

**MINUTES OF MORGAN CITY
COUNCIL MEETING**

FEBRUARY 27, 2024; 7:06 P.M.

**MAYOR AND COUNCIL MEMBERS
PRESENT:**

**Mayor Steve Gale, Tony London, Jeffery Richins, and
Dave Alexander**

STAFF PRESENT IN-PERSON:

**Ty Bailey, City Manager; Gary Crane, City Attorney;
Jake Young, City Planner, CitiDesign; and Denise
Woods, City Recorder**

EXCUSED:

Jeff Wardell and Eric Turner

OTHERS PRESENT:

**Ali Hanson, Kesley Sconesby, Elli Lane, Ryan Nye,
and Cody Nye**

**OTHERS PRESENT
ELECTRONICALLY:**

Lisa Benson, Landmark Design

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 Council Member Richins.

The opening ceremony was presented by Council Member Alexander.

APPROVAL OF MEETING AGENDA

MOTION: Council Member London moved to approve the agenda.

SECOND: Council Member Richins

Vote was 3 ayes; Motion passed unanimously to approve the agenda; Council Member Wardell and Council Member Turner were absent.

MINUTES AND WARRANTS

MOTION: Council Member Alexander moved to approve the following:
Minutes of the City Council Work Meeting – February 13, 2024 with changes proposed by eliminating the word “sexual” from Page 1, second paragraph under Training, and Page 2, first full paragraph;
Minutes of the City Council Meeting Minutes – February 13, 2024; and
Warrants (02/09/24 to 02/23/24).

SECOND: Council Member London

Vote was 3 ayes; The motion passed unanimously to approve the minutes with the changes proposed on Page 1, second paragraph under Training, and in the first full paragraph on Page 2, by eliminating the word “sexual” and one set of warrants; Council Member Wardell and Council Member Turner were absent.

CITIZEN COMMENTS

No citizen comments.

ACTIVE AGENDA

AMENDMENT TO TITLE 10, CHAPTER 10.15 – MIXED RESIDENTIAL OVERLAY (MRO) ZONE, SECTIONS 10.15.060, 10.15.110, AND 10.15.120 OF THE MORGAN CITY CODE – ORDINANCE 24-02

Jake Young, City Planner, CitiDesign, gave a brief background on the proposed changes to Title 10, Chapter 10.15 – Mixed Residential Overlay (MRO) Zone. The primary focus was on the rezone of two parcels to the MRO. The first two items addressed recommendations on the MRO zone, noting observations during the application process. Notably, certain ordinance adjustments were proposed, with one change deemed necessary for the project's progression.

Jake explained as the application for the MRO was processed, observations were made regarding the ordinance, leading to the proposed amendments. He said certain changes would be necessary for the project to proceed, while others were deemed unnecessary regarding the project. This constituted the first item on the MRO in terms of ordinance updates. He said the second item focused on the rezone from Central Commercial (C-C) Zone to General Commercial (C-G) Zone, a crucial step for the Mixed Residential Overlay. He emphasized the need for this rezone due to specific zones being permitted as base zones for the overlay.

Jake explained adjustments were made to open space requirements in the MRO zone. The original ordinance mandated that open space be a single piece unless exceeding one acre. Proposed code changes allowed division for projects of seven acres or less to be divided into one to three areas. For projects over seven acres, up to five usable open space areas were permitted, each usable open space area to be no less than 5,000 square feet.

Jake mentioned the second ordinance change involved reducing the minimum requirement for usable open space along the perimeter or street front from 60 to 40 feet. This adjustment aimed to align with townhome spacing requirements and enhance conformity.

Jake stated the third item addressed procedural changes in the application process. Initially required in the initial application, the Homeowners Association (HOA) – Codes Covenants and Restrictions (CC&Rs), property landscape and management plan, and master development agreement were recommended to be moved to the subdivision process. This adjustment aimed to streamline the process, aligning it with the City's current processing method.

Council Member Alexander stated the proposed changes to the Code were for the betterment of the MRO ordinance and not necessarily the project which was being considered for approval.

Each item will be discussed and then voted on after the discussions.

AMENDMENT TO ZONING DESIGNATION OF A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 300 NORTH 300 EAST, FROM CENTRAL COMMERCIAL (C-C) TO GENERAL COMMERCIAL (C-G) – ORDINANCE 24-03

Jake explained this item was a rezone request of a parcel of property from Commercial Central (C-C) to General Commercial (C-G). The proposed change was minor and aligned with the General Plan. The property encompassed 0.12 acres, contributing to the overall project spanning 4.12 acres. Situated just east of State Street and south of Industrial Road, the property's current use was agricultural. The existing zoning included Central Commercial (C- C), General Commercial (C-G), and Residential Multi-family (RM-15). The requested rezoning pertained to a small piece of the property, while the other two zoning designations remained unchanged.

APPLICATION OF THE MIXED RESIDENTIAL OVERLAY (MRO) ZONING DESIGNATION TO PARCELS OF PROPERTY LOCATED AT APPROXIMATELY 300 NORTH 300 EAST – ORDINANCE 24-04

Jake explained the concept of overlay zoning, emphasizing that the base zoning would remain unchanged, with the overlay depicted on top through a diagonal line or hatch on the updated zoning map. This visual representation allowed observers to see both the existing and proposed zoning. The discussion acknowledged that, in this case, the application was for the Mixed Residential Overlay (MRO), which would override the base zoning.

Jake presented the layout presented by the applicant which showcased the differences in an overlay zone, highlighting the ability to require site plan approval. The speaker clarified that the provided concept site plan outlined the layout of streets, single-family homes, townhomes, and usable open space. The layout adhered to MRO requirements, with 12 single-family homes and 20 townhomes proposed.

Jake explained the property was located within the Sensitive Lands District, requiring further processing at the subdivision level, specifically during the platting phase. Jake noted the option for the applicant to undergo a Loma (Letter of Map Amendment) and a Clomar (Conditional Letter of Map Amendment) process to address sensitive lands considerations. He stated in sensitive lands the maximum number of units was 20, but if they submitted the Clomar it would meet the current zoning without the sensitive lands.

The presentation then shifted to visuals of the proposed usable open spaces, including stormwater management features and a designated park area.

Jake explained that the amenities were for the public, such as a playground, shade structure, and trail, would be privately maintained but publicly accessible, as stipulated in the development agreement. He explained the site plan showed the placement of garages behind single-family homes, meeting the requirement for two driveways. Architecture concepts for both single-family homes and townhomes were submitted by the applicant, emphasizing the need for varying designs to comply with the City's architectural requirements.

Jake addressed a public concern voiced during the Planning Commission meeting related to wildlife habitat, stating that the neighbor had requested consideration for this aspect. The Planning Commission had given a favorable recommendation with minimal concerns raised during the public hearing.

In conclusion, Jake recommended that the Council consider and vote on each item individually.

Council Member London mentioned this was the first MRO project proposed for development within the City. He complimented the developers, Ryan and Cody Nye, on the amount of time and effort devoted to making this project work and to make it something to be proud of in the community.

Jake also clarified the ordinance required that 50% of the units be individually platted and available for sale. He emphasized the intent of the ordinance was to create a lot of 'For Sale' products so people can get into their first home/townhome.

Council Member Alexander asked regarding having a third-party professional business manage the HOA.

Ryan Nye, stated they had spoken with several companies and the plan was to have a third-party professional business manage the HOA so it did not but neighbor against neighbor.

AMENDMENT TO TITLE 10, CHAPTER 10.15 – MIXED RESIDENTIAL OVERLAY (MRO) ZONE, SECTIONS 10.15.060, 10.15.110, AND 10.15.120 OF THE MORGAN CITY CODE – ORDINANCE 24-02

This item was discussed earlier.

MOTION: Council Member London moved to adopt Ordinance 24-02 – An ordinance amending Title 10, Chapter 10.15, Sections 10.15.060(B)(2), 10.15.110, and 10.15.120 of the Morgan City Code regarding the Mixed Residential Overlay (MRO) Zone; Providing for repealer; Providing for severability; and Providing for an effective date.

SECOND: Council Member Alexander

Discussion on the Motion: No discussion.

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

Vote was 3 ayes; Motion passed unanimously to adopt Ordinance 24-02 – An ordinance amending Title 10, Chapter 10.15, Sections 10.15.060(B)(2), 10.15.110, and 10.15.120 of the Morgan City Code regarding the Mixed Residential Overlay (MRO) Zone; Providing for repealer; Providing for severability; and Providing for an effective date; Council Member Wardell and Council Member Turner were absent.

AMENDMENT TO ZONING DESIGNATION OF A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 300 NORTH 300 EAST, FROM CENTRAL COMMERCIAL (C-C) TO GENERAL COMMERCIAL (C-G) – ORDINANCE 24-03

This item was discussed earlier.

MOTION: Council Member London moved to adopt Ordinance 24-03 – An ordinance amending the zoning designation of a parcel of property located at approximately 300 North 300 East, by changing the zoning designation thereof from Central Commercial (C-C) to General Commercial (C-G); Providing for the amendment to the zoning map; Providing for repealer; Providing for severability; and Providing for an effective date.

SECOND: Councilmember Richins

Discussion on the Motion: No discussion.

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

Vote was 3 ayes; Motion passed unanimously to adopt Ordinance 24-03 – An ordinance amending the zoning designation of a parcel of property located at approximately 300 North 300 East, by changing the zoning designation thereof from Central Commercial (C-C) to General Commercial (C-G); Providing for the amendment to the zoning map; Providing for repealer; Providing for severability; and Providing for an effective date; Council Member Wardell and Council Member Turner were absent.

APPLICATION OF THE MIXED RESIDENTIAL OVERLAY (MRO) ZONING DESIGNATION TO PARCELS OF PROPERTY LOCATED AT APPROXIMATELY 300 NORTH 300 EAST – ORDINANCE 24-04

Council Member Richins stated on the record that the City Staff and the Planning Commission had thoroughly discussed each of these items and gave a positive recommendation to the City Council for approval.

MOTION: Council Member London moved to adopt Ordinance 24-04 – An ordinance applying the Mixed Residential Overlay (MRO) zoning designation to parcels of property located at approximately 300 North 300 East; Providing for the amendment to the zoning map; Providing for repealer; Providing for severability; and Providing for an effective date.

SECOND: Council Member Alexander

Discussion on the Motion: No discussion.

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

Vote was 3 ayes; Motion passed unanimously to adopt Ordinance 24-04 – An ordinance applying the Mixed Residential Overlay (MRO) zoning designation to parcels of property located at approximately 300 North 300 East; Providing for the amendment to the zoning map; Providing for repealer; Providing for severability; and Providing for an effective date; Council Member Wardell and Council Member Turner were absent.

Council Member London stated a lot of background work went into each of these items. He mentioned it had taken the applicant approximately 18 months working with Staff, Jake Young, City Planner, and Matt Hartvigsen, City Engineer to reach the product which was presented to the City Council tonight for approval.

Jake informed the City Council that on March 6th the public open house would be held at the Middle School, and they would be discussing the downtown plan, parks, and trails. He mentioned they would be discussing the Master Plan Community at a later date.

Jake Young left the meeting at 7:46 p.m.

ADOPTION OF A PRIVACY POLICY STATEMENT FOR MORGAN CITY WEBSITES – RESOLUTION 24-05

Ty Bailey, City Manager, stated the State Auditor had recently sent the City a notification indicating a requirement for a Privacy Policy Statement for the City's websites. He stated Denise Woods, City Recorder, had recently assembled a Policy to comply with the State's guidelines. This new version was to be adopted and added to the City's website.

Council Member Richins inquired about the level of activity on the City's website and whether they tracked the number of hits it received in a month or week.

Ty indicated that they usually did not run analytics on the website, but they had a general idea based on YouTube videos' viewership. However, tracking the most searched and clicked-on items, as well as the total number of visits, was not regularly done. He explained that the data might be skewed since they frequently accessed their website for internal use, particularly during meetings.

Council Member Alexander proposed a change to Page 3, Paragraph three under the section – Morgan Privacy Policies and How They Relate to This Policy. The paragraph would be changed to read:

A full description of how agencies are to inform you of how your personal information is treated any differently than as described in this Policy is provided in R365-5-1 et seq. of the Utah Administrative Code, which governs the actions of state agencies.

MOTION: Council Member Alexander moved to adopt Resolution 24-05 – A resolution adopting a Privacy Policy Statement for Morgan City Websites with the proposed change to Page 3, Paragraph 3 of the section – Morgan Privacy Policies and How They Relate to This Policy.

SECOND: Council Member Richins

Discussion on the Motion: No discussion.

Vote was 3 ayes; Motion passed unanimously to adopt Resolution 24-05 – A resolution adopting a Privacy Policy Statement for Morgan City Websites with the proposed change to Page 3, Paragraph 3 of the section – Morgan Privacy Policies and How They Relate to This Policy; Council Member Wardell and Council Member Turner were absent.

BID AWARD – 2024 STREET MAINTENANCE PROJECT – RESOLUTION 24-06

Ty stated the 2024 Street Maintenance Project secured favorable bids, and the pricing came in \$200,000 less than the City Engineer's estimate. He expressed satisfaction with the bids and noted their positive history of working with the contractor, Post Asphalt and Construction. He stated the bid tabs, as discussed, were included in the packet for reference. He also expressed contentment with the number of bidders and the close proximity of their bids, especially given the challenges faced during the pandemic when bids were unpredictable.

He said while the road project was the primary focus, he mentioned a related but separate action item regarding trail projects on Commercial Street. Due to the favorable pricing received, they decided to consolidate the trail project into one comprehensive bid, incorporating both the Commercial Street portion and the segment going under the Bridge. He said the decision was driven by the cost savings realized in the maintenance project. He outlined plans to create two bid schedules, ensuring flexibility in case different

pricing structures were received. The comprehensive trail project aimed to connect Commercial Street to the Fairground property, creating a loop that extended under the Bridge.

Ty highlighted that the cost savings would accelerate the timeline for the trail project, bringing it forward by a year.

MOTION: Council Member Richins moved to adopt and approve Resolution 24-06 – A resolution authorizing an agreement with Post Asphalt and Construction for the 2024 Street Maintenance Project; Authorizing further negotiations and change orders necessary for the completion of the 2024 Street Maintenance Project.

SECOND: Council Member London

Discussion on the Motion: No discussion

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

Vote was 3 ayes; Motion passed unanimously to adopt and approve Resolution 24-06 – A resolution authorizing an agreement with Post Asphalt and Construction for the 2024 Street Maintenance Project; Authorizing further negotiations and change orders necessary for the completion of the 2024 Street Maintenance Project; Council Member Wardell and Council Member Turner were absent.

CITY REPORTS

CITY COUNCIL

Council Member Richins mentioned the Council of Government (COG) meeting and complimented Council Member Alexander for his participation on the Wasatch Front Regional Council Community Development Block Grant Review Committee.

Mayor expressed the importance of being active in those meetings and showing Morgan City's interest in the growth of our community.

CITY MANAGER

Employee Survey & Goals – Ty stated the Personnel Policy Manual required that a report be given on employee goal setting and survey. He said a satisfaction survey was completed by each employee and it contained a peer review component which was used during the goal setting interviews with each employee. He explained that next fall he would have meetings with each employee to review the goals and award annual bonuses based on safety and personal performance goals.

2023 Audit – Ty explained the 2023 Audit was late, but it would be presented to the City Council in March. He had been in contact with the Auditor's office, and they had some employees get sick and they got behind. He complimented Staff for being responsive and getting the information to the Auditor as soon as it was requested. He stated the big risk of being late was to the rating agencies. He stated as soon as he received the 2023 Audit it would be sent to those agencies.

Como Springs – Ty stated Como Springs was moving forward with their application for a conditional use permit with Morgan County. He said the City had a checklist of items they wanted. The City requested final drawings so they could review the last set of revisions thoroughly. Conditions related to water rights transfer were among the items on the to-do list, and also ensuring compliance with City standards regarding installation of infrastructure. The recording of an easement was also pending.

Council Member Alexander stated the site plan review was discussed in several County Planning Commission discussions last Thursday during their meeting. Despite the City's earlier letter expressing concerns about directing traffic down 100 South, the County Planning Commission proceeded with the site plan. This decision was significant in light of the City's previous suggestion to avoid using 100 South as the primary access. The County Planning Commission had set a condition that the applicant could only use 100 South for emergency purposes, even prompting discussions about potentially redoing the bridge. Subsequently, a few months later, the applicant requested a hearing and the hearing officer contested and successfully overturned several decisions made by the County Commission, contradicting their directives. There were lingering questions, particularly concerning the County's RV park and group ordinance. The County asserted that the ordinance did not apply in this case as the establishment was considered grandfathered. Despite not providing specific details such as dates or terms, it was mentioned that there were around 90 RV spots, 30 tents, and an additional 30 cabins, along with a restaurant. County Staff members expressed that the entity could introduce any changes or additions they desired, citing the exemption from the County ordinance.

Gary Crane, City Attorney, explained a Land Use Appeal Authority, typically handled appeals for conditional use permits. Appeals were directed to a hearing officer, a position introduced to replace the previous Board of Adjustment. The hearing officer, familiar with land use, reviewed ordinances and ensured compliance. Appeals from the hearing officer's decision could be further escalated to District Court.

Concerns were raised about the impact of increased traffic on 100 South and the safety hazards near a school crossing. The discussion delved into the possibility of annexation and the City's provision of utilities. Questions were raised about the binding nature of a will serve letter, and potential conditions were considered. The City Council aimed to ensure that all conditions were met before final acceptance, maintaining a vigilant stance on the project's compliance with City standards. The dialogue highlighted ongoing complexities and potential issues related to the development.

Gary clarified that a conditional use permit would not go to the County Commission, the legislative body, for approval. The Planning Commission had final say on the permit and if they disagreed with the conditions it would go before the Appeal Authority. He stated it was tough to turn down a conditional use under state law because if you can “mitigate” the existing circumstances which were negative impacts, a conditional use had to be approved.

Ty stated the City needed to make sure we got our answers to the questions of “how” water and sewer were going to be provided and that they complied with all the conditions the City had on infrastructure. He stated the City also needed the easement and to make sure the City's list of standards were met before they got final acceptance.

Website Transition – Ty explained CivicPlus bought out Municode, which hosted our website, and the City had gone through a transition moving the website over to CivicPlus. He asked if the

Council heard or noticed a concern regarding the website please let the City know so we could look into it and remedy the issue.

City Facilities Tour – Ty informed the Council the City Facilities Tour would be held on April 10th and he invited the Council to come and visit with City Staff and tour City facilities, then finish with lunch in the park.

CLOSED SESSION

MOTION: Council Member Alexander moved to go into a closed session at 8:25 p.m. for the purpose of discussing the purchase, exchange, or lease of real property, including any form of a water right or water shares. (Utah Code Section 52-4-205(1)(d)).

SECOND: Council Member Richins

Vote: 3 ayes; Motion passed to go into closed session; Council Member Wardell and Council Member Turner were absent.

PRESENT: Mayor Gale, Ty Bailey, City Manager, Gary Crane, City Attorney, Denise Woods, City Recorder, Council Member Richins, Council Member London, and Council Member Alexander.

MOTION: Council Member Alexander moved to open the meeting at 8:48 p.m.

SECOND: Council Member Richins

Vote: 3 ayes; Motion passed to come out of closed session; Council Member Wardell and Council Member Turner were absent.

This meeting was adjourned at 8:49 p.m.


Denise Woods, City Recorder


Steve Gale, Mayor

These minutes were approved at the March 12, 2024 meeting.

SWORN STATEMENT

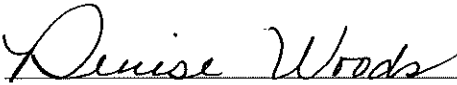
The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Morgan City Council on the **27th day of February, 2024**, was to discuss the purchase, exchange, or lease of real property.

Dated this 27th day of February, 2024.

ATTEST:



STEVE GALE, Mayor



DENISE WOODS, City Recorder