

MORGAN CITY

Council Meeting **(In Person / Electronic)**

08-10-21

6:00 p.m.



**CITY COUNCIL MEETING AGENDA
AUGUST 10, 2021 – 6:00 P.M.
MORGAN, UTAH**

PUBLIC INVITED TO ATTEND BY:

NOTICE OF PUBLIC HEARING PARTICIPATION – This public meeting will be held in a ‘hybrid’ in person / electronic format in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020. In-person attendance will be allowed in the Morgan City Council Room, 90 West Young Street, Morgan, Utah. In consideration of the COVID-19 pandemic and to accommodate social distancing, attendance will be monitored and limited to 12 individuals, including the Governing Body and staff. Masks are encouraged. Public participation will be allowed via ZOOM at the link below, and the meeting will be streamed live on the Morgan City YouTube Channel and available for viewing on the City’s website – morgancityut.org. Please contact Morgan City at (801) 829-3461 to register to attend the public meeting in person.

Click the link to join the electronic meeting:

<https://us02web.zoom.us/j/86287910628?pwd=cVk3ZFAYMGFDdHZrRUlLcnk4RHJhdz09>

Or by YouTube recording on morgancityut.org

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 Special Hybrid Meeting Minutes – June 10, 2021;
 - b. City Council Hybrid Meeting Minutes – June 22, 2021;
 - c. City Council Hybrid Meeting Minutes – July 13, 2021; and
 - d. 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. Petition to Morgan City Council for Extraterritorial Water Service – Jon Cannon
4. City Reports and Business:
 - A. City Manager
 - Residential Chickens/Small Farm Animals
 - Proposed Street Maintenance Project

B. Mayor and Council

5. **CLOSED SESSION**

- Strategy Session to Discuss the Purchase, Exchange, or Lease of Real Property

6. Adjournment

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- 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 permit one or more of the Council members or staff to participate.
 - Notice is hereby given that by motion of the Morgan City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.
 - The undersigned, duly appointed City Recorder does hereby certify that the above notice and agenda was posted within the Morgan City limits on this 6th day of August, 2021 at Morgan City Hall, on the Utah State Public Notice Website, at morgancityut.org, and three public places within the City. The 2021 meeting schedule was also published in the Morgan County News on December 18, 2020.

/s/ Denise Woods, City Recorder

**MINUTES OF MORGAN SPECIAL
CITY COUNCIL HYBRID MEETING**

JUNE 10, 2021; 4:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT IN-PERSON:**

**Mayor Ray W. Little, Tony London, Eric Turner, and
Jeffery Richins**

STAFF PRESENT IN-PERSON:

**Ty Bailey, City Manager; Chad Kramer, Water
Senior Operator; Row Howard, Park Supervisor; and
Denise Woods**

EXCUSED:

Dave Alexander and Jeff Wardell

OTHERS PRESENT IN PERSON:

Austin Turner, Morgan County Emergency Manager

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

NEW BUSINESS

**RESOLUTION 21-20 – GRANTING TO THE CITY MANAGER, THE POWER TO CONSIDER
AND IMPOSE WATER RESTRICTIONS TO PRESERVE THE LIMITED WATER RESOURCES
OF THE CITY FOR THE DURATION OF THIS WATER SEASON**

Mayor stated the purpose of the special meeting was take necessary action to preserve the living water resource of the City for the duration of this water season. He explained the resolution would give authorization to Ty Bailey, City Manager, to make decisions on behalf of the Council if the City was in an emergency situation with water flow.

Ty Bailey, City Manager, stated he would keep the Council informed of any decisions he was required to make. He would get the best information available prior to making any decisions. He stated if there was time to have a discussion with the Council at a meeting, he would prefer to have Council make specific decisions. This resolution gave him the authority to make decisions strictly in an emergency situation. He was working with staff to gather information regarding the City's wells and staff was measuring drawdowns. He stated compared to last year, the City currently had approximately half the water flow in its two springs.

Councilmember Turner expressed his approval of the resolution, but requested Ty keep them updated with the City's water situation. He suggested eliminating the time limit in the resolution. He stated the City needed to start implementing water restrictions in an effort to conserve culinary water. He said he was in a recreation board meeting and explained to those at the meeting the Splash Pad used culinary water not river water. He stated along with the restrictions the City needed to start an educational campaign to inform

the residents of the situation and why certain decisions had been made. Also, the restrictions placed on the residents should be followed by the City, i.e. watering parks, cemeteries, etc.

Councilmember London expressed his approval of the resolution. He stated by giving the authority to Ty to make emergency decisions on the Council's behalf, the Council needed to back those decisions. He stated the low levels of water in Pine View, Echo and Lost Creek Reservoirs indicated how serious this issue was.

Councilmember Richins expressed his approval of the resolution. He asked if the Secondary Water Association was willing to work with Ty regarding the restrictions.

Ty stated the enforcement of the restrictions would be the responsibility of the City. He explained culinary and secondary were two separate issues. The use of water inside of the homes would be the hardest to monitor. He stated the secondary water would probably end before the season was done. He stated it wasn't just regulating the use of water to water lawns, residents needed to be educated on ways to conserve culinary water by cutting back on water use inside their homes. The City was actively reviewing accounts with excessive water usage and assisting in locating water leaks to be repaired, changing out meters which were broken, and the installation of new meters. He stated the City was being conservative on water usage by shutting down the Splash Pad and limiting watering of the parks and cemeteries.

Chad Kramer, Water Senior Operator, stated staff was comparing the amount of water available last year to this year. He stated Robinson Springs was 54 million gallons less than last year during the month of May. He explained Robinson Springs was a unique system because it got its overflow from North Morgan and North Morgan hadn't contributed to Robinson at all since summer started and a lot of water was being used from North Morgan. He stated he was reviewing water accounts and would be contacting homeowners to try and rectify some of the excessive use of water. He mentioned a couple of the accounts and the amount of water used. He said an average home with a family used between 5,000 to 8,000 gallons per month.

Councilmember London asked if the City should put a moratorium on building until the water levels increased.

Ty stated it was a potential option, but in reality, the developments currently in the pipeline were less of an impact than the list of accounts Chad spoke to the Council about earlier.

Row Howard, Parks Supervisor, stated the City had cut back drastically on the watering of the parks and the cemeteries. He said another effort to conserve water was by putting in dry scaping in areas around the City and not planting flowers in the containers on Commercial Street. Also, the Splash Pad would be turned off on June 11th.

Austin Turner, Morgan County Emergency Manager, stated his big concern with culinary water was fire suppression. He said it was a possibility that a couple of good house fires could drain the City's system.

Mayor expressed his appreciation to Austin. He stated the level of water in the tanks needed to stay at approximately six feet to get the proper amount of pressure. If we go below that level the City was in jeopardy of not having enough water for a fire.

Mayor mentioned several people he had spoken with regarding the water shortage and how they had been impacted. Some people up Hardscrabble had to started hauling water and others had mentioned they were low. He expressed his concerns regarding the reduction in water flow through the springs, etc. He explained there hadn't been enough rainfall and snow in the mountains to increase the level in the aquifers. He suggested the language in the resolution be changed from 'water season' to 'next spring.' He stated the

City needed to be proactive. He suggested staff look at the ordinance and make changes to allow xeriscaping or dry scaping.

Ty said the approach would be educating people on an individual basis, i.e. when sprinklers are running in the middle of the day or were watering the road. He complimented Chad on his dedication to stopping and putting door hangers on homes. The City had signs being made to place throughout the City regarding the drought and to remind residents to conserve water. He stated staff was also monitoring accounts with increased water usage from the prior year. He stated the City would be following the state's restrictions as outlined on their website, which restricted watering lawns to twice a week.

Discussion on the term of the resolution. Consensus was to change the language in the title of the resolution by putting a period after . . . limited water resources of the City. Also, change the first whereas by putting a period after . . . extreme need to preserve water.

MOTION: Councilmember London moved to adopt Resolution 21-20 – A resolution granting to the City Manager, the power to consider and impose water restrictions to preserve the limited water resources of the City. Also, change the first whereas to read as follows: Whereas, the State of Utah is under a severe drought with the extreme need to preserve water.

SECOND: Councilmember Turner

Discussion on the Motion: None

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

Vote was 3 ayes; Motion passed unanimously to adopt Resolution 21-20 – A resolution granting to the City Manager, the power to consider and impose water restrictions to preserve the limited water resources of the City. Also, change the first whereas to read as follows: Whereas, the State of Utah is under a severe drought with the extreme need to preserve water; Councilmember Alexander and Councilmember Wardell were absent.

Discussion regarding fireworks restrictions. Ty stated the restriction applied to all unincorporated and state lands. The City had current fire restrictions in place and a map outlining the areas, i.e. the areas in the north and south of town. Restrictions didn't apply within town. Austin stated the Sheriff had signed a fire restriction for all state lands within Morgan County. He updated the Council regarding the East Canyon fire. Ty said the fireworks stands were required to hand out a copy of the fire restriction map to those purchasing fireworks.

This meeting was adjourned at 4:48 p.m.

Denise Woods, City Recorder

These minutes were approved at the August 10, 2021 meeting.

**MINUTES OF MORGAN CITY
COUNCIL HYBRID MEETING**

JUNE 22, 2021; 6:06 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT IN-PERSON:

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

STAFF PRESENT IN-PERSON:

**Gary Crane, City Attorney; Denise Woods, Wanda
Adams, and Teresa Shope**

STAFF PRESENT ELECTRONICALLY:

**Ty Bailey, City Manager; and Chad Kramer, Water
Senior Operator**

EXCUSED:

Tony London

OTHERS PRESENT:

**Boyd Carrigan, Morgan County Fire Chief /
Emergency Services Director**

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Due to technical difficulties a YouTube video wasn’t available the night of the meeting. The ZOOM meeting was uploaded to YouTube at a later date and available for public viewing on the City’s website.

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

The pledge of allegiance was led by Councilmember Wardell.

The opening ceremony was presented by Councilmember Alexander.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve one set of warrants.

SECOND: Councilmember Turner

The vote was unanimous to approve the set of warrants.

CITIZEN COMMENTS

No requests for comments were received.

NEW BUSINESS

DISCUSSION / ACTION – EXECUTIVE ORDER 2021-01 – FIRE RESTRICTIONS

Mayor explained the packet contained Executive Order 2021-01 and Executive Order 2018-01. The 2018 Executive Order would remain in effect unless revoked by Council. He said with the drought conditions in Morgan City and throughout the state, Council may want to make changes to the Executive Order. He referenced the map that accompanied Executive Order 2018-01, which indicated areas of the City where there were fire restrictions.

Boyd Carrigan, Morgan County Fire Chief / Emergency Services Director, said what the City and County were experiencing this year was basically unheard of. He said typically the landscapes were not this dry until late August. He said he hadn't seen it this dry during his 25 years with the Morgan Fire Department. Resources were still available but that could change suddenly. He commended the City for looking at amending fire and firework restrictions within the City boundaries due to the current situation. He proposed a change to paragraph 1 of the current Executive Order 2018-01 as follows:

1. No open fires of any kind except within established facilities in improved campgrounds or day-use areas on public lands. -OR- In permanently constructed fire pits at permanent private dwellings served by pressurized running water.

He stated the proposed verbiage would be more detailed than the current paragraph in the Executive Order. He stated he would still exclude the areas included on the map because when homes were built on the bench the fire pits were typically located away from their home and closer to areas with dry vegetation. He suggested the restriction of fires and fireworks from those areas. Due to the situation this year he suggested the City restrict all fireworks within the City boundary except the fireworks show which was conducted by licensed professionals.

Mayor clarified the verbiage in the Executive Order which pertained to the restricted areas designated on the map and not the entire City.

Gary Crane, City Attorney, stated the issue was within the jurisdiction of the cities and towns within the State of Utah. Because of the danger of wildfires there could be a total restriction of fireworks outside the boundaries of cities and towns. He stated the legislature would not go into special session to change the current law and the Governor could declare an emergency but there was only so much he could do, and they had to involve emergency housing, etc. He said none of them involved the prohibition of fireworks within the state. The Governor could encourage cities to do it, but the Governor couldn't ban them. He read a portion of the state code which outlined the circumstances under which the legislative body of a municipality could prohibit the ignition or use of fireworks. He mentioned five cities which had prohibited the use of fireworks (Salt Lake City, Park City, Eagle Mountain, Holladay, and Millcreek). He mentioned the possibility of increased use of illegal fireworks if the stands were not allowed to sell legal fireworks.

Boyd stated the City currently had restrictions in the areas boarding the interface areas, but he suggested the addition of the river bottoms along the Weber River to the restricted areas listed on the Executive Order 2018-01.

Discussion regarding the current restricted areas and the addition of the area along the river bottoms. The difficulty in prohibiting the sale of fireworks within the City because they would still purchase them in Evanston. The City could put more restrictions in place but who would enforce them. The difficulty was in prosecuting violators.

Mayor clarified the decisions before the Council: 1) Leave Executive Order 2018-01 in effect with no amendments; 2) Include 200' on either side of the river bottoms to the restricted areas on the map; 3) Change the verbiage in paragraph 1 to reflect the recommendation of Boyd Carrigan, Fire Chief, but leave the other paragraphs as they were; and 4) Impose fireworks restrictions throughout the City.

MOTION: Councilmember Turner moved to adopt Executive Order 2021-01 with the verbiage to mirror Executive Order 2018-01 with the addition of 200' on either side of the Weber River to the current restricted areas outlined on the map. Also, change paragraph 1 to reflect the verbiage proposed by Boyd Carrigan, Fire Chief.

SECOND: Councilmember Wardell

Discussion on the Motion: Discussion regarding residents' fireworks shows in the past and the hope they would realize this year was not the year to do big fireworks within the neighborhoods. Discussed the need to educate the public and letting people know of the fireworks show provided by the Chamber each year. The map would be distributed by the fireworks stands as fireworks were purchased.

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

Vote was 4 ayes; Motion passed unanimously to adopt Executive Order 2021-01 with the verbiage to mirror Executive Order 2018-01 with the addition of 200' on either side of the Weber River to the current restricted areas outlined on the map. Also, change paragraph 1 to reflect the verbiage proposed by Boyd Carrigan, Fire Chief; Councilmember London was absent.

DISCUSSION – WATER RESTRICTIONS

Mayor stated there was a lot in the news regarding the shortage of water throughout the state and Morgan was not exempt from having the same issues. He suggested the City start talking to residents regarding water conservation. He mentioned the signs the City was having created and would be placed throughout the City, i.e., Extreme Drought Alert, Water Shortage – Please Conserve!, and Conserve Water in Your Yard – No Watering – 10 am to 6 pm. He stated currently the only restriction the City had in place was the times not to water. He discussed the spring flow, which was decreasing. He mentioned one of his concerns was the time-lap in replacing the spring flow. He mentioned the difficulty in measuring the amount of water in the wells and aquifers. He stated the staff was being proactive by reviewing utility bills and identifying large consumers and attempting to figure out the issues and assisting in resolving the issues causing the overage. He mentioned several items which had been discussed in an attempt to encourage water conservation. First, was to increase the overage rates on water usage, and second, was a tiered overage rate. He mentioned several options of informing the City's residents, i.e., current billing system had the ability to send out a notice, and also putting it on the printed utility bill.

Councilmember Richins stated the Weber Basin directive was to water lawns twice a week. He said two separate systems were being affected – culinary water and secondary water. He stated the City was able to monitor the use of culinary water but asked where the secondary water level was at and would the shares hold up through the summer.

Chad Kramer, Water Senior Operator, said he didn't know the total amount of gallons the secondary water could pull out. He said it wasn't measured by gallons per week or month, it was total for the season. If the

secondary water ran out the concern was residents hooking onto their home faucets and using culinary water to water lawns, etc. Some of the City's secondary water came from the Mahogany tank and it was metered, and it drew from the City's 750,000-gallon tank. He stated educating the public was important. He said one inch (1") of water per month would keep a lawn alive. It would go into a dormant stage, but it would come back.

Councilmember Turner asked if there would be any exemptions from increased overage fees, i.e., watering of livestock.

Councilmember Alexander asked what other restrictions the City could impose to conserve water.

Ty Bailey, City Manager, said he would like to start with the education piece and helping residents understand the issue and how they could contribute to the conservation of culinary water. He said the City would be following the state's recommendation of watering twice a week. He said the City needed to be prepared to monitor residents switching from secondary to culinary water for watering their lawns once the secondary water was gone.

Councilmember Turner agreed the most important thing was to educate residents and changing the mindset of the entire valley. He asked Chad if there were transducers in the wells to know the drawdown levels and if they were charted so the City was able to monitor trends. He also wanted information regarding the status of the Morgan Secondary Water levels.

Chad stated a new transducer was put in the Mahogany well. The transducer for the Island Road well didn't give good readings. The City was working on upgrading the well systems for better monitoring. There wasn't a meter on the North Morgan Spring, but there was a meter for the overflow. Currently, there wasn't much overflow from the North Morgan Spring into the Robinson Spring.

Ty stated the City had the ability of monitoring accounts and addressing the obvious overages.

Councilmember Turner stated peer pressure could become one way to educate and motivate people. He gave several suggestions on educating the public regarding the conservation of water. He agreed with the concept of increasing the overage rate for water usage in an effort to encourage residents to conserve water.

Councilmember Richins agreed with educating the public. He asked if now was the best time to increase the overage fees. He asked if it was for the duration of the drought or a permanent increase.

Boyd mentioned how low the level of water was in the Weber River past the power plant in the canyon.

ORDINANCE 21-07 – AMENDMENT TO TITLE 1, CHAPTER 1.15 – CONSOLIDATED FEE SCHEDULE; OVERAGE RATES ON WATER USAGE

Mayor explained the meters were read on the 15th of each month and he suggested if the ordinance was adopted it wouldn't go into effect until July 15th. He stated this would give the City time to educate the public and also to inform them of the rate increase.

Teresa Shope explained the utility bill ran from June 15th through July 15th wouldn't come out until August 1st and due August 31st.

Mayor explained another option for the overage fees would be a tiered system. He explained the ordinance doubled the fee for the overage, but Council could determine what the amount should be if they wanted a different amount.

Ty displayed a spreadsheet which showed the impact of the rate increase outlined in the proposed ordinance based on last year's July usage. He explained the tiered system wouldn't work because the largest number of overage users were in the 8,000 – 15,000 gallon range and there were only 2 users in the range which was between 100,000 – 191,000 gallons. Most of the overage users were between 8,000 – 35,000 gallons. He also mentioned approximately 800 residents didn't have overage charges on their bills.

Mayor stated Chad Kramer, Water Senior Operator, had contacted the two largest overage accounts and was working with them to determine the cause of the extreme overage amounts and get them fixed.

Councilmember Alexander commented on the extreme overages listed on the spreadsheet for several users and the amount it cost them each month to use that much water.

Ty explained they had been part of a special water rate due to a 50-year agreement with the City and they didn't pay the overage costs. He mentioned the time period of the agreement had passed and the City would be amending those rates. He stated staff was reviewing the accounts with overages and trying to determine the cause, but a lot of them were because of green grass.

Chad explained the meters for the two highest users were running at 7 to 10 gallons per minute. He said some people hadn't been aware of their soft water units running constantly. He explained a leaky toilet would run approximately a gallon of water a minute. He had been contacting residents and helping them determine where their overages were coming from.

Discussion regarding equal bill pay customers and how they wouldn't be aware of any overage until the end of the year.

Chad explained the City had made adjustments to resident's bills in the past if they had an overage/issue which they were not aware of. Chad explained his philosophy regarding making adjustments to utility bills. He asked Council for their input.

Mayor stated if the City had helped them find their leaks so they wouldn't continue having overage charges, the City's didn't need to pay their past overage fees.

Councilmember Turner agreed. He stated the City didn't need to negotiate with them.

Teresa explained if someone had a leak and had a large overage bill, Stephanie Howard, Utility Clerk, worked with them and worked out a payment agreement to get the back amount paid over an extended period of time. She explained when the meter reads came in around the 15th of each month they were reviewed, and Chad or Stephanie made contact with the homeowner to inform them of the overage.

Chad mentioned the additional 400 meters which were being installed to replace broken meters or areas where water hadn't been metered in the past.

Councilmember Wardell mentioned the older water lines in the City and the amount of water which could be leaking from those lines. He mentioned the overage rates hadn't been increased since approximately 2007.

Ty clarified the amounts on the spreadsheet was from July of 2020. He mentioned if/when secondary was shut-off this year there could be an increase in use of culinary water for gardens and lawns. He mentioned by increasing the overage rates now it may change the amount the base rate needed to be increased to in order to maintain the City's water infrastructure.

Teresa said Morgan Secondary Water only had so much water and during a good year they struggled making it to the end of the season.

Consensus of the Council was to increase the overage rate to \$8.00 if there was access to secondary water and if there wasn't access to secondary water the overage rate would be \$4.70.

Councilmember Wardell mentioned a study of the base water rate and a possible increase to the base rate in the future and work on rebuilding the springs and the City's infrastructure.

Ty stated the water rate study was planned with the new budget. He said the data for the study would be more accurate with the new meters installed. He informed the Council the City was going to receive some money from the American Rescue Plan Act and it could be used on infrastructure. The City would be using this money to improve the fiber and the SCADA systems for sewer and water.

MOTION: Councilmember Turner moved to adopt Ordinance 21-07 – An ordinance amending Title 1, Chapter 1.15 of the Morgan City Code, Amending fees of the Consolidated Fee Schedule as outlined in Ordinance 21-07 regarding overage rates on water usage; Councilmember London was absent.

SECOND: Councilmember Alexander

Discussion on the Motion: Mayor clarified the rate increases for water overages. With access to secondary water the rate doubled, increasing it to \$8.00 and without access to secondary water the rate doubled, increasing it to \$4.70. The Ordinance also removed the North Morgan Water Association rate of \$1.50 and the corresponding overage rate of \$1.00 per 1,000 gallons.

Gary Crane, City Attorney, said this rate could stay in the schedule even if the rate wasn't being used. He said the rate would be changing in the near future since the agreement had ended several years ago.

AMENDED MOTION: Councilmember Turner amended the previous motion to amend the overage rates on water usage as outlined in Ordinance 21-07, with an effective date of July 15, 2021, but the water rate and overage rate for the North Morgan Water Association in the fee schedule at the base rate of \$1.50 and overage rate of \$1.00 per 1,000 gallons would remain in the Consolidated Fee Schedule.

SECOND AMENDED MOTION: Councilmember Alexander

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

Vote was 4 ayes; Motion passed unanimously to adopt Ordinance 21-07 – An ordinance amending Title 1, Chapter 1.15 of the Morgan City Code, Amending fees of the Consolidated Fee Schedule as outlined in Ordinance 21-07 regarding increases in overage rates on water usage, with an effective date of July 15, 2021, but the water rate and overage rate for the North Morgan Water Association in the fee schedule at the base rate of \$1.50 and overage rate of \$1.00 per 1,000 gallon would remain in the Consolidated Fee Schedule; Councilmember London was absent.

SPECIAL REPORTS

Car Show: Ty mentioned the success of the Car Show and it was an annual event. He complimented Row Howard's participation on the committee for the Car Show.

UAMPS: Ty updated the Council regarding the carbon free power project. The target price went from \$.55 to \$.58 per kWh and the size of the project was reduced from a 12 pack to a 6 pack. Also, the subscription level wasn't as risky.

This meeting was adjourned at 8:28 p.m.

Denise Woods, City Recorder

These minutes were approved at the August 10, 2021 meeting.

**MINUTES OF MORGAN CITY
COUNCIL HYBRID MEETING**

JULY 13, 2021; 6:01 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT IN-PERSON:**

**Mayor Ray W. Little, Jeff Wardell, Jeffery Richins
and Eric Turner**

STAFF PRESENT IN-PERSON:

**Gary Crane, City Attorney; Chad Kramer, Water
Senior Operator; Denise Woods and Wanda Adams**

EXCUSED:

**Dave Alexander, Tony London and Ty Bailey, City
Manager**

OTHERS PRESENT IN-PERSON:

**Olivia Rees, Morgan County News, Jon Cannon,
Jennifer Vesper, Kimberly Vesper, Brent and Debra
Fenstermaker, and Cole Rowser**

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Due to technical difficulties, there was no audio recording or YouTube video available of this meeting.

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

The pledge of allegiance was led by Councilmember Turner.

The opening ceremony was presented by Councilmember Richins.

MINUTES AND WARRANTS

MOTION: Councilmember Turner moved to approve the following:
Minutes of the City Council Hybrid Meeting – June 8, 2021; and
Warrants.

SECOND: Councilmember Richins

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

CITIZEN COMMENTS

Jennifer Vesper, 278 South Fox Drive: Jennifer addressed the Council and requested the Council amend the current ordinance regarding chickens. She asked the Council to consider a Residential Chicken Ordinance. Jennifer addressed the current lot size for chickens within Morgan City. Many other Utah cities allowed 4 chickens no matter the size of the lot. She stated as a rural county which valued a small-town environment and supported agriculture, she suggested that backyard chickens not be classified as livestock. She stated a neighbor would still have the ability to report to Animal Control any problem with care or

upkeep. This was a matter of self-sufficiency in uncertain times. She would like to have eggs to share with neighbors, etc. She stated most people's small flocks were like pets and were well cared for.

Gary Crane, City Attorney, suggested the Council review Layton City's code because they had recently restructured their small animal code.

Discussed lot size, run requirements, and no roosters to avoid disturbance. The Council agreed to have staff draft an ordinance for residential chickens for small lot sizes in Morgan City. Wanda would gather samples of the ordinances supplied by Jennifer.

NEW BUSINESS

FINAL APPROVAL – RIVERSTONE TOWNHOMES PHASES 3, 4, AND 5; PROPERTY LOCATED AT APPROXIMATELY 275 NORTH 100 WEST

Mayor stated final approval for Riverstone Townhomes Phases 3, 4, and 5 had been requested by the applicant. The property was located just west of 275 North Main Street. He stated the development was surrounded by the Weber River to the North, Tractor Supply to the east, a vacant parcel to the south, which was zoned R-1-20, and a vacant parcel to the west which was zoned R-R. He stated Planning Commission had reviewed and approved the preliminary plat approval for Phases 3, 4, and 5. Phases 1 and 2 received final approval in March 2020. Phases 3, 4, and 5 were the last phases to be approved. The development consisted of ninety-five (95) units on 11.31 acres. Phase 3 contained 12 lots, Phase 4 contained 26 lots, and Phase 5 contained 14 lots. The final plat for each phase complied with the physical development standards as outline in 11.06.050 of the Morgan City Municipal Code.

Mayor stated the Planning Commission unanimously recommended the City Council approve the final plats for Riverstone Townhomes Phases 3, 4, and 5. Staff supported the recommendation of the Planning Commission

MOTION: Councilmember Turner moved to grant final approval to Riverstone Townhomes Phases 3, 4, and 5; Property located at approximately 275 North 100 West.

SECOND: Councilmember Wardell

Discussion on the Motion: None

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

Vote was 3 ayes; Motion passed unanimously to grant final approval to Riverstone Townhomes Phases 3, 4, and 5; Property located at approximately 275 North 100 West; Councilmember Alexander and Councilmember London were absent.

PETITION TO CITY COUNCIL FOR WATER SERVICE; PROPERTIES LOCATED AT APPROXIMATELY 510 AND 610 HIGHWAY 66 – JON CANNON

Jon Cannon petitioned the Council for City water service for properties located at approximately 510 Highway 66 and 610 Highway 66. The properties were located in the City's Annexation Policy Declaration.

He explained the water line currently crossed the property he was developing and connected to an existing home at the end of his development.

Mayor stated an easement from the State would be required for the new water line.

Discussion regarding the issue of septic tanks and getting a permit from the Health Department. The Health Department had a distance requirement from an existing sewer line before allowing septic tanks. The Council discussed the maintenance costs of the laterals and placement of fire hydrants. The current water shortage was discussed, and a comment was made for a possible moratorium on new developments being approved until the water shortage improved. Question was raised if this was approved would it be setting a policy for other petitions.

Gary Crane, City Attorney, stated the fundamental question was whether the City allowed new construction in the County to hook up to City services without requiring annexation. He suggested the Council decide what policy they wanted in place before allowing water service outside the City boundaries. The decision would set precedence going forward.

Councilmember Richins, Turner and Wardell expressed thoughts of not accepting the petition with annexation into the City.

John asked for the decision to be tabled until August 10th so he could get additional information regarding the septic tanks and fire protection.

MOTION: Councilmember moved to table the Petition to Morgan City Council for Extraterritorial Water Service from Jon Cannon until August 10, 2021.

SECOND: Councilmember Richins

Discussion on the Motion: None

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

Vote was 3 ayes; Motion passed unanimously to table the Petition to Morgan City Council for Extraterritorial Water Service from Jon Cannon until August 10, 2021; Councilmember Alexander and Councilmember London were absent.

SPECIAL REPORTS

Mayor

Mayor updated the Council regarding the following:

- Postcards the City sent out to each resident regarding the water shortage. The cards gave information about the conservation of water and available state websites for further information;
- The City received a grant to partially remodel the basement with offices for Weber Morgan Health Department to conduct business/services;

- Conversation with Mahogany Ridge HOA regarding changing the City's park strip ordinance to allow for xeriscape, changing greenery requirement, etc.;
- The Union Pacific Railroad gave the Robinson Spring to the City and therefore should not be receiving fee water. The Mayor will confirm and let Chad know whether they should have a meter; and
- Suggested having the Planning Commission review the City's ordinance regarding landscape requirements and allowing xeriscapes and lengthen the time before yards had to be completed in subdivisions.

Discussion regarding the levels of spring flow in the Robinson Spring and North Morgan Spring. Chad will work with Jesse to get SCADA working with the new fiber network.

Gary would be contacting Weber Basin to get a contact person for the secondary water in Morgan City. He suggested the City have a meeting with Morgan Secondary Water Association regarding the City's questions.

Wanda Adams gave an update regarding the July 4th Celebration. She stated one of the concerns the Chamber mentioned at the recap meeting was the attendance for the concert. Also, they discussed the need for more food trucks next year.

Councilmember Richins reported on the Boat Regatta and mentioned that half of the boats entered this year were from county residents/businesses.

Councilmember Turner expressed appreciation to Chad and City staff for the efforts regarding water conservation.

This meeting was adjourned at 8:18 p.m.

Denise Woods, City Recorder

These minutes were approved at the August 10, 2021 meeting.

Morgan City Council

Re: Petition to Morgan City Council for Extraterritorial Water Service

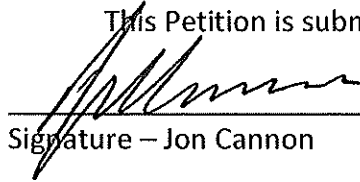
Members of the Morgan City Council,

My properties are located outside the City limits at approximately 510 Highway 66 and 610 Highway 66, Morgan, Utah, and within the City's Annexation Policy Declaration. Pursuant to Section 8.02.100 of the Morgan City Code, I am petitioning the Morgan City Council for water service to my property. According to this provision, I affirm the following:

1. A description of the proposed extension is as follows: Tie into the City's mainline and continue with an eight-inch (8") line down to the last lot (610 Highway 66) and install a one-inch (1") service line to each home.
2. A map showing the location of the proposed service to my property is enclosed with this letter of petition.
3. I am aware that I will pay the entire expense in providing such extensions and will advance such expenses as expenses are determined by the Public Works Department. The total amount of City expenses for the two homes is \$4,512.26 as outlined below:
 - **Hook-Up Fees** - \$250.00 for the inspection and \$312.00 for the water meter for each home for a total of \$562.00 in hook-up fees per home for a total of \$1,124.00;
 - **Water Inspection Fee** - \$75.00 per home for a total of \$150.00; and
 - **Impact Fees** - \$1,619.13 per home for a total of \$3,238.26;
4. I am aware the current billing rate is \$42.24 per month per 8,000 gallons and \$8.00 per 1,000 gallons overage. I am aware this rate is subject to future rate increases when culinary water rates are being proposed to the City Council and adopted.
5. I am aware that I am responsible to contract out the installation work with a licensed and bonded contractor.
6. I am aware that I am responsible to pay any County fees associated with the installation of the water line to my home.
7. I am aware that I am required to transfer ½ acre feet of water for culinary use per home. I am using the water for in-door use only and it will not be used for landscaping. I am responsible for transferring the ½ acre share per home and preparing the transfer through the water rights office and that the share needs to be put into the City's name.
8. The property meets the water service requirement that the property is connected to the City's culinary water system.
9. I hereby acknowledge that the City, in granting the petition, engages to provide only such service to petitioner which from time to time the City Council deems sufficient capacity exists beyond the requirements of users within the City limits.

10. I also acknowledge that such extension shall be subject to the control of the City and, with the exclusion of the service laterals, shall be the property of the City.
11. I agree to install dry stubs to each home for future utilities, i.e. sewer, to City standards and when the property directly across Highway 66 from my property is annexed into the City and sanitary sewer is available I agree to pay all costs associated to connect to the sewer line to City standards, i.e. hook-up fees, inspection fees, and impact fees pursuant to the current fee schedule.
12. I agree to proceed with annexation into the City boundary when all City services are available to the above listed properties.

This Petition is submitted to the City Council of Morgan City this 13th day of June, 2021.



Signature – Jon Cannon

JON CANNON

Printed Name

Signature

Printed Name



SHEET: 4	SCALE: 22'x34" 1/4"=20'	MEH DESIGNED			
	1/4"=20'	SLS DRAWN			
	11'x17" 1/4"=40'	MEH CHECKED			
	1/4"=40'				
		REV	DATE	APPR	

MORGAN CITY CORPORATION
100 NORTH SIDEWALK

**STATE STREET TO 100 EAST
STANDARD CURB AND SIDEWALK**

JJA CONSULTING ENGINEERS
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