

**MINUTES OF MORGAN CITY
COUNCIL WORK MEETING**

FEBRUARY 13, 2024; 6:02 P.M.

**MAYOR AND COUNCIL MEMBERS
PRESENT:**

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

**PLANNING COMMISSION MEMBERS
PRESENT**

Nathan McClellan, Chair; Mark Francis, Justin Rees, Erin Bott, Ray Little, and Lance Prescott

**PLANNING COMMISSION MEMBERS
PRESENT ELECTRONICALLY:**

Jasson Ackett

STAFF PRESENT:

Ty Bailey, City Manager; Gary Crane, City Attorney; Denise Woods, City Recorder; and Teresa Shope

EXCUSED:

Jeff Wardell and Wesley Woods

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.

TRAINING – GARY CRANE, CITY ATTORNEY

JOINT ANNUAL TRAINING – CITY COUNCIL AND PLANNING COMMISSION – GARY CRANE, CITY ATTORNEY (CONFLICT OF INTEREST, OPEN & PUBLIC MEETINGS ACT, AND SEXUAL HARASSMENT)

Gary Crane, City Attorney, stated in preparation for this meeting everyone was asked to complete the training on the State Auditor's website: Introductory Training for Municipal Officials and Open and Public Meetings Act. The meeting began with a discussion emphasizing its importance due to state law requiring the Planning Commission to have four hours of education in planning, including public and open meetings training. Completing this training online ensured that participants have received proper education. The speaker acknowledged those who had completed the training, highlighting the importance of certificates.

The meeting then shifted to cover three essential topics: open meetings, conflicts of interest, and harassment. Gary stressed the increased significance of these topics due to legislative changes and the potential for compensatory damages against cities.

The discussion delved into the definition of a meeting, emphasizing the need to be cautious when discussing applications outside formal meetings to avoid violating the open meetings act. Gary provided best practices for City Council and Planning Commission members, including annual training and ensuring accurate written minutes.

Gary touched on the Mayor's responsibilities and the City Planner's ability to communicate with developers. The importance of optics, conflicts of interest, and self-declaration were also highlighted. Gary recommended stepping down in cases where a conflict may exist, especially when dealing with close

community relationships or financial interests. He also reminded those in attendance about potential legal consequences for obtaining insider information or economic benefits through closed meetings. He emphasized the importance of not stepping down for every decision and highlighted an example related to gifts in the context of business interests. He explained the importance of keeping confidential matters protected, which were discussed in closed meetings. Gary provided a handout outlining different samples of conflict, the requirements for municipalities, and the possible penalties for violations, which is attached hereto.

Gary stated the final and significant subject was harassment. He covered questions related to unbiased decision-making, pecuniary benefits, and optics when serving in a public role. He then touched on harassment, including not just sexual harassment but also harassment from external sources. He shared a case where an employee faced harassment from citizens, leading to emotional distress and counseling. He explained the responsibility of the City in protecting staff from such situations, emphasizing the need for reporting and a robust policy.

Gary mentioned the role of social media in harassment cases, acknowledging its prevalence and discussing limited responses from the City. He highlighted the importance of a quick and well-documented response to harassment, emphasizing the potential legal consequences and the need to create a safe working environment.

The training concluded with a brief mention of the evolving nature of harassment policies, encompassing genetic information and diverse categories. Gary urged the City to keep policies current, respond promptly, and foster an inclusive culture.

ITEMS FOR DISCUSSION

DRAFT SHORT-TERM RENTAL ORDINANCE

Gary explained during recent discussions regarding short-term rentals the City Council had chosen not to regulate them through land use, but to provide regulation through business licensing and code enforcement. He stated by doing this it wouldn't go through the Planning Commission for recommendation of approval. He stated short-term rentals would be handled on the basis of nuisance and they would be allowed anywhere where there were residential uses within the City. He said the City wanted to track the number of short-term rentals and also collect the taxes (Transient Room Tax (TRT)) because there was a certain burden on cities. He mentioned that at a recent meeting Nathan McClellan, Planning Commission Chair, made a comment that short-term rentals were good at policing themselves. He said it was the ones who weren't policing themselves that you needed to develop the ordinance for to try and regulate, but most will be compliant with the ordinance because they are dealing with it from a business license. He mentioned the Consolidated Fee Schedule regarding business licenses would also be amended to include the fee for short-term rentals.

Councilmember Alexander asked if Jake should be included in the discussion of this ordinance and also suggested staff review the ordinance before it came to the Council.

Ty Bailey, City Manager, provided clarification on the review of several ordinances related to short-term rentals. The administrative staff had previously compiled a list of preferences and concerns. In response to Dave's question about limitations, Ty addressed the rationale behind decisions, citing the avoidance of creating artificial demand. He used the example of other cities like Sandy, where restrictions per block led to businesses registering to secure licenses. Ty highlighted the preference for a market-managed approach, suggesting that allowing the market to dictate demand could be more effective.

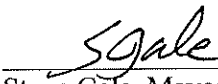
Ty also discussed the consideration of the City's local market, describing it as an expensive market with low tourism demand. As a result, the proposal was leaning towards an approach with no specified limits, considering the unique characteristics of their community. Ty expressed confidence that their market was somewhat self-regulating, minimizing the potential for excessive short-term rentals.

Teresa Shope, Planning Secretary, stated the focus in the past discussion was on the importance of regulation, particularly the emphasis on getting short-term rentals registered. She highlighted the significance of having a management company that enforced rules and regulations for all registered entities. The goal was to facilitate the licensing process and ensure that short-term rentals adhere to regulations.

Ty expressed the idea of viewing regulation as a service rather than a strict enforcement measure. This approach involved assisting individuals interested in short-term rentals and guiding them through the registration and licensing procedures. He suggested organizing the regulation efforts based on specific areas in Morgan, treating it as a localized service for better management. He recommended that Staff and Gary review the ordinance and bring it back for further discussion at a later date.

This meeting was adjourned at 7:00 p.m.


Denise Woods, City Recorder


Steve Gale, Mayor

These minutes were approved at the February 27, 2024 meeting.

Conflict	Requirements for Municipalities	Penalty
<i>Conflict between public duty and personal interests.</i>	Nothing specifically stated in statute	Depends upon specifics, but generally: <ul style="list-style-type: none"> • Removal from office • Dismissal from employment • Misdemeanor to felony, depending upon amount and type of offense • Rescind or void contract without returning any part of consideration received by government entity.
<i>Disclose or use private or protected information to benefit self or others.</i>	Not allowed	
<i>Gifts</i>	Not allowed, with some exceptions for occasional small gifts	
<i>Compensation for assisting person or business with a transaction involving the government.</i>	Allowed with proper disclosure	
<i>Being an officer, agent, employee or owner of a business subject to regulation by the government.</i>	Allowed with proper disclosure	
<i>Interest in a company that does business with the governmental entity.</i>	Allowed with proper disclosure	
<i>Personal investments that create conflict between personal interest and public duty.</i>	Allowed with proper disclosure	
<i>Use or attempt to use official position to further personal economic interest or secure special privileges for self or others.</i>	Not allowed	
<i>Outside employment that might interfere with ethical performance of public duties.</i>	Nothing stated in statute	
<i>Demanding or accepting a donation, payment, or service as a condition of granting a permit, approval, authorization, etc. (seeking and offering a bribe).</i>	Nothing stated in statute	