

MORGAN CITY

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

10-12-21

6:00 p.m.



**CITY COUNCIL MEETING AGENDA
OCTOBER 12, 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/join/ztYlcmgrDgpGtD5h6Sy4dz2gkeT1dsMaVCR>

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 – September 14, 2021;
 - b. City Council Hybrid Meeting Minutes – September 28, 2021; and
 - c. 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. **PUBLIC HEARINGS**
 - a. Rezone Request from Single-Family Residential (R-1-8) to Multi-Family Residential (RM-15); Property Located at approximately 759 East 525 North – Ordinance 21-09
 - b. General Plan Amendment from Low Density Residential to Medium Density Residential; Property Located at Approximately 759 East 525 North – Ordinance 21-10

4. City Reports and Business:

A. City Manager

Mutual Aid Agreement with Rocky Mountain Power

FEMA

B. Mayor and Council

5. 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 8th day of October, 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**

SEPTEMBER 14, 2021; 6:20 P.M.

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

**Mayor Pro Tem Tony London, Jeff Wardell, Eric
Turner, Jeffery Richins, and Dave Alexander**

STAFF PRESENT IN-PERSON:

Gary Crane, City Attorney; and Denise Woods

PRESENT ELECTRONICALLY:

Mayor Ray W. Little; Ty Bailey, City Manager

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Meeting began late due to technical difficulties.

This meeting was called to order by Tony London, Mayor Pro Tem.

The pledge of allegiance was led by Councilmember Turner.

The opening ceremony was presented by Councilmember Alexander.

MINUTES AND WARRANTS

MOTION: Councilmember Turner moved to approve the following:
Minutes of the City Council Hybrid Work Meeting – August 10, 2021; and
Warrants.

SECOND: Councilmember Richins

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

VERBAL PETITIONS AND PRESENTATIONS

**CHAMBER OF COMMERCE – UPDATE REPORT AND REQUEST FOR 2021 – 2022
MEMBERSHIP DUES – TRACA WARDELL**

This item was not discussed. Traca Wardell was not able to attend the meeting and this item was moved to the September 28, 2021 City Council meeting.

CITIZEN COMMENTS

No comments were given.

NEW BUSINESS

ORDINANCE 21-06 – CONSOLIDATED FEE SCHEDULE AMENDMENT – CODE ENFORCEMENT AND PLANNING AND ZONING FEES

Ty Bailey, City Manager, explained the amendments outlined in the Consolidated Fee Schedule. First, was an amendment for code enforcement violations. He stated multiple notices of a violation didn't happen very often. Usually, the issue was taken care of after a verbal/written warning. He hoped by increasing the non-compliance fee it would reduce the number of return visits and hours spent on code violations. He explained an alternative would be to take the matter to court, but it didn't necessarily result in the issue being resolved. He stated the other amendments dealt with fees in the Planning and Zoning section of the Consolidated Fee Schedule. He explained the reasoning behind increasing the fee for an Annexation Submittal to Seven Hundred Dollars (\$700.00), i.e. development meetings and staff time involved in considering an annexation. Also, the increase to the application fee for a Rezone Request Application and implementing a fee for a General Plan Amendment Application were also due to the increased number of development meetings and staff time discussing each request. He explained several of the City's contracted staff along with City staff attended those meeting, i.e., City Engineer, City Planner, City Manager, Roads Supervisor, Power Superintendent, Water and Sewer Senior Operators, and City Planning Staff. There wasn't a fee for holding a development review meeting so by increasing the fees the City can capture some of the time spent reviewing those applications.

Councilmember Alexander asked what types of non-compliance issues did the City deal with.

Ty stated the most common violations were for weeds and debris, and issues with yards. He explained the process of handling code enforcement violations. He said typically he handled eight to ten compliance issues during the summer. He said most issues were reported by a complaint to the City from a neighbor or contact through a councilmember. The first step was to make initial contact with the property owner and sometimes it was sufficient to get the issue resolved.

Gary Crane, City Attorney, explained they could appeal to the City Council. He outlined the process if an issue went beyond the final notice of non-compliance with no payment of fees as outlined in the Consolidated Fee Schedule. He stated there were some repeat offenders which would rather pay the fee and not remedy the violation. He stated if the property owner failed to pay the fee there were two approaches the City could take. First, the City could file a criminal charge against the property owner if they violated a City ordinance, i.e., weeds, debris, etc. The second avenue was for the City to file a civil case and go through the small claims process to collect the amounts due to the City.

Councilmember Alexander asked is the City could encumber the property if the City provided the clean-up measures.

Gary explained another avenue for the City was a provision in the City ordinances for the removal of deleterious and dangerous objects, materials, and weeds. This process would be used for more serious offenders, for example an old building or a bunch of junk in the yard. If you followed the process outlined in the International Building Code to remove deleterious and dangerous objects it would allow the City to attach the costs of clean-up to the taxes on the property.

MOTION: Councilmember Alexander moved to adopt 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.

SECOND: Councilmember Richins

Discussion on the Motion: None

ROLL CALL VOTE: Dave Alexander – aye
Jeffery Richins – aye
Jeff Wardell – aye
Tony London – Acting as Mayor Pro Tem
Eric Turner – aye

Vote was 4 ayes; Motion passed unanimously to adopt 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.

CWPP PARTICIPATION AGREEMENT FOR 2022

Councilmember Turner explained the CWPP Agreement was a cooperative wildlife protection program, and it was an agreement between Morgan City and the Utah Division of Forestry, Fire, and State Lands. He stated by entering into this agreement the City agreed to put the time and effort into doing fuel mitigation projects in the high-risk areas of the City and to provide education regarding wildfire prevention. He said in exchange for the City participating in the agreement if there was a fire the City wouldn't be responsible for paying the cost of the fire. Each year the City renewed the agreement and over the last couple of years several projects had been completed. The projects included the removal of debris surrounding Robinson Springs and the Sewer Lagoon and a wildfire prevention workshop. The cost of those projects exceeded the required amount and had been carried over from the prior fiscal year.

Boyd Carrigan, Morgan County Fire Chief and EMS Director, complimented the City on their participation in the agreement. The City's match was One Thousand Two Hundred Ninety-Nine Dollars (\$1,299.00) and the state allowed the City to bank amounts which exceeded the match amount and use those amounts as their match for several years.

Boyd mentioned his concerns regarding the Mahogany Ridge Subdivision which was close to the County Rifle Range and the possible fire danger. He said in June and July he had received several complaints from the residents in the area about exploding targets and the possible ignition sources from shooting. He mentioned there had been quite a few shootings recently in the news which had caused fires. In August the Fire Department visited the area and found evidence that there was a very high chance of this range becoming a significant fire issue. He displayed a map which showed the different areas of the rifle range. He stated during their tour and evaluation of the site they found the following issues:

- Inadequacy of the long-range backstop and upper range target area(s);
- Poor maintenance of the previously constructed dozer line;
- Absent fire-suppression equipment in case of a fire (i.e., fire extinguishers, water truck, etc.);
- Evidence of dead and drying vegetation being shot at/through/used as targets;
- Evidence of shooting occurring well past the fire line into continuous (uninterrupted) fuels; and
- Adequacy of the short-range target area on the southeast corner of the property (closest to the search and rescue shed).

He stated what they found in the area was a very high potential fire risk. He said in an effort to mitigate the risk they approached the County Council and showed them their findings. He said the Fire Department recommended closing the long-range portion of the rifle range until some of the above issues could be mitigated. They found the short-range shooting section (on the southeast corner of the property) was adequate for that area of the range and could continue operating for the rest of the season. He stated he

found funding for the County for the project, but it was for dirt work. Through the process they learned they could put a suppression or buffering line between the range and the homes abutting the rifle-range and that area was the City's urban interface area. It would also serve as a sound barrier for the surrounding homes. He suggested planting trees to create the buffer and it would also shade the vegetation on the ground so it wouldn't dry out as fast. He had found a group willing to take on the project to plant the trees, but there was no funding for the trees. He asked the City Council if the City would be willing to donate money to purchase the trees. He mentioned this donation could be used on next years CWPP Agreement as the City's match.

Councilmember Turner said the City had funds banked for several more years for the CWPP, but it was definitely something the City should look at participating in.

Councilmember Alexander asked who would water and maintain the trees.

Boyd stated the County would maintain the trees and a watering system needed to be figured out, but there was water in the area. He was studying which trees would be best for the area, was waiting for more information. The trees needed to be fire resistant and also provide the best noise buffer. He said it would be a good project for the City and County to do together because it benefitted both the residents of the City and the County.

Mayor Little suggested getting more information on the project, i.e., the types of trees to be planted and the plan for the watering system.

Council asked Boyd to come back on October 26, 2021 and report on the types of trees and watering system. Ty requested a cost estimate be provided prior to the meeting to ensure the cost of the trees would fit into this year's budget. Boyd clarified the rifle-range was the County's property and they would be responsible for making better berms and for making it safer from both the chance of a gun going off the wrong direction, but also for fire protection. With the type of vegetation in the area a fire would be a significant event. Ty mentioned the wood chips from the windstorm which were still at the Transfer Station and asked if the County could use them. Boyd said they could be put beneath the trees to help hold in the moisture.

CAPITAL IMPROVEMENT LIST – SHORT AND MEDIUM TERM PROJECTS

Councilmember Richins explained the Wasatch Front Regional Council (WFRC) had requested the City and County, through COG (Council of Governments), to create a Capital Improvement List so the City could try to secure funding as it became available for projects on the list. The projects on the list were prioritized in an order of importance.

Ty explained he had worked with the department heads to create the list over the past several months. He said a lot of the items on the previous year's list had been completed and the list in the packet was more focused on the City's current projects and some projects coming up in the future. The list also identified the potential funding sources for each project. He mentioned projects the City was applying for ARPA (American Rescue Plan Act) funding for.

- 1.5 Million Gallon Water Tank – Replace North Morgan Tank (\$3,500,000.00 project)
- Diffusers for Sewer Lagoons (\$700,000.00 project)
- SCADA System – Sewer, Water, Power and Parks (\$200,000.00 project)
- Water Treatment Building for Park Well (\$250,000 project)
- Connection of Two Pressure Zones (\$250,000 project)

Councilmember Alexander asked if the projects met the criteria of the ARPA funding.

Ty explained water, sewer and broadband were all eligible projects. The state would rank and prioritize the projects. He clarified that the projects on the list wouldn't necessarily occur in the same order. It would depend on the availability of funding and the importance of the project. He was applying for ARPA money for the diffusers at the sewer lagoon because the amount of the project had increased to Seven Hundred Thousand Dollars (\$700,000.00) instead of the amount on the list.

Ty informed the Council the sewer system was struggling, and Pond 3 was septic. He stated Pond 3 was not dredged when Ponds 1 and 2 were. He stated there had been meetings with Rural Water discussing the possibility of combining Ponds 1 and 2 to create more capacity and doing a three-pond rotation instead of four. He said currently they were working on bypassing Pond 3 and doing whatever necessary to stay on top of it. The diffusers were supposed to help in a big way, but they had not been installed yet. The diffusers had been ordered and this project was a high priority.

Councilmember London pointed out the project for the water treatment building for the park well and asked if the City used the park well.

Ty said it was used on a limited basis, but because it wasn't treated the City didn't use it often. He said it didn't need much treatment, but the City didn't run it unless it was absolutely necessary. He said the well was in the floodway so the building couldn't be changed, but the water would be piped over to the treatment building and then put back into the system.

Mayor Little complimented Ty and the City staff for coming together and putting together the Capital Improvement List. He also expressed appreciation to Ty and staff for looking for additional funding through grants for the projects.

SPECIAL REPORTS

City Manager

Ty informed the Council the City had hired a new planner. Wilf Sommerkorn came highly recommended by Gary. He would also assist the City in updating City ordinances.

Another personnel change was moving Row Howard from Parks and Cemetery Supervisor to Building Inspector. He wasn't certified but would be working with Josh Goodman, who the City contracted with as our building official. Row had committed to do the schooling necessary to become an inspector and a plans examiner.

UTOPIA Take Rate Report – Ty updated the Council regarding the take rate of UTOPIA. The recent report from August showed Morgan City had the highest take rate of any city thus far. The City was at 60% take rate. He explained when the project began the take rate was estimated at 28%.

UAMPS – Ty updated the Council regarding the Carbon Free Power Project (CFPP) Bring Down Certificate of the Participant in the packet. He stated the CFPP opened a line of credit which required signatures from the participants. He said basically these were part of the closing documents and stated the City was a participant in the project. He said the loan amount was for \$35 Million and it allowed the project to front the money while it was waiting to get reimbursed from the Department of Energy (DOE).

General Plan Update and Timeline – Ty mentioned the community meeting on September 16th to give an update on the progress of the General Plan update. There would be a County meeting at 5:30 p.m. and the City's portion of the meeting was at 7:00 p.m.

Water Usage – Ty displayed a graph and stated the inflows had stabilized. He said the City saw a 4.7-million-gallon reduction in water usage in August and 4.5 million of that was residential use. He stated a lot of residents were really trying and making a concerted effort to reduce their water usage. He said City staff had been assisting residents in locating and repairing leaks.

Councilmember London expressed his concern with the secondary water being shut-off on September 20th and citizens watering their lawns with culinary water.

Councilmember Turner suggested the City continue doing what they were doing to conserve water through the winter and possibly into Spring of 2022. He mentioned Echo Reservoir was under 17% capacity and Lost Creek was also extremely low.

Chamber Business Expo – Sponsoring – Ty said the City was a sponsor for the Chamber Business Expo and he invited the Council and their families to attend. He said the first part of the Expo was support of the local businesses and Dan Clark would be the keynote speaker at the event.

Alcohol Licenses – Increase – Ty explained the City's ordinance limited the number of alcohol licenses the City would permit. The state managed the liquor licenses and was quite restrictive. The City had two and one was already being used. He asked the Council if they were interested in changing the ordinance. These were the types of licenses for restaurants. He said he would like to make a preemptive change to the ordinance before an application came before the City.

Discussion regarding the City's current ordinance and the difficulty to get approval from the state for a license. Gary stated the state didn't have a lot of licenses available. The City could defer to the state and not have an ordinance limiting the number of licenses allowed within the City. Ty stated the City could abandon having our own restriction and defer to the state and then the City would give a business license to anyone who got approval from the state. Council expressed their opinion in amending the ordinance and eliminating the number of licenses and deferring to the state.

Peterson Pipeline Association – Ty explained Peterson Pipeline Association was a company which supplied culinary water to residents in Morgan County, and they were in the process of drilling a second well. He said part of the regulation from the state was for them to have a backup supply for water. He said they had asked if Morgan City would be willing to enter into an agreement to be an emergency or backup supply of water for their system. He said they would buy the water from the City at \$8.00 per 1,000 gallons and they would haul a maximum of 12,000 gallons of water a day, but it would be contingent on if the City felt we had adequate water available. He stated they had a 2,000-gallon tank. He mentioned a well the City had which was not currently part of the City's water system.

Mayor Little explained the area serviced by Peterson Pipeline Association currently had a well around the Old Hinds Quick Stop area and they had a culinary water system which serviced Morgan Valley Drive towards Milton. The state was requiring them to have a backup system to service those people should their well go out. He said they were also drilling a second well.

Discussion regarding the possibility of entering into such an agreement and the parameters of the agreement if the City decided to enter into an agreement to provide water as a backup to another system. It was the consensus of the Council to have Gary draft an agreement and bring it back to the Council.

Councilmember Alexander referenced the minutes in the packet which suggested a policy be developed concerning annexation and he asked Gary what the policy would entail.

Gary said in the past whenever Morgan had an annexation outside of their policy declaration area, they sent it to the Planning Commission first for their recommendation. Then it would come to the City Council, but you didn't have to do that by state law. A petition for annexation generally came to the Council if it was within the City annexation policy declaration. He explained if the area to be annexed was within the City's policy declaration it meant the Council could review it and make a determination. He stated there was a provision in the City's Code which stated if the City didn't have the utilities to be able to service an area the City didn't have to provide the service and the City didn't need to approve it. He said annexation was the same in that if the City didn't have the services available for the area to be annexed the City didn't need to allow the area to be annexed into the City until they could provide the full service which was needed. He said that was the type of policy the City needed.

Discussion regarding creating a policy for the City regarding providing services to new construction/property which wasn't annexed into the City. The consensus of the Council was to have Gary draft a policy addressing this issue.

CLOSED SESSION

MOTION: Councilmember Richins moved to go into a closed session at 8:11 p.m. for the purpose of discussing the sale of real property.

SECOND: Councilmember Turner

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

PRESENT: Mayor Pro Tem Tony London, City Attorney, Recorder, Councilmembers Turner, Alexander, Wardell and Richins.

ELECTRONICALLY: City Manager and Mayor Little

MOTION: Councilmember Wardell moved to close the executive session at 9:03 p.m.

SECOND: Councilmember Richins

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

MOTION: Councilmember Richins moved to open the regular meeting at 9:04 p.m.

SECOND: Councilmember Turner

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

This meeting was adjourned at 9:04 p.m.

Denise Woods, City Recorder

These minutes were approved at the October 12, 2021 meeting.

**MINUTES OF MORGAN CITY
COUNCIL HYBRID MEETING**

SEPTEMBER 28, 2021; 6:04 P.M.

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

**Mayor Ray W. Little, Tony London, Jeff Wardell,
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:

Eric Turner

OTHERS PRESENT:

Traca Wardell, Chamber of Commerce

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

The pledge of allegiance was led by Councilmember Richins.

The opening ceremony was presented by Councilmember Alexander.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve the following:
Warrants

SECOND: Councilmember Richins

The vote was unanimous to approve one set of warrants.

VERBAL PETITIONS AND PRESENTATIONS

**CHAMBER OF COMMERCE – UPDATE REPORT AND REQUEST FOR 2021 – 2022
MEMBERSHIP DUES – TRACA WARDELL**

Traca Wardell, Chamber of Commerce, expressed appreciation to the Mayor and Council for their continued support of the Chamber of Commerce the past year. She mentioned some of the events sponsored by the Chamber: Lunch and Learns, business golf tournament, which was a huge success this year, July 4th celebration, which was well attended, and it also included the cardboard boat regatta which had a lot of participants this year and the fireworks were fabulous. She mentioned the Business-to-Business Expo and the keynote speaker, Dan Clark. There was a lot of community support at this event. She mentioned there would be a Lunch and Learn on October 5th which the Chamber had invited the candidates for Mayor to

come and answer a few questions. She explained the Lunch and Learns were held monthly, unless there was another event scheduled, and were for businesses in Morgan County and the members of the Chamber were invited. The Chamber supplied lunch and brought in speakers to give presentations regarding marketing, business strategies and other relevant business topics. The final event of the year would be the Christmas celebration on Commercial Street. She also asked for the continued support of the City for the coming year and the membership dues for 2021 – 2022.

Councilmember London asked if the Chamber planned on having the Business Expo in September instead of January going forward.

Traca explained the Expo had been moved to September because of COVID last year and by having it in September it could be held outdoors. The Chamber hadn't decided yet if the Expo would be held in September the following years. She said it was nice having it outdoors with the food trucks and games for kids. In case of inclement weather, it would have been moved into the High School.

Councilmember complimented Traca and the Chamber on their efforts and hard work.

MOTION: Councilmember London moved to approve the 2021 – 2022 membership dues for the Morgan Chamber of Commerce in the amount of Twenty Thousand Dollars (\$20,000.00).

SECOND: Councilmember Alexander

Discussion on the Motion: None

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

Vote was 4 ayes; Motion passed unanimously to approve the 2021 – 2022 membership dues for the Morgan Chamber of Commerce in the amount of Twenty Thousand Dollars (\$20,000.00).

CITIZEN COMMENTS

No comments were given

NEW BUSINESS

RESOLUTION 21-22 – ONE UTAH MUTUAL ASSISTANCE AGREEMENT BETWEEN PACIFICORP dba ROCKY MOUNTAIN POWER, THE UTAH RURAL ELECTRIC COOPERATIVE ASSOCIATION (URECA) AND MEMBERS OF THE UTAH RURAL ELECTRIC COOPERATIVE ASSOCIATION (URECA), THE UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS (UAMPS), AND THE UTAH MUNICIPAL POWER AGENCY (UMPA)

Mayor explained the agreement was a mutual assistance agreement where if a jurisdiction had a need, they could contact one of the other associations and request help and assistance with power.

Gary Crane, City Attorney, stated to a large degree the City already did this with their local partners like Heber City and Bountiful City, and most likely the City would turn to them for assistance. He stated Rocky

Mountain Power would typically ask for help from larger entities because it was a large failure that occurred. He mentioned a news conference would be held regarding this agreement and he felt it was a statement on the part of the Governor that everyone would work together if we came across a calamity like what California had with its power companies.

Ty Bailey, City Manager, stated coming from an emergency management background this was important and it was a great tool. The City currently participated in one with IPSA, which was the certifying body for journeyman, but it didn't include Rocky Mountain Power. This agreement would allow that to be a possibility because currently we weren't allowed to touch each other's equipment or share manpower or equipment. He explained Rocky Mountain Power was a union company, so it was huge to cross that barrier. He mentioned during the windstorm last year the City contracted with Brigham City, through a Mutual Aid Agreement, for assistance in repair and replacement of power poles and lines. He stated the City had received reimbursement from FEMA for a portion of the costs incurred by the City from the windstorm. He clarified the City's insurance covered both City employees going to help another jurisdiction and also workers who came to assist the City in an emergency.

Mayor asked if this agreement was in place and a power outage occurred wherein Rocky Mountain Power lines which fed Morgan City went down, could the City make some switch changes so power could be restored to Morgan City sooner instead of waiting for Rocky Mountain Power.

Gary said even with the agreement in place, it didn't automatically allow the City to make those switches. The City would need to get permission from Rocky Mountain Power first.

Mayor asked if it would be beneficial for the City to contact Rocky Mountain Power before another outage and inform them the City would be willing to make those switches if necessary, to assist in restoring power.

Ty said it would depend on whether or not it was just a routine outage for them. He stated the agreement wouldn't kick in until the City received a request on a large scale, such as an outage which encompassed a lot of the Wasatch Front. He explained Rocky Mountain Power viewed all their distribution customers as customers and Morgan City was just one customer. He agreed it would be beneficial to have a dialogue with Rocky Mountain Power to explain it was just a matter of switching at our substation where the City would feed it from a different direction which would potentially save a lot of time.

MOTION: Councilmember London moved to adopt and approve Resolution 21-22 – A resolution adopting and approving an agreement entitled One Utah Mutual Assistance Agreement Between PacifiCorp dba Rocky Mountain Power, the Utah Rural Electric Cooperative Association (URECA) and members of the Utah Rural Electric Cooperative Association (URECA), the Utah Associated Municipal Power Systems (UAMPS), and the Utah Municipal Power Agency (UMPA).

SECOND: Councilmember Alexander

Discussion on the Motion: None

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

Vote was 4 ayes; Motion passed unanimously to adopt and approve Resolution 21-22 – A resolution adopting and approving an agreement entitled One Utah Mutual Assistance Agreement Between PacifiCorp dba Rocky Mountain Power, the Utah Rural Electric Cooperative Association (URECA) and members of the Utah Rural Electric Cooperative Association (URECA), the Utah Associated Municipal Power Systems (UAMPS), and the Utah Municipal Power Agency (UMPA).

RESOLUTION 21-23 – BID AWARD TO SUPERIOR ASPHALT, LC, FOR THE 2021 CRACK SEAL PROJECT

Lance Prescott, Street Supervisor, explained the City had solicited bids for five different areas in the City for crack seal work. He said bids were solicited from four different companies the City had used in the past and the bids were due back to him by September 22nd. He stated the City received two bids back from Superior Asphalt and Preferred Paving. He said Superior Asphalt was the lowest responsible bid in the amount of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00). The bid from Preferred Paving came in at Thirty-Five Thousand Eight Hundred and Seven Dollars (\$35,807.00). He said from research and information he had received from other sources the City should be crack sealing at least a quarter of the City every year so that every four years the entire City was getting covered. He said this year the City was doing some new maintenance with all the manhole collars on Island Road, water valve bodies where overlay had been done, and any lips between driveways. He said it was approximately four or five years since crack seal had been done, with the exception of the walking path which was done three years ago but needed it again. He displayed a map showing everything which had been crack sealed and this project would be more by need than by year. There were some areas which the roads were in better shape than others and could go five or six years between crack seal, but other areas needed it more often. He said he put the list of areas together in the spring when it was cold, and the cracks were open, so he could get a better idea of what areas needed to be done before it got hot, and the cracks closed up. He explained the best time of year to do crack seal was the end of October or beginning of November.

MOTION: Councilmember Alexander moved to adopt and approve Resolution 21-23 – A resolution adopting and approving the bid submitted by Superior Asphalt, LC, for the 2021 Crack Seal Project in the amount of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00).

SECOND: Councilmember London

Discussion on the Motion: None

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

Vote was 4 ayes; Motion passed unanimously to adopt Resolution 21-23 – A resolution adopting and approving the bid submitted by Superior Asphalt, LC, for the 2021 Crack Seal Project in the amount of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00).

SPECIAL REPORTS

CITY MANAGER

UTAH LEAGUE OF CITIES AND TOWNS ANNUAL CONFERENCE – Ty reminded the Council of the ULCT Annual Conference this week. He said a couple of Councilmembers were attending the conference and it was a great way to prepare for the upcoming legislative session.

Ty asked Denise Woods, City Recorder, to report on the UMCA / Region VIII in Park City, Utah.

Denise explained there was an association in Utah for clerks and recorders called the Utah Municipal Clerks Association (UMCA) and currently she was serving as the Education Director on the Board for UMCA. The conference UMCA just had in Park City was also the Region VIII Conference for the International Institute of Municipal Clerks/Recorders (IIMC). Region VIII encompassed 11 states, including Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming. She said there were 28 clerks/recorders in attendance from several of the states in our region. There was an awesome lineup of speakers and we received some really good responses from the attendees on the speakers and the content. She said it was great being able to get back together and network with fellow recorders after everything being cancelled last year because of COVID. She also thanked Ty for the nomination he sent in for her as recorder of the year.

WELLNESS PROGRAM – PEHP – Ty informed the Council regarding the new wellness program the City started through PEHP. He said the program was well balanced and it covered career, physical, emotional, financial and community well-being. Laurie met with PEHP and got the program started at the City and the City received a mini grant of \$200.00 from PEHP to get started. He said Laurie, Wanda, Blake, and Matt were members of the wellness committee. Each month during staff meeting someone would be assigned/volunteer to give a health tip.

Councilmember Alexander reported on the Planning Commission meeting held on September 21, 2021. He said there were two public hearings proposing a rezone and amendment to the General Plan. He said a comment was made regarding the increased traffic in the area. He reported the Commission sent a favorable recommendation to the Council for the zone change from R-1-8 to RM-15, but it was contingent on the developer providing access to the project.

Councilmember London mentioned a concept plan for the Rupp property was also presented to the Planning Commission and was approved.

This meeting was adjourned at 6:50 p.m.

Denise Woods, City Recorder

These minutes were approved at the October 12, 2021 meeting.

ORDINANCE 21-09

AN ORDINANCE AMENDING THE ZONING DESIGNATION OF A PORTION OF PROPERTY LOCATED AT APPROXIMATELY 759 EAST 525 NORTH, BY CHANGING THE ZONING DESIGNATION THEREOF FROM SINGLE-FAMILY RESIDENTIAL (R-1-8) TO MULTI-FAMILY RESIDENTIAL (RM-15); PROVIDING FOR THE AMENDMENT TO THE ZONING MAP; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Morgan City has received an application for the rezone a portion of a parcel of property (Parcel No. 00-0004-3776 and Serial No. 04-322 – Containing 1.5 acres), located at approximately 759 East 525 North (hereinafter "Subject Property"). The application requests that the zoning designation of the Subject Property be changed from Single-Family Residential (R-1-8) to Multi-Family Residential (RM-15); and

WHEREAS, the Planning Commission reviewed the proposal and held a public hearing on September 21, 2021 and after its review the item was forwarded to the City Council with an favorable recommendation, but it was contingent upon developer providing access to the project; and

WHEREAS, the City Council, upon review of the Planning Commission's recommendations and a public hearing held on October 12, 2021, finds that the zoning designation on the Subject Property as Multi-Family Residential (RM-15) to be reasonable, rationally based, and consistent with the City's General Plan and is in furtherance of the health, safety, and welfare of the City.

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

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

SECTION II: ENACTMENT. The zoning designation for the following described property is hereby amended to be Multi-Family Residential (RM-15):

(See Attachment "A" – Legal Description)

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

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

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

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 12th day of October, 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	_____	_____
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ATTACHMENT "A"

LEGAL DESCRIPTION

**REZONE BOUNDARY DESCRIPTION
(SINGLE-FAMILY RESIDENTIAL (R-1-8) to MULTI-FAMILY RESIDENTIAL (RM-15))**

A PT OF THE NW ¼ SW ¼ OF SEC 25, T4N, R2E, SLB&M. T.M. AS B.B. BEG AT A PT WH BEARS N 47°33' W 1707.5 FT & N 40°30' E 251.45 FT FR MON "C" OF M.C.S. (SD MON. "C" IS LOC AT A PT WH BEARS N 0°15' W 460.0 FT & N 47°25' W 588.0 FT FR THE S ¼ SEC COR OF SD SEC 25) & RUN TH N 47°30' W 216.0 FT TO A CITY ST; TH ALG THE SE BDY LN OF SD CITY ST 2 COURSES AS FOLS: N 40°00' E 173.06 FT N 51°00' E 162.5 FT TO CITY ST; TH ALG THE SW BDY LN OF SD ST S 48°30' E 146.2 FT; TH S 40°30' W 116.0 FT; TH S 47°45' E 41.6 FT; TH S 40°30' W 220.5 FT TO THE POB.

CONTAINS 1.5 ACRES

ORDINANCE 21-10

AN ORDINANCE AMENDING THE GENERAL PLAN FOR MORGAN CITY BY AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN, FOR THE AREA LOCATED AT APPROXIMATELY 759 EAST 525 NORTH, FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Morgan City has received a request for an amendment to the Land Use Element of the General Plan for property located at approximately 759 East 525 North (hereinafter "Subject Property"); and

WHEREAS, the Subject Property, is designated Low Density Residential in the General Plan, and has the current zoning designation of R-1-8; and

WHEREAS, the residential uses remain strong on both sides of the Subject Property with zoning designations of both R-1-8 and RM-15; and

WHEREAS, based on the strength of the existing residential properties surrounding the Subject Property, the multiple zoning designations in this area, and the continuity of the transition from low density residential to medium density residential, an amendment to the Land Use Element of the City's General Plan from Low Density Residential to Medium Density Residential is reasonable; and

WHEREAS, the City Council finds that the proposed designation of Medium Density Residential is consistent with the remaining General Plan designations and is consistent with the existing uses and zoning classifications on the neighboring parcels; and,

WHEREAS, the City Council finds, at the conclusion of a public hearing and upon reviewing the recommendation from the Planning Commission, that the proposed amendment to the Land Use Element of the City's General Plan is reasonable and well founded, and is in furtherance of the health, safety, and welfare of the citizenry.

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

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

SECTION II: ENACTMENT. The Land Use Element of the General Plan of Morgan City is hereby amended as follows:

The following described property is removed from the Low Density Residential designation and now included in the Medium Density Residential designation:

(See Attachment "A" – Legal Description)

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

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

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 12th day of October, 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	_____	_____
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ATTACHMENT "A"

LEGAL DESCRIPTION

A PT OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SEC 25, T4N, R2E, SLB&M. T.M. AS B.B. BEG AT A PT WH BEARS N 47°33' W 1707.5 FT & N 40°30' E 251.45 FT FR MON "C" OF M.C.S. (SD MON. "C" IS LOC AT A PT WH BEARS N 0°15' W 460.0 FT & N 47°25' W 588.0 FT FR THE S $\frac{1}{4}$ SEC COR OF SD SEC 25) & RUN TH N 47°30' W 216.0 FT TO A CITY ST; TH ALG THE SE BDY LN OF SD CITY ST 2 COURSES AS FOLS: N 40°00' E 173.06 FT N 51°00' E 162.5 FT TO CITY ST; TH ALG THE SW BDY LN OF SD ST S 48°30' E 146.2 FT; TH S 40°30' W 116.0 FT; TH S 47°45' E 41.6 FT; TH S 40°30' W 220.5 FT TO THE POB.

CONTAINS 1.5 ACRES

MORGAN CITY

STAFF MEMO



DATE: September 21, 2021

SUBJECT: General Plan Amendment from Low Density to Medium Density Residential
Rezone Petition from R-1-8 Single-Family Residential to RM-15 Multi-Family Residential

LOCATION: Approximately 759 East 525 North

ZONING: R-1-8

BACKGROUND

The property that is the subject of this request is located on the east side of the 525 North right-of-way, about 157 feet north of 700 East. The applicant also has another property located on the west side of the right-of-way (Hardy property), across from this property (Anderson property), that is zoned RM-15 and on which they intend to build five apartments, which they can do by right.

The 525 North right-of-way is owned by the city and appears to have been intended for a future street, that might potentially have intersected with the extension of 825 East. However, as discussed below, there are significant issues with doing this.

The applicant proposes to rezone the Anderson property so they can build 10 apartments there, for a total of 15 apartments, to help defray the cost of developing 525 North to provide access to these properties. See the review below.

REVIEW

The main issue for development of these properties is the build-out of 525 North for access. The right-of-way is in the ownership of the city but not built. There is a substantial slope that exists within the right-of-way on the east side, and the home there has encroached a substantial distance onto the city ROW. Thus, building the street out to the full 60 ft. ROW width would cause considerable disruption to the home there, as well as require substantial excavating and retaining walls. For the applicant (or really any property owner here) to have to bear the cost of these improvements would likely make development cost-prohibitive.

The applicant has the rights to the Hardy property, which is zoned RM-15 and where they would like to build 5 apartments. However, to make the cost of building the access manageable, they propose one of the following options:

- Build a private lane – this would require the city to give up the ROW, or a portion of it, to the applicant. Doing this, however, would raise the question of how the Anderson property would then have access in the future. Not only would the access be owned by the applicant, but city regulations stipulate that a private lane can serve no more than five units, which would all be

allocated on the Hardy property. The only way for the Anderson property to have access rights, then, would be to allocate another private lane in the ROW. This is not ideal.

- Build out 525 North as a public street, but with a narrower 50 feet width that would be allowed because this is in the Sensitive Lands overlay area (this still entails substantial excavation and disruption of the corner home). This street would then be public and would be maintained by the city, essentially for the benefit of two properties.
- Built out 525 North as a private street, which would still have to be built to city standards, but then would be privately owned and maintained. The city would have to give up ownership of the ROW.

To make the later two options work financially, the applicant thus proposes to acquire the Anderson property and develop both properties together as indicated.

The Anderson property was, at one time, zoned RM-15, but at some point in the recent past was rezoned to R-1-8. Staff does not have the documentation from when this was done to understand why it was thus rezoned.

The build-out of 525 North to connect with 825 East, which seems to make sense on a map, is not feasible in the field. The slope at the north end of 525 North is very steep, and there is a pipeline that is near the surface just to the north that would entail substantial cost to modify in order to allow for a street crossing. Thus city staff see no benefit in this street configuration.

RECOMMENDATION

General Plan amendments and property rezonings are legislative decisions, giving city officials a great deal of discretion as to whether they are a good idea or not. There are a number of pros and cons to this proposal in light of the situation as explained above, and the Planning Commission should weigh them carefully in its deliberations before making a recommendation to the City Council.

MORGAN CITY PLANNING COMMISSION
PETITION FOR RE-ZONE REQUEST

NO. _____

Applicant Name (s): _____ **Address:** _____ **Phone:** _____
(1) Wardell Brothers Properties 427 E 100 N Morgan 801-710-1904
(2) Dallas/Jordache Wardell _____

Property Owner Name (s) _____ **Address:** _____ **Phone:** _____
(If different from Applicant, please submit a "Right to Represent" form.)
(1) Barbara Anderson Family Trust 759 E 525 N 801-631-2979
(2) _____

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

From R1-8 to RM15 & From _____ to _____

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

- a. Address of Property: Parcel # 00-0004-3776 Behind 759 E 525 N Morgan
- b. Recorder's Plat/Legal Description: Parcel # 00-0004-3776
Please attach with property outlined in red. -Attached
- c. Vicinity Plan (total project) Please Attach-Attached

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

Signature [Signature] Date 8/2/21 Date of Meeting 8/17/21

Fee Paid: _____ Date: _____ Receipt #: _____

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



90 West Young Street PO Box 1085 Morgan, UT 84050 Tel. 801.829-3461 Fax. 801.829-6684

PETITION TO
AMEND THE GENERAL PLAN

Name of Petitioner: Wardell Brothers Properties-Dallas/Jordache Wardell
(Please Print)

Address of Property Owner: 427 E 100 N Morgan UT 84050
Street City State Zip

Phone: 801-829-4999

Cell: 801-710-1904

Fax: 801-829-3064

Email: jwardell@wardellbrothers.com

I/We the undersigned hereby respectfully petition the Morgan City Council to amend the Morgan City General Plan for the purpose of:

Make the best use of Parcel # 00-0004-3776. It is adjacent to Parcel # 00-0004-3727
which is zoned RM15. See attached document. The current GP changes from R1-8 to RM15
at the edge of this parcel and due to the limited access off of 700 E that they both share, it is not
feasible for 1-2 residential homes to be built on this parcel because that would require a full
size city standard road. See attached document with details.

From: R1-8
(Current Zoning)

To: RM15
(Proposed Zoning)

By: J. Wardell
Petitioner's Signature

