

**MINUTES OF MORGAN CITY
COUNCIL MEETING**

OCTOBER 11, 2022; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT IN-PERSON:

Ty Bailey, City Manager; Row and Stephanie Howard; and Denise Woods

STAFF PRESENT ELECTRONICALLY:

Gary Crane, City Attorney; Jake Young, City Planner

OTHERS PRESENT:

Jordache Wardell and Dallas Wardell, Wardell Brothers Properties, LLC; Linda Petersen, Morgan County Journal; Harley Howard and Zane Howard

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 Dallas Wardell.

The opening ceremony was presented by Councilmember Turner.

APPROVAL OF MEETING AGENDA

MOTION: Councilmember Alexander moved to approve the agenda.

SECOND: Councilmember Turner

The motion passed to approve the agenda.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve the following:
Minutes of the City Council Meeting – August 23, 2022; and
Warrants (09/23/2022 – 10/09/2022).

SECOND: Councilmember London

The motion passed to approve the minutes as written and one set of warrants.

CITIZEN COMMENTS

Linda Petersen, Morgan County Journal, introduced herself as the new government writer for the Morgan County Journal, which recently acquired the Morgan County News. She stated she had been a community news reporter for 25 years and had covered Salt Lake County, Beaver County, Sanpete County, and Davis

County to name a few. She would be covering Morgan City and Morgan County remotely. She also had a second job as a reporter for Intermountain Catholic in Salt Lake City.

NEW BUSINESS

FINAL ACCEPTANCE OF QUAIL HOLLOW SUBDIVISION PHASE 2 – PARTIAL RELEASE OF ESCROW FUNDS IN THE AMOUNT OF \$73,008.73

Mayor explained Brent Slater, City Engineer Representative, had completed the final inspections of the improvements for Quail Hollow Subdivision Phase 2 and he had found them to be satisfactory and met the minimum requirement of Morgan City standards in accordance with engineering and/or subdivision plans submitted and previously approved. He stated the amount of \$4,470.75 would remain in the escrow account until next summer when the placement of the seal coat could be completed. He explained if the amount of the seal coat exceeded the \$4,470.75 the developer would be responsible for the additional cost.

MOTION: Councilmember London moved grant final acceptance of Quail Hollow Phase 2 Subdivision and to release Seventy-Three Thousand Eight Dollars Seventy-Three Cents (\$73,008.73) from the escrow account.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to grant final acceptance of Quail Hollow Phase 2 Subdivision and to release Seventy-Three Thousand Eight Dollars Seventy-Three Cents (\$73,008.73) from the escrow account.

CITY OWNED RIGHT-OF-WAY IN WARDELL'S DEVELOPMENT – PROPERTY LOCATED AT APPROXIMATELY 550 EAST 700 NORTH

Mayor explained this was to be a discussion on the access road and the City's decision regarding allowing the use of the road by the Wardell development and was not a discussion regarding the development.

Councilmember Wardell recused himself from any discussion or decision regarding this matter due to a possible conflict of interest.

Ty Bailey, City Manager, explained the property was purchased by Wardell Brothers Properties, LLC, and rezoned to RM-15 and the City owned a 60-foot piece of property which went all the way through the two parcels and narrowed at the top. He stated the City owned the property to ensure access to this property. He said the Wardell's were working through the review process and one of the requirements was to ensure access so the City needed to discuss their options of how the City could help ensure access for the property. He mentioned several options – sell the developer the property and it would become a private road, developers would develop a full City street for public access and the City would own and maintain the road, or the City could enter into a License Agreement with the developer which would allow the City to maintain ownership, but the developer would maintain the road. He explained if the City entered into the License Agreement the City could be more flexible and not require the road to be built to full City standards. He suggested the City keep ownership to the road since it went up to 825 North.

Gary Crane, City Attorney, said the road didn't accommodate a public street so that wouldn't be an option. He said if the road was owned by the developer, it would be a private street, and if the City sold the property it needed to go out for bid. He explained the process to surplus the parcel as an insignificant parcel of

property pursuant to City ordinance. He stated this piece of property would not be considered an insignificant parcel due to its size so it would need to go out to bid if the City chose to sell it. He recommended the best option for the City would be to maintain ownership but transfer the responsibility for developing, maintaining, and caring for the street to the developer through a Licensing Agreement.

Jordache Wardell, Wardell Brothers Properties, stated they would prefer what Gary recommended. He stated they would build the road to City standard with streetlights.

Jake Young, City Planner, joined the meeting electronically at 7:23 p.m.

Jake Young, City Planner, said he agreed with Gary's recommendation. He explained this property was in the sensitive lands so it needed a conditional use permit (CUP) and so any agreements should be conditional upon the CUP and approval of the development.

Gary agreed if the CUP was granted then a condition of the CUP would be the completion of the License Agreement for the access road and these two items could happen concurrently.

Councilmember Alexander asked regarding the maintenance of the road.

Gary clarified the road would be maintained by the development so there would be an HOA, which would be part of the requirement of development, and the HOA would maintain it as common area.

Jake asked if the development was an apartment complex, and it was singularly owned could the owner be responsible for maintaining the road.

Gary stated within the License Agreement the City could require the property be perpetually maintained by the owner of the property if it remained as single ownership.

Jordache mentioned the road would be City accessible. He clarified the roadway would be City owned but privately built so access to the City was there. He stated a survey had been completed and the width was 62' wide and 60' was required for a road.

Jake mentioned the width of the road on the plan was 40' and it was a City approved street. He explained there would be sidewalk on one side of the street and the total right-of-way was approximately 50'. He reviewed the proposed site plan in the packet.

Jordache said the grade was 12% for a portion and then it was a 15% grade for the remaining portion of the road.

Jake mentioned the Fire Marshal had also reviewed the proposed site plan. In the letter from the Fire Marshal, he stated even though the 15% grade was over the allowed 12% grade, he could work with it.

MOTION: Councilmember Alexander moved to approve the concept that the City maintain ownership of the right-of-way in the Wardell Development, property located at approximately 550 East 700 North and also enter into a License Agreement to provide access to the development and the developer would maintain the right-of-way.

SECOND: Councilmember Turner

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to approve the concept that the City maintain ownership of the right-of-way in the Wardell Development, property located at approximately 550 East 700 North and also enter into a License Agreement to provide access to the development and the developer would maintain the right-of-way.

Councilmember Wardell rejoined the meeting at 7:33 p.m.

Jake Young left the meeting at 7:33 p.m.

Gary Crane left the meeting at 7:33 p.m.

SPECIAL REPORTS

Recognition – Row Howard – Ty informed the Council Row Howard had completed the certification for Residential Building Inspector.

Row Howard stated it was difficult taking this position because he had worked closely with Mark Schmid before he passed away. He said he appreciated this opportunity. He had also taken the OSHA 10 Course and became the designated safety officer for the City through Utah Governments Trust and had taken over code enforcement for the City.

Councilmembers congratulated Row on his accomplishment.

Strategic Project Planning Meeting – Councilmembers London and Turner expressed their appreciation to Ty for the Strategic Project Planning Meeting and asked that a spreadsheet outlining the projects be compiled for the Council's review.

Young Street Bridge – Ty updated the Council on the Young Street Bridge Project. He had been working with UDOT since the City's match money hadn't been solidified yet, but they moved forward knowing the City would provide the match. He said the project had been sent out to bid and the City should receive the bids at the end of October and then the process of selecting a bid would begin and finally construction would begin Spring 2023.

Campaign Sign – City Code – Ty stated it was campaign season and the City had received a concern regarding the campaign signs being allowed within the park strip. He stated the City's code didn't read like it's intended to, and the City had deferred to the County, so it is consistent for the candidates. He read the City's Code Section 10.32.180(F.1.) and also the County Code Section 8-10-6(13).

Discussion regarding the interpretation of the City Code and also the County's Code. Decision of the Council was to amend the code by stating – or if no curb, gutter, and sidewalk five feet back from asphalt.

Project Update – Ty updated the Council on the following projects which were either completed or close to completion – Sidewalk Project, Basement Remodel Project, Diffuser Project at Sewer Lagoon, and Train Depot.

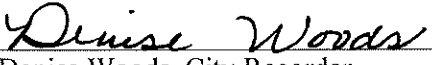
Economic Development Grant – Ty mentioned an Economic Development Grant which opened next month, and he intended to apply for it to renovate the inside of the Train Depot and make it usable as a visitor center, i.e., tables, chairs, display cases, etc. He also mentioned part of the grant

would be used to purchase a trailer for the City to use as storage of event supplies. He explained the match for the grant was 30%.

Commo Springs – 100 South Entrance – Councilmember Alexander stated at the County Planning Commission's meeting the members were unaware of the letter from the Mayor. He suggested a new letter be addressed to the County Commissioners. He said the Planning Commission had given a positive recommendation at their first meeting.

Mayor stated he had read the letter to the County Commissioners and they each had a copy for their next meeting.

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



Denise Woods, City Recorder



Steve Gale, Mayor

These minutes were approved at the November 8, 2022 meeting.