subdivision.
2. That the Mayor is hereby authorized to execute the agreements and any additional documents to meet the objectives of this resolution.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 23rd day of June 2015.

RAY W. LITTLE, Mayor

ATTEST:

JULIE A. BLOXHAM, 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 #1

Comes now Morgan City, a municipal corporation within the State of Utah (hereinafter City), and _____, of _____, 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 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 (The width, location, and configuration of the sidewalk are within the sole discretion of the City).
6. Owner will dedicate ten (10) feet of depth along the frontage of the subject property at or immediately after the filing of the plat dividing said property.
7. The subject property is:
Approximate street address(es) _____; and/or
Tax Identification number(s) _____.

Signed this ____ day of _____, 20____, by the Owner(s):

(print name and title) (print name and title) (print name and title)

Subscribed and Sworn before me this ____ day of _____, 20____.

Notary Public

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 #2

Comes now Morgan City, a municipal corporation within the State of Utah (hereinafter City), and _____, of _____, 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 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: sidewalk along the frontage of the subject property that fronts only the cul de sac which extends southerly from Industrial Drive (The width, location, and configuration of the sidewalk are within the sole discretion of the City).
6. Owner will dedicate ten (10) feet of depth along the frontage of the subject property at or immediately after the filing of the plat dividing said property. An additional eight foot public utility and drainage easement will be dedicated at the same time.
7. The subject property is:
Approximate street address(es) _____; and/or
Tax Identification number(s) _____.

Signed this ____ day of _____, 20____, by the Owner(s):

(print name and title) (print name and title) (print name and title)

Subscribed and Sworn before me this ____ day of _____, 20____.

Notary Public

June 12, 2015

Morgan City Mayor and City Council
90 West Young Street.
Morgan, Utah 84050

RE: YOUNG CHRYSLER MORGAN - CONDITIONAL ACCEPTANCE AND ESCROW RELEASE

Dear Mayor and City Council:

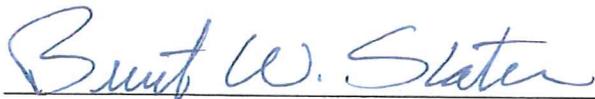
Mark Schmid and I have completed an inspection of the improvements in the above mentioned subdivision and found them to be completed satisfactorily and to meet minimum requirements of Morgan City standards in accordance with engineering and/or subdivision plans submitted and previously approved. We can recommend conditional acceptance of this Subdivision and to start the guarantee period. All escrow funds can be released at this time except for the 10% Guarantee that needs to remain until Final acceptance, the money for the Chip & seal coat, and a little in for inspections that will need to be performed at time of Final Acceptance. A breakdown of the money to remain in the escrow account is as follows:

Asphalt Seal Coat - Chip & Seal	\$ 7,849.28
10% guarantee to remain through guarantee period	\$ 24,004.60
Money held for inspection fees	<u>\$ 1,800.35</u>
Total money needed to remain in the account at this time	\$ 33,654.23
Money that can be released at this time	\$ 21,195.71

If you have any questions, or if I can be of any help, please let me know.

Sincerely,

JONES AND ASSOCIATES
Consulting Engineers
Morgan City Engineers



Brent W. Slater PLS. - City Engineer Representative

cc: Julie A. Bloxham - City Recorder/Office Manager
Mark Schmid - City Public Works Director

ESCROW RELEASE DETAIL SHEET

City: Morgan City

Estimate #: 3

Subdivision: Young Chrysler Morgan

Date: June 12, 2015

Developer: Young Automotive Group

Page: Sheet 2 of 2

ITEM NO.	LINE ITEM DESCRIPTION	QUANTITY	UNIT PRICE	CURRENT UNITS OR % COMPLETE	TO DATE UNITS OR % COMPLETE	CURRENT BILLING	TOTAL BILLED TO DATE
General							
1	Mobilization	1	\$5,000.00	ls	1		\$5,000.00
2	Clearing and grubbing	1	\$1,500.00	ls	1		\$1,500.00
3	Cut & waste on site						
4	Relocate & compact native fill						
5	Import & compact new granular fill						
6	Detention grading in right-of-way	440	\$8.00	cy	440		\$3,520.00
Site Work							
7	Sawcut	90	\$2.90	lf	90		\$261.00
8	Sawcut & remove 45lf of curb	1	\$1,000.00	ls	1		\$1,000.00
9	3" Asphalt & 8" untreated base course	20,656	\$4.00	sf	20656		\$82,624.00
10	30" High-back curb & gutter	1,266	\$12.00	lf	1266		\$15,192.00
11	4" thick sidewalk on 4" compacted road base	3,995	\$1.25	sf	3995	\$1,493.75	\$4,993.75
12	ADA compliant wheelchair ramp	8	\$1,500.00	ea	8	\$1,500.00	\$12,000.00
13	Commercial style drive approach	3	\$2,000.00	ea	3		\$6,000.00
14	Seal Coat	20,656	\$0.38	sf			
15	Street Lights	7	\$2,000.00	ea	7	\$4,000.00	\$14,000.00
Sanitary Sewer							
16	Sewer lateral on existing 8" pvc main (extend to 10' beyond R.O.W. line)	1	\$1,300.00	ea	1		\$1,300.00
17	Raise existing manhole to grade	2	\$400.00	ea	2		\$800.00
18	Concrete manhole collar	2	\$300.00	ea	2		\$600.00
Storm Drain							
19	Remove 60lf existing 24" corrugated metal pip	1	\$500.00	ls	1		\$500.00
20	12" reinforced concrete pipe	20	\$23.00	lf	20		\$460.00
21	15" reinforced concrete pipe	72	\$28.00	lf	72		\$2,016.00
22	24" reinforced concrete pipe	60	\$36.00	lf	60		\$2,160.00
23	In-curb catch basin	2	\$1,800.00	ea	2		\$3,600.00
24	Storm drain sump	2	\$1,800.00	ea	2		\$3,600.00
25	Connect to existing catch basin/sump	1	\$900.00	ea	1		\$900.00
Culinary Water							
26	8" class 51 ductile iron pipe	590	\$38.00	lf	590		\$22,420.00
27	Fire hydrant assembly complete	2	\$3,900.00	ea	2		\$7,800.00
28	8" plug & block at property line	1	\$900.00	ea	1		\$900.00
29	8" gate valve with concrete collar	4	\$1,950.00	ea	4		\$7,800.00
30	6" gate valve with concrete collar	2	\$1,650.00	ea	2		\$3,300.00
31	Connect to existing 8" main	1	\$1,600.00	ea	1		\$1,600.00
32	6" class 51 ductile iron fire line lateral (extend to 10' beyond R.O.W. line)	1	\$2,700.00	ea	1		\$2,700.00
33	2" service lateral & meter (extend to 10' beyond R.O.W. line)	1	\$3,500.00	ea	1		\$3,500.00
34	Flush & test	1	\$3,500.00	ls	1		\$3,500.00
Irrigation							
35	6" pvc DR18 150psi purple pipe	600	\$20.00	lf	600	\$4,000.00	\$12,000.00
36	2" irrigation lateral	1	\$800.00	ea	1		\$800.00
37	Connect to existing 6" main	1	\$600.00	ea	1		\$600.00
38	6" plug & block at property line	1	\$750.00	ea	1		\$750.00
Power							
39	Power drop and road crossing	1	\$2,500.00	ls	1		\$2,500.00
	10% contingency & guarantee	1	\$24,004.60	ls			
	5% inspection	1	\$12,002.30	0.85 ls	0.85 ls	\$10,201.96	\$10,201.96
TOTAL						\$21,195.71	\$242,398.71

