

**MINUTES OF MORGAN CITY
COUNCIL MEETING**

August 23, 2022; 7:02 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**Mayor Steve Gale, Tony London, Jeff Wardell, Eric
Turner, and Jeffery Richins**

**COUNCILMEMBERS PRESENT
ELECTRONICALLY:**

Dave Alexander

STAFF PRESENT IN-PERSON:

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

OTHERS PRESENT:

Ray Little, Planning Commissioner

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

The pledge of allegiance was led by Ray Little, Planning Commissioner.

The opening ceremony was presented by Councilmember Turner.

APPROVAL OF MEETING AGENDA

MOTION: Councilmember London moved to approve the agenda.

SECOND: Councilmember Turner

Vote was 5 ayes; Motion passed to approve the agenda; Councilmember Alexander voted aye electronically.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve the following:
City Council Work Meeting Minutes – August 9, 2022;
City Council Meeting Minutes – Truth in Taxation – August 9, 2022; and
Warrants (08/05/22 to 08/19/22).

SECOND: Councilmember Richins

Vote was 5 ayes; Motion passed to approve the minutes as written and one set of warrants; Councilmember Alexander voted aye electronically.

CITIZEN COMMENTS

David F. Castro, 497 Sherrie Street, Morgan, Utah: David Castro addressed the Council regarding internal accessory dwelling units. He gave a brief history of his family and life in Morgan and the size of their home. He said they had excess space within the primary footprint of their home which could easily be

converted into a comfortable one-bedroom, full kitchen, full bath, large living room and a small study with a separate access (Internal Accessory Dwelling Unit (IADU)). He stated Jake Young, City Planner, had informed him the state had made changes to the State Code regarding ADUs during the 2021 Legislative Session – HB 82 Single-Family Housing Modifications. He stated it could provide either a single person or a couple a comfortable living space with a beautiful view. He expressed his appreciation to the City Council for their review and consideration of this request to develop a City ordinance to allow ADUs within Morgan City.

Mayor Gale asked Gary Crane, City Attorney, to explain what would be considered a ‘separate’ entrance for the ADU, i.e., entrance through the garage which went to the basement.

Gary Crane, City Attorney, stated the State Code didn’t describe specifically what constituted a separate entrance.

David Castro explained where the separate entrance would be located on his home for the ADU.

Ty Bailey, City Manager, explained this was the point in the agenda for citizen comments and this item was on the active agenda for a discussion and to receive direction from the Council whether or not to recommend to the Planning Commission the drafting of an ordinance later during the meeting. He expressed his appreciation to David Castro for coming and giving input regarding this issue.

ACTIVE AGENDA

DISCUSSION / ACTION – MIXED-RESIDENTIAL OVERLAY ZONE AND ACCESSORY DWELLING UNITS

Councilmember London asked since the State allowed ADUs could the City deny a request for someone wanting to have an ADU in their home.

Gary stated the City couldn’t deny it, but it would be good if the City put an ordinance in place which outlined the conditions which needed to be met in order to have an ADU, i.e., parking, access, etc.

Ty expressed appreciation to those residents who wanted to do it correctly.

Gary stated the City had to look at the state statute and incorporate those requirements into the City’s ordinance. He explained the City couldn’t put anything in their ordinance contrary to state law and the City couldn’t require more than what the state statute did. He stated what was in the state statute currently governed what the City could do. He explained in the City’s ordinance they could require an additional parking space because the biggest problem with ADUs was parking. He stated the parking needed to be off the street because the City’s winter parking ordinance prohibited parking on the street.

Jake Young, City Planner, clarified the State Code allowed the City to require one additional stall for the ADU so if the City’s ordinance regulating single-family dwellings required two parking stalls per home, then the City could require a third stall for an ADU. He stated several items the City could require in their ordinance:

- A business permit if the City wanted to regulate it as a business;
- Require that the ADUs be owner occupied; and
- Prohibit them from being used as nightly rentals.

Councilmember London and Councilmember Alexander informed the Council that during the last Planning Commission meeting ADUs were discussed, and the Planning Commission would welcome direction from the Council to begin the process of adopting an ordinance to properly regulate ADUs.

Discussion on whether to begin drafting an ordinance to regulate only internal ADUs or to also include attached ADUs.

Gary stated there were several items which needed to be addressed in the ordinance for attached ADUs, i.e., setback requirements, separation of units, height requirements, etc. He stated there were many people who had added to the footprint of their home to be able to accommodate an ADU and that was not what Jake referred to when he was talking about attached ADU. He stated the bottom line was the 'attached' had to be part of the current home as if you were going to build on an additional room and needed to follow all the City's building codes and standards.

Councilmember Alexander stated in the Planning Commission meeting, Jake explained the attached ADU needed to look like it was part of the home, an attached garage could be converted into an ADU, or a room above the existing home where it was attached could be considered an attached ADU.

Discussion on what direction to give Jake moving forward regarding ADUs. Gary stated internal ADUs were mandated by the State, but the legislature hadn't set regulations for external/detached ADUs, but he felt they would address the issue in the near future. He suggested the City begin drafting an ordinance to regulate the internal ADUs within the City. Discussion regarding separate meters for water, sewer, and power and should it be required. Gary stated rather than connecting the utility services through the existing home, most external/detached ADUs were built so they could be sold off as separate units if desired and they would need a separate meter.

Jake stated there was a grey area between an attached and an internal ADU. He mentioned a scenario where someone came into the City and applied to do an addition onto their home following the current building standards and later, since it met the requirements of an internal ADU they could have an ADU. He stated the detached ADU was clearly a separate building and there was a clear zoning line.

The consensus of the Council was to recommend Jake to begin drafting the City ordinance to regulate both the internal and attached ADUs.

Councilmember Alexander complimented Jake on the work he had done regarding the mixed-residential overlay zone and the presentation to the Council. He said Jake was sensitive to the fact Morgan was small and didn't have large parcels for this type of development, but the City could manage small developments with the overlay zone. He commented on the public hearing which would be held during a Planning Commission meeting to hear the public's input before the overlay zone was adopted.

Councilmember London asked if when a developer came to the Planning Commission requesting a zone change with the mixed-residential overlay could the Planning Commission require a very detailed plan or rendering of what they were going to develop.

Gary said yes. He said it was the advantage of this type of development because the City could ask for those specific details, i.e., landscaping, location of units, etc. He said this could be required of the developer prior to the public hearing.

Councilmember Turner expressed his concerns regarding this issue and stated the City should take some time in making the decision regarding ADUs. He stated he loved the rural atmosphere and the open concept, and this type of development could change the face of Morgan.

Councilmember Alexander stated it was critical to realize the difference between a zone change and the overlay zone. The overlay zone would be a development tool available to developers if they choose to apply for it and it didn't mean that a piece of property was approved for a higher density development. He said at the public hearing the City could get input from the community whether they would like such a development in their neighborhood. The City didn't have to approve the overlay zone, but the benefits could outweigh the high density.

Councilmember Richins said he viewed it as an additional option for the City. For example, if a developer came in with a zone change to R-1-10 or R-1-12 and wanted a different feel to the development he could also apply for the overlay zone. He said if the property was zoned R-1-10 or R-1-12 on the zoning map the Council's only choice was to vote yes or no, but with the overlay zone the developer had options for a different type of community feel.

Councilmember London stated the developer would build what would sell and lately Morgan has seen a lot of medium density residential developments. He was okay with the overlay zone as long as the City was able to see the end product and the neighbors surrounding the proposed development having the opportunity to voice their approval or disapproval of the development with the overlay zone.

Jake explained the process of drafting the ordinance and working through it with the Planning Commission until they recommended it to the Council, after a public hearing, for the Council's review and adoption.

Councilmember Turner said he thought they should recommend Jake to move forward with the ADUs as recommended and come back to this issue at a later date.

Lance Prescott, Planning Commission, stated the drafting of the overlay zone ordinance would be a long process to work through with City staff and the Planning Commission, but he didn't want to see a good opportunity get away from the City.

Ray Little, Planning Commission, stated this concept was different from what we have seen in the past and it was different than our 'normal' developments. If the City did put this overlay zone in place it was another option for the developer to apply for. He felt this was an option for larger development instead of the three-to-four-acre development as Jake discussed earlier. He stated he wasn't opposed to have Jake start drafting the ordinance though, but the issue regarding ADUs seemed more pressing.

Councilmember London stated he was in favor of having Jake and the Planning Commission begin the process on both issues.

Councilmember Wardell agreed with Councilmember London.

Councilmember Richins stated he recommended they start the process but with the priority being on the ADUs. He stated the City had a lot of irons in the fire and he wanted to make sure the issues were prioritized in the correct order for the City.

Councilmember Alexander recommended moving forward with both the ADUs and the mixed-residential overlay zone.

The consensus of the Council was to recommend that Jake and the Planning Commission move forward with drafting the ordinances for the mixed-residential overlay zone and also the internal and attached ADUs.

CITY REPORTS AND BUSINESS

City Manager Updates

Team Appreciation Recognition Program (TARP) – Ty explained the City participates in the TARP program with the Utah Local Governments Trust and the City received a rebate check again this year for our participation.

Como Springs – Ty stated Gary Crane, City Attorney, drafted a letter to the County Planning Commission for the Mayor's signature which outlined the City's objections/concerns to an access to Como Springs off of 100 South.

Young Street Bridge Project – Ty explained the project was moving along and the City had obtained the Right-of-Way needed from Jenkins for the project.

Geothermal Study Project Agreement – UAMPS – Ty stated the City had signed up to be part of a Geothermal Study Project through UAMPS. A study group was formed to study technology of different ways to generate power and if the project came to fruition the City would receive 100 kilowatts from it. If the project was put together the City would have the option to reassess how much they wanted in the project. He informed the Council they were looking at an internal generation of natural gas generator and there was a possibility of a grant opportunity as a backup power source for the City's utilities.

Train Depot – Ty updated the Council regarding the remodel of the Train Depot which was almost finished. He said he was working on another grant for the completion of the building so it could possibly be used as a visitor center.

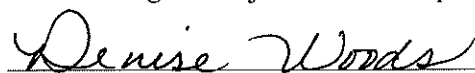
Sidewalk Project – Lance updated the Council on the project. He stated the rock and landscaping was completed and they would be replacing collars around manholes and water valves.

Sewer Lagoons – Ty stated the sewer lagoons were back on-line and both pumps were working and the building which covered the blower motors was the last item to be completed at the sewer lagoons. He said the City had also purchased a machine which helped remove the duckweed off the top of the lagoons.

Emergency Repair Sewer Line – Ty explained this project was related to the road project. He stated a resident's sewer lateral was crushed when the City installed one of the sumps and didn't realize it until after the road had been paved. The sewer line was actually through a neighbor's backyard and Lance proposed bringing it to the front of a different street.

Lance explained he had talked with Kale, Senior Sewer Operator, and Matt and Kyle with Jones and Associates, and going forward Kale would have Twin D make note where the locations of the sewer laterals were when they did camera work and inspections within the City and then Kyle would attach that information into our GIS system so in the future we would have the measurements of where every sewer lateral was located within the City to avoid similar issues in the future.

This meeting was adjourned at 8:24 p.m.


Denise Woods, City Recorder


Steve Gale, Mayor

These minutes were approved at the October 11, 2022 meeting.