

MORGAN CITY

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

09-14-21

6:00 p.m.



**CITY COUNCIL MEETING AGENDA
SEPTEMBER 14, 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/meeting/register/tZUpCu2rqj4vHNcCzrYIH6rpGJFzfFUb5kS](https://us02web.zoom.us/join/https://us02web.zoom.us/meeting/register/tZUpCu2rqj4vHNcCzrYIH6rpGJFzfFUb5kS)

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 Hybrid Meeting Minutes – August 10, 2021; and
 - b. Warrants.

VERBAL PETITIONS AND PRESENTATIONS:

2. Chamber of Commerce – Update Report and Request for 2021 – 2022 Membership Dues – Traca Wardell

ACTIVE AGENDA:

3. 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.)
4. Ordinance 21-06 – Consolidated Fee Schedule Amendment – Code Enforcement and Planning and Zoning Fees
5. CWPP Participation Agreement for 2022
6. Capital Improvement List – Short and Medium Term Projects

7. City Reports and Business:

A. City Manager

UTOPIA Take Rate Report

UAMPS

General Plan Update and Timeline

Water Usage

Chamber Business Expo – Sponsoring

Alcohol Licenses – Increase

Sewer Update

Peterson Pipeline Association

B. Mayor and Council

8. 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 10th day of September, 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 CITY
COUNCIL HYBRID MEETING**

AUGUST 10, 2021; 6:11 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT IN-PERSON:

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

STAFF PRESENT IN-PERSON:

**Ty Bailey, City Manager; Gary Crane, City Attorney;
Lance Prescott, Street Supervisor; and Denise Woods**

EXCUSED:

Jeff Wardell

OTHERS PRESENT:

Jon Cannon, Greg Harsha

This public meeting was 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 was allowed in the Morgan City Council Room at 90 West Young Street, Morgan, Utah. In consideration of the COVID-19 pandemic and to accommodate social distancing, attendance was monitored and limited to 12 individuals. Public participation was allowed via ZOOM and the meeting was streamed live on YouTube and available for viewing on the City’s website – morgancityut.org.

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

The pledge of allegiance was led by Ty Bailey, City Manager.

The opening ceremony was presented by Councilmember London.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve the following:
Minutes of the City Council Special Hybrid Meeting – June 10, 2021;
Minutes of the City Council Hybrid Meeting – June 22, 2021;
Minutes of the City Council Hybrid Meeting – July 13, 2021; and
Warrants.

SECOND: Councilmember Richins

The vote was unanimous to approve the minutes as written and one set of warrants; Councilmember Wardell was absent

CITIZEN COMMENTS

No request for citizen comments was received.

NEW BUSINESS

PETITION TO MORGAN CITY COUNCIL FOR EXTRATERRITORIAL WATER SERVICE – JON CANNON

Jon Cannon stated he had spoken with Dave Rich, Morgan County Fire Department, and Chad Kramer, Morgan City Water Senior Operator. He stated Dave mentioned it would be very helpful for fire protection if a fire hydrant was installed at the end of the waterline and Chad said a fire hydrant would provide a way to blow out the waterline. Jon explained the current waterline had provided water to an existing residence for a long time but needed to be moved because it ran through his property. There was a discussion regarding the meter and the lateral to the home. He said the meter was on his property and the lateral ran across his property. He stated when he piped the irrigation ditch the waterline needed to be moved. He explained if the petition wasn't approved, they would go forward with the project and dig wells, but the City's waterline still needed to be moved off his property. He stated it didn't make sense for him to move the City's waterline, record an easement and install a new lateral to the existing home and then drill two or three wells on the property. He didn't like the idea of drilling a well when City water was currently in the area.

Gary Crane, City Attorney, said the major concern was the City needed to determine the City's policy for extending extraterritorial services going forward. There used to be a provision in state law which stated all urban development should take place in cities while rural development should remain in the counties. He stated it was the purpose of the City to provide urban services such as water and sewer. He strongly encouraged annexation prior to extending City services. He stated the purpose of annexation was so anyone who wanted to subdivide property for the purpose of building homes would all be under the same rules and requirements and would be required to comply with City ordinances. He stated in the past when a well went dry the City had extended services to those homes and it was the decision of the City Council. But when you had new development coming in which wanted to connect to water service outside the City boundary what were the rules. He stated the City needed to have the same rules for development within the City as they did for developments outside the City, i.e., same size of street, same quality of utilities, etc. He stated if those rules were compromised for somebody wanting to build outside of the City and just connect onto certain utilities, eventually somebody needed to pay to bring it up to the City's standard, and usually it would be the City who would pay. He said when the sewer became available in the area it needed to be connected to the homes and it would go under a road. If the development was within the City boundaries the developer would be required to build and connect to the sewer now. He said if the City agreed to allow for connection to water service now and connection to sewer later, the question was once the homes were inhabited who was going to pay to put the necessary infrastructure in when they want to be annexed into the City. The City would pay for those connections.

Gary explained it was the decision of the City Council whether or not the extraterritorial extension of services was permitted. He strongly suggested the City needed a general policy as to whether or not development should occur outside the City with extension of services or wait until the home(s) are annexed into the City. He explained annexation was the City's strongest point because the City could ask for the installation of the infrastructure for all utility services. Annexation was the City's opportunity to get everything our citizens would have to otherwise pay for.

Mayor referenced a letter dated August 29, 1983, which stated the only residents outside the City limits to be served with City utilities would be in accordance with state law. He asked if there was a current state code which allowed connections to City utilities.

Gary said the exception was the law allowed the City to extend services outside the City limits and charge more for those services.

Jon stated the petition outlined the costs and they would be paying more for those services than a City resident paid. He stated from a cost perspective it wasn't saving him any money to connect to City water versus digging wells. He mentioned the housing shortage and especially the affordable housing shortage. He stated there was a housing crisis in the State of Utah and especially in Morgan. He stated there were unique situations outside the City boundary and a 'one shoe fits all' policy wouldn't benefit those individual situations. He stated if the Council denied the petition, they would still be able to meet the requirements and build the homes. He stated the waterline needed to be dealt with and he wouldn't make the City deal with moving the line.

There was a discussion regarding the waterline being a private line. From the meter back would be the City's portion of the line, but both the meter and the line were on Jon's property.

A map was displayed showing the location of the City boundary, the water meter, and the portion of the City's line extending outside the City boundary. The waterline also serviced a couple of homes outside the City boundary along the other side of State Street.

Councilmember London asked if the City annexed property into the City, was it the City's responsibility to provide the infrastructure for the utility services available to the property.

Gary said annexation was the strongest point so the responsibility to provide the infrastructure could be required of the developer when they petitioned the City for annexation, but once the property was annexed into the City the City had the obligation to provide the services. There should be an annexation agreement between the developer and the City which outlined the requirements of the developer in order to annex into the City boundary. He suggested the Council create a policy regarding handling new development wanting to be annexed and also providing service to existing homes outside the City boundary.

Jon asked Gary what the City's obligation was to the current waterline to the existing home.

Gary stated recent changes in state rules didn't provide protection for cities behind the meter anymore. The new state rule change was that a public water provider had to make sure they could provide water all the way to the actual use even if it was behind the meter. He stated the City was responsible for their water system and whoever it serviced by making sure the water was safe to drink.

Jon stated the petition stated they would stub out the sewer lines so if sewer became available through a subdivision across the street it wouldn't be a burden upon the homeowner to connect. He stated his concern was the issue with the waterline had to be resolved, the City needed to be a part of that, and he was going to help and do their part. He stated the waterline needed to be improved and moved and there needed to be an easement so the City would have access to their waterline. He felt there should be some circumstances where exceptions to certain rules were made to allow for affordable housing. He asked if his petition was denied would the City be willing to participate in improving/moving the waterline.

Discussion regarding septic tanks and the requirements of Weber Morgan Health Department and who would be responsible should a tank fail if the water was being provided by a city. The City would ultimately be responsible.

Jon stated he was petitioning for water service because the waterline was already on the property.

Ty Bailey, City Manager, stated the reason why we have this problem was because the City had provided water to homes outside the City limits and outside of annexation. He said it was unfortunate that Jon had to deal with the waterline because it was on his property, but Jon also didn't need to develop right now. He

said it was a timing question for him. At the point of annexation was when it mattered most. He said the City needed to resolve existing issues without creating future ones. He said the City needed a policy outlining when the City would extend service and he suggested it be when property was annexed into the City properly.

Jon summarized his position with the following points:

- Not going to leave the waterline for the City to deal with;
- Not going to turn off water; and
- Would work with the City to resolve the issue with the current waterline regardless of the decision made by Council.

Councilmember London asked if the Council allowed this petition would it essentially set the City's policy for future similar petitions.

Gary stated the best example was what was currently on the property today. The City allowed one connection and now they're coming in and saying the City already allowed one so next time it could be for three, or six. He said the City didn't need to live with things which they had done in the past, whether right or wrong. The City needed to look towards the future and develop a policy which was best for the City.

Ty stated the deciding factors for the Council's decision shouldn't be what terms and conditions there should be before extending water service, but whether or not it should be done outside of annexation or not. He said if the Council desired to create a policy outlining conditions for extending water service the City needed more time to determine what those special circumstances may or may not be, so it was clear and consistent going into the future. He stated his own personal opinion was at the point of annexation so the City could make the most efficient use of all the utilities.

Mayor asked for clarification as to who was responsible for the waterline. The City didn't have a right-of-way through the properties which would allow the City to move the waterline.

Ty stated the City wasn't responsible for moving the waterline because they weren't the one causing the change. The City's responsibility was to continue to provide water to the home it was currently servicing.

Gary stated if the City allowed them on the City's water system and the water was not clean, the Health Department would look to the City (or whoever was providing the water) to fix the problem if the property owner could not afford to fix the issue. He stated when the City allowed something like this, they would ultimately end up paying for it. He stated if a waterline needed to be moved the homeowner was responsible for moving the waterline. He said whenever the City provided water to someone the City took on the responsibility of fixing it and then charging the homeowner afterwards. There was a difference from having to keep the water clean and owning the system. The City took on the responsibility when they provided the water to make sure the homeowner received quality water, but the City wasn't responsible for moving the waterline if needed.

Jon said the current waterline was old and needed to be fixed and replaced.

Gary clarified it wasn't the City's responsibility to fix and replace the waterline. He stated since Jon wanted to put a home on the property, he was responsible for moving the waterline. The City's responsibility was to make sure the water was potable.

MOTION: Councilmember Turner moved to table the Petition for Extraterritorial Water Service submitted by Jon Cannon until August 24, 2021 and to have a work session for discussion of the matter.

SECOND: No second – Motion died for lack of a second.

MOTION: Councilmember Richins moved to deny the Petition for Extraterritorial Water Service submitted by Jon Cannon.

SECOND: Councilmember London

Discussion on the Motion: Ty asked if the motion failed again would there be a timeframe when you could bring the item back to Council.

Gary stated the petitioner could reapply to the City and there wasn't a timeframe for doing so.

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

Mayor – nay

Vote was 2 ayes and 2 nays; Mayor voted nay to break the tie; Motion failed to deny the Petition to Morgan City Council for Extraterritorial Water Service submitted by Jon Cannon.

The motion to table the petition failed and the motion to deny the petition failed so no action was taken.

Gary clarified Jon could request the petition be brought back at a future date. He said as of today it wasn't denied, but it wasn't approved, and this was the type of motion which had to be affirmatively approved in order for Jon to move forward. He stated because all motions failed it could be considered essentially the equivalent of being denied.

Discussion regarding not approving the petition but having a discussion on the matter and possibly working something out regarding the waterline. The City needed a clean break and put an end to allowing these types of connections without annexation.

Jon expressed his appreciation to the Council.

SPECIAL REPORTS

CITY MANAGER

Residential Chickens / Small Farm Animals – Ty asked for general comments from the Council. He stated his concern wasn't the total number of chickens allowed, but the nuisance they caused. Some of the comments from the Council were:

- Wanted to keep the rural atmosphere of Morgan;
- No roosters allowed because hard to train not to be vocal;
- Maximum of six small animals (chickens, rabbits, ducks, etc.);
- Chickens required to be caged to keep them on the property;
- Lot size determined the number of animals (chickens, rabbits, ducks, etc.) allowed;
- Distance from neighboring properties;

- Not a nuisance; and
- Conduct an opinion poll of citizens.

Proposed Street Maintenance Project and Standards – Ty stated a waterline project was completed last year and there had been discussion regarding curb, gutter, and sidewalk in the area. He said the City had received a sidewalk grant and was going to start in the spring.

Lance Prescott, Street Supervisor, stated he had worked with Matt Hartvigsen, City Engineer, on a new concept for curb and gutter. A drawing showing the new concept was displayed. He said the City planned to do an overlay and a level course after the waterline project, but then the City received the sidewalk grant and there had been discussion on how to finish the street off. Last year, Mark Schmid, Ty and Lance went to Grantsville to look at areas with low impact water systems. He stated there wasn't a storm drain in the area and it would be nearly impossible get the water out to do curb and gutter. He stated curb and gutter would be extremely expensive and could possibly involve pumping which wasn't practical. The new concept was an 18-inch-wide concrete mow-strip along the edge of the road. He stated the concrete mow-strip would protect the edge of the asphalt and help the road to hold up better and this concept could be used to finish off streets in the older area of town. He explained the concept as an 18-inch sloped curve with a slight swale and the sidewalk would actually be approximately 6-inches above the curb. He explained a 6-foot, or 6 ½-foot swale would give some water storage and during a big rainstorm it would contain the water on the street. The area was so flat that pipes under driveways wouldn't run anywhere. He stated the drawing showed an average passenger car would clear the swale and it would be a little deeper than the average drive approach but would also be wider. He displayed an aerial drawing showing the project and the City hoped to put the project out to bid in January.

Councilmember Alexander asked if Lance had seen this type of concept in other cities and if the City Engineer agreed with this concept.

Lance said he hadn't seen this exact concept, but the City Engineer was comfortable with the concept and that it would work. He said there would be some sumps added at the ends because there was a very slight amount of fall in the area. He stated during the winter they would plow right up to the concrete curb and there would be snow storage between the sidewalk and the street in the swale.

Councilmember Turner expressed concern about the grass swale during the drought.

Lance said the swale didn't necessarily need to be grass. The main point was to make sure the area drained.

Councilmember London asked if the homeowner would be required to maintain the area.

Lance said it would be handled like the standard park strips within the City. The homeowner would be responsible for maintenance. He stated if this concept was adopted as a new standard it may not be allowed in a new development because the developer was required to install infrastructure to handle storm water. This was mainly a concept to retrofit some of the older areas within the City.

Mayor stated he liked the concept but expressed a couple of concerns. He stated parking in the swale and using four-wheelers for snow removal could reduce the slope of the swale. He asked if it was necessary for the sidewalk to be that much higher than the concrete mow strip.

Lance stated 100 North didn't have the width for parking on the side of the street. He was concerned about a couple of homes because they didn't have off-street parking and wondered where they would park their cars. He said he pictured cobble rock in the swale area.

Water Update – Ty updated the Council regarding water concerns during the drought. The City was collecting data and trying to validate the data collected. He stated they hadn't noticed a continual drop in the spring flow. He said it was less flow but not necessarily dropped. He stated there was a small spike after the last rainstorm, but we still had work to do to conserve water.

Councilmember Alexander asked if the big outflows had been handled.

Ty stated staff had fixed quite a few leaks and with two of the largest ones fixed, it saved over four million gallons a year. He stated the rate increase went into effect on July 15th and the billing cycle ended on August 15th. The increase for overage would show on the residents September billing statement. He stated they hoped the increase in the overage amounts would inspire residents to look for leaks and get them repaired. He stated the City's intent was to work with the residents and get the leaks repaired.

Discussion regarding future meetings and whether to continue offering the meetings through ZOOM and streaming on YouTube. Discussed the delta variant and the increase in cases. Premature to cancel ZOOM at this point. Mayor pointed out the numbers in Morgan. Morgan's average was 1.7 and hadn't hit the spike like other areas had. Consensus was to continue with both ZOOM and streaming through YouTube.

CLOSED SESSION

MOTION: Councilmember Turner moved to go into a closed session at 8:38 p.m. for the purpose of discussing the purchase, exchange, or lease of real property.

SECOND: Councilmember London

Vote: 4 ayes; Motion passed to go into closed session.

PRESENT: Mayor, City Manager, City Attorney, Recorder, Councilmembers Turner, London, Alexander and Richins

MOTION: Councilmember Richins moved to close the executive session at 9:57 p.m.

SECOND: Councilmember London

Vote: 4 ayes; Motion passed to close the executive session.

MOTION: Councilmember London moved to open the regular meeting at 9:58 p.m.

SECOND: Councilmember Turner

Vote: 4 ayes; Motion passed to open the regular meeting.

This meeting was adjourned at 9:58 p.m.

Denise Woods, City Recorder

These minutes were approved at the September 14, 2021 meeting.

ORDINANCE 21-06

AN ORDINANCE AMENDING TITLE 1, CHAPTER 1.15 OF THE MORGAN CITY CODE, AMENDING FEES OF THE CONSOLIDATED FEE SCHEDULE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Morgan City charges various fees which are collected by different departments and divisions of the City; and

WHEREAS, these fees are collected to offset the expense of providing certain municipal services and to pay the cost of regulating certain businesses; and

WHEREAS, some additions and changes need to be made to the Consolidated Fee Schedule; and

WHEREAS, in an effort to encourage compliance of the Morgan City Code, the City Council of Morgan City desires to change the amount of fees pertaining to code enforcement violations; and

WHEREAS, the City Council of Morgan City desires to change the amount of some of the fees pertaining to annexation submittals, rezone request application, and general plan amendment application; and

WHEREAS, the City Council of Morgan City finds that the fees set forth herein are reasonable and should be adopted.

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

SECTION 1. Repealer. If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith, they are hereby repealed.

SECTION 2. Enactment. Title 1, Chapter 1.15 – Consolidated Fee Schedule of the Morgan City Code is hereby amended as set forth below:

...

CODE ENFORCEMENT

SERVICE		FEE
Vehicle Restoration Permits		
	Original Permit Fee	\$50.00
	Each Permit Extension	\$25.00
Nuisance Violations		
	1 st Notice of Non-Compliance – Administrative Fee	~~\$50.00~~ 100.00
	~~Each Additional 2nd~~ Notice of Non-Compliance	~~\$100.00~~ 250.00
	Final Notice of Non-Compliance	500.00
Abatement Weed Mowing		
	Abatement for Non-Compliance of Ordinances, Including Property Owners Who Have Moved	
	Contractors and Banks	\$80.00 per man-hour (or bid price)
	Administration Fee	\$100.00
	The fee will be charged to landowners	

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PLANNING & ZONING

APPLICATIONS		FEES
Annexation Request	~~Submittal~~	~~\$160.00~~ 700.00
Appeal Authority Filing		\$50.00
Conditional Use Application		\$50.00
Home Occupation Application		\$50.00
Rezoning Request Application		~~\$160.00~~ 250.00
General Plan Amendment Application		250.00
DEVELOPMENT SERVICES		FEES
Development Review Meeting		Required / No fee
Concept / Preliminary Review Fee		\$500.00 plus \$80.00 per lot
• Re-submittal (Required each time after 2 nd submittal)		\$100.00
Final Review Submittal Fee		\$100.00
• Re-submittal (Required each time after 2 nd submittal)		\$100.00
Site Plan Review Fee *Applications that do not require Planning Commission / City Council review		\$500.00 plus \$90.00 per acre
• Re-submittal (Required each time after 2 nd submittal)		\$100.00
Water Advisory Meeting		\$100.00
PROFESSIONAL SERVICES		FEES shall be considered as a deposit against actual cost of Professional Services. (Resolution #08-12-03A)
*To be collected in addition to Development Service Fees.		
Concept / Preliminary Review		\$500.00 plus \$80.00 per lot
Site Plan Review		\$500.00 plus \$90.00 per acre
Electricity Review (If project is to be reviewed using an outsource)		\$500.00
BUILDING PERMITS		
Valuation		Based on the most current issue of the Building Safety Journal's Building Valuation Data Sheet, using 25% of the R-3 value for finished basements
General		Fee based on the current Uniform Building Code
Plan Review		
Residential		20% of the Building Permit Fee
Commercial		65% of the Building Permit Fee
Sensitive Lands		\$500.00
Electrical		\$10.00 plus \$.03 per sq. ft. of finished area
Plumbing		\$10.00 plus \$.02 per sq. ft. of finished area
Mechanical		\$10.00 plus \$.02 per sq. ft. of finished area
Water Sample Testing / Retesting		\$200.00 per water sample test
Basement Finishes (Residential)		\$100.00

	Accessory Building (up to 400 sq. ft. – Residential only with no electrical, plumbing or mechanical)	\$100.00
	ALL OTHERS	
	Permits not otherwise specified will be based on the number of anticipated inspections required:	
	Per Inspection	\$100.00
	Minimum Fee to Issue Permit	\$100.00
	MISCELLANEOUS FEES	
	Re-Inspection Fee	\$100.00
	Subdivision Improvement Inspection Fee	2.5% of bond amount

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SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 14th day of September, 2021.

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 ___ ___



Utah Division of Forestry, Fire and State Lands
1594 West North Temple, Suite 3520
P.O. Box 145703
Salt Lake City, UT 84114-5703



**FINANCIAL STATEMENT: WILDLAND FIRE PROGRAM PARTICIPATION COMMITMENT BETWEEN
UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS
and MORGAN**

	Medium Risk Assessment	High Risk Assessment	Total
	\$595	\$704	\$1,299
Division's 10 year fire suppression cost average within the jurisdiction:			
Less carry over balance from previous year:			
Plus amount not met from previous year(s):			
Participation Commitment for FY2022:			\$1,299

List below how the Participating Entity plans to meet the Participation Commitment total above. List the project, action or acquisition. Category (fuel mitigation, wildfire prevention, wildfire suppression capacity) Duration (how long will the project take to complete) Value this Year (estimated value to be claimed this year) All Projects-Actions or Acquisitions must be included in the approved Community Wildfire Preparedness Plan

Proposed Project, Action, or Acquisition	Category	Duration	Value this Year
Robinson Springs Cleanup	Fuel Mitigation	2 Months	\$50,000
Sewer Lagoon - Debris Cleared	Fuel Mitigation	1 Month	\$5,000
Wildfire Prevention - Annual Workshop	Wildfire Prevention	2 Months	\$2,800
CARRY OVER FROM 2020 FISCAL YEAR			

Utah Division of Forestry, Fire and State Lands

Signature

Print Name and Title

Official Participating Entity Representative

Signature

RAY LITTLE - MAYOR

Print Name and Title

Date

Date

Utah Division of Forestry, Fire and State Lands
1594 West North Temple, Suite 3520
P.O. Box 145703
Salt Lake City, UT 84114-5703

Fire Suppression Cost 10 Year Average Calculations

YEAR	NORMAL FIRE SUPPRESSION COSTS (See Note 2)	TIMES INFLATION RATE FACTOR (See Note 3)	EQUALS ADJUSTED FIRE COSTS IN CONSTANT DOLLARS
2007	\$0	1.18	\$0
2008	\$0	1.14	\$0
2009	\$0	1.14	\$0
2010	\$0	1.12	\$0
2011	\$0	1.09	\$0
2012	\$0	1.07	\$0
2013	\$0	1.05	\$0
2014	\$0	1.04	\$0
2015	\$0	1.04	\$0
2016	\$0	1.01	\$0
TOTAL:			\$0
DIVIDED BY EIGHT YEARS			\$0

Morgan City Capital Improvement Priorities
Years 2022-2030

SHORT TERM 2022-2025									
CITY Priority	Entity / Department	Project Description	Estimated Total Cost	Revenue Sources/Shares		Additional Funding Needed		Projected Start/ EndDate	
				Sources	Amount	Grant	Loan		
High	Roads	Young Street Bridge	\$3,800,000	45 Fund COG	\$300,000	\$2,000,000 UDOT	\$1,500,000	2022 - 2024 - Started	
High	City	Fiber Intranet and WIFI Connections to Facilities	\$100,000	10 Fund	\$100,000			2022 - 2022 Started	
High	Water	Water Tank Storage to replace North Morgan Tank 1.5 Million Gallon	\$3,500,000	ARPA	\$500,000	\$3,000,000 State ARPA County ARPA	\$0	2022 - 2025	
High	Sewer	Diffusers	\$550,000	52 Fund	\$300,000	\$250,000 State ARPA		2021 - 2022 Started	
High	Water	Water Treatment building for Park Well	\$250,000	51 Fund	\$0	\$250,000 BOR Grant		2023	
High	Park	Pump and Sprinkler System Replacement	\$200,000	10 Fund	\$100,000	\$100,000 BOR Grant		2022	
Medium	Sewer, Water, Power, Parks	SCADA System	\$200,000	10,51,52,53 Fund	\$0	\$200,000 ARPA		Ongoing	
High	Roads	100 North from 200E to 300 W	\$620,000	10 Fund	\$400,000	\$99,000 SRTS	\$120,000	2022	
High	Office	Back up Generators	\$300,000	10 Fund	\$0		\$300,000 BRIC	2022-2024	
High	Power	High School Sub	\$300,000	53 Fund	\$300,000			2022-2024	
Medium	Power	Meter Replacement	\$150,000	53 Fund	\$150,000			2022-2024	
Medium	Water	Pressure Zone	\$250,000	51 Fund	\$50,000	\$200,000 ARPA		2022-2024	
Medium	Building	Train Depot	\$250,000	10 Fund	\$0	\$250,000 CBDG		2022-2024	

Morgan City Capital Improvement Priorities
Years 2022-2030

MEDIUM TERM 2025-2030									
CITY Priority	Entity / Department	Project Description	Estimated Total Cost	Revenue Sources/Shares		Additional Funding Needed		Projected Start/ End Date	
Medium	Sewer	Mechanical Plant	\$8,000,000	52 Fund DEQ	\$500,000	\$1,500,000	\$6,000,000	2030	
Medium	Parks	New Trails and Parks	\$300,000	45 Fund	\$150,000	\$150,000	\$150,000 Outdoor Rec	2025	
Medium	Roads	Road Rebuilds	\$2,000,000	45 Fund	\$500,000	\$1,000,000	\$500,000	2025	
Low	Cemetery	Land Purchase - North Cemetery	\$500,000	64 Fund	\$100,000		\$400,000	2025	
Low	Parks	River Restoration / Diversions	\$200,000	City/ County/ NRCS	\$50,000 City/ \$50,000 County	\$100,000 NRCS		2030	
Low	Parks	Land Purchase - State Street	\$160,000	45 Fund	\$160,000			2030	
Medium	Public Works	Public Works Building	\$1,500,000	45 Fund	\$500,000		\$1,000,000	2024-2030	
Low	Roads	700 East + Island Road Curb, Gutter and Sidewalk	\$250,000	10 Fund	\$50,000		\$200,000	2024-2028	
Medium	Cemetery	Shed & Equipment Building (South Morgan Cemetery)	\$1,500,000	64 Fund	\$150,000		\$1,350,000	2024-2028	



Subscriber Report - August 2021

The following reports include subscriber statistics for the "UTOPIA Fiber" system. "UTOPIA Fiber" refers to combined systems of both the Utah Telecommunications Open Infrastructure Agency (UTOPIA) and the Utah Infrastructure Agency (UIA).

Cities with substantially completed FTTP buildout: Brigham City, Centerville, Layton, Lindon, Midvale, Morgan, Payson, Perry, Tremonton, West Point, Woodland Hills
 Cities currently under active FTTP buildout: Clearfield, Idaho Falls, Murray, Orem, Pleasant Grove, Syracuse, West Valley City
 Number of cities with FTTP: 16
 Number of cities with partial/full UTOPIA Fiber service: 53
 Non-member cities with full or partial UTOPIA Fiber service availability: American Fork, Bluffdale, Bountiful, Clearfield, Clinton, Cottonwood Heights, Draper, Farmington, Garland, Heber, Herriman, Hideout, Idaho Falls, Kaysville, Lehi, Logan, Magna, Millcreek, Morgan, North Salt Lake, Ogden, Pleasant Grove, Pleasant View, Provo, Riverdale, Riverton, Sandy, Salt Lake City, Saratoga Springs, South Jordan, South Ogden, South Salt Lake, Springville, St George, Syracuse, Taylorsville, Vineyard, West Bountiful, West Haven, West Jordan, West Point, Woodland Hills, Woods Cross
 Residential Service providers: 14
 Total number of service providers: 25
 Total subscriber count: 40,580
 Residential subscriber count: 37,187

Recent Residential Take-rates			
	Oct-20	Nov-20	Dec-20
Brigham City	46.40%	43.21%	43.57%
Centerville	47.34%	46.52%	46.78%
Clearfield*	0.76%	4.79%	11.42%
Layton	36.33%	36.51%	36.80%
Lindon	57.52%	57.51%	57.82%
Midvale*	20.39%	18.94%	19.06%
Morgan	58.17%	59.09%	59.47%
Murray*	37.47%	36.16%	36.21%
Orem*	34.23%	34.37%	34.58%
Payson*	32.93%	33.18%	33.54%
Perry	47.47%	47.59%	48.07%
Tremonton	40.96%	40.80%	40.86%
West Point*	33.47%	34.55%	34.66%
West Valley City*	15.23%	14.62%	14.80%
Woodland Hills	53.27%	53.17%	53.07%

*Cities under active or recent buildout often experience a decrease due to rapidly increasing number of available addresses.

Report definitions:

Available - Addresses are parcels where services are either currently active, or could be made available with a standard installation. This is also referred to as "addresses passed". The available address count comes from county parcel data combined with UTOPIA Fiber data and includes any errata imported from the county database as well as some addresses that may be duplicates, or parcels without actual prospective subscribers on them.

FTTP - Fiber to the Premises refers to buildout that allows for every home, business, or other entity in an area to receive service. This does not include backbone routes or other routes with capacity only for anchor institutions, data centers, businesses, or fiber routes used for other purposes.

Residential - Includes single-family homes, and some MDU properties where fiber service is delivered individually to each unit. Residential statistics were not tracked separately until Mid-2016 and therefore the chart period for residential services is shorter than that for total subscriber counts.

Non-Residential - Includes businesses, religious institutions, schools, government, carrier backhaul, and bulk-MDU properties with a single handoff (counted as one subscriber even if subdivided by a service provider to individual units).

Subscriber - For purposes of this report, a subscriber is a service being delivered by UTOPIA Fiber. Businesses or other entities with service at multiple locations count as a subscriber for each location where service is received.

Take-Rate - The number of subscribers divided by the number of parcels (from county records).

STATE OF UTAH)
)
COUNTY OF «COUNTY»)

5. Since June 30, 2020, there has been (a) no material adverse change in, or a material adverse effect on, the operations, business, properties, liabilities (actual or contingent), condition (financial or otherwise) or prospects of the System that has caused a material impairment of the ability of the Participant to perform its obligations under the Power Sales Contract; or (b) no

material adverse effect upon the legality, validity, binding effect or enforceability of the Power Sales Contract (in either case, a "*Material Adverse Effect*"). The Participant agrees that it will provide prompt notice to UAMPS of any event that could have a Material Adverse Effect.

Dated this 15th day of September 2021.

MORGAN CITY, UTAH

By Roy M Little
Its Mayor

By Denise Woods
Its City Recorder



EXHIBIT A

[ORIGINAL CERTIFICATE]

CERTIFICATE OF PARTICIPANT

STATE OF UTAH)
)
COUNTY OF MORGAN)

The undersigned hereby certify that they are the Mayor and City Recorder of Morgan City, Utah (the "*Participant*"), a member of Utah Associated Municipal Power Systems ("*UAMPS*"), and that as such they are authorized to execute this Certificate on behalf of the Participant and hereby certify as follows:

1. This Certificate has been executed pursuant to Section 902(e) of the Carbon Free Power Project Power Sales Contract, dated as of April 1, 2018 (the "*Power Sales Contract*"), between the Participant and UAMPS, in connection with the execution and delivery of the Power Sales Contract. Capitalized terms used and not otherwise defined herein have the meanings assigned to them in the Power Sales Contract.

2. The Participant is a municipal corporation and a political subdivision duly created and validly existing under the laws of the State of Utah, and is governed by a City Council (the "*Governing Body*") composed of six (6) members.

3. Attached hereto as *Exhibit A* is a true, complete and correct copy of a resolution authorizing the execution and delivery of the Power Sales Contract and related matters (the "*Contract Resolution*"). The Contract Resolution was duly adopted by a majority of the Governing Body present and voting at a regular public meeting of the Governing Body held on July 23, 2019, at which a quorum was present and acted throughout, all in accordance with law and applicable procedural rules of the Governing Body. The Contract Resolution is in full force and effect and has not been amended, modified, repealed or supplemented.

4. The names of the Mayor and the City Recorder authorized to execute and deliver the Power Sales Contract on behalf of the Participant are as follows:

NAME	OFFICE
Ray Little	Mayor
Denise Woods	City Recorder

5. The July 23, 2019, meeting of the Governing Body in connection with the authorization of the Power Sales Contract was open to the public at all times and was duly called, noticed and held in conformity with applicable laws of the State and procedural rules of the Governing Body.

6. (a) No petition was filed with the Participant or any of its officers seeking to refer the Contract Resolution to the electors of the Participant in accordance with the provisions of state law; and (b) no litigation has been instituted, is pending or has been threatened to require a referendum election on the Contract Resolution.

7. The Participant owns and operates an electric utility system (the "System") that distributes and furnishes electric energy to consumers located within the established service area of the System.

8. The Participant has previously executed the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action dated as of March 20, 2009 and all amendments thereof and supplements thereto (the "Joint Action Agreement") and that certain Power Pooling Agreement (the "Pooling Agreement") between the Participant and UAMPS relating to the power pool administered by UAMPS. The Joint Action Agreement and the Pooling Agreement are each in full force and effect and constitute the legal, valid and binding agreements of the Participant.

9. Ty Bailey has been duly appointed by the Governing Body as the Participant's representative to UAMPS.

10. The representations and warranties of the Participant in Section 901(a) of the Power Sales Contract are true and correct on and as of the date of this certificate.

11. The Participant will use all of the electric energy from its Entitlement Share in a Qualified Use (as defined in the Power Sales Contract).

12. The information provided by the Participant to UAMPS pursuant to Section 902(b) and (c) of the Power Sales Contract and attached as EXHIBIT II thereto with respect to the Participant and the System is true, correct and complete. The Participant has duly authorized UAMPS to use such information in connection with the preparation of an official statement of UAMPS with respect to the bonds to be issued to provide financing for the costs of acquisition and construction of the Project and to provide such information to interested parties.

Dated: July 23, 2019.

MORGAN CITY, UTAH

By Ray W. Little
Mayor

By Debbie Woods
City Recorder



EXHIBIT B

[ADDITIONAL ACTIONS, IF ANY]

RESOLUTION 20-28

A RESOLUTION AUTHORIZING AND APPROVING ADJUSTMENT OF THE PARTICIPANT'S ENTITLEMENT SHARE UNDER THE CARBON FREE POWER PROJECT POWER SALES CONTRACT FOR THE REMAINING 1ST PHASE OF THE LICENSING PERIOD FOR THE CARBON FREE POWER PROJECT; AND RELATED MATTERS.

WHEREAS, the Morgan City, Utah (the "*Participant*") is a member of Utah Associated Municipal Power Systems ("*UAMPS*") pursuant to the provisions of the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action, as amended (the "*Joint Action Agreement*"); and

WHEREAS, the Participant has previously approved, executed and delivered the Carbon Free Power Sales Contract dated as of April 1, 2018 (the "*Power Sales Contract*") with UAMPS, with an Entitlement Share that represents 1,398 kW of the capacity of the Project, which includes 398 kW of capacity relating to the "JUMP SMR" (as defined in Resolution No. 19-26 of the Participant adopted on July 23, 2019; other initially capitalized terms used and not defined herein have the meanings assigned to them in the Power Sales Contract); and

WHEREAS, the Project Management Committee (a) has notified the Participants that the JUMP SMR will not be included in the Project and has eliminated the portions of the Participants' Entitlement Shares relating to the JUMP SMR and (b) believes that the Participants are best served if they approve limited adjustments to their Entitlement Shares in light of the elimination of the JUMP SMR as well as withdrawals or Entitlement Share reductions that may be elected by other Participants to the time of delivery of the Class 3 Project Cost Estimate and the associated running of the economic competitiveness test.

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

Section 1. Adjustment of Participant Entitlement Share for the Remaining 1st Phase of the Licensing Period Through the Class 3 Project Cost Estimate. (a) The Participant hereby authorizes and approves maintaining its Entitlement Share in the Project in an amount that represents 1,398 kW of capacity.

(b) The Participant's Entitlement Share may be increased up to that amount that would cause its Development Cost Share of the Development Costs to be incurred to the time of delivery of the Class 3 Project Cost Estimate and the associated running of the economic competitiveness test to be 1.40%.

(c) Upon receipt of written notice from UAMPS of the elections by other Participants to withdraw from the Project, reduce their Entitlement Shares or otherwise adjust their Entitlement Shares, the Participant's Representative is hereby authorized by and on behalf of the Participant to give notice to

UAMPS of (i) the Participant's election to adjust its Entitlement Share and (ii) the amount of such adjustment, which shall not exceed the maximum amount described in Section 1(b).

Section 2. Miscellaneous; Effective Date. (a) Notwithstanding the rights provided to the Participant Section 1(a) and (b) of this resolution, this resolution shall be and remain irrevocable until the Participant provides subsequent adjustment to its Entitlement Share pursuant to the Power Sales Contract in accordance with its terms.

(b) All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

(c) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(d) This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED by the City Council of Morgan, Utah, this 27th day of October, 2020.

By Ray W. Little
RAY W. LITTLE, Mayor

ATTEST:

Denise Woods
DENISE WOODS, City Recorder



CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	<u>X</u>	—	—
Councilmember Wardell	<u>X</u>	—	—
Councilmember Turner	<u>X</u>	—	—
Councilmember Richins	<u>X</u>	—	—
Councilmember Alexander	<u>X</u>	—	—

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

Mayor Little — —

SCHEDULE I

SCHEDULE OF PARTICIPANTS, ENTITLEMENT SHARES DEVELOPMENT COST SHARES AND DEBT SERVICE SHARES AS OF SEPTEMBER 15, 2021

PARTICIPANT	Entitlement Share (kW)	Entitlement Share (%) Development Cost Share and Debt Service Share ¹
Beaver	2,155	1.8898%
Blanding	2,500	2.1923
Brigham City	15,250	13.3732
Enterprise	392	0.3438
Ephraim	8,000	7.0155
Fairview	900	0.7892
Fallon	2,000	1.7539
Fillmore	3,019	2.6475
Holden	500	0.4385
Hurricane	20,000	17.5382
Hyrum	10,000	8.7693
Idaho Falls	5,000	4.3847
Kanosh	300	0.2631
Los Alamos	2,120	1.8591
Monroe	1,200	1.0523
Morgan	1,398	1.2260
Mt. Pleasant	3,000	2.6308
Oak City	500	0.4385
Paragonah	200	0.1754
Parowan	3,000	2.6308
Payson	5,000	4.3847
Santa Clara	5,000	4.3847
SESD	3,000	2.6308
Spring City	400	0.3508
Washington	17,700	15.5217
Weber Basin	500	0.4385
Wells REC	<u>1,000</u>	<u>0.8769</u>
TOTAL	114,034	100.0000%

Morgan Chamber's

BUSINESS EXPO

Morgan High School

September 27, 2021

5:00-6:30 EXPO

7:00 SPEAKER

Come out and support local business and visit our Annual Community Business Expo at the Morgan High School Football Field. Stay for the evening and listen to our Keynote speaker Dan Clark



SCAN QR CODE
TO GET TICKETS



Morgan Chamber's Business

EXPO

SEPTEMBER 27

5:00-6:30 pm: Business Expo

7:00 pm: Guest speaker Dan Clark

Morgan High School football field

Guest Speaker: Dan Clark, CEO,
Business coach and New York Times
Best Selling Author



