

MORGAN CITY

Council Meeting

07-14-15

Work Session

5:00 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, July 14, 2015 at **5:00 p.m.**, in the Council Room of the City Office located at 90 West Young Street.

AGENDA

Items for Discussion

1. Mark Thayne – North Morgan Development (Mahogany Ridge)
2. Commercial Street development
3. Electric rate review finalization
4. Council department review
5. Financial statement review
6. 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 07-08-15

10:00 a.m.

Julie A. Bloxham, Recorder

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06-23-15

MINUTES OF WORK SESSION MEETING HELD BY MORGAN CITY COUNCIL IN REGULAR
SCHEDULED 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

Present: Mayor, Ray W. Little.

Council Members: Tony London, Jeff Wardell, and Mike Kendell.

Excused: Council Members: Fran Hopkin and Shelly Betz.

City Staff: none

Others present: Cheri Jensen; Aaron Wingle; and Jennifer Vesper, Morgan County News.

Due to the lack of quorum, this meeting did not convene until 6:10 p.m.

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

Items for Discussion

Mayor Little stated item #6 regarding the zone change request has been removed from the agenda.

Resolution #15-24

Open and Adjust 14-15 Budgets

This resolution will make adjustments to the current fiscal year budget which ends June 30th. There are only two adjustments being made – one to the perpetual care account and one for RDA tax increment monies received. The State has adopted new accounting guidelines for RDA tax increment funds; these will now have to be received by the general fund and transferred into the RDA.

Resolution #15-23

Approval of Jon Cannon Subdivision – Exchange Agreement

This subdivision was approved at the last meeting contingent upon the approval of this agreement. The resolution and agreement are in council packets for review. Jon Cannon is providing property that will allow the City to improve the width of the road on 300 East, next to his new subdivision.

Jeff explained to those present what this agreement provides. This will approve the road by widening it and adding curb and gutter. Jon will install the improvements that are necessary for his subdivision. Jeff is hoping to budget for the City portion of this project in 2016.

Resolution #15-25

Approval of Rynell Business Park – Delay Agreements

This development was approved at the last meeting contingent upon the approval of two delay agreements. The members reviewed the agreements that have been drafted. The agreements have been signed by the representative of the land owner and are ready to be recorded. Tony stated there are two agreements - #2 is for the cul-de-sac in the development, the other - #1 is for the improvements along Industrial Road. These agreements state the improvements will be delayed until the rest of the area is improved and adjacent improvements are installed.

Mike asked if there should be something added to the agreement about the area that was designated for utility easements, etc. Mayor Little noted the motion to approve the development included what Mike is referring to. The members could add this language if desired. Mayor Little stated there was a lengthy discussion about improvements that should be required in a manufacturing/industrial area. He has asked staff to contact other cities and see what their requirements are for these types of areas. They would like to have the Planning Commission look at these and consider changes.

Mike stated he feels the language needs to be added regarding the 2 foot area that is to be designated as non-buildable and only used as a buffer zone. This will be done when a motion is made to approve the documents. Mayor Little asked Mike if he would help gather information on configurations that work for industrial areas so changes can be considered for the requirements in the ordinances.

Mike stated he was upset over this item at the last meeting, he feels an industrial area can be made to look nice and be safe. It has been stated that sidewalks and other improvements often hinder safety in industrial zones. He feels this is not the case. Jeff stated he does feel they need to have the Planning Commission look at this and consider changes.

Tony stated there needs to be some wording changes to the resolution – it is Rynell Business Park, not Rynell Commercial Subdivision. These changes will be made.

Young Chrysler

Conditional Acceptance/Escrow Release

The City engineer has recommended this development be given conditional acceptance and has provided an escrow release approval that will release all funds that are available to be released at this time. Jeff reviewed this item with those present. The escrow release will be in the amount of \$21,195.71, and will leave \$33,654.23 in the account for the 10% guarantee, chip and seal, and inspection fees.

Mayor Little stated in the original estimate, there were monies for a seal coat; the City requires a chip and seal coat. This will be done at the end of the year guarantee period. The monies set aside in the escrow account will be used for this, and any additional costs will be paid by the City.

Electric Rate Review Finalization

The City has participated in a study through UAMPS for electric rates. The results of this study were presented in a previous meeting. As part of this study, they can provide a suggested rate schedule if the City wants them to. They need some information from the City to do this final part. Some items they need information on are (1) how to increase rates – or what percentage if it is to be done over in phases, and (2) if they want to re-instate the customer charge that was removed.

There is a substation that has been scheduled to be constructed within the next few years. There was discussion about the actual cost for this improvement will be versus what has been presented. Mayor Little stated they could take no action on rate increases; they could have the rate study completed and implement them, or implement parts of the increase. These are the items that need to be decided by the members.

Mike stated that he feels there needs to be a base rate set to cover the costs of operating the system, and then the kilowatt hour charge could be adjusted. This is what the company that provided the study suggested. Mayor Little stated the items that were discussed when he, Paul and Fran had a conference call with the company that did the study. He stated the final item they want the members to give input on is regarding small commercial rates being subsidized by the large commercial and residential customers. Mayor Little stated he was provided with a spreadsheet the members can use to see how these changes would affect customers on different rate schedules. He will e-mail this to the members for them to review.

This item will be put on a future agenda for further discussion.

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

This item was removed from the agenda at the developer's request.

Ordinance #15-08
Amending Section 10-10-8 of City Code
Screening, Fencing, Clear View

Tony stated the fence ordinance has been discussed over the past year by the Planning Commission and staff. There were several areas that were conflicting in the existing ordinance. The Planning Commission sent a fence ordinance to the members for approval several months ago; it was not approved due to staff concerns about enforcing it. There has since been several discussions and changes made, and the Planning Commission has approved this draft and sent it to the Council for consideration. This has also been approved by Mark Schmid, Building Official.

Tony reviewed the major changes that are being made and recommends this ordinance be adopted. There is a public hearing scheduled on this matter during the council meeting agenda. Mark has also drafted an application that will be used for fence permits and the schematic will be included with this application.

Council Department Review

This item was not discussed.

Financial Statement Review

This item was not discussed.

Attorney Crane
Council Training

Attorney Crane was not present for this meeting, 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, July 14, 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:

2 sets of warrants
June 23, 2015 minutes

2. PRESENTATIONS:

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

Miriam Hone – Commercial Street market

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

4. PUBLIC HEARINGS

5. NEW BUSINESS:

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 07-08-15

10:00 a.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 23, 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, and Mike Kendell.

Excused: Council Members: Fran Hopkin and Shelly Betz.

City Staff: none

Others present: Jennifer Vesper, Morgan County News; Scott Jensen; Cheri Jensen; Aaron Wingle; Matt Mecham; Joseph Mecham; Gina Shelley; Tallin Shelley; Trevon Shelley; Tarren Shelley; Ron Hales; Pam Francis; Kent Francis; Keving Turner and Ryan Nye.

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

The opening ceremony was presented by Tallin Shelley.

The pledge of allegiance was led by Tony London.

Minutes and Warrants

Mayor Little stated for those present the changes that are being made to the agenda. The presentation by Terry Turner has been removed and will be put on the next agenda.

Also, the public hearing and ordinance in regards to the zone change request has been removed from the agenda by request of the developer. This item will not be discussed.

He stated if the audience were attending for either of those two items, he apologizes. However, all those present are welcome to stay for the meeting.

MOTION: Tony London moved to approve the minutes of the June 9, 2015 meeting and one set of warrants.

SECOND: Jeff Wardell. Vote: 3 ayes, Fran and Shelly not present.

Presentations

**Terry Turner, Emergency Management
Flood Control and Emergency Power to Senior Center**

Terry has asked for this item to be placed on the next agenda.

Public Hearings

- 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.**

This item was removed at the request of the developer.

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

MOTION: Tony London moved to open the public hearing.

SECOND: Jeff Wardell. Vote: 3 ayes, Fran and Shelly not present.

Mayor Little stated for those present that the upcoming fiscal year budget was adopted at the last meeting. These adjustments being made tonight are to the current fiscal year budget that ends June 30th. He explained there are only two adjustments being made – one to the perpetual care account and one for RDA tax increment monies received. The State has adopted new accounting guidelines for RDA tax increment funds; these will now have to be received by the general fund and transferred into the RDA.

There were no comments made by the public present.

MOTION: Tony London moved to close the public hearing.

SECOND: Jeff Wardell. Vote: 3 ayes, Fran and Shelly not present.

Resolution #15-24

Adjusting 2014-2015 budgets

MOTION: Jeff Wardell moved to adopt Resolution #15-24, a resolution adjusting the 2014-2015 fiscal year budgets.

SECOND: Tony London.

ROLL CALL VOTE: Shelly Betz – not present
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – not present

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

MOTION: Jeff Wardell moved to open the public hearing.

SECOND: Tony London. Vote: 3 ayes, Fran and Tony not present.

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The public present at the meeting were provided copies of the proposed ordinances. Tony stated the fence ordinances have been discussed for several months. The first draft that was recommended by the Planning Commission was not adopted and was sent back for further review. Mark Schmid, Building Official was included in the discussion since he would be the one enforcing the ordinance.

This draft before the members tonight is the final draft that has been recommended by the Planning Commission.

Scott Jensen asked if this applies to all properties within the City. It was stated it does not affect existing fences. It is also contingent upon someone coming to the City to see what is allowed before installing a fence. There has also been a schematic and an application that will be provided for those who wish to install a fence.

Jennifer Vesper asked for clarification on corner lots and the 3' fence – how far could this fence be installed in this area. Tony clarified this setback requirement for the audience.

No further comments were made by those present.

MOTION: Tony London moved to close the public hearing.

SECOND: Jeff Wardell. Vote: 3 ayes, Fran and Shelly not present.

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

MOTION: Tony London moved to adopt Ordinance #15-08, an ordinance amending 10-10-8 of the Morgan City Code.

SECOND: Jeff Wardell.

ROLL CALL VOTE: Shelly Betz – not present
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – not present

New Business

Resolution #15-23
Jon Cannon – Exchange Agreement

This development was approved at the last meeting, pending approval of this exchange agreement. Jeff reviewed this document for those present. He stated Jon Cannon is developing a subdivision that is close to the old Carrigan Motors car dealership. As part of this development he has agreed to give the City 8' additional property to widen this road. This road is very narrow and this will be a great improvement. This will also straighten out the intersection so it will align better with the proposed roadway that will go through to State Street.

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Tony used the whiteboard to draw what this agreement will accomplish. This will widen the road and also curb and gutter will be installed. Pam Francis asked about how many homes will be installed in this subdivision. The subdivision has an existing home, two lots and one flag lot.

MOTION: Jeff Wardell moved to adopt Resolution #15-23, a resolution approving the exchange agreement between Morgan City and Jon Cannon for the Rocky Mountain Builders, LLC. subdivision.

SECOND: Tony London.

ROLL CALL VOTE: Shelly Betz – not present
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – not present

Resolution #15-25
Rynell Business Park – Delay Agreements

Mayor Little asked Tony London to review the resolution and delay agreements for those present. He stated the resolution will approve two delay agreements for improvements that are not being installed at this time, but will be required at a later date. Tony stated these types of delay agreements are done when a development is being proposed that does not have the improvements on adjacent lots. This delays certain improvements until those properties are developed and the improvements are installed. Mayor Little reviewed for those present where this property is located and stated this is in a manufacturing/industrial zone. There are no improvements, such as curb, gutter and sidewalk on Industrial Road at this time. These will not be done until sometime in the future.

Tony reviewed with the developers present, Ron Hales and Ryan Nye, the statement in the resolution that identifies this as the Rynell Commercial Subdivision. Ron Hales stated the members are correct, it should state Rynell Business Park, not Rynell Commercial Subdivision.

Mike asked if they actually own the property. Ron stated they are leasing to own, but will be purchasing as soon as the present owners can meet certain conditions. Mike questioned if there would be any reason this purchase may not transpire. Ron stated he cannot foresee any reason and feels confident the sale will go through and the project will be started.

Tony stated there are two agreements, one for along Industrial Road, and the other for improvements for the cul-de-sac in the development. Tony asked about the 2' area that is to be non-buildable and stated the members have discussed adding a statement about this item in the delay agreement. Ron stated this is on the plat, but he is fine if they want to make this change.

MOTION: Tony London moved to adopt Resolution #15-25, a resolution approving the two delay agreements between Morgan City and Rynell Business Park, with the following changes – in agreement #2, under item #6 to add “, of which the 2' closest to the sidewalk will be non-buildable” after the word easement, and to

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change "Rynell Commercial Subdivision" to "Rynell Business Park in the four places it is mentioned in the resolution.

SECOND: Jeff Wardell.

Discussion on motion: Mayor Little re-stated the changes being recommended to these documents.

ROLL CALL VOTE: Shelly Betz – not present
Mike Kendell – aye
Jeff Wardell – aye
Tony London – aye
Fran Hopkin – not present

Young Chrysler

Conditional Acceptance/Escrow Release

Jeff reviewed for those present what this item entailed. This is giving conditional acceptance to the development, which starts the 1 year guarantee. It also releases all the funds that can be released from the escrow account except the \$33,654.23 that is required keeping the required to be kept in the account as per the items listed by the City Engineer.

MOTION: Jeff Wardell moved to approve granting conditional acceptance for Young Chrysler development, and approve the escrow release in the amount, leaving \$33,654.23 as outlined by the City Engineer.

SECOND: Tony London. Vote: 3 ayes, Fran and Shelly not present.

Jeff explained the inspections for developments are done by the City Engineer and Building Official. They are the one making the recommendations.

Special Reports

Mayor Little stated the first movie in the park will be this Friday, June 26th. There will be an ice cream social at 7:30 along with the dedication of the new restroom/storage building. The movie will follow at dusk and is "The Lego Movie".

Mayor Little also stated to those present the July 4th celebration will be next weekend. He asked all members who can assist to please contact staff.

Citizen Comments

Cheri Jensen stated she lives on 700 East. She has asked if she can still make a comment on the zone change request and was told she could, however since it is not on the agenda the Mayor and Council cannot comment. She stated at last week's Planning Commission meeting – Steve Garside, City Planner stated apartments pay a higher rate of property taxes than residential. She has checked into this and the County Assessor stated they pay the same rate as a single family

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She feels the City would collect more property tax if this was single residential. She feels this is a reason to not change the zone.

Kevin Turner asked if there have been any other meetings scheduled on this matter. Mayor Little stated not at this time. If the developer wants to proceed with the public hearing and zone change request it will be advertised and written notice will again be sent.

Tony stated there has been a lot of input from public on the splash pad. There concern is the use of culinary water. The hours of operation have been cut back to help conserve water.

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

Julie A. Bloxham, Recorder

These minutes were approved at the _____ meeting.

