

MORGAN CITY

**Electronic
Council Meeting**

12-08-20

6:00 p.m.



**CITY COUNCIL ELECTRONIC MEETING AGENDA
DECEMBER 8, 2020 – 6:00 P.M.
MORGAN, UTAH**

PUBLIC INVITED TO ATTEND BY:

Click the link to join the electronic meeting: **Registration Required before 5:00 p.m. on the day of the meeting.**
https://us02web.zoom.us/join/registration/register/tZcpdumrpzkoGdTB6UNo4H9PsthxJ-jVi2k_

Or by YouTube recording on morgancityut.org

Pursuant to Utah Code Section 52-4-207(4) and a written declaration by Mayor Ray W. Little, the regularly scheduled public meetings will be held electronically until further notice. No physical meeting location will be available.

Members of the public may participate in the Citizen Comment portion of the agenda by:

Email: dwoods@morgancityut.org

Subject Line: Must include the date of the meeting and designate "Citizen Comment."

Email Body: Must include First and Last Name and Address and a brief statement (reference agenda item # if applicable).

Comments must be received before 5:00 p.m. on the day of the City Council Meeting

WELCOME – CALL MEETING TO ORDER: Mayor Ray W. Little

PLEDGE OF ALLEGIANCE AND OPENING CEREMONY

CONSENT AGENDA:

1. Discussion and/or Action to Consider Approval of the Following:
 - a. City Council Electronic Meeting Minutes – November 24, 2020
 - b. Warrants

ACTIVE AGENDA:

2. Public Comments (Time has been set aside for the public to express their ideas, concerns, and comments. Comments are limited to 3 minutes per person with a total of 30 minutes for this item. Open Comment Cards are available on the City's website, morgancityut.org, and are to be filled out and submitted to the City Recorder prior to the meeting.)
3. Ordinance 20-05 – Rezone Request from Agricultural (A) to Single Family Residential (R-1-10) – Property Located at Approximately 550 North 400 West
4. Resolution 20-29 – Personal Property and Vehicle Surplus Policy
5. Resolution 20-30 – Bid Award – Complete Lagoon Aeration Treatment System
6. City Reports and Business:
 - a. City Manager
2021 Meeting Schedule
 - b. Mayor and Council
7. Adjournment

The Council at its discretion may rearrange the order of any item(s) on the agenda. In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Denise Woods, City Recorder, at (801) 829-3461 at least 48 hours prior to the meeting. This meeting may be held electronically to allow a member to participate.

Notice is hereby given that by motion of the Morgan City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.

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.

The undersigned, duly appointed City Recorder does hereby certify that the above notice and agenda was posted within the Morgan City limits on this **4th day of December, 2020** at Morgan City Hall, on the Utah State Public Notice Website, at morgancityut.org, and three public places within the City. The 2020 meeting schedule was also published in the Morgan County News on December 6, 2019.

**MINUTES OF MORGAN CITY
COUNCIL ELECTRONIC MEETING**

NOVEMBER 24, 2020; 6:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT ELECTRONICALLY:**

**Mayor Ray W. Little, Tony London, Jeff Wardell,
Eric Turner, Jeffery Richins, and Dave Alexander**

STAFF PRESENT ELECTRONICALLY:

**Ty Bailey, City Manager; Gary Crane, City Attorney;
and Denise Woods**

**OTHERS PRESENT
ELECTRONICALLY:**

**Lance and BreeAnn Johnson, Dan Dickson, Steven
Carrigan, Mark and Pamela Huerta, Leeah Dahle,
Darrell and Cheryl Rupp, Klint Heywood, Blaine
Freestone, Marinda Burt, Bret Bowcutt, Ron Weilert,
Steve Winn, Cody Howe, and Tim Witte**

This meeting was held in the Council Conference Room of the Morgan City Offices, 90 West Young Street, Morgan, Utah.

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

The pledge of allegiance was led by Councilmember London.

The opening ceremony was presented by Councilmember Richins.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve the following:
Minutes of the City Council Electronic Meeting – October 27, 2020; and
Warrants.

SECOND: Councilmember Richins

The vote was unanimous to approve the minutes as written and one set of warrants.

CITIZEN COMMENTS

Mayor asked if any Citizen Comments had been received and Denise Woods, City Recorder, stated two requests had been received but they were submitted as a request to speak during the public hearing.

NEW BUSINESS

PUBLIC HEARING

**ORDINANCE 20-05 – REZONE REQUEST FROM AGRICULTURAL (A) TO SINGLE FAMILY
RESIDENTIAL (R-1-10) – PROPERTY LOCATED AT APPROXIMATELY 550 NORTH 400
WEST**

Mayor asked for a motion to open public hearing.

MOTION: Councilmember London moved to open the public hearing.

SECOND: Councilmember Alexander

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to open the public hearing to discuss Ordinance 20-05 – Rezone Request from Agricultural (A) to Single Family Residential (R-1-10) for property located at approximately 550 North 400 West.

Mayor explained the process of the public hearing. He referenced a list of concerns which were sent to the Planning Commission and City Council from friends and neighbors of 400 West and the surrounding area. He expressed his appreciation for their effort in getting together and putting together the list. He asked if someone from the group would be willing to read the list, so it was on record as being presented to the Council. A copy of the document is attached and made a part of the minutes.

Mayor explained the task of the Council was to make a decision regarding the request to rezone property located at approximately 550 North 400 West. He stated the current zone was Agriculture (A) and the request was to rezone the property to Single Family Residential (R-1-10). The General Plan stated low density residential or single family residential and the City Code allowed for a R-1-10, R-1-12, and R-1-20 designation. He stated the Council could do one of the following:

- Approve the rezone request for R-1-10;
- Deny the rezone request, which meant the applicant/landowner/developer could not apply again for one year for a rezone request of R-1-10;
- Applicant could come back and re-request a rezone to R-1-12 or R-1-20;
- Council could pass a motion for an R-1-12 or an R-1-20; or
- Table the issue to a later date for further discussion.

Public Comments:

Tim Witte, 557 North 400 West: Tim read the list of concerns created by the neighbors surrounding the property proposed for rezone. The list would be attached hereto and made a part of the minutes.

Ron Weilert, 583 North 400 West: He gave a short background regarding him and his wife. He mentioned the sizes of the homes currently on 400 West. He referenced the concept plan which showed three exits onto 400 West and suggested they be eliminated and combined somehow with the extension of 400 West going south. He emphasized the three exits were impractical and impactful for safety.

Dan Dixon, 539 North 400 West: He stated several things for the Council to consider:

- Safety – including fire emergency response;
- Infrastructure – sufficient to support the subdivision;
- Ingress and egress;
- Adequate traffic study and if roads were sufficient to handle the increase of traffic from the subdivision.

He mentioned several property owners having animals and the rural feel of their neighborhood. He referenced page 14 of the General Plan which read:

One of Morgan City's most desirable and relished features is its rural lifestyle. Open fields and animal agriculture are integrated into the city, which gives Morgan its unusual and unique atmosphere. Its residents cherish this unique lifestyle.

He suggested the General Plan, which was dated 1999, be addressed before any long-term decisions were made regarding this area. He stated the area designated for rezone was low density, which was five lots per acre. He referenced the map in the packet which showed the proposed subdivision and pointed out the size of lots and zoning designation of surrounding properties. He stated the 29-lot subdivision wasn't a smooth transition. He mentioned the acreage of several surrounding lots to the proposed subdivision and explained his calculations to reach an average lot size of those lots, which would be approximately 1.10 acres. He then took the lot sizes of the proposed subdivision and did the same calculations and the average lot size was .3 acres. He stated it was 3.6 times the density of the existing lots which bordered the proposed subdivision. He stated it didn't allow for transition from existing lots in the surrounding area. He wasn't opposed to a rezone request but stated it should be done wisely with safety, infrastructure and to match the surrounding community. He urged the Council to deny the zone change to R-1-10.

BreeAnn Johnson, 406 West Larkspur Lane: She stated they (her and her husband) had grown up in Morgan and would like it to remain a rural area. She mentioned the impact upon the schools with the proposed subdivision and the lack of sidewalks on Island Road for the children to walk to school because it was a narrow road. She also stated the amount of traffic which would be added with the proposed subdivision. She stated they weren't opposed to people developing their property but stressed it would be nice to have the bigger lots for the open space.

Blaine Freestone, 333 West Island Road: He mentioned the amount of traffic on Island Road being generated by Graceland. He also suggested the speed of vehicles along Island Road needed to be dealt with.

Cody Howe, 521 North 400 West: He stated he wasn't opposed to a rezone but echoed the issues regarding safety as mentioned by BreeAnn Johnson. He explained his home wasn't far enough from the school for his children to get bussed and with the number of lots in the proposed subdivision the foot traffic would substantially increase. He mentioned the safety issue on Island Road and the corner of 300 West because it was narrow and lacked sidewalks and adequate lighting. He stated he wasn't opposed to a rezone but asked the Council to consider a less dense rezone such as R-1-20.

Mayor asked the Council for a motion to close the public hearing.

MOTION: Councilmember London moved to close the public hearing.

SECOND: Councilmember Turner

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to close the public hearing on the rezone request.

ORDINANCE 20-05 – REZONE REQUEST FROM AGRICULTURAL (A) TO SINGLE FAMILY RESIDENTIAL (R-1-10) – PROPERTY LOCATED AT APPROXIMATELY 550 NORTH 400 WEST

Mayor opened the discussion to the Council.

Councilmember London mentioned the comments made regarding increased traffic on Island Road. He asked if there were studies regarding this issue.

Ty Bailey, City Manager, mentioned the impact fee study which was completed several years ago. After the study the City's impact fees for roads was decreased because the study showed the City had plenty of capacity on our roads. He emphasized it didn't mean the City's roads were in good condition but that the actual capacity of the current roads was adequate for more build out. He stated one of the challenges the City faced was wide roads and then at some of those congestion points there wasn't any traffic control measures in place, such as turn lanes, to help with traffic flow. He stated capacity was based on the width of the road.

Councilmember London mentioned the Pheasant Run Subdivision which was recently approved. He asked how many homes would be built in the subdivision without a second access.

Ty stated phase one didn't require a second access, but it was a combination of length of the road and the number of homes per road, so the entire subdivision only required an emergency access not a full second access. He stated every development was evaluated independently.

Councilmember Alexander stated he had been able to listen to both of the public hearings (Planning Commission and City Council) and the neighbors had made clear their concerns with this rezone. He said there probably would need to be concessions on both sides. He stated after listening to the list of 10 items read at the beginning of the public hearing, he would like additional time to review the request.

Councilmember London said he and Councilmember Alexander have had the opportunity to listen to multiple meetings regarding the rezone request and felt it would be beneficial to allow the other Councilmembers additional time to review the request for rezone.

Councilmember Turner stated he appreciated the political process and the ability to listen to the concerns on both sides of an issue. He said this was a complex issue and there were valid concerns which needed to be addressed. He suggested tabling the issue to a later meeting.

Councilmember Wardell stated after listening to the concerns on both sides he would like to have further time to review the issue.

Councilmember Richins said he also appreciated the process and he was mindful of the responsibility to protect the landowners as well as the community. The job of the City Council was to ensure the best decision was made for the future of our community. He also would like more time to review the issue.

Councilmember London asked Gary Crane if dual zones could be considered for this parcel.

Gary Crane, City Attorney, said the densities could be mixed through a development agreement if the logical separation of zoning districts was available. He stated there needed to be a solid plan before a development agreement was made to mix zoning districts.

Councilmember Turner stated it was a conceptual layout at this point, and we wouldn't know how it would come together without a solid plan/project.

Gary stated the Council tonight was looking at whether this zone was appropriate for this particular parcel of property in relationship to where it was located, traffic impacts, adequate facilities, adequate access and surrounding uses. He said once a final plan was presented to the City it would become clear as to whether or not mixing the zones would be appropriate.

Cheryl and Darrell Rupp requested time to make comments.

Gary stated the public hearing needed to be reopened.

MOTION: Councilmember London moved to reopen the public hearing.

SECOND: Councilmember Richins

Vote was 5 ayes; Motion passed unanimously to reopen the public hearing.

Darrell and Cheryl Rupp, 451 North 300 West: Darrell said the concept plan had been amended because some of the frontages were wrong and once those were corrected it actually reduced the number of lots. He mentioned the soil calculations for the retention pond for the storm drain. He stated it was difficult to come with a more concrete plan without having the zone in place. He said it was his understanding that if the zoning was in place a development agreement could be based on that zoning and it would bind the developer. He clarified they weren't interested in being the developers of the property, just in getting the zoning changed so they could sell the parcel of property. He requested the Council, if they tabled the item, to tell them what the Council expected or what zone they felt would work on the property. He referenced the zoning map pointing out the property zoned R-1-20 which was located on 400 West to Meadow Creek Way. He stated by zoning this parcel R-1-10 it would facilitate a transition into the larger lots in the R-1-20 zone displayed on the zoning map. He stated the current zoning along Island Road was R-1-8. He referenced the Master Street Plan and pointed out the City's current street plan for 400 West.

Mayor asked for a motion to close the public hearing.

MOTION: Councilmember London moved to close the public hearing.

SECOND: Councilmember Alexander

Vote was 5 ayes: Motion passed unanimously to close the public hearing.

Mayor explained all three of the zones, R-1-10, R-1-12, and R-1-20, met the criteria currently outlined in the General Plan for single family residential. He explained the options before the City Council:

- Approve the rezone to R-1-10;
- Make a motion to rezone to R-1-12;
- Make a motion to rezone to R-1-20;
- Table to a later date; or
- Deny the request for rezone to R-1-10.

Mayor said if the Council denied the request for rezone to R-1-10 the proposal couldn't come back for one year, but the applicant could come back with a request for a rezone to R-1-12 or R-1-20. He stated if the Council made a motion to table the item it would be for the Council to have more time to do their due diligence reviewing the request and then bring it back to the Council for a decision. If the Council wanted the applicant to come back with a new request for R-1-12 or R-1-20 the Council needed to deny the request for the rezone to R-1-10.

MOTION: Councilmember London moved to table Ordinance 20-05 to allow the Council more time to review the rezone request.

SECOND: Councilmember Turner

Gary stated the Ordinance needed to be tabled to a date certain so it wouldn't need to be advertised again.

AMENDED MOTION: Councilmember London moved to table Ordinance 20-05 to a date certain of December 8, 2020 to allow the Council more time to review the rezone request.

AMENDED SECOND: Councilmember Turner

Discussion on the Motion: None

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

Vote was 5 ayes; Motion passed unanimously to table Ordinance 20-05 to a date certain of December 8, 2020 to allow the Council more time to review the rezone request.

Mayor clarified a public hearing would not be held on December 8, 2020, but the public was welcome to join the electronic meeting.

ORDINANCE 20-04 – AMENDMENT TO TITLE 1, CHAPTER 1.15 OF THE MORGAN CITY CODE CONSOLIDATED FEE SCHEDULE (PLANNING & ZONING FEES, BUSINESS LICENSE – FOOD TRUCKS AND ELECTRICAL)

Ty explained Ordinance 20-04 amended several items in the Consolidated Fee Schedule.

- Business Licensing – Removal of fee for food trucks;
- Electrical – Pump rate demand charge amended; and
- Planning & Zoning – Development Fees amended.

Ty explained the City's current practice of charging and collecting development fees and explained the new development fees outlined in the fee schedule.

Discussion regarding the fees being associated to actual costs and how the amounts were reached. The reason for the additional fee for resubmitting plans was explained.

Councilmember Turner asked Gary if these fees were consistent with other cities.

Gary said yes, but the legislature had completed a study of fees charged by five cities. He stated they would be going through other cities fees and requesting a justification of the fees assessed. He said the City would need to be able to justify their fees. He stated most cities' development fees didn't cover the actual costs associated with the work/services provided.

Ty explained the additional fee under building permits for the review of building permits in sensitive land areas.

MOTION: Councilmember Alexander moved to adopt Ordinance 20-04 – An ordinance amending the Consolidated Fee Schedule (Planning and Zoning Fees, Business License – Food Trucks, and Electrical).

SECOND: Councilmember London

Discussion on the Motion: None

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

Vote was 5 ayes; Motion passed unanimously to adopt Ordinance 20-04 – An ordinance amending the Consolidated Fee Schedule (Planning and Zoning Fees, Business License – Food Trucks, and Electrical).

QUAIL HOLLOW SUBDIVISION PHASE 2 – CONDITIONAL ACCEPTANCE

Councilmember London stated this was Conditional Acceptance of the Quail Hollow Subdivision Phase 2. Brent Slater, City Engineer, Jones and Associates, and City staff had inspected the improvements and had found them to be completed satisfactorily and they met minimum requirements of Morgan City standards in accordance with engineering and/or subdivision plans submitted and previously approved. They recommended Conditional Acceptance of the Quail Hollow Subdivision Phase 2 and to begin the warranty period, which lasted one year from date Conditional Acceptance was granted. He explained the monies to be held in the Escrow Account were Fifty-Eight Thousand Four Hundred Seven Dollars Six Cents (\$58,407.06), which represented the 10% Guarantee, Four Thousand Four Hundred Seventy Dollars Seventy-Five Cents (\$4,470.75), which represented the money to cover the placement of the seal coat next summer, and Fourteen Thousand Six Hundred One Dollars Seventy-Seven Cents (\$14,601.77), which represented the 2.5% inspection fee. He explained once the seal coat was completed that amount (\$4,470.75) could be released to the developer. The remaining money would stay in the Escrow Account until the final inspections were completed and Final Acceptance given by the City Council. The total amount to remain in the Escrow Account at this time was Seventy-Seven Thousand Four Hundred Seventy-Nine Dollars Fifty-Eight Cents (\$77,479.58).

MOTION: Councilmember London moved to grant Conditional Acceptance of the Quail Hollow Subdivision Phase 2.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to grant Conditional Acceptance of the Quail Hollow Subdivision Phase 2.

CITY REPORTS AND BUSINESS

CITY MANAGER

Hometown Christmas – Ty mentioned the Chamber's Hometown Christmas and complimented the Chamber on their creative efforts to continue with this event through COVID. Santa Claus would drive through Morgan as well as Mountain Green and run sirens on December 5th. Also, the tree festival would be held virtually.

MAYOR AND COUNCIL

Councilmember Richins complimented the power department's response to his concern and for them getting back with him once it was repaired and informing him what the problem was.

Discussion regarding the grand opening of the hotel. Mayor mentioned they hoped to open on December 4th and have a soft opening and then once they were organized and running, they would have a grand opening.

Mayor stated there were several openings on the Planning Commission for alternates. He gave the Council the names of Justin Rees, Jonathan Lloyd, and Mark Francis and said they had voiced a desire to serve on the Planning Commission. He asked the Council to let him know of anyone else who may be interested, and those appointments would be made at the next council meeting.

Gary cautioned the Council regarding discussing the rezone request in groups. They were able to talk one on one or with their neighbors, but to refrain from discussions with multiple council members.

This meeting was adjourned at 7:43 p.m.

Denise Woods, City Recorder

These minutes were approved at the December 8, 2020 meeting.

To: Morgan City Planning Commission
From: The Concerned Neighbors for the 400 W. Development

The compiled list below are notes taken from a neighborhood gathering to voice concerns over the development of the field on 400 W. We want to make it perfectly clear that as neighbors we ARE NOT opposed to this land being developed and we want the Rupp's to make as much as they can off of the sale and development of the land, but we also want to ensure that the development on 400 W. helps the safety and value of the existing homes on 400 W. and the surrounding areas on Island Rd and 300 W.

Below are our itemized concerns that we wanted to pass along prior to tomorrow night's meeting, just in case there are some folks that will be unable to be there.

1. We are concerned that bringing in an additional 30 home sites will create safety concerns for the children playing in the area with an increase of 60-90 cars on the street. That is a 400% increase in current traffic on 400 W.
2. Concerns about traffic increases in general all the way down to 200 N during peak hours. Before/After School and afternoon rush hour are already a headache to turn left off of 200 N onto Main street due to 200 N. being the main road everyone uses from Wasatch Shadows Sub division, 300 W., Island Road, Larkspur Lane, 400 W. Webster Lane, and Meadow Creek Way. We feel an additional 60-90 vehicles will require the need for a traffic light at 200 N. and Main Street.
3. Only having one way in/out for an additional 60-90 vehicles is concerning. We feel it is imperative to have another way in/out off of 400 W. and/or off of Island Road before development happens.
4. 30 Lots is too many and does not follow the pattern already set up on 400 w. and the surrounding area. Most lots in the area are currently .50 acres-1.0+ acres. This subdivision should follow that same pattern as the surrounding area.
5. We want to request that the easement/approach from the street to be increased from 80 feet to 100 feet to make playing children easier to see as cars round corners.
6. We request the zoning to be consistent with the zoning already on the street (R-1-20, not R-1-10) to ensure that the benefits that come with R-1-20 stay in effect for all residents currently on 400 W.
7. We request the TOTAL home size requirements to be a minimum of 3000-3500 square feet, in an effort to keep current home values up.
8. We request the home exterior materials to be consistent with the requirements on 400 W. in an effort to keep current home values up.
9. We request a sidewalk on the east side of 400 w as well as all the way down 300 w to be part of the development to allow the children to walk around the neighborhood safely with the increased traffic.
10. We want to ensure that the infrastructure is sufficient to support the new neighborhood, including water, sewer and secondary water. We also want the commission to consider the additional 2-3 classrooms that will be required for the school system to accommodate the additional 60 students (assuming the average household size in Morgan is 4 people) that this subdivision will bring in.

We appreciate your careful consideration of these items and any additional items that may be brought up during the meeting.

Sincerely,
The friends and neighbors of 400 W. and the surrounding area.

ORDINANCE 20-05

AN ORDINANCE AMENDING THE ZONING DESIGNATION OF PROPERTY LOCATED AT APPROXIMATELY 500 NORTH 400 WEST, BY CHANGING THE ZONING DESIGNATION THEREOF FROM AGRICULTURAL (A) TO SINGLE FAMILY RESIDENTIAL (R-1-10); PROVIDING FOR THE AMENDMENT TO THE ZONING MAP; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Morgan City has received an application for the rezone of a parcel of property (Parcel No. 00-0055-3410 and Serial No. 04-149-15 – 11.254 acres), located at approximately 500 North 400 West (hereinafter "Subject Property"). The application requests that the zoning designation of the Subject Property be changed from Agricultural (A) to Single Family Residential (R-1-10); and

WHEREAS, the Planning Commission reviewed the proposal and held a public hearing on September 15, 2020 and after its review the item was tabled to reconsider the zoning designation; and

WHEREAS, the Planning Commission continued the discussion regarding the rezone at their regular scheduled meeting on November 17, 2020 and at the conclusion of its review, has determined that the proposed zoning amendment is reasonable and rationally based and will benefit the citizenry of Morgan; and

WHEREAS, the City Council, upon review of the Planning Commission's recommendations, and finding those recommendations to be reasonable, rationally based, and consistent with the City's General Plan, and after a public hearing held on November 24, 2020, finds that the zoning designation on the Subject Property, as petitioned, is in furtherance of the health, safety, and welfare of the City.

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

SECTION I: REPEALER. If any ordinance, or provision of any ordinance, adopted heretofore is inconsistent herewith, it is hereby repealed.

SECTION II: ENACTMENT. The zoning designation for the following described property is hereby amended to be Single Family Residential (R-1-10):

(See Attachment "A" – Legal Description)

SECTION III: SEVERABILITY. If any provision, paragraph, clause, phrase, section, or subsection of this Ordinance is declared, by a court of competent jurisdiction, to be unlawful, illegal, unenforceable, or unconstitutional, said portion hereof shall be severed from the Ordinance and said Ordinance shall remain in full force and effect.

SECTION IV: ZONING MAP AMENDMENT. The Official Zoning Map is hereby amended to reflect this amendment.

SECTION V: 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.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 8th day of December, 2020.

RAY W. LITTLE, Mayor

ATTEST:

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

(In the event of a tie vote of the Council):

Mayor Little	_____	_____
--------------	-------	-------

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL NO. 00-0055-3410 – SERIAL NO. 04-149-15

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, CITY OF MORGAN, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE SOUTH 89 DEG 57 MIN 34 SEC EAST 454.74 FEET ALONG THE SECTION LINE; THENCE SOUTH 497.39 FEET TO A POINT ON THE CENTERLINE OF FIELD STREET; THENCE SOUTH 29 DEG 10 MIN 00 SEC WEST 25.26 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF FIELD STREET, THE TRUE POINT OF BEGINNING; THENCE SOUTH 69 DEG 05 MIN 00 SEC EAST 60.63 FEET ALONG SAID SOUTHEASTERLY LINE OF FIELD STREET; THENCE SOUTH 29 DEG 10 MIN 00 SEC WEST 246.15 FEET; THENCE SOUTH 53 DEG 00 MIN 07 SEC EAST 39.56 FEET; THENCE SOUTH 81 DEG 20 MIN 26 SEC EAST 164.01 FEET; THENCE SOUTH 22 DEG 40 MIN 38 SEC EAST 660.59 FEET; THENCE SOUTH 66 DEG 54 MIN 49 SEC WEST 205.48 FEET ALONG A FENCE LINE; THENCE SOUTH 10 DEG 40 MIN 24 SEC EAST 369.22 FEET ALONG A FENCE LINE; THENCE NORTH 66 DEG 21 MIN 53 SEC WEST 526.29 FEET ALONG A FENCE LINE; THENCE NORTH 42 DEG 22 MIN 30 SEC WEST 248.52 FEET ALONG A FENCE LINE; THENCE NORTH 60 DEG 28 MIN 08 SEC WEST 41.29 FEET ALONG A FENCE LINE; THENCE NORTH 27 DEG 15 MIN 43 SEC EAST 665.98 FEET ALONG A FENCE LINE; THENCE NORTH 60 DEG 50 MIN 00 SEC WEST 60.00 FEET; THENCE NORTH 29 DEG 10 MIN 00 SEC EAST 345.65 FEET TO THE POINT OF BEGINNING.

THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, CALLED SOUTH 89 DEG 57 MIN 34 SEC EAST.

RESERVING UNTO THE GRANTORS, THEIR SUCCESSORS AND ASSIGNS, A RIGHT OF WAY FOR INGRESS AND EGRESS AND ALL UTILITIES DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, CITY OF MORGAN, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE SOUTH 89 DEG 57 MIN 34 SEC EAST 454.74 FEET ALONG THE SECTION LINE; THENCE SOUTH 497.39 FEET TO A POINT ON THE CENTERLINE OF FIELD STREET; THENCE SOUTH 29 DEG 10 MIN 00 SEC WEST 25.26 FEET TO A POINT OF THE SOUTHWESTERLY LINE OF FIELD STREET, THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTH 69 DEG 05 MIN 00 SEC EAST 60.63 FEET ALONG SAID SOUTHWESTERLY LINE OF FIELD STREET; THENCE SOUTH 29 DEG 10 MIN 00 SEC WEST 350.00 FEET; THENCE NORTH 60 DEG 50 MIN 00 SEC WEST 60.00 FEET; THENCE NORTH 29 DEG 10 MIN 00 SEC EAST 345.65 FEET TO THE POINT OF BEGINNING.

LESS ANY AMOUNT SOLD AND/OR DEDICATED TO MORGAN CITY FOR CITY ROAD IN MORGAN MEADOWS SUBDIVISION.



MORGAN CITY PLANNING COMMISSION
PETITION FOR RE-ZONE REQUEST

NO. _____

Applicant Name (s):

Address:

Phone:

- (1) Darrell A. Rupp 451 N 300W, Morgan, UT 801-231-4810
- (2) Cheryl K. Rupp 451 N 300W, Morgan, UT 801-791-5104

Property Owner Name (s)

Address:

Phone:

(If different from Applicant, please submit a "Right to Represent" form.)

- (1) (Same as above)
- (2) _____

I/We hereby petition Morgan City to Rezone Property Requested.

From A to R1-10 & From _____ to _____

On the following property: (Attach additional sheet if necessary)

- a. Address of Property: Approx 550 N 400 W, Morgan, UT
- b. Recorder's Plat/Legal Description: Parcel # 00-0055-3410
Please attach with property outlined in red. Serial # 04-149-15
- c. Vicinity Plan (total project) Please Attach

I/We have read and believe the petition to be consistent with the Morgan City General Plan. Further, I/We hereby grant, for the purpose of understanding the nature of the petition, Morgan City Planning Commission and staff reasonable access to the property described herein.

DMA. Rupp

Signature

8/17/20

Date

Sept 15th 2020

Date of Meeting

Fee Paid: 160.00

Date: 8/17/20

Receipt #: _____

*On the attached sheet, list the names of the property owners within 300' of the subject property boundary. Please submit a sufficient number of plain, white, legal size envelopes addressed to the listed property owners (return address not required) with the proper postage affixed.

MORGAN CITY STAFF MEMO



DATE: November 24, 2020

SUBJECT: Request for Rezone from Agriculture to R-1-10, Single family Residential

LOCATION: Approximately 550 North 400 West

GENERAL PLAN: Low Density Residential

BACKGROUND

The subject property is located at approximately 550 North 400 West, just south of the Island Road and 400 West Intersection. 400 West is currently a dead-end road but will eventually connect into Young Street. The property consists of 11.25 acres. It is currently zoned and used for agriculture proposes. The properties to the north and east are zone R-1-8 (single family, 8,000 square foot lot minimum). The properties to the north-west are zoned R-1-20 (single-family, 20,000 square foot lot minimum), and the adjacent property to the south is zoned agriculture.

The current zoning for the property is Agriculture, requiring a minimum of five (5) acres per lot for any development. The proposal is to change the zoning classification to R-1-10, Single Family Residential, which requires a minimum of 10,000 square feet per lot.

The Planning Commission first reviewed this rezone request in September of 2020. The main point of discussion with the Commission was with the density of the potential subdivision. Several residents during the public hearing also voiced their concern regarding the proposed density. The applicant requested the discussion to be continued to provide time to review comments and potentially adjust their application. The Commission approved a motion to close the public hearing and continue the discussion during the October meeting. The item was later postponed until the November Planning Commission meeting at the request of the applicant.

During the November Planning Commission meeting the Commission expressed concerns that the proposed density does not fit in with the existing land uses surrounding the property. There was also some concern that the provided concept plan included some lots that may not meet frontage requirements. Lots that do not meet frontage or other zoning requirements would have to be removed or reworked to meet code. The development will be required to meet all Planning and Engineering standards before preliminary approval. For an R-1-10 zone the required minimum lot width at setback is 80' for an inside lot and 90' for a corner lot. The minimum frontage requirement is 70'.

REVIEW

The applicant has provided minor updates to the concept plan, removing the cul-de-sac from the previous plan, and including a detention basin area. The proposed development reviewed by the Planning Commission included 29 lots. There are currently 7 existing homes that are also accessed through 400 West.

The IRC (International Fire Code) has a maximum of (30) homes that are permitted off a single access road. However, as discussed in the September Commission meeting, the Fire Marshall is permitted to grant approval for additional dwelling units on roads that will connect with future development. The Fire Marshall has reviewed this development and has stated that protection can be provided for the 29 proposed lots.

The subject property is identified in the General Plan for low density, 0-5 units per acre. The proposed development would be about 3.22 units per acre. The chart below shows an example breakdown of the potential number of units per acre per zone. This calculation deducts 20% of property to be used for public right-of-way.

Zone	Units Per Acre
R-1-8	4.4
R-1-10	3.5
R-1-12	2.9
R-1-20	1.7
Rural Residential	.8

Most of the residential properties surrounding the potential development are zoned R-1-8. However, almost all these existing lots have over one-half an acre and have few infill-development options. The lots across the street to the north-west are in the R-1-20 zoning district and have over one-half acre each. The property to the south is zoned Agriculture and is listed in the General Plan for Rural Residential. The Rural Residential zone requires a minimum of 1 acre lots.

Included with the packet is a map showing the number of units per acre on existing, proposed, and potential/future development as per the General Plan. As you can see from this map, the proposed development would have over double the units per acre than the two neighboring developments and have a slightly larger unit count than the Wildflower and Pheasant Run subdivisions.

Most of the future development in this area is listed as Rural Residential and consists of around 75 acres. With expected higher demand for housing and the high cost of land, it is unlikely to see this entire area develop with 1 acre lots. However, based on the existing General Plan the proposed development would have two and one-half times the density as the rural residential area. A further assessment for future development in this area is something that should be explored as the City works through a General Plan update.

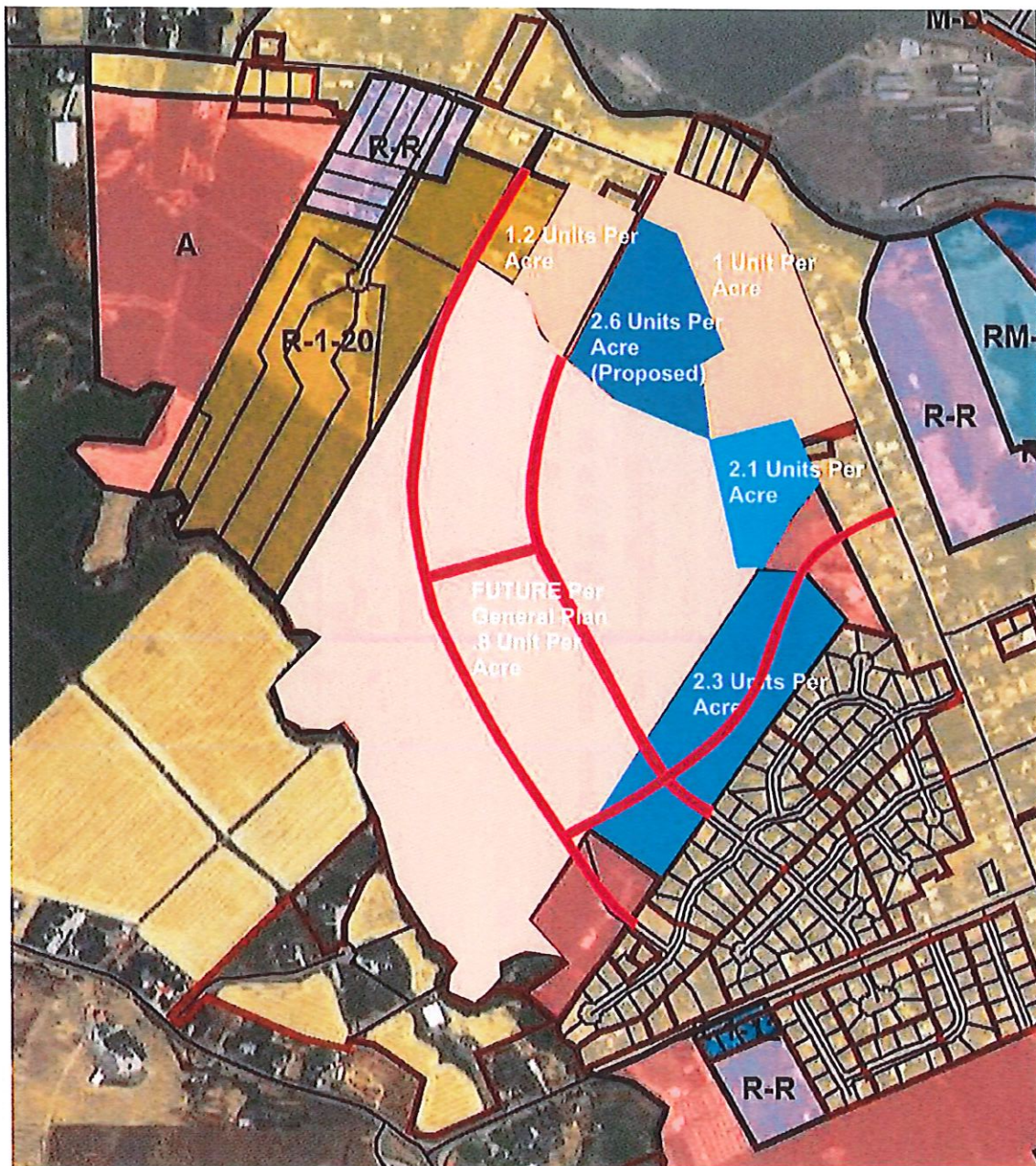
While the proposed development does have a higher density than the surrounding areas it still fits within the requirements outlined for low density (0-5 units per acre).

RECOMMENDATION

With an understanding that the proposed density meets the requirements outlined in the General Plan, the Planning Commission recommended the City Council approve the Rezone Request from A (Agriculture) to R-1-10 (Single Family Residential); with a request that the City Council 1) review the concerns of the residents regarding the density of the project 2) review the concerns expressed by the Planning Commission regarding the transition of the land uses and that the proposed density being inconsistent with the adjacent properties.

Planning Staff supports the recommendation of the Planning Commission.

Existing, Proposed & Potential/Future Development



 Future Public Right-of-way (Based on Streets Master Plan)

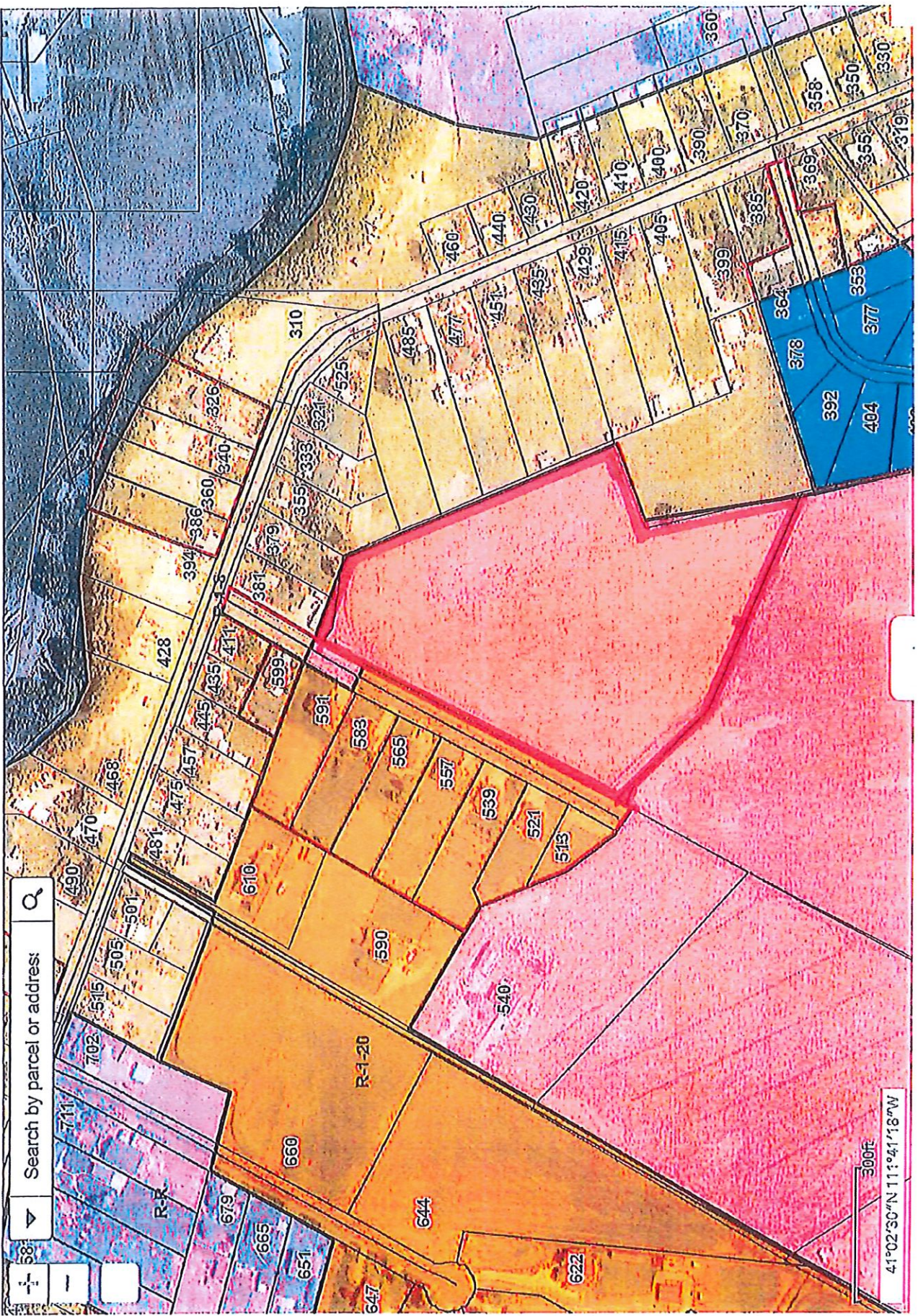
[illegible]

Map by Small Town GIS
October 2018

Morgan City Zoning



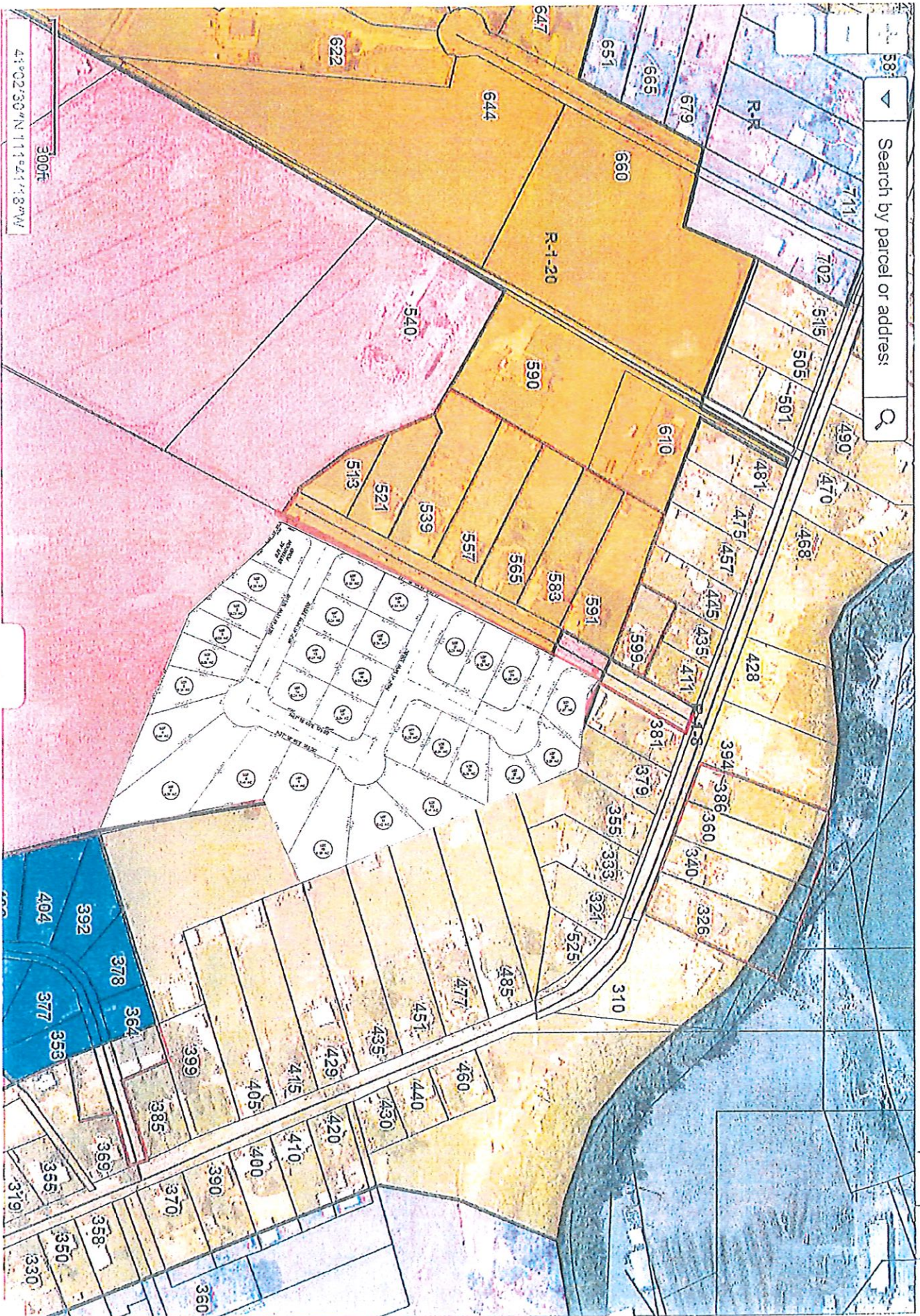
Map by Small Town GIS
April 2019



Search by parcel or address

300ft
41°02'30"N 111°41'18"W

Search by parcel or address:



10.14.070 RESIDENTIAL ZONES; TABLES 3-1

TABLES 3-1

RESIDENTIAL ZONE REGULATION CHART

Lot Size	A	R-R	R-1-20	R-1-12	R-1-10	R-1-8	RM-7	RM-15
Minimum lot area (square feet) 1st dwelling unit ¹	5 acres	43,560	20,000	12,000	10,000	8,000	8,000	8,000
Minimum lot area (square feet) for each add. unit	5 acres	43,560	20,000	12,000	10,000	8,000	4,000	2,500
Minimum lot width (feet) at setback (inside/corner) ^{2,3}	100/100	100/100	90/100	80/90	80/90	70/80	70/80	80/90
Minimum frontage ⁴	80'	80'	70'	70'	70'	60'	60'	70'

PRINCIPAL RESIDENTIAL STRUCTURES

Setback	A	R-R	R-1-20	R-1-12	R-1-10	R-1-8	RM-7	RM-15
Minimum front yard setback	30'	30'	25'	25'	25'	25'	25'	25'
On arterial street ⁴	40'	40'	40'	40'	40'	40'	40'	40'
Minimum setback between facing structures on same lot	-	-	60'	60'	60'	60'	50'	50'
Minimum side yard (interior) one side/total ⁴	12'	10'	10'	10'	10'	10'	10'	10'
Minimum side yard between RM zones, adjacent to A, R-R and R-1 zones	-	-	-	-	-	-	-	25'
Minimum side yard (corner lot)	30'	30'	25'	25'	25'	25'	25'	25'
Street side arterial street	30'	30'	30'	30'	30'	30'	30'	30'
Minimum rear yard	30'	30'	30'	30'	30'	30'	30'	30'

Notes:

1. The RM-7 and RM-15 zones require 8,000 square feet for the first 2 dwelling units.
2. Corner lots shall meet the minimum lot width requirements on both street frontages.
3. Measured along the chord length for lots on curves.
4. Residential building lots should not face onto arterial streets. In those limited circumstances where the only available frontage is on an arterial street, it is important to achieve the greatest setback possible to protect residents from the noise and safety hazards associated with potentially high volumes of traffic and high speeds. Side yard setbacks should also include greater setbacks for those same reasons. Arterial streets are defined in MCC 10.04.010.

RESOLUTION 20-29

A RESOLUTION SETTING A POLICY OUTLINING THE REQUIREMENTS AND PROCEDURES TO BE FOLLOWED TO SALE, DONATE, OR DESTROY CITY'S SURPLUS PERSONAL PROPERTY AND VEHICLES.

WHEREAS, the Morgan City Council has determined there is a need to set policy outlining the requirements and procedures to be followed regarding the City's surplus personal property and vehicles; and

WHEREAS, the Morgan City Council has determined that surplus personal property of the City is any property, excluding real property, owned by the City including, but not limited to, office furniture, computers, equipment, and vehicles, which are determined by the City Manager to be surplus and no longer useful or a benefit to the City.

NOW THEREFORE BE IT RESOLVED BY the Morgan City Council that the City's personal property and vehicles which the City Manager has determined to be surplus will be handled as set forth below:

1. Surplus personal property is any property, excluding real property, owned by the City including, but not limited to, office furniture, computers, equipment, and vehicles that the City Manager determines is surplus and is either no longer useful to the City or a benefit to the City if replaced. For example, newer vehicles and equipment may be replaced based on their current value, depreciation, and purchase price of new if it is a financial benefit to the City.
2. For surplus personal property deemed to have a value of \$1,000.00 or less, the City Manager may authorize the property to be sold, donated, or destroyed. For surplus personal property deemed to have a value of \$1,000.00 or more, the City Manager, City Recorder, and City Treasurer must all three authorize the property to be sold, donated, or destroyed. If there is not an agreement by the City Manager, City Recorder, and City Treasurer on the decision to sale, donate, or destroy the property valued at \$1,000.00 or more the City Council must decide how to surplus the property. When property valued at \$1,000.00 or more and the property is being sold to a City employee the sale should also be approved by two City Council members appointed by the Mayor for the purpose of reviewing the sale pursuant to the criteria set forth in paragraph 2.a. below.
 - a. **Sale:** Surplus personal property may be sold through the informal solicitation of bids, through an auction, including an online auction, or through a direct sale open to the general public. The City Manager has the discretion to advertise the sale of surplus personal property in a newspaper of city-wide circulation or other online "classified ad" format with broad general public distribution channels. The City Manager also has the discretion to determine what method will be used to sell the surplus personal property. The City Manager should evaluate the time and effort involved in the sale, getting as close to fair market value as possible for the item sold, and fairness to those who may want to purchase surplus property.
 - b. **Donation:** An item of personal property may be donated to another governmental entity, a public or private school, a charitable non-profit, or a member of the public. The City Manager has the discretion as to the recipient of the donated item and terms of the transfer of property. The City Manager should evaluate the need of the recipient, the best use of the property, and the continued benefit to the general public from the donation. The City Manager should also consider any terms that would provide benefit to the City residents. For example, donating a piece of equipment to the County Government to help keep taxes low, or assists the County to provide better county-wide services.

- c. **Destroy:** Personal property should only be destroyed as a last resort or for security and safety of the City or general public. The City Manager has the discretion to decide how the personal property should be destroyed. Property should be recycled or scrapped if possible before placed in solid waste containers or a landfill. Computers, servers, hard drives or other e-waste should also be destroyed in an appropriate manner to protect the environment. No records or public information should be destroyed contrary to State Code or other record management policies. Before an item is destroyed, the City Manager should also ensure there is no historical significance or other value.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 8th day of December, 2020.

RAY W. LITTLE, Mayor

ATTEST:

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

(In the event of a tie vote of the Council):

Mayor Little	_____	_____
--------------	-------	-------

RESOLUTION 20-30

AUTHORIZING AN AGREEMENT WITH PARKSON CORPORATION FOR A COMPLETE LAGOON AERATION TREATMENT SYSTEM AT THE CITY'S WASTEWATER TREATMENT FACILITY.

WHEREAS, Morgan City (hereinafter "City") has elected to install diffusers in two of the lagoons at the City's Wastewater Treatment Facility (hereinafter "Facility") to reduce the biochemical oxygen demand (BOD) in the lagoons; and

WHEREAS, the current aeration system at the City's Facility has not been effective in oxygenating the water in the lagoons and recently the City received letters indicating violations from the Department of Environmental Quality – Division of Water Quality due to the current level of BOD in the lagoons; and

WHEREAS, the City received bids for procurement of shop drawings, goods and special services for lagoon aeration equipment on November 19, 2020 with the results of these bids attached hereto as Exhibit "A" for the Council's review; and

WHEREAS, City Staff has reviewed and evaluated each response to the Invitation to Bid and has found it to be in the best interest of the City and citizens of Morgan City to conditionally select Parkson Corporation for the installation of a complete lagoon aeration treatment system.

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

1. Parkson Corporation is conditionally selected as the lowest responsive responsible bidder with whom the City Manager should conduct negotiations for the installation of a complete lagoon aeration treatment system at the City's Facility.
2. The City Manager is directed to conduct negotiations for an agreement (hereinafter "Agreement") with Parkson Corporation for the installation of a complete lagoon aeration treatment system at the City's Facility. The terms of the Agreement shall address the terms and conditions of the Invitation to Bid as well as the price and other responses to the Invitation to Bid contained in the proposal submitted by Parkson Corporation that are consistent with the intent of the Invitation to Bid. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an agreement for the installation of a complete lagoon aeration treatment system.
3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after Parkson Corporation has properly executed said Agreement, the Mayor is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Parkson Corporation shall constitute the offer of Parkson Corporation for the installation of a complete lagoon aeration treatment system, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the Mayor shall constitute the City's acceptance of the offer by Parkson Corporation and the formal award of the contract to Parkson Corporation for the installation of a complete lagoon aeration treatment system, pursuant to the terms and conditions of the Agreement or any previously signed Agreement consistent with this resolution.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 8th day of December, 2020.

RAY W. LITTLE, Mayor

ATTEST:

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

(In the event of a tie vote of the Council):

Mayor Little	_____	_____
--------------	-------	-------

EXHIBIT "A"

PROPOSAL TABULATION - Complete Lagoon Aeration Treatment System



Project: Complete Lagoon Aeration Treatment System Procurement
 Proposal Opening Location: Morgan City Offices, 90 W Young St, Morgan, UT 84050
 Proposal Opening Date/Time: **Thursday, November 19, 2020 @ 2:00 PM MST**
 Project No.: 55-17-014



Firm Pricing Results. Note that all proposals will be evaluated privately and in accordance with Section 00310. The evaluation criteria detailed in Section 00310 will be used by the Buyer to select a Successful Proposer to enter into Agreement as the Seller; the evaluation criteria include both monetary and non-monetary criteria.

Bidder	1	2	3	4	5	6	7
Firm Price Proposal							
Item 1: Price for Special Engineering Services	Noxom \$13,300	Lemna \$14,750	Triplepoint \$3,000	Parson \$8,624			
Item 2A: Contract Price for Lagoon Aeration System for BOD and DO treatment (Base Bid)	\$266,000	\$280,250	\$304,472	\$171,037			
Item 2B: Contract Price for Lagoon Aeration System for TSS treatment (Added Service)	\$0	\$400,000	\$128,364	\$0			
Item 3: Contract Price for Sales Tax	\$16,492	\$18,000	\$18,877	\$11,139			
Item 4: Total Contract Price Base Bid (add items 1, 2A and 3)	\$295,792	\$313,000	\$326,350	\$190,800	--	--	--
Item 5: Total Contract Price Base Bid Plus TSS Treatment (add items 1, 2A, 2B and 3)	\$295,792	\$713,000	\$454,714	\$190,800	--	--	--
Item 6: NA	--	--	--	--	--	--	--

