



Council Meeting

08-22-23

5:30 p.m.



MORGAN CITY COUNCIL AGENDA
AUGUST 22, 2023 – 5:30 P.M.
MORGAN, UTAH

PUBLIC NOTICE is hereby given that the Morgan City Council will hold a public meeting in the Council Room in the City Office Building, 90 West Young Street, Morgan, Utah, commencing at 5:30 p.m. on August 22, 2023.

WORK MEETING – 5:30 P.M. (Joint Meeting With Planning Commission)

1. Discussion – Short-Term Rentals (**Jake**)
2. Discussion – Mixed Residential Overlay (MRO) Zone (**Jake**)
3. Training – Gary Crane, City Attorney

GENERAL MEETING – 7:00 P.M.

1. A. Welcome - Mayor Steve Gale
B. Pledge of Allegiance and Opening Ceremony
C. Approval of Meeting's Agenda
2. **CONSENT AGENDA:**
 - A. City Council Work Meeting Minutes – June 13, 2023;
 - B. City Council Meeting Minutes – June 13, 2023;
 - C. City Council Work Meeting Minutes – June 27, 2023;
 - D. City Council Meeting Minutes – June 27, 2023;
 - E. City Council Special Work Meeting Minutes – June 28, 2023;
 - F. City Council Work Meeting Minutes – July 11, 2023;
 - G. Warrants (07/07/23 – 08/18/23)
3. **CITIZEN 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 before 5:00 p.m. on the day of the meeting.)
4. **ACTIVE AGENDA**
 - A. Interlocal Cooperation Agreement Between Morgan County and Morgan City for the Purpose of Assisting the City with the 2023 Municipal General Election – Resolution 23-17 (**Ty**)
 - B. Amendment to Title 5, Chapter 5.02, Section 5.02.080 of the Morgan City Code by Removing Restrictions Based on the Breed of an Animal – Ordinance 23-11 (**Ty**)
 - C. Amendment to Title 10, Chapter 10.30, Section 10.30.040 of the Morgan City Code by Amending the Total Width Allowed for Driveways – Ordinance 23-12 (**Ty**)
 - D. Enactment of Title 10, Chapter 10.15 – Mixed Residential Overlay (MRO) Zone – Ordinance 23-04 (**Jake**)
5. **CITY REPORTS AND BUSINESS**
 - A. City Council
 - B. City Manager
 - Project Updates
 - Young Street Bridge & Young Street Improvements – Final Update
 - ULCT 2023 Annual Convention – Salt Lake City (September 6-8, 2023)
 - Parks & Cemetery Manager
 - City Hall Natural Gas Generators
 - Records Room
 - Stage
 - Entrance to the City - Concept
6. ADJOURN

-
- A Work Session will be held prior to the General Meeting at 6:00 p.m. to discuss miscellaneous matters if needed.
 - This meeting will also be live streamed via morgancityut.org.
 - 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 involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Morgan Council Conference Room, 90 West Young Street, Morgan, Utah. Elected Officials at remote locations may be connected to the meeting electronically 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 **18th day of August, 2023** at Morgan City Hall, on the Utah State Public Notice Website, at morgancityut.org, and three public places within the City.
 - The 2023 meeting schedule was posted on the City's Website and Public Notice Website on December 19, 2022.
- /s/ Denise Woods, City Recorder

DRAFT

MINUTES OF MORGAN CITY COUNCIL WORK MEETING

JUNE 13, 2023; 6:05 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

STAFF PRESENT:

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

STAFF PRESENT ELECTRONICALLY:

Jake Young, City Planner

EXCUSED:

Dave Alexander

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.

ITEMS FOR DISCUSSION

DISCUSSION – 2023 CERTIFIED TAX RATE AND PROPERTY TAX REVENUE BUDGET AMOUNT FOR MORGAN CITY – RESOLUTION 23-18

Ty Bailey, City Manager, explained that when the tentative budget was proposed the certified tax rate had not been posted and accepted. He said the certified tax rate had now been posted so the decision of the Council would be to accept the certified tax rate or do something different. If the Council decided on anything different than the certified tax rate it would trigger a Truth in Taxation hearing and the approval of the City's final budget would be postponed until August, at which time the City would hold a public hearing and also adopt the proposed tax rate. He referenced a handout he provided prior to the meeting, which was attached hereto and incorporated herein by this reference. He explained the options listed in the handout, but informed the Council they could decide what rate and revenue they wanted for the 2024 fiscal year. He stated if the City adopted the certified tax rate the City would collect \$2,335.00 less than what was collected this year. He explained the certified tax rate was supposed to accommodate and account for new growth and value, but it was based off of last year's projections and not actuals. He explained each of the options listed in the handout and the revenue which would be collected. He proposed the City hold the tax rate from this year which was .001471 and would generate \$626,029.00 in revenue (Option 2). He pointed out the sample notice in the packet.

Discussion regarding the amount of tax to be collected if the City kept the same rate as last year and home values hadn't increased. If the City adopted the certified tax rate it was possible their taxes would decrease slightly. Ty explained the City portion of the property tax was the lowest amount. He explained monies received from property tax were spent through the general fund. No property tax money was spent on power, water, or sewer, but it was used for roads, curb, gutter, sidewalk, storm drains, public safety, parks, cemeteries, and administration costs. He mentioned inflation was over 8% this year. The assessed value of the homes was controlled by the County Assessor. Ty stated it wasn't the State's intent to keep municipalities from generating the revenue needed to operate, but they just wanted to make sure the cities went through a very public process to answer any questions from the residents regarding where their tax

DRAFT

dollars were spent. He stated it made sense to keep up incrementally and not get so far behind that it caused a large tax increase in one year to catch back up.

DISCUSSION – AMENDMENT TO TITLE 10, CHAPTER 10.04, SECTION 10.04.010, CHAPTER 10.12, SECTIONS 10.12.010 AND 10.12.040 AND ENACTING TITLE 10, CHAPTER 10.15 ENTITLED MIXED RESIDENTIAL OVERLAY (MRO) ZONE OF THE MORGAN CITY CODE – ORDINANCE 23-04

Jake Young, City Planner, gave a background regarding the Mixed Residential Overlay (MRO). He explained this ordinance came about when a development came to the City last year for a townhome project. He said the Mayor, Ty, Teresa, and himself went to other communities for different ideas for a development in the City and he had drafted an ordinance which would allow for single family homes and attached townhomes in the same development. He stated with this ordinance the City would raise the bar on the quality of a development by requiring porches, landscaping, and open space amenities. He explained the ordinance was meant as an overlay zone and the developer would bring a concept to the Planning Commission and the final project would be approved as a legislative item by the City Council. This ordinance would offer more density in certain areas, but there was a trade-off of giving a little bit more bonus density but also requiring more from the architecture, site, and the landscaping. The density could be up to 10 units an acre. He stated the Planning Commission had been reviewing this ordinance for several months and they had a public hearing where several members of the public showed up in support of the ordinance. There were a couple of developers who were looking at using the overlay zone as a tool with their development.

Mayor asked regarding the developments Jake had been involved with in other areas.

Jake said one of the issues had been the building design, but this ordinance addressed that issue by requiring porches and how the units faced the street. The ordinance also required no home next to each other could be the same and would require a variety of architecture. He stated the ordinance could be used for a development which was between 2.5 and 10 acres. He said this type of project would have an HOA to maintain the common areas.

Gary Crane, City Attorney, explained an overlay zone was very discretionary on the Council's part as to whether or not you allowed the developer to use this tool. He stated the City Council didn't have to grant the overlay zone every time there was an application to use it. This overlay zone gave the Council more flexibility than a normal ordinance because you could look at things like design and the shape of the house and the landscaping.

Jake said it was a discretionary tool and the City Council would have the opportunity to look at their projects before they came into the City.

Councilmember London asked to clarify whether the mixed residential zone was a zone in and of itself.

Gary explained it was an overlay zone, which was like a cloud and could be used in situations the City identified would be appropriate. If the City allowed it to be used it would be its own zone instead of whatever zone the property was in previously and the requirements of the overlay zone had to be followed.

Jake explained if a developer requested that a piece of property originally zoned as R-1-10 be rezoned to the mixed residential zone (MRO) then the MRO zone would govern that piece of property, but the surrounding properties would remain their original zone. He stated you didn't predetermine where the MRO zone would be applied. He explained the process the Planning Commission had gone through in the last six months to reach their decision to recommend this ordinance to the City Council for approval. He stated this

DRAFT

type of development wasn't for people who wanted to have RVs, boats, etc., but it was for the 55 plus couple, a young couple, or a small single family who didn't want a large yard but liked the cute little neighborhood. He stated this type of development met a demographic which was in the City.

Discussion regarding the difficulty in allowing the MRO in one area and not in another. Jake stated this overlay zone wasn't for every developer and it certainly wasn't for everywhere or for everyone, but the ordinance outlined certain criteria which gave the Council discretion to choose whether it was applicable or not to a development. He stated the Council could do a couple of projects and if it wasn't what the Council envisioned then the ordinance could be pulled entirely or adjusted to meet more of the Council's desires for a development.

Gary explained this was a legislative act, but it gave the Council flexibility in negotiating with the developer on the requirements in the ordinance to get the type of development which they thought was best for the City. For example, to change a façade on a building or to move a park to a different location in the development. He stated those were the types of things which couldn't be done with a normal subdivision. The developer also had the right to decide he didn't want the overlay zone. He stated the Council had discretion and could say no anytime on a legislative act as long as it was consistent with the City's General Plan.

TRAINING – GARY CRANE, CITY ATTORNEY

Gary gave a brief training on the difference between administrative and legislative acts as they pertained to this issue.

This meeting was adjourned at 6:59 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the August 22, 2023 meeting.

Morgan City Property Tax Discussion for FY 2024

Property taxes help pay for administration, buildings, events, public safety, roads (sidewalks, trails, bridges), parks, and cemeteries.

The amount of property tax collected in 2023 was \$564,527 + \$10,466 delinquent = \$574,993

Year	Revenue	Rate
2015	304,286	.001902
2016	321,694	.001912
2017	327,429	.001720
2018	340,281	.001724
2019	350,831	.001544
2020 (TNT held rate)	359,020	.001544
2021 Certified Rate	386,170	.001471
2022 (TNT held rate)	417,521	.001471
2023	564,527	.001471
2024 Certified Rate	562,192	.001321
2024 Option 2 hold rate	626,029	.001471

Options for consideration:

Option 1:

Approve the certified tax rate of .001321 with the revenue of \$562,192 (\$2,335 less than 2023 actuals and \$12,801 less than 2023 actuals with delinquent)

Option 2:

Keep the same tax rate from 2023 of .001471 and generate \$626,029 (\$61,499 more than 2023 actuals)
(Would cause a truth in taxation hearing before Sept. 1st and postpone the final budget until then)

Option 3:

Propose a new tax rate of .001351 and generate \$575,000 (the same revenue as 2023 with delinquent)
(Would cause a truth in taxation hearing by Sept. 1st and postpone the final budget until then)

DRAFT

MINUTES OF MORGAN CITY COUNCIL MEETING

JUNE 13, 2023; 7:03 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT IN-PERSON:

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

STAFF PRESENT ELECTRONICALLY:

Jake Young, City Planner

EXCUSED:

Dave Alexander

OTHERS PRESENT:

Cyler and Rachel Preece, Jackie Nostrom, Herriman City Recorder, UMCA President, Wendy Page, North Salt Lake City Recorder, DMWRA President, Gregg and Cynthia Benson, Harrisville City Recorder, DMWRA Secretary, Marsha Martin, Wendy Turner, Mary Kay Cowley, Linda Smith, Celeste Smith, Ann Porter, Kelly Wilson, Austin Turner, Wyatt Turner, Marcus Blackburn, Kim Blackburn, Linda Welton, and Wes 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.

The pledge of allegiance was led by Councilmember Wardell.

The opening ceremony was presented by Councilmember Turner.

APPROVAL OF MEETING AGENDA

MOTION: Councilmember London moved to approve the agenda.

SECOND: Councilmember Richins

Vote was 4 ayes; Motion passed unanimously to approve the agenda; Councilmember Alexander was absent.

MINUTES AND WARRANTS

MOTION: Councilmember London moved to approve the following:
Minutes of the City Council Work Meeting – May 9, 2023;
Minutes of the City Council Meeting Minutes – May 9, 2023; and
Warrants (05/05/2023 to 06/09/2023).

DRAFT

SECOND: Councilmember Richins

Vote was 4 ayes; The motion passed unanimously to approve the minutes as written and one set of warrants; Councilmember Alexander was absent.

PRESENTATIONS

CYLER PREECE – DISTRIBUTION GRADE II [D2] WATER OPERATOR

Ty Bailey, City Manager, congratulated Cyler on receiving his Distribution Grade II Water Operator Certification. He expressed appreciation to Cyler for his willingness to not only do his job, but to also step in when there was an emergency within the City. He stated Cyler had been an asset to the City's Staff.

DENISE WOODS – UMCA STATE CERTIFICATION & MASTER MUNICIPAL CLERK (MMC) – JACKIE NOSTROM, HERRIMAN CITY RECORDER, UMCA PRESIDENT

Jackie Nostrom, Herriman City Recorder, UMCA President, congratulated Denise on her diligent effort in everything she did for the Association and recognized her for her Master Municipal Clerk's (MMC) designation through the International Municipal Clerks Association (IIMC), and also for her UMCA State Certification. She explained UMCA worked closely with Southern Utah University (SUU) to provide education and networking for the clerks and recorders throughout Utah. She listed the requirements Denise completed to receive her MMC, which was equivalent to 240 hours of in-class coursework and was equivalent to a bachelor's degree. She stated there were currently 41 clerks in the State of Utah who had received their MMC. She explained the requirements to receive the State Certification and thanked Denise for her diligence in providing relevant opportunities for the other clerks and recorders throughout the State and for her hours of service on the UMCA Board as the Education Director. She expressed her appreciation to the Council for their support in encouraging continued education for their staff.

AUSTIN TURNER – MORGAN COUNTY EMERGENCY MANAGER

Mayor stated this was an award of gratitude. He stated Utah had received an unprecedented amount of snow this winter and during the Spring run-off there was a lot of anxiety about what could happen to Morgan. The Weber River ran extremely high this Spring as the snow melted. He expressed his appreciation to Austin Turner for his constant vigilance in monitoring the water flow. He stated Austin had worked closely with Weber Basin and they were able to handle the reservoirs' flow, by holding back when they could. He expressed appreciation on behalf of the City for Austin's tireless work and the way he handled the concerns of the residents. Mayor presented Austin a plaque and gift from the City.

CITIZEN COMMENTS

During the citizen comments pictures provided by Linda Smith and Ann Porter were displayed on the screens showing the condition of the cemeteries.

Linda Smith, 796 North 700 East, Morgan, Utah, stated she wanted to bring to the attention of the Mayor and Council as a whole the inadequate upkeep of the City's cemeteries. She stated she went to the cemetery on Memorial Day and made some observations which were disturbing. She mentioned the following items:

- Graves not sodded properly or in a timely manner. Sod standing above the graves. Some of the graves were up to four years old and had not been properly done.
- Lawn over 12" in some areas.
- Dirt Patches were abundant in the lawn.

DRAFT

- Weeds growing rampant along fences.
- Trees not kept trimmed.
- Wood chips were left in hole where trees had been removed.

She stated there were other people in the cemetery which commented on the condition of the cemetery and stated it wasn't up to the standard that Morgan had always had for their cemeteries and parks. She stated she had called the City and complained about weeds along the fence in the North Morgan Cemetery and it was never taken care of. She stated the elderly people shouldn't have to go and maintain the graves of their loved ones. People of all ages were cleaning up around graves to get them prepared for Memorial Day. She voiced her frustration about the caretakers of the cemeteries only having to take care of the cemeteries and not the parks, and wondered why there wasn't better quality of work at the cemeteries. She encouraged the Mayor, Council, and City Staff to help the cemetery crew get the proper training to make the City's cemeteries a nice place for our loved ones.

Ann Porter, 1511 West Stoddard Lane, Morgan, Utah, addressed Mayor Gale, members of the City Council, Gary Crane, City Attorney, and Ty Bailey, City Manager, and introduced herself. She stated she no longer lived in the City, but Morgan was still important to her, and she came and walked the cemeteries two or three times a week. She stated she didn't feel the cemeteries were being maintained the way they should be. She mentioned the early settlers and military veterans who strived to build and protect this City, County, State, and Country were laid to rest in these cemeteries. On May 23rd she visited both of the cemeteries to wash and clean headstones and tidy the area to prepare for the Memorial Day Weekend. She was at one plot for over two hours cleaning and moving large branches over to the road so they could be picked up. She stated she picked up enough branches, leaves, dead grass, and weeds from headstone areas to fill a large black garbage bag. The next area she cleaned showed that a heavy piece of equipment had been driven next to the headstone and the ground was several inches lower and needed to be filled in and seeded/sodded so it was level with the surrounding area. She said she didn't feel this type of work should be done by the families coming to pay their respects to their loved ones. She saw several other families doing the same types of work around their families headstones. She said this was not the first year that the cemeteries care and maintenance had slipped. She said the maintenance had improved as of late, but it was appalling to see the graves where the sod was not replaced. She mentioned several plots from 2019 and 2020 where nothing had been done to them and they were still dirt and weeds. She stated the park and Commercial Street had professional landscapers taking care of them and maybe they should also take care of the cemeteries. She asked what the City's plans and goals were for the cemeteries.

Kelly Wilson, 80 South 100 West, Morgan, Utah: stated his mother had passed away in 2019 and her grave was solid rock and when he called the City, he was told he could reseed it. He asked if he could resod her grave and then asked if he should have to resod it. He commented on the City Park and stated the company the City had hired were doing a fantastic job as far as fertilizing. He asked if broadleaf control was in their bid, and if so, the City needed to revisit that because there's a lot more dandelions than there should be. He suggested adjusting employees schedules to help the cemetery crew get ready for Memorial Day.

Mayor Gale complimented the citizens for coming and taking this opportunity to address the Council regarding their concerns about the condition of the cemeteries. He stated the City Staff will take it seriously and will make a commitment to our community to improve it and make it what it should be. He stated the cemeteries were a place of reverence and sometimes people went there to reflect, to ponder, and to pay their respects to those who have gone before us.

Councilmember London also expressed appreciation to those who came tonight to address the Council and made constructive comments regarding the cemeteries.

DRAFT

A comment was also made by Mary Kaye Cowley, 59 North 300 West, Morgan, Utah, but there wasn't a mic available and unable to hear her comments through the recording.

Mayor read the comment card submitted by the Donald G. Butters Family, which listed a lot of the same issues which were brought up earlier in the meeting.

PUBLIC HEARINGS

A. 2023 CERTIFIED TAX RATE AND PROPERTY TAX REVENUE BUDGET AMOUNT FOR MORGAN CITY – RESOLUTION 23-18

MOTION: Councilmember London moved to open the public hearing for the purpose of hearing public comment regarding the 2023 certified tax rate and property tax revenue budget amount for Morgan City.

SECOND: Councilmember Wardell

Discussion on the Motion: None

Vote was 4 ayes; Motion passed unanimously to open the public hearing regarding the 2023 certified tax rate and property tax revenue budget amount for Morgan City; Councilmember Alexander was absent.

Public Comments: None.

MOTION: Councilmember London moved to close the public hearing.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was 4 ayes; Motion passed unanimously to close the public hearing; Councilmember Alexander was absent.

B. WATER RATE STUDY – SET WATER RATE BEGINNING JULY 1, 2023

MOTION: Councilmember Wardell moved to open the public hearing for the purpose of hearing public comment the water rate study and setting a water rate beginning July 1, 2023.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was 4 ayes; Motion passed unanimously to open the public hearing regarding the water rate study and setting a water rate beginning July 1, 2023; Councilmember Alexander was absent.

Public Comments:

Wendy Turner, 132 West 100 North, Morgan, Utah, stated she was a single person and didn't feel she should be charged more money or the same amount of money a family of 10 would pay for water service. She suggested it be charged on a use basis. She asked the Council to consider that instead of making it a flat fee for everyone.

DRAFT

Marsha Martin, 90 North 200 West, Morgan, Utah, stated she hadn't received a notice regarding the public hearing. She only saw the sign out front which stated there was a public hearing, but not what the hearing was for. She stated it wasn't on her bill and she felt there should be more public input depending on what the City was proposing.

MOTION: Councilmember London moved to close the public hearing.

SECOND: Councilmember Wardell

Discussion on the Motion: None

Vote was 4 ayes; Motion passed unanimously to close the public hearing; Councilmember Alexander was absent.

Marsha Martin asked for clarification on the noticing requirements. Denise Woods, City Recorder, stated the noticing requirements pursuant to State Code were to publish the notices on the Public Notice Website, the City's Website, and she also posted them in several public places within the City, i.e., City Hall, County Library, First Community Bank, and the Post Office. Marsha asked if the rate would be set tonight.

Gary explained how the rate would be approved through amendments to the Consolidated Fee Schedule and the rate was affected by the water rate study.

ACTIVE AGENDA

A. 2023 CERTIFIED TAX RATE AND PROPERTY TAX REVENUE BUDGET AMOUNT FOR MORGAN CITY – RESOLUTION 23-18

Ty Bailey, City Manager, explained this item had been discussed at length during the work session prior to this meeting. He stated the certified tax rate had been adopted by the State, but it hadn't been published when the City went through the budget process. The certified tax rate was .001321 which would generate approximately \$562,192 in property tax revenue for the City. He stated the certified tax rate was based off of last year's estimates not last year's actuals. He stated the proposal tonight was to either adopt the certified tax rate and then the final budget could be adopted, but if you didn't adopt the certified tax rate the City would do a Truth in Taxation hearing and allow for more public input. That hearing would be in August. He said the proposed tax rate of .001471 would hold the same rate as last year and at the Truth in Taxation hearing the City had the option to adopt that rate or anything under that rate. He recommended keeping the same rate the City had for the last several years. He explained since the final budget wouldn't be approved until after the Truth in Taxation hearing, he would work off of the tentative budget which was adopted in June until the final budget was approved in August.

Councilmember London asked Gary for direction regarding the motion.

MOTION: Councilmember London moved to table Resolution 23-18 regarding the 2023 certified tax rates and property tax revenue budget amounts for Morgan City and move forward with a Truth in Taxation hearing.

SECOND: Councilmember Wardell

Discussion on the Motion: None

DRAFT

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

Vote was 4 ayes; Motion passed unanimously to table Resolution 23-18 regarding the 2023 certified tax rates and property tax revenue budget amounts for Morgan City and move forward with a Truth in Taxation hearing; Councilmember Alexander was absent.

B. WATER RATE STUDY – SET WATER RATE BEGINNING JULY 1, 2023

Ty explained the City had spent several months preparing a water rate study to make sure revenue was adequate to cover current costs. He stated there were several components to the rate study, i.e., the base rate and the overage rate for use above 8,000-gallon allotment per home, and the impact fee based on new development. He mentioned the overage rate was the same overage rate the City had during the previous drought year. He stated the impact fees would increase significantly to ensure that new development was paying its cost of the new capacity to the City's system. He said the new water tank would be a major expense. The study also covered the overage fee which was currently \$8.00 per 1,000 gallons and it would be reduced. He explained the study showed a tiered rate concept so the rate would be \$4.50 per 1,000 gallons for 8,001 to 16,000 gallons and the next tier would be 16,001 to 32,000 at \$5.00 and then the third tier would be 32,000+ at \$5.50 and this would curtail the really heavy usage. He mentioned several options outlined in the study and recommended going with Option 4 or Option 2 because the City was behind in the water budget and the system was struggling.

Councilmember Turner stated the importance of ensuring the City had enough revenue coming in through rates to maintain the system. He expressed his approval of the tiered rate structure for overage rates.

Ty explained every system had to stand on its own and pay its own costs and we had a limited amount of residents paying for an entire system.

Councilmember London stated these were hard decisions because we want a rate set where the City had enough contingency to be able to maintain and operate our system but to also be able to plan ahead for the capital improvements.

MOTION: Councilmember Wardell moved to approve the Water Rate Analysis dated May 2023 compiled by Zions Public Finance, Inc. and approve Option 4 for the tiered overage rates and Option 4 on Table 13 for base rates.

SECOND: Councilmember London

Discussion on the Motion: None

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

DRAFT

Vote was 4 ayes; Motion passed unanimously to approve the Water Rate Analysis dated May 2023 compiled by Zions Public Finance, Inc. and approve Option 4 for the tiered overage rates and Option 4 on Table 13 for base rates; Councilmember Alexander was absent.

C. AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN MORGAN CITY AND INNOVATIVE STRUCTURAL SOLUTIONS –RESOLUTION 23-19

Ty explained the proposed expansion of Innovative Structural Solutions. He stated there had been very productive discussions between the City Staff and the property owners and a development agreement had been reached outlining both the City's and the property owner's requirements for the development.

MOTION: Councilmember Turner moved to adopt Resolution 23-19 – A resolution adopting and approving an Agreement for Development of Land Between Morgan City and Innovative Structural Solutions.

SECOND: Councilmember Richins

Discussion on the Motion: None

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

Vote was 4 ayes; Motion passed unanimously to adopt Resolution 23-19 – A resolution adopting and approving an Agreement for Development of Land Between Morgan City and Innovative Structural Solutions; Councilmember Alexander was absent.

D. AMENDMENT TO TITLE 10, CHAPTER 10.04, SECTION 10.04.010, CHAPTER 10.12, SECTIONS 10.12.010 AND 10.12.040 AND ENACTING TITLE 10, CHAPTER 10.15 ENTITLED MIXED RESIDENTIAL OVERLAY (MRO) ZONE OF THE MORGAN CITY CODE – ORDINANCE 23-04

Jake Young, City Planner, explained the Planning Commission had already reviewed this ordinance in detail and had given a positive recommendation to the City Council for approval.

Discussion regarding the complexity of this agenda item and the need for extra time to review the proposed ordinance. Consensus was to table this item for a discussion during a special work session on June 28, 2023 at 5:30 p.m.

MOTION: Councilmember Turner moved to table Ordinance 23-04 – An ordinance amending Title 10, Chapter 10.04, Section 10.04.010, Chapter 10.12, Sections 10.12.010 and 10.12.040 and enacting Title 10, Chapter 10.15 entitled Mixed Residential Overlay (MRO) Zone of the Morgan City Code until June 28, 2023 at 5:30 p.m. for a Council special work session.

SECOND: Councilmember London

Discussion on the Motion: None

DRAFT

Vote was 4 ayes; Motion passed unanimously to table Ordinance 23-04 – An ordinance amending Title 10, Chapter 10.04, Section 10.04.010, Chapter 10.12, Sections 10.12.010 and 10.12.040 and enacting Title 10, Chapter 10.15 entitled Mixed Residential Overlay (MRO) Zone of the Morgan City Code until June 28, 2023 at 5:30 p.m. for a Council special work session; Councilmember Alexander was absent.

E. ENACTING TITLE 8, CHAPTER 8.07 ENTITLED UTILITY BILLING OF THE MORGAN CITY CODE PROVIDING FOR THE COLLECTION OF DELINQUENT UTILITY FEES – ORDINANCE 23-05

Ty explained this item had been discussed at length during a prior work meeting on May 9, 2023 and the consensus at the meeting was to draft an ordinance regarding the landlord's responsibility to their tenant's utility bills. He stated when a new tenant came in for utility service the landlord would now be required to come in and sign a financial agreement. The landlord had two options 1) put the utilities in the landlord's name and they pay the monthly bill, or 2) if the tenant skips out on a delinquent bill the landlord was responsible to pay the bill.

MOTION: Councilmember London moved to adopt Ordinance 23-05 – An ordinance enacting Title 8, Chapter 8.07 entitled Utility Billing of the Morgan City Code providing for the collection of delinquent utility fees; Providing for repealer; Providing for severability; and providing for an immediate effective date.

SECOND: Councilmember Turner

Discussion on the Motion: None

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

Vote was 4 ayes; Motion passed unanimously to adopt Ordinance 23-05 – An ordinance enacting Title 8, Chapter 8.07 entitled Utility Billing of the Morgan City Code providing for the collection of delinquent utility fees; Providing for repealer; Providing for severability; and providing for an immediate effective date; Councilmember Alexander absent.

F. EXECUTIVE ORDER NO. 2023-01 – FIRE RESTRICTIONS

Discussion regarding the restricted areas on the map and the language within the executive order. This was similar to the executive orders approved in the past.

MOTION: Councilmember London moved to adopt Executive Order No. 2023-01 establishing fire restrictions for the incorporated area of Morgan City.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was 4 ayes; Motion passed unanimously to adopt Executive Order No. 2023-01 establishing fire restrictions for the incorporated area of Morgan City; Councilmember Alexander was absent.

DRAFT

CITY REPORTS

CITY COUNCIL

Councilmember Wardell stated he agreed with the comments shared earlier by the public regarding the condition of the cemeteries and the City needed to do whatever it could to get it cleaned up.

Councilmember London stated he had also received several complaints over the Memorial Day weekend, and they were all legitimate complaints. He said the City needed to do a better job with the upkeep of the cemeteries. There had always been an expectation about the condition of our cemeteries and people held them sacred.

Ty explained the City had been working on the issue for a couple of years and had made some adjustments. He said currently there wasn't a person on staff with expertise in landscaping. He was contemplating posting a new position for park manager and the current park manager would be a crew lead. He said there had been discussions with the public works department and everyone had made a commitment to contribute and assist the park crew when extra help was needed so they didn't fall behind on the maintenance. He explained there was also an issue with complaints being received by the City and nothing being done about them, so it wasn't just a park problem. He said it would take time, but changes had been implemented that will make a big difference. He stated there had been a record number of burials and the City did burials throughout the winter, so damage had been done and tracks left from the equipment. He said the City had made a commitment to address the issues. He said they had discussed the possibility of hiring seasonal help, but without the strategy and the system in place extra help didn't necessarily solve many problems.

Councilmember Turner asked if there was a possibility of hiring a mentor/consultant to teach them what needed to be done.

Gary Crane left the meeting at 9:23 p.m.

CITY MANAGER

PROJECT UPDATES

Young Street Bridge – COG – Ty updated the Council regarding the Young Street Bridge project. He said the COG had made a recommendation and the County Commission had approved the payback of up to \$1 Million to the City for the construction of the bridge. He would work with the County on the language of the payback agreement. He informed the Council that on Friday at 3:00 a.m. they would begin a continuous pour for the deck, and it could take up to 12 hours. He explained the process of pouring the deck to the Council. He said depending on weather the road would be completed in July and the bridge would be completed in August.

StreetScan – Agreement for Services – Ty referenced the agreement in the packet with StreetScan. He explained the company would scan our streets and create a GIS map which would give information to the City regarding the condition of our roads and the software would give cost estimates. The City Engineer would put in data and give the City cost estimates so we had decision-making tools. He said this would assist the City in getting in front on the maintenance of our roads and to be able to plan and prioritize projects. He mentioned the sidewalks would also be scanned.

State Street Improvements – UDOT Project – Ty mentioned the UDOT project on State Street and complimented the Project Manager and their willingness to work with the City regarding to removing the extra material so there wasn't another two inches exacerbating the problem and they had completed all the work at night.

DRAFT

Councilmember London stated he had received several comments regarding the top of North Morgan Hill and requests had been made for it to be made into a three-way stop by placing a stop sign as you come down the hill. (Intersection of North State Street and 700 East)

Ty suggested talking to Lance regarding this request.

Train Depot – Lease Agreement Between Municipal Building Authority of Morgan City and Morgan County – Ty stated at the last County Commission meeting they had approved a Lease Agreement between the Historic Society the Municipal Building Authority to lease the Train Depot. He said the Historic Society would occupy the Train Depot and operate it as a visitor center. He mentioned a draft plan for a train viewing park east of the Train Depot which would include the caboose.

Election Changes – Denise explained as a result of the resignation of Chris Stewart, a Special Congressional Election for the US Congressional District 2 would be held. The Governor had changed the election dates and the primary would be held on September 5th and the general election would be held on November 21st. She stated there were four candidates for the City's election so there wouldn't be a primary election this year.

This meeting was adjourned at 9:36 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the August 22, 2023 meeting.

**MINUTES OF MORGAN CITY
COUNCIL WORK MEETING**

JUNE 27, 2023; 6:06 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

STAFF PRESENT:

Gary Crane, City Attorney; Lance Prescott, Street Supervisor; and Denise Woods, City Recorder

STAFF PRESENT ELECTRONICALLY:

Ty Bailey, City Manager

OTHERS PRESENT:

Matt Hartvigsen, City Engineer, Jones & Associates

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.

ITEMS FOR DISCUSSION

DISCUSSION – CULINARY WATER IMPACT FEE FACILITIES PLAN AND APPROVAL OF THE WATER IMPACT FEE ANALYSIS; ENACTING A CULINARY WATER IMPACT FEE – ORDINANCE 23-06

Matt Hartvigsen, City Engineer, explained that before the City could charge development an impact fee a study had to be performed. He stated with the help of the City Staff a study had been completed which identified projects which were needed for new development to come into the City. He said once the projects were identified they were turned over to a financial consultant then they developed the impact fee analysis. He clarified that he hadn't completed the analysis but would be able to give an explanation of the contents. He provided a handout for the Council, which was attached hereto and incorporated herein by this reference. He referenced the handout which listed the projects City Staff had identified. He explained they looked at the entire City and all the undeveloped ground and identified, based on the land use in the General Plan, what the impact would be on the City's water system for those undeveloped areas. After it was determined how large the City would grow, how many people, and how many connections there would be then they looked at the City's water system and all the different components and decided how much additional storage the City was going to need and how much additional water the City would be able to produce to provide water to the residents. He stated the projects could go out for decades and once they were identified City Staff reviewed the list and decided which ones were most important for the City to do in the short-term (10-year horizon). He explained the financial consultant then took the list and calculated an appropriate impact fee. He referenced Table 8.2 which identified the projects in the short-term plan and Table 8.3 identified the costs of those projects which could be attributable to the short-term. He stated the financial consultant then created an impact fee schedule for each water connection size.

Discussion regarding adopting the table in the analysis indicating impact fees from 2023 through 2028 instead of just for 2023. Exhibit B of the ordinance would be Table 4 of the Impact Fee Analysis.

Ty Bailey, City Manager, reminded the Council that these projects were also on the capital improvement list for the City. He said receiving grants influenced the timing of the projects. He clarified that once the impact fee schedule was adopted the City was not limited to the projects on the list.

Gary Crane, City Attorney, stated the City could substitute projects as long as they were attributable to new development and not for existing deficiencies in the City's system.

Discussion regarding Table 8.3 regarding the eligible costs considered for short-term growth and how the amounts were reached.

Gary stated the City's annexation policy declaration was important because the areas shown in the annexation policy declaration would impact the City and when those people annexed into the City, they should be required to pay their proportionate share of the costs for utility service.

PRESENTATION – MORGAN CITY DEVELOPMENT, DESIGN, AND CONSTRUCTION STANDARDS – RESOLUTION 23-21 – MATT HARTVIGSEN, CITY ENGINEER

Matt explained there had been several meetings with City Staff to review the changes which were happening with the City's design standards. He stated some of the changes were internally generated such as Kale Watkins, Water/Wastewater Supervisor, wanted to have a standard sewer lift station which was a pre-packaged type of system built to his specifications. He stated these would be used in areas of the City which didn't need large elaborate lift stations. He said this item had been added to the City's standards. He said other changes were created externally, for example, State Legislature passed a law this year which limited the maximum amount of asphalt the City could require from development. The City's current roadway asphalt street section was 35' and the new law stated the City couldn't require development to pay for or build more than 32' of asphalt. As a result of this new law there was a new standard drawing showing 32' of asphalt for the typical neighborhood street. He explained the City could still use the 35' roadway section if there was a reason for it and those reasons were outlined in the new law and they had been incorporated into the City's design standards.

Councilmember Alexander asked if the City already had the standards, and the resolution tonight would make changes to that document.

Matt explained there were two parts to the City's standards. First, there were the drawings which showed the street sections, where the sidewalk would go, where the curb would go, etc., and the second part showed the specifications which explained how construction should proceed, i.e., roadways, water lines, etc. Both parts were included in one book and that was what the Council would be adopting tonight. He explained the City had followed/adopted the American Public Works Association (APWA) Standards except where the City wanted their standards to be more detailed and the City's standards would override any discrepancy with the APWA standards. He explained the process of creating project documents for water, sewer, or street projects and both the APWA and City's standards would be referenced in those documents. He stated if there was a unique detail to a specific project it would be detailed and put in the book. He suggested when the Council adopted the City's proposed standard specifications and drawing that they also include the APWA standards in the motion.

Discussion regarding several standards which had been changed and improved.

- Replacing the pipe after a water break and requiring backfill and bedding
- Installing sewer lateral and requiring non-native structural backfill and bedding
- Repair of potholes
- Requirement of a minimum depth for concrete structures within the roadway (manhole covers)

- Standard for street section detail – 32' roadway
- Possible use of a street standard similar to 100 North with sidewalk but no curb and gutter (Alternate Low Density Street Section – Intended to encourage lower density development – In Rural Residential or Agricultural)
- Installing a 6' sidewalk along curb without a parkstrip (Parkstrips were still the City standard, but this was another option)
- Installation of sidewalk on one side of the road in developments within sensitive lands and just curb and gutter on the other side of the road

Discussion regarding future changes to the City's standards to come back to the Council for approval when and if necessary. This document would be a living document and would change regularly upon discovery of new and improved standards for City projects. One of the reasons for the standards was to keep things uniform but the City would need to adapt with each development.

This meeting was adjourned at 7:07 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the August 22, 2023 meeting.

8.2 Project Priorities and Cost Estimates

City staff has reviewed the previously listed projects and identified which ones are likely to be needed soon. A ten-year priority window was used to select the projects that were perceived to be the most pressing. While some of these projects will be driven by development, others will prepare the way for growth and will help to provide better efficiency and reliability of the water system. A summarized list of the most pressing projects and their associated costs is shown in Table 8.2.

Table 8.2 – IFFP Projects and Cost Summary

Proj No.	Project Description	Total Estimated Cost	Cost Breakdown			Proposed Budget Year
			Deficiency and O&M	Impact Fee Eligible	Developer Cost	
1	Purchase NMWUA system	\$176,000	\$58,080	\$117,920	-	2023
2	Park Well Chlorination	\$210,000	\$69,300	\$140,700	-	2023
3	North Morgan Tank	\$5,462,000	\$365,954	\$5,096,046	-	2027
4	Aquifer Storage & Recovery	\$444,000		\$444,000	-	2024
5	Sunset Dr. Waterline Loop	\$494,000	\$65,470	\$428,530	-	2028
6	Well Siting Study	\$110,000		\$110,000	-	2026
7	New Drinking Water Well	\$2,323,230		\$2,323,230	-	2030
Totals		\$9,219,230	\$558,804	\$8,660,426		

Not all of the impact fee eligible costs can be used to calculate an impact fee. Only the portion of the cost that will benefit the expected short-term growth can be used. The table below identifies the portion of the impact fee eligible cost that can be considered in the impact fee calculation.

Table 8.3 – IFFP Projects with Eligible Costs Considered

Proj No.	Project Description	Total ERUs Served	Cost Breakdown			Proposed Budget Year
			Impact Fee Eligible Cost	ERUs Considered	Impact Fee Considered ¹	
1	Purchase NMWUA system	3,357	\$117,920	501	\$17,598	2023
2	Park Well Chlorination	3,357	\$140,700	501	\$20,998	2023
3	North Morgan Tank	3,357	\$5,096,046	501	\$760,536	2027
4	Aquifer Storage & Recovery	3,357	\$444,000	501	\$66,263	2024
5	Sunset Dr. Waterline Loop	72	\$428,530	72	\$428,530	2028
6	Well Siting Study	3,357	\$110,000	501	\$16,416	2026
7	New Drinking Water Well ²	3,357	\$2,323,230	501	\$346,720	2030
Totals			\$8,660,426		\$1,657,061	

¹This is the portion of the total cost that will benefit short term growth.

The cost of these projects is high for a small system with limited users. It is expected that loans and grants will need to be secured to pay for these projects. Utility fees and general funds can also be used to pay for projects. A good financial plan should be developed and followed if the projects are to be constructed in a timely manner.

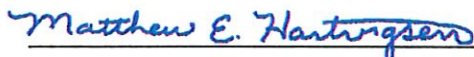
The use of water impact fees is expected to help the city afford to construct these projects. The calculation of the impact fee will be performed by a separate financial consultant.

8.3 Certification

Per Utah Code 11-36a-306(1) – Certification of impact fee facilities plan:

I certify that the attached impact fee facilities plan:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. complies in each and every relevant respect with the Impact Fees Act.



Matthew E. Hartvigsen, P.E. – City Engineer

DRAFT

MINUTES OF MORGAN CITY COUNCIL MEETING

JUNE 27, 2023; 7:13 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT IN-PERSON:

Gary Crane, City Attorney; and Denise Woods, City Recorder

STAFF PRESENT ELECTRONICALLY:

Ty Bailey, City Manager

OTHERS PRESENT:

Matt Hartvigsen, Jones & Associates, City Engineer

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 Councilmember London.

The opening ceremony was presented by Councilmember Wardell.

APPROVAL OF MEETING AGENDA

MOTION: Councilmember Turner moved to approve the agenda excluding the minutes of the City Council Work Meeting on June 13, 2023.

SECOND: Councilmember London

Vote was 5 ayes; Motion passed unanimously to approve the agenda.

MINUTES AND WARRANTS

MOTION: Councilmember Turner moved to approve the following:
Warrants (06/09/23 to 06/23/23).

SECOND: Councilmember London

Vote was 5 ayes; The motion passed unanimously to approve the one set of warrants.

CITIZEN COMMENTS

No citizen comments.

DRAFT

PUBLIC HEARINGS

A. CULINARY WATER IMPACT FEE FACILITIES PLAN AND APPROVAL OF THE WATER IMPACT FEE ANALYSIS; ENACTING A CULINARY WATER IMPACT FEE – ORDINANCE 23-06

MOTION: Councilmember London moved to open the public hearing to discuss the Culinary Water Impact Fee Facilities Plan and Approval of the Water Impact Fee Analysis; and the enactment of a culinary water impact fee, providing for appeal, accounting, and severability – Ordinance 23-06.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to open the public hearing to discuss the Culinary Water Impact Fee Facilities Plan and Approval of the Water Impact Fee Analysis; and the enactment of a culinary water impact fee, providing for appeal, accounting, and severability.

Public Comments: None.

MOTION: Councilmember Wardell moved to close the public hearing regarding the Culinary Water Impact Fee Facilities Plan and Approval of the Water Impact Fee Analysis; and the enactment of a culinary water impact fee, providing for appeal, accounting, and severability.

SECOND: Councilmember London

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to close the public hearing regarding the Culinary Water Impact Fee Facilities Plan and Approval of the Water Impact Fee Analysis; and the enactment of a culinary water impact fee, providing for appeal, accounting, and severability.

B. ADOPTION OF THE SCHEDULE OF COMPENSATION FOR ELECTED, STATUTORY, AND APPOINTED OFFICERS OF MORGAN CITY – ORDINANCE 23-07

MOTION: Councilmember London moved to open the public hearing to discuss the schedule of compensation for elected, statutory, and appointed officers of Morgan City – Ordinance 23-07.

SECOND: Councilmember Turner

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to open the public hearing to discuss the schedule of compensation for elected, statutory, and appointed officers of Morgan City.

Public Comments: None.

DRAFT

MOTION: Councilmember Wardell moved to close the public hearing regarding the schedule of compensation for elected, statutory, and appointed officers of Morgan City.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to close the public hearing regarding the schedule of compensation for elected, statutory, and appointed officers of Morgan City.

C. AMENDMENT TO TITLE 1, CHAPTER 1.15 – CONSOLIDATED FEE SCHEDULE OF MORGAN CITY – ORDINANCE 23-08

MOTION: Councilmember London moved to open the public hearing to discuss amendments to Title 1, Chapter 1.15 – Consolidated Fee Schedule of Morgan City Code – Ordinance 23-08.

SECOND: Councilmember Turner

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to open the public hearing to discuss amendments to Title 1, Chapter 1.15 – Consolidated Fee Schedule of Morgan City Code.

Public Comments: None.

MOTION: Councilmember Wardell moved to close the public hearing regarding amendments to Title 1, Chapter 1.15 – Consolidated Fee Schedule of Morgan City Code – Ordinance 23-08.

SECOND: Councilmember Turner

Discussion on the Motion: None

Vote was 5 ayes; Motion passed unanimously to close the public hearing regarding amendments to Title 1, Chapter 1.15 – Consolidated Fee Schedule of Morgan City Code – Ordinance 23-08.

ACTIVE AGENDA

CULINARY WATER IMPACT FEE FACILITIES PLAN AND APPROVAL OF THE WATER IMPACT FEE ANALYSIS; ENACTING A CULINARY WATER IMPACT FEE – ORDINANCE 23-06

Mayor stated this item had been discussed at length during the work session prior to this meeting.

Matt Hartvigsen, Jones & Associates, City Engineer, stated a Capital Facilities Plan (CFP) study had been completed by his office and as part of the CFP they conducted an Impact Fee Facility Plan (IFFP) to go along with the CFP. He explained the CFP looked at the long-term growth of the City and the IFFP looked at the short-term growth and the projects identified in the IFFP were used to calculate an impact fee. The Impact Fee Analysis was completed by Zions Public Finance Inc. He referred to the projects they had identified which were needed for growth in the water system, their costs, and which project would serve

DRAFT

the short-term growth needs (10-year horizon) of the City. He stated the Analysis took into account the financial obligations of the City and the cost of those projects and that created the impact fee.

Gary Crane, City Attorney, explained the impact fee law required a hearing for the approval of the IFFP, which was what the Council was doing this evening. He stated the Analysis could be approved at the same time as the IFFP. He said separate from that the enactment needed to be placed in the library and City office where people could read it and the impact fee would be approved in the Consolidated Fee Schedule. He stated the impact fee set by the Council could be the maximum amount listed in the Analysis or it could be set lower. He said the next step would be to have another public hearing, provide notice, and adopt the impact fee through an ordinance amending the Consolidated Fee Schedule.

Ty Bailey, City Manager, stated by adopting the IFFP and the Analysis the assumption could be made that the Council approved of the impact fee amounts calculated in the Analysis.

Councilmember London stated for the record that this study took hours and hours of time by Jones and Associates, Zions Public Finance, City Staff, and also the Council discussed tonight during the work session prior to this meeting.

MOTION: Councilmember Alexander moved to adopt Ordinance 23-06 – An ordinance of the City Council of Morgan City, Morgan County, Utah, acting as the governing body of Morgan City enacting a Culinary Water Impact Fee Facilities Plan, Providing for the calculation and collection of such fees, Providing for appeal, accounting, and severability of the same, and other related matters; Providing for repealer; providing for severability; and providing for an effective date; and propose that Exhibit B – Impact Fee Schedule would come from Table 4 – Maximum Impact Fees of 2023 to 2028 from the Draft Culinary Water Impact Fee Analysis of the Zion Public Finance Company dated May 2023.

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 – aye

Vote was 5 ayes; Motion passed unanimously to adopt Ordinance 23-06 – An ordinance of the City Council of Morgan City, Morgan County, Utah, acting as the governing body of Morgan City enacting a Culinary Water Impact Fee Facilities Plan, Providing for the calculation and collection of such fees, Providing for appeal, accounting, and severability of the same, and other related matters; Providing for repealer; providing for severability; and providing for an effective date; and propose that Exhibit B – Impact Fee Schedule would come from Table 4 – Maximum Impact Fees of 2023 to 2028 from the Draft Culinary Water Impact Fee Analysis of the Zion Public Finance Company dated May 2023.

ADOPTION OF THE SCHEDULE OF COMPENSATION FOR ELECTED, STATUTORY, AND APPOINTED OFFICERS OF MORGAN CITY – ORDINANCE 23-07

Ty explained this was a procedural requirement of the Utah Code Annotated Section 10-3-818 (1977) which made the wages of the elected, statutory, and appointed officer of Morgan City a public record and

DRAFT

discoverable. He reminded the Council that during the discussion of the tentative budget compensation per meeting attended for the Planning Commission members was approved and would be paid annually.

MOTION: Councilmember London moved to adopt Ordinance 23-07 – An ordinance adopting a compensation schedule for all elected, statutory, and appointed officers of Morgan City Corporation; 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 – aye
Eric Turner – aye

Vote was 5 ayes; Motion passed unanimously to adopt Ordinance 23-07 – An ordinance adopting a compensation schedule for all elected, statutory, and appointed officers of Morgan City.

Councilmember Alexander proposed moving to item D of the active agenda to allow Matt Hartvigsen to leave early from the meeting.

Mayor approved the amendment to the agenda.

ADOPTION OF MORGAN CITY DEVELOPMENT, DESIGN, AND CONSTRUCTION STANDARDS – RESOLUTION 23-21

Matt explained the City's Public Works Standard Drawings and Specification already existed and the City was updating them by Resolution 23-21. A slideshow was displayed on the screens. He stated the Public Works Standard Drawing and Specification covered all of the utilities the City provided including transportation, power, drinking water, sewer collection, treatment, and disposal, storm water collection and disposal, and irrigation. He stated the power standards were adopted separately but they were referenced in these standards.

Matt said the standards were important to:

- establish continuity for development within the City
- provide a feel and look that was important to the City – How you would like your sidewalks, park-strips, streetlights, driveways, etc.
- allow the utility departments to have the parts and materials they trust and are familiar with
- ensure that construction items are acceptable and done well

Matt said the standards were determined by your utility departments. He said they had worked closely with the City's departments to implement what they desired into the drawings and specifications. He explained that the standards were determined/set by state agencies with oversight, such as environmental quality, and drinking water, etc. Also, the health department and fire district suggested items to be included in the City's standards. He referenced State Code (U.C.A. 10-9a-508) which amended the standard local roadway width to 32' of pavement/asphalt and the City needed to have a reason to make the roadway wider, such as higher

DRAFT

density development or gathering places like libraries and schools, etc. to accommodate the higher anticipated traffic.

Matt gave a summary of the proposed changes to the City's design standards.

- Street width: maximum 32' of asphalt – Local Roads – Utah Code 10-9a-508 (applies to single family residential development types)
- Street section for sensitive lands (50' right-of-way)
- Standard sidewalk width (from 4' to 5')
- Standard sidewalk thickness (4" to 6")
- PVC C900/C905 waterline as a standard material
- Waterline loop (single piece)
- Pavement patching (T-patch and exploratory-hole detail)
- Irrigation service connection detail
- Sewer lift station detail (factory built, pre-packaged station)
- General part numbers, notes, and explanations

Matt stated the City had to adopt the standards in order to be able to enforce them and some of the standards were set by outside influences. The City was required to also follow these design standards. The point of a lot of the standards was to reduce the cost of maintenance. He said the standards set the expectations for development. The standards helped with day-to-day issues and assisted vendors and suppliers to keep the right parts and materials in stock and let them know what the City needed. He explained the basic concept of the new street sections was to use the narrower street sections for single family or rural or agricultural type development and then the wider street section would be used in multi-family higher density development. He explained the narrow street section which didn't have curb. It had a concrete edge (ribbon curb) which was flush with the asphalt, and it would allow water to run off of the roadway into a 10' swale on the side of the road. The purpose of this design was to take care of storm water and put it back into the ground since the City didn't have a large storm water system. He said the State was encouraging limiting the amount of storm water that was collected in pipes, from gutters, and inlet boxes and sending it out to the rivers and streams. He felt this type of street design could also be used to retrofit some of the older parts of town which didn't have sidewalk, curb, and gutter already. The use of the narrower street may encourage rural type low density development with larger lots. He said with the narrower street the City would preserve the same right-of-way in case the City ever had to add a lane.

Discussion regarding a developer asking to use the narrower street design (Alternate Low-Density Street Section) in a development of quarter acre lots. Matt stated City Staff needed to be consistent and explain to them it wasn't available for that type of development unless the City decided to make concessions for the development. He emphasized they needed to, at a minimum, build the 32' asphalt payment section for single family residential developments or the 35' or larger for multi-family. Matt said each street section design had an explanation of what type of development it should be used for. The design which didn't have the full curb section stated the City could use this type of street section to encourage low-density development at the City's discretion. A suggestion was made to define this type of street design by stating it was specifically for agricultural, which was five-acre minimum lot size, or rural residential which was one-acre minimum lot sizes. The consensus of the Council was to use it on one-acre lots and up. Matt stated he felt it was best used on the larger lots.

Gary stated it could be handled legislatively if it was done in the overlay zone, if adopted, because it wouldn't be governed by the restriction of the State Code regarding subdivisions or through development agreements, which would also be handled legislatively.

DRAFT

Matt expressed his appreciation to the Council for clarifying when it should be used. He said the clearer we can be in the standards the easier it was to apply.

MOTION: Councilmember Alexander moved to adopt Resolution 23-21 – A resolution adopting and approving the Morgan City Development, Design, and Construction Standards to include the American Public Works Association (APWA) drawing and specifications and current Morgan City standards, specifications, and drawings as proposed and also to include a rural residential zoning and above classification to the Alternate Low Density Street Section of the standards.

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 – aye

Vote was 5 ayes; Motion passed unanimously to adopt Resolution 23-21 – A resolution adopting and approving the Morgan City Development, Design, and Construction Standards to include the American Public Works Association (APWA) drawing and specifications and current Morgan City standards, specifications, and drawings as proposed and also to include a rural residential zoning and above classification to the Alternate Low Density Street Section of the standards.

AMENDMENT TO TITLE 1, CHAPTER 1.15 – CONSOLIDATED FEE SCHEDULE OF MORGAN CITY – ORDINANCE 23-08

Ty explained this ordinance was an update to the electric and water rates. He reminded the Council that an electric rate study was completed and adopted last year, and part of the study suggested the City adopt an annual adjustment in order to stay on track with the rate and costs of maintenance. He said the formula was adopted and it had been applied this year which resulted in a 3.1 cent increase, and it was reflected in the fee schedule for approval. He stated the cost of power had gone from 5 cents to 8.4 cents year-to-date, which was common across the entire industry. He stated power production continued to get more expensive. He explained the water rate and the overage rate, which was discussed and adopted on June 13, 2023, was implemented into the Consolidated Fee Schedule. He mentioned the amendment to the fee schedule for an annexation and rezone fee. He stated the rates would be effective July 1, 2023.

Discussion regarding the electric meter costs. It had been requested that instead of listing the meter costs, which were continually changing, the fee schedule needed to be amended, to put the cost of installation plus the meter cost at that time.

Discussion regarding the overage rates table and how to apply it to meter sizes above ¾". Before the water rate study, the overage rates were \$4.00 with secondary water and \$2.00 without secondary water. The lower overage rate was for those who didn't have access to secondary water, i.e., North Morgan. Discussion regarding the rates being increased again to \$8.00 and \$4.00 during the drought years to promote conservation.

Councilmember Alexander didn't feel the new rates promoted conservation.

DRAFT

Ty stated everyone paid the minimum for the initial 8,000 gallons and then they would be charged the overage rate for anything over 8,000 depending whether or not they had access to secondary water. This rate could be evaluated again next year if the City's system started to struggle. Ty said it didn't fluctuate enough to impact the City's budget. He stated the higher rate helped in detecting leaks.

Councilmember London suggested with the other increases he wasn't in favor of increasing the overage rate at this time.

MOTION: Councilmember Alexander moved to adopt Ordinance 23-08 – An ordinance amending Title 1, Chapter 1.15 of the Morgan City Code by amending the monthly electric fees and meter connection fees, monthly water base rates, and overage rates of the Consolidated Fee Schedule; Providing for repealer; Providing for severability; and Providing for an effective date.

SECOND: Councilmember Turner

Discussion on the Motion: None

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

Vote was 5 ayes; Motion passed unanimously to adopt Ordinance 23-08 – An ordinance amending Title 1, Chapter 1.15 of the Morgan City Code by amending the monthly electric fees and meter connection fees, monthly water base rates, and overage rates of the Consolidated Fee Schedule; Providing for repealer; Providing for severability; and Providing for an effective date.

CLOSED SESSION

MOTION: Councilmember Richins moved to go into a closed session at 8:57 p.m. for the purpose of discussing pending or reasonably imminent litigation.

SECOND: Councilmember Wardell

Vote: 5 ayes; Motion passed to go into closed session.

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

MOTION: Councilmember Turner moved to open the meeting at 9:31 p.m.

SECOND: Councilmember Wardell

Vote: 5 ayes; Motion passed to come out of closed session.

DRAFT

ACTIVE AGENDA (Continued)

SETTLEMENT AND AGREEMENT BETWEEN MORGAN CITY AND FRANCIS TURNER, TRUSTEE OF THE JAN K. AND FRANCIS B TURNER REVOCABLE TRUST – RESOLUTION 23-20

MOTION: Councilmember London moved to adopt Resolution 23-20 – A resolution adopting and Approving a Settlement and Agreement regarding an action filed in the Second district Court as Case Number 210500019 by Francis Turner, Trustee of the Jan K. and Francis B Turner Revocable Trust.

SECOND: Councilmember Richins

Discussion on the Motion: None

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

Vote was 5 ayes; Motion passed unanimously to adopt Resolution 23-20 – A resolution adopting and Approving a Settlement and Agreement regarding an action filed in the Second district Court as Case Number 210500019 by Francis Turner, Trustee of the Jan K. and Francis B Turner Revocable Trust.

CITY REPORTS

CITY COUNCIL

Councilmember Alexander updated the Council regarding the progress the Planning Commission had made with their discussion of accessory dwelling units (ADUs), both internal and external. Jake gave a presentation, and it was the consensus of the Planning Commission to begin the process of moving forward with the ADUs and Jake would bring back a draft ordinance for review at the next meeting. He stated a suggestion had been made by Ray Little that signs be approved by Staff instead of the Planning Commission going forward. The sign for the Milk Barn Creamery was approved.

Councilmember Richins updated the council regarding the COG meeting. He stated the County Council had voted favorably for COGs funding of the bridge. He said there would be a temporary bridge going to Croyden.

CITY MANAGER

PROJECT UPDATES

Young Street Bridge & Young Street Improvements – Ty updated the Council regarding the bridge and the Young Street improvements. He said the bids came in to extend the improvements to the four-way stop and it was an additional \$93,000.00 to complete the road to the four-way stop. He mentioned the School District was contributing \$133,000.00 for their portion of a sidewalk on their side of the project. The Bridge will be completed before school starts in August.

DRAFT

ULCT 2023 Annual Convention – Salt Lake City (September 6-8, 2023) – Ty mentioned the ULCT Annual Convention in September and encouraged the Council to attend if they were interested. Laurie would assist anyone who wanted to attend the Convention.

Fraud Risk Assessment - Ty said the City's score on the Fraud Risk Assessment was 345 and was a low risk. This report will be uploaded to the State Auditor.

4th of July – Ty stated the City was highlighting the Road Department this year in the parade and would be handing out taffy, squishy traffic cones, and traffic cone flashlights.

This meeting was adjourned at 9:47 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the August 22, 2023 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 June, 2023, was to discuss pending or reasonably imminent litigation.

Dated this 27th day of June, 2023.

ATTEST:

STEVE GALE, Mayor

DENISE WOODS, City Recorder

DRAFT

MINUTES OF MORGAN CITY COUNCIL SPECIAL WORK MEETING

June 28, 2023; 5:33 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

STAFF PRESENT:

Denise Woods, City Recorder

STAFF PRESENT ELECTRONICALLY:

Ty Bailey, City Manager; Gary Crane, City Attorney

OTHERS PRESENT:

Jake Young, City Planner, CitiDesign; Wes Woods, 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.

ITEMS FOR DISCUSSION

DISCUSSION – AMENDMENT TO TITLE 10, CHAPTER 10.04, SECTION 10.04.010, CHAPTER 10.12, SECTIONS 10.12.010 AND 10.12.040 AND ENACTING TITLE 10, CHAPTER 10.15 ENTITLED MIXED RESIDENTIAL OVERLAY (MRO) ZONE OF THE MORGAN CITY CODE

Mayor read the whereases from Ordinance 23-04. He stated there was a variety of opinions regarding the overlay zone and he hoped the Council could have a beneficial discussion tonight. He stated the City needed to get ready the best we could for what the state wanted to impose on us. He said some of us had were kids and grandkids who wanted to live in Morgan but right now it was hard to do because of the housing costs.

Jake Young, City Planner, stated this ordinance was a result of a lot of planning and discussions. He stated the genesis of this ordinance was a proposed development last year for townhomes, which had been the typical development in the City the last 10 years, and some were not very attractive. He said the Mayor and Planning Commission suggested looking at something different. He said he took the Mayor and several City Staff on a mobile tour of some of the best communities in Wasatch Front in Kaysville, South Jordan, and Salt Lake area. They weren't looking at 'Big City' stuff but things which could be applicable to Morgan. He stated the City Council, and the Planning Commission had a joint meeting in August of last year and the City Council recommended Staff and the Planning Commission move forward with the mixed residential ordinance. He stated the Planning Commission worked through a lot of issues and had developed drafts and revisions and this ordinance was very customized for Morgan City.

Jake explained this was a planning tool which was kind of up in the cloud. He stated it was an overlay zone and was not pre-applied to ordinances and land. He said it gave the City flexibility to have restrictions with design requirements on single-family residential developments, which normally the City couldn't have. He said it also gave the City the discretion to decide if the project was the right look, size, or location and if it fit within the City. He suggested the Council consider this as a 'pilot project.'

DRAFT

Mayor asked for clarification about the Council's ability to be involved with the design elements regarding this type of development and how to approve one and not the next development.

Jake stated first, the developer needed to meet the City ordinances but second, because it was a legislative decision the Council would have final approval. He said the Council had the opportunity to tell the developer what the Council would like or dislike in the design and make recommendations to the developer. He stated each development would be approved on a 'case by case' basis, making sure it actually fit and was in the right place and right design, and that it met all the requirements. The requirements in this overlay zone would be much higher than the typical subdivisions and development. He stated not all the developers would use this planning tool because they don't want to develop pocket parks and require porches on homes, certain architecture, etc. He stated the developers will like the benefits of the density, but they might not be willing to provide everything else required by the City.

Councilmember Turner asked for clarification whether the overlay applied citywide (within the City's boundary) or just a certain section of the City in a specific zone.

Jake stated it covered Morgan City project by project. He stated a developer would need to apply specifically for the overlay zone for a development. He said there were a lot of requirements within the overlay ordinance which would limit the areas where it could be applied.

Councilmember Turner used an example of a piece of property (2.5 to 10 acres), which was zoned R-1-20, and surrounded by property with the same zoning, and a developer wanted to use the overlay zone for his development in the middle of the property zoned R-1-20. He stated he was nervous of the ordinance and how it would be used.

Jake said yes, the developer could request to use the overlay zone, but the City could say it wasn't compatible with the surrounding developments. He said he understood the nervousness over the ordinance, but it was still a draft and changes could be made to it. He said language could be changed regarding compatibility with surrounding development and use of the overlay zone with only certain underlying zones. He expressed his concern with a request from a developer to use the overlay zone on a hillside. He said the Council could change the ordinance and eliminate use in sensitive lands. He mentioned again this would be reviewed and discussed on a case-by-case basis. He said the Council would see complete concept/design drawings before the Council approved or denied the use of the overlay zone.

Jake pointed out the following points of the ordinance:

- It was intended for infill development and required a mixture of housing types and created smaller pocket neighborhoods. It was not intended for larger developments or as standalone master-planned communities. It was not pre-assigned and was done in conjunction with the development application.
- Used in residential zones and applied to a development project between 2.5 and 10 acres in size. He said he wouldn't suggest changing the minimum 2.5-acre limit, but if the Council wanted, they could decrease the acreage to have a smaller sized development, but if it was a smaller area there wouldn't be a City park in the development.
- The maximum number of dwelling units was 10 per acre. He stated this was not considered high density.
- Pointed out the two lists of building types, i.e., small and medium single-family or townhome and two-family homes. He stated 30% of the units must come from each of these lists, but there would probably be more townhomes than single-family homes.
- Residential buildings to be oriented in one of two methods. First, building's front façade and front door face the street, and second the buildings face onto a common green or park. The common

DRAFT

green would directly connect with the street. Each dwelling shall have a continuous sidewalk from the residential front door, facing the common green, to the street.

- 15% of the land was required to be used as open space. He said backyard space would be traded for a pocket park which was a common area and would add recreational space to the City but would be park of an HOA and the City would not be required to maintain it. The following are requirements of the open space:
 - Have a playground (City wouldn't design the park).
 - Only 25% of the open space could be used for stormwater detention/retention.
 - Trails, benches, sidewalks, etc.
 - CCR's require that the open space is open to the public.
 - HOA required and approved by the City.
 - No-off street parking required for open space.
 - City would be trading density for design quality.

Jake pointed out several design elements:

- Each dwelling was required to have a porch which is a minimum of 5' x 8' (equaling 40 square feet or larger).
- 50% of MRO Zone dwellings/units shall be individually platted.
- Maximum number of units per building was five.
- Each home had to be different from the home next to it. Variety of home styles. Building design must distinctly vary in four (4) of the following eight (8) elements:
 - Architectural style
 - Colors of exterior materials and surfaces
 - Roofline articulation
 - Materials (brick, stone, stucco, hardy-board, etc.)
 - Window location and sizes
 - Door design, color, and location
 - Porch location or porch covering
 - Building bump-outs or exterior wall changes

Jake stated Staff would review architectural designs. He mentioned there would be windows on all sides facing streets. He displayed examples of small single-family dwellings in development using the overlay zone. He displayed examples of medium and small single-family dwellings within the same neighborhood and the garages were set back a little bit from the front façade. He stated townhomes were limited to 5 units a building and were required to have a rear loaded garage and could be attached or detached. He stated the twin-homes could be street facing with a shared driveway. He displayed several examples and stated the building must have high-quality exterior finish materials on all sides, i.e., brick, fiber-cement board, or similar lap siding, glass, or stone. He said 30% of those listed materials must be used on the fronts of the buildings. He showed the designs for the garages and non were facing the front unless they were set back from the front of the building. He reviewed the lot sizes, width, depth, and setback requirements. He stated the maximum building height was 27', which was essentially 2 ½ stories or 2 stories with a pitched roof.

Jake explained each unit must have a minimum of two dedicated stalls per unit located at the dwelling, one of which was required to be a garage stall. He said ½ stall for visitors were required for each unit and they were to be located within 150' of each dwelling unit. He displayed diagrams showing the alley cross sections. He stated the alleys would be privately owned and the HOA would be required to provide snow plowing and maintenance.

Jake stated the City didn't have landscape requirements for residential single-family homes. He reviewed the landscape requirements for the MRO zone, i.e., street trees, landscaping, plants, water wise landscaping,

DRAFT

etc. He stated landscape must be stamped by a professional landscape architect. He stated by having landscaping requirements it was another way to raise the bar on a development.

Jake reviewed the application process and the documents required for the rezone. He stated this type of development wasn't for everyone, i.e., large families, families with teenagers and multiple cars, etc., but there was also a good demographic which fit this type of development.

Mayor opened the discussion to the Council. He mentioned the amount of growth in the north part of the City and because he wasn't able to purchase the property, he couldn't interfere with what the property owner was allowed to do with his property. He stated he was impressed with the neighborhoods they went through on their tour with Jake.

Discussion regarding where the MRO zone could be applied. Currently it was in residential and commercial, but the Council had the discretion to say 'yes' or 'no' where it was applied, and it wasn't automatically approved. The Planning Commission hadn't discussed excluding it from the rural and commercial zones, but the ordinance was still in draft so those changes could be made.

Gary Crane, City Attorney, stated the Council could designate which zones the overlay zone could be used with. He said the Council would use the same criteria used for any zoning ordinance. He said the Council would look at whether it was the right place for the traffic circulation, density wise, adequate utilities, etc., but in addition to that there would be a very detailed plan to review before making the decision, which you normally didn't have when it came to rezone requests. The detailed plan would give the Council a better idea of where this type of development should go or not. He explained the zoning criteria was a rational basis so the Council could approve it in one location and not the next if they had a rational basis to do so. He stated with a subdivision approval the Council were bound by the City's ordinances and the Council didn't have the rational basis test. The Council would need substantial evidence in order to overcome some of the objections to a subdivision, but this overlay was intended to be flexible. He stated when approving the application of the overlay zone to denying it for another application, the Council couldn't distinguish on the basis of who was making the application because that would be arbitrary, capricious, and unreasonable, but you did have considerable flexibility on where you applied the overlay zone. He said the Council wasn't bound by their prior decisions. He said the Council needed to look at each individual area in the application and make their decision on each individual application. He gave several examples of these types of developments in Layton and stated the developers tended to hang onto them until the HOA was up and running by taking over the responsibilities of the developer.

Councilmember London stated in the past a concept approval was not necessarily what the City ended up with. He asked if a developer applied for this MRO zone could the City require a full rendering of the concept of the development from the developer. He said it was important to him to see exactly what the finished project would look like.

Gary said yes and this could be an inhibiting factor for every developer wanting to do this type of development. He said a developer applying for the MRO zone would invest a lot of money up front in just convincing the Council. He clarified that it wasn't a typical concept plan approval because this wasn't a subdivision, but the developer was asking the Council and Planning Commission to consider applying the MRO zone in an area. He said the rendering would show what the homes would look like, the elevations, where the garages were, etc.

Councilmember London asked how a private development ended up being the City's responsibility.

Gary explained the City required all the infrastructure in a private development to be to City standards. He said if a private road was built at 26' feet they would never be turned over to the City and the City wouldn't

DRAFT

accept responsibility for them. He said the developments in the MRO zones needed to have a solid HOA and the common area needed to be dedicated to the HOA, including the streets. The City would maintain any public streets within the development. He said the bottom line was the City didn't have to take back anything which didn't meet City standards.

Councilmember Richins said he could see a place for this type of development in the City, along as there were restrictions. He said there was a need and a demand for this type of development and the City needed more affordable housing and something like this for the new generation.

Jake displayed a map of the City and referenced the property which started this discussion, and it was already zoned RM-15.

Discussion regarding the 15% requirement for open space. Jake said at 15% the City could get something which was usable but wasn't overly burdensome to maintain. The pocket parks would be available to the public. Jake said the development agreement would state they were 'privately maintained publicly accessible.' The City needed to respect the private nature of the pocket parks.

Councilmember Alexander mentioned several high-density developments within the City and stated this ordinance would address design more than density.

Councilmember Tuner expressed appreciation to Jake and the Planning Commission for all the time they had spent on this ordinance. He stated there had been discussions regarding affordable housing and how we need it in Morgan City, but we don't set the housing market in Morgan. He said it was supply and demand and the market drove the prices for new homes and also our existing homes. He asked what a development of this type would do to the City's road, water and sewer systems.

Discussion regarding the state's requirements regarding affordable housing. It wasn't Morgan's responsibility to solve the state's issue with affordable housing, but everyone was expected to do their part.

Jake stated it was the builder's job to build the homes, but it was the City's job to allow homes and allow flexibility in markets. He stated the City had the discretion to decide where an R-1-20 zone, or an RM-15 zone would be located within the City.

Councilmember Turner said he wasn't against this overlay zone, but he felt it should be in certain areas and wouldn't want it in the middle of an agricultural zone. He stated people moved to Morgan for the rural atmosphere. He mentioned all the items listed in the usable open space which would be available to the public and mentioned the liability insurance the HOA would need to have.

Jake said with the overlay zone the City was incentivizing quality. He said this type of ordinance prepared the City to be in a better situation when they were going to be required to meet the state's requirements and have a modern income housing plan.

The following were suggestions to change the ordinance:

- Third-part HOA required.
- Not allowed in the following zones: R-1-20 (Single-family Residential), R-R (Rural Residential), M-D (Manufacturing and Distribution), and A (Agriculture).
- Special considerations in sensitive lands. The sensitive lands ordinance would be on top of the overlay zone.

DRAFT

This meeting was adjourned at 7:48 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the August 22, 2023 meeting.

DRAFT

MINUTES OF MORGAN CITY COUNCIL WORK MEETING

JULY 11, 2023; 6:01 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

Mayor Steve Gale, Jeff Wardell, Eric Turner, and
Dave Alexander

STAFF PRESENT:

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

EXCUSED:

Tony London and Jeffery Richins

OTHERS PRESENT ELECTRONICALLY:

Jake Young, City Planner, CitiDesign

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.

ITEMS FOR DISCUSSION

MIXED RESIDENTIAL OVERLAY ZONE – ORDINANCE 23-04

Ty Bailey, City Manager, stated he didn't want to influence decisions, but wanted to explain his view of the Mixed Residential Overlay Zone. He expressed his appreciation to the Council for getting their own questions answered and voicing their concerns without spending time convincing each other. He said if the Council was thinking about adopting the ordinance, he wanted them to be fully on board with adopting it and not implement it with the premise of pulling it if it didn't work. He explained this ordinance was proposed with a lot of flexibility, but his advice to the Council was to keep it less political. He stated the Council had done a good job in the past being consistent. He agreed with Councilmember Turner's suggestion of just applying it to residential zones because the Council would not be questioning why we were converting commercial property to residential by using this overlay zone. He stated he had received an email from Jake regarding eliminating Commercial Highway.

Jake Young arrived at 6:05 p.m.

Ty stated he thought this would be a very popular tool and the acreage wasn't a concern for him since most developments within the City were between 10 and 12 acres. He stated density was important and the City needed to have more density. He explained the incentive for this type of development was the higher density. He stated if it made sense in an R-1-10 it made more sense in an R-1-20 zone. The lower the density of the land use the more attractive this MRO tool became. He said he viewed this as a valuable tool and didn't understand why it would be limited to 10 acres. He said if it was used in a larger development (20 to 40 acres) the City would get a sizable common area instead of small pocket parks, and it would have a better design with connectivity and flow through and the common space and that made more sense.

Jake Young, City Planner, stated he 100% agreed with Master Planning on the bigger scale because you got better development when you had a larger area of planning. He explained the reason for the 10-acre limit was to take baby steps and trying out this type of development in Morgan as a pilot project. He said in the draft of the new General Plan there was the recommendation of a Master Plan Community Zoning

DRAFT

tool which would be for bigger properties. He said the other concept was to intermix this in Morgan City (infill developments) instead of one large single area. He said another change he would like to make to the ordinance was that open space slope be less than 10%.

Councilmember Turner expressed his concerns regarding the MRO. He stated he was concerned about the acreage. He gave an example of two developers each doing a 10-acre project so then there was 20-acres contiguous with the MRO. He mentioned his concern about approving one development and not the other.

Ty stated it was a great product and the Council needed to be comfortable with applying the MRO to a development.

Discussion regarding where density currently was within the City and with this tool the City could decide what areas would be best for this type of development. Jake said amending the City's subdivision ordinance could solve the continuous flow/connectivity issue. The City needed to update the subdivision ordinance next year anyway so we could add connectivity, which would require so many street connections. He stated Morgan was founded on the 'Pioneer Grid' and stated they could still continue with the same idea.

Councilmember Turner stated he would rather see a 20-acre development come in instead of two 10-acre developments so there were continuous streets through the development.

Ty stated even with the 10-acre development there would still be connectivity because the development would be required to have a way in and a way out and bring it up to the next neighboring property.

Councilmember Turner asked about the Master Plan and where low density was shown in the Plan.

Jake stated it was on the perimeter of the City.

Councilmember Turner suggested showing the possible MRO areas on the Master Plan, even if it was on the perimeter of the City, so the Council could get a better idea of how the density would look like.

Ty stated he didn't think the new Master Plan would change the City's current residential zoning much. He said if the MRO only applied to residential zones the other zones would have to go through the rezone process before they could apply for the MRO and at that point the Council could decide whether the MRO would work in a certain area.

Jake asked Gary Crane, City Attorney, if it would be beneficial to not allow a rezone and an application for the MRO at the same time so the rezone decision was based off of the premise of the rezone. Or, should the City look at both the rezone and the MRO application at the same time.

Gary stated the MRO was like a very specific subdivision ordinance and the City could require it at the same time as a zoning amendment was applied for. He explained other jurisdictions didn't do it step-by-step. He stated if they applied for both the underlying zone and the MRO at the same time, but the MRO wasn't approved the underlying zone could still be approved. It would be two separate applications.

Jake stated the MRO zone was difficult for a developer to get and they would have to spend money on architecture design, site design, and landscaping up front and go through the public process. It was a big risk to a developer.

Gary explained the Planning Commission gave the City Council a recommendation, but the Council made the final determination of what was approved, so the Council could determine that the MRO wasn't acceptable for a certain parcel. He said the approval or denial of an application for the MRO zone was no

DRAFT

different than an approval or denial of any other zoning decision. He stated the Council had to have a rational basis based on a zoning reason, i.e., health, safety, and welfare. He explained an MRO was extremely complicated and it was possible that before it came before the Council for approval it had gone through a number of hearings and neighborhood meetings. He stated it wasn't like a zone change where the Council reviewed the General Plan and determined whether the zone fits the area. He said timing was a big issue in zoning and the Council could decide if the timing was right for this type of zone. Some questions to ask would be; was the infrastructure available, was there appropriate access, and what were the surrounding uses of the property. He stated that by the time an application for an MRO zone came before the Council they would have had ample time to consider the application, receive information from Staff and neighbors, and determine whether it was a good fit for the area.

Jake stated the developer would have plenty of opportunities to defend their concept through the process. He stated there would also be a staff report stating whether or not the development met the ordinance requirements or not.

Zoning map was displayed and there was a discussion regarding the areas showing the different zones within the City. Discussion was to restrict R-R and Commercial Highway. Jake stated Commercial Highway was the best economic use but horrible place for residential. Jake stated some of the residential would go behind Commercial Central because you had good population close to commercial. Discussion regarding multiple areas within the City where the MRO could be applied. Jake stated by protecting the State Street corridor and the Commercial Street corridor they were meeting the goal of preserving commercial for commercial. He referenced the Memorandum in the packet which stated: MRO developments shall not have frontage on key commercial corridors such as State Street (600 East to young Street) and Commercial Street (300 North to 100 North).

Mayor asked Jake and Gary if this overlay zone would make housing more affordable for people.

Jake said yes it made it 'more' affordable, but for low to moderate income 'no.' He said because of interest rates and cost of building homes nothing was affordable. He stated a townhome was less expensive than a single-family home. He explained this tool was intended to bring variety to the market but not specifically affordable housing. He mentioned the accessory dwelling unit (ADU) discussions the Planning Commission had been having and they would address the affordable housing in that they would rent for less because they normally didn't come with amenities.

Councilmember Alexander and Councilmember Turner suggested waiting until all the Council was available before making a decision regarding this issue.

Gary stated the only way to make housing affordable was with subsidies or mandates. If a developer came to the City and expressed an interest in providing affordable housing the City could look into those State programs and other incentives.

Ty stated every application and rezone since he came to work for the City had increased density. He said this tool was a good option for the City to have density with a more attractive development. He gave a scenario of a 20-acre parcel which was already zoned R-1-12 and implementing the MRO on 10 of the acres and developing the rest as R-1-12.

Jake said the MRO would come as a separate application for a rezone, but it could work and be a nice development. He recommended the Council keep the minimum at 2.5 acres, but they could increase the maximum amount for a larger development. He suggested keeping these types of developments small and incremental. He explained in a 10-acre development the usable open space had to be 15% so the park would be 1 ½ acres and with a larger parcel the City could end up with a nice City park.

DRAFT

Discussion how the MRO could be applied to different parcels of property within the City.

TRAINING – GARY CRANE, CITY ATTORNEY

No training was provided.

This meeting was adjourned at 7:06 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the August 22, 2023 meeting.

**A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT
WITH MORGAN COUNTY FOR THE PURPOSE OF ASSISTING THE CITY WITH
THE 2023 MUNICIPAL GENERAL ELECTION UNDER THE OVERSIGHT OF
THE CITY RECORDER.**

WHEREAS, the City Council has determined that it would be in the best interests of the City and the residents of the City to conduct the 2023 election by-mail; and

WHEREAS, Morgan County has the ability and equipment necessary to conduct and administer the election; and

WHEREAS, State Statute allows for the City to contract with Morgan County to administer the election; and

WHEREAS, the costs associated with Morgan County administering the election are reasonable; and

WHEREAS, the City Council of Morgan City has determined it to be in the best interest of the City and the residents of the City to have Morgan County administer the election.

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

1. That Morgan City enter into the Interlocal Cooperation Agreement, which is attached hereto and incorporated herein by this reference, with Morgan County to administer the election under the oversight of the City Recorder.
2. That the Mayor be authorized to execute the agreement.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 22nd day of August, 2023.

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 Gale _____

City Contract No. _____
County Contract No. _____

INTERLOCAL COOPERATION AGREEMENT

BETWEEN

MORGAN COUNTY

on behalf of the

MORGAN COUNTY CLERK'S OFFICE

-AND-

MORGAN CITY

THIS AGREEMENT is made and entered into the _____ day of _____, 2023, by and between Morgan County, a political subdivision of the State of Utah ("County"), on behalf of its Clerk's Office, and Morgan City, a municipality in the State of Utah ("City"). The County and the City may be referred to collectively as the "Parties" and may be referred to individually as a "Party."

WITNESSETH:

WHEREAS the County desires to provide the services of its Clerk's office to the City for the purpose of assisting the City in conducting the City's 2023 Morgan City Election/General elections; and

WHEREAS, the City desires to engage the County for such services;

NOW, THEREFORE, in consideration of the promises and covenants hereinafter contained, the Parties agree as follows:

1. **Term.** County shall provide election services to the City commencing on the date this Agreement is executed and terminating on January 1, 2024. The term of this Agreement may be extended by mutual agreement in writing signed by all Parties. Either Party may cancel this

Agreement upon thirty (30) days written notice to the other party. Upon such cancellation, each Party shall retain ownership of any property it owned prior to the date of this Agreement, and the City shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the Morgan County Clerk's Office shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit A. Generally, the County Clerk shall perform all elections administration functions as set forth in Exhibit A and as needed to ensure implementation of the City's 2023 General elections.

3. **Legal Requirements.** The County and the City understand and agree that the 2023 City elections are the Morgan City Election/General elections. The City shall be responsible for compliance with all legal requirements for these elections and shall direct the manner in which the elections are conducted. County agrees to work with the City in complying with all legal requirements for the conduct of these elections and conduct these elections pursuant to the direction of the City. The City, not the County, is responsible for resolving any and all election questions, problems, and legal issues that are within the City's statutory authority.

4. **Cost.** In consideration of the services performed under this Agreement, the City shall pay the County an amount not to exceed the rate estimate given to the City by the County in Exhibit A. The County shall provide a written invoice to the City at the conclusion of the elections, and the City shall pay the County from the invoice within thirty (30) days of receiving it. The invoice shall contain the number of active registered voters as of one week before Election Day, the rate used, and jurisdictions participating in the election(s). In the case of a vote recount, election system audit, election contest, or similar event arising out of the City's election, the City shall pay the County's cost of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to the City

to exceed the estimate given to the City by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** The City and the County are governmental entities and subject to the Governmental Immunity Act of Utah, Utah Code Ann. §§ 63G-7-101, et seq. ("Act"). Subject to the provisions of the Act, the City and County agree to indemnify and hold harmless the other Party, its agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability damages, losses and expenses (including attorney's fees and costs) arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act or omission of that Party, its officers, agents and employees. Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to the City or the County under the Act.

6. **Election Records.** The County shall maintain and keep control over all records created pursuant to this Agreement and to the elections relevant to this Agreement. The County shall respond to all public record requests related to this Agreement and the underlying elections and shall retain all election records consistent with the Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-101 et seq. and all other relevant local, state and federal laws.

7. **Service Cancellation.** If the Agreement is canceled by the City as provided herein, the City shall pay the County based on the actual services performed according to the terms of this Agreement. Upon cancellation of this Agreement, the County shall submit to the City an itemized statement for services rendered under this Agreement up to the time of cancellation and based upon the dollar amounts for materials, equipment and services set forth herein.

8. **Legal Compliance.** The Parties, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections.

9. **Interlocal Agreement.** In satisfaction of the requirements of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended ("Interlocal Act"), in connection with this Agreement, the Parties agree as follows:

(a) This Agreement shall be approved by each Party, pursuant to § 11-13-202.5 of the Interlocal Act;

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;

(c) A duly executed original counterpart of the Agreement shall be filed with the keeper of records of each Party, pursuant to § 11-13-209 of the Interlocal Act;

(d) Each Party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the Manager of the City and the County Clerk of the County, acting as a joint board. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, and disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

10. **Counterparts.** This Agreement may be executed in counterparts by the City and the County.

11. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

12. **Integration.** This Agreement, with attached exhibits, embodies the entire agreement between the Parties and shall not be altered except in writing signed by both Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first above written.

STEVE GALE

By: _____
MAYOR

ATTEST:

Denise Woods
Morgan City Recorder

Approved as to form and compliance
with applicable law:

City Attorney

Date: _____

BOARD OF COUNTY COMMISSIONERS
OF MORGAN COUNTY

By: 

Mike Newton, Chair

Commissioner McConnell voted Aye

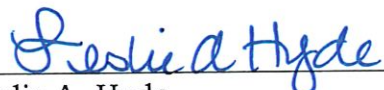
Commissioner Andersen voted Aye

Commissioner Fackrell voted Aye

Commissioner Newton voted Aye

Commissioner Wilson voted Aye

ATTEST:


Leslie A. Hyde
Morgan County Clerk/Auditor

Approved as to form and compliance
with applicable law:


County Attorney

Date: 8/1/23

Exhibit A
2023 Morgan City Elections/General Election
Cost Estimate for Election Services

Below is the good faith estimate for the upcoming *2023 Morgan City elections/General Election* for Morgan City. The City will be billed for actual costs for each election, according to the number of active registered voters, and the per voter rate will not exceed the estimated rate of \$1.85 per active registered voter per election. The number of active registered voters will be determined by the registration deadline, one week prior to each election.

ORDINANCE 23-11

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.02, SECTION 5.02.080 OF THE MORGAN CITY CODE BY REMOVING RESTRICTIONS BASED ON THE BREED OF AN ANIMAL; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, several years ago the Utah State Legislature limited local governmental entities' authority in enacting and enforcing animal-related ordinances that contained provisions that imposed restrictions based on the breed of animals; and

WHEREAS, on January 27th, 2015, Morgan City amended the Morgan City Code by repealing Sections 5.02.090 (Pit Bull Dogs; Conditions of Ownership) and 5.02.100 (Fighting Dogs); and

WHEREAS, the City recently became aware that it is necessary to amend Section 5.02.080 of the Morgan City Code by removing restrictions based on the breed of an animal in order to comply with State Code; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend

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

SECTION 1 **Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION 2. **Enactment.** Title 5, Chapter 5.02, Section 5.02.080 of the Morgan City Code is hereby amended to read as follows:

. . .

5. All species of nonhuman mammals, except:
 - a. Domestic cat (*Felis catus*);
 - b. Chinchilla (*Chinchilla lanigera*);
 - c. Domestic dog (*Canis familiaris*); ~~except—dogs, which by their hereditary characteristics have a propensity to be vicious. These dogs include, but are not limited to, bull terrier, American Staffordshire bull terrier, American pit bull terrier, tosa, shar pei, chow, rottweiler, doberman and akita, or any other dog bred for fighting purposes;~~
 - d. Domestic ferret (*Mustela putorius furo*);
 - e. Mongolian gerbil (*Meriones unguiculatus*);
 - f. Guinea pig (*Cavia porcellus*);
 - g. Hamster (*Mesocricetus auratus*);
 - h. Domestic laboratory mouse (*Mus domesticus*);
 - i. Domestic rabbit (*Oryctolagus cuniculus*);
 - j. Domestic laboratory rat (*Rattus albino strain*);
 - k. Domestic species of livestock;
 - l. Mink (*Mustela vison*).

. . . .

SECTION 3. **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 4. **Effective Date.** This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 22nd day of August, 2023.

STEVE GALE, 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 Gale	_____	_____
------------	-------	-------

ORDINANCE 23-12

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.30, SECTION 10.30.040 OF THE MORGAN CITY CODE BY AMENDING THE TOTAL WIDTH ALLOWED FOR DRIVEWAYS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 27, 2023 the City Council adopted and approved the Morgan City Development, Design, and Construction Standards (hereinafter referred to as "City Standards"); and

WHEREAS, due to the amendments made to the City Standards it is necessary to amend Section 10.30.040 of the Morgan City Code to reflect the new width of thirty-six feet (36') allowed for driveways; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend Section 10.30.040 of the Morgan City Code to reflect the new width allowed for driveways.

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

SECTION 1 **Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION 2. **Enactment.** Title 10, Chapter 10.30, Section 10.30.040 the Morgan City Code is hereby amended to read as follows:

10.30.040 ACCESS REQUIREMENTS

- A. Required: Adequate ingress and egress to and from all uses shall be provided
- B. Residential: Each residential lot that has frontage on a public right of way shall have its own driveway.
 - 1. The maximum slope of all driveways shall not exceed twelve percent (12%);
 - 2. All driveways shall drain toward the street at a minimum of one-half percent (0.5%). At a minimum, and when topographically feasible, this applies to the first twenty five feet (25') of each driveway measured from the street right of way;
 - 3. Each residential driveway shall be a minimum of twenty five feet (25') in length as measured from the public right of way, or as measured from a required sidewalk in a private development, or thirty feet (30') from the near edge of a private road;
 - 4. There shall be not more than two (2) driveways, the total width of which does not exceed one-half (1/2) of the linear frontage of the lot, or ~~fiftythree~~ **six** feet (~~50~~**36**'), whichever is less.
 - 5. Driveway(s) shall be no closer than three feet (3') from a side property line on an interior lot and twenty feet (20') from a corner lot line.

. . . .

SECTION 3. **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 4. **Effective Date.** This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 22nd day of August, 2023.

STEVE GALE, 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 Gale	_____	_____
------------	-------	-------

MEMORANDUM

TO: Mayor Gale, City Council Members, Ty Bailey, City Manager, and Gary Crane, City Attorney

FROM: Jake Young, City Planner

DATE: August 18, 2023

SUBJECT: Ordinance 23-04 – Mixed Residential Overlay (MRO) Zone

We should consider the following points and language as we discuss the MRO at the next Council meeting.

HOA Management (continued from the previous memo):

"The HOA must be managed by a third-party professional business independent of real estate ownership within the development and has no conflicts of interest with the real estate development."

MRO areas:

To clarify, I recommend that the following zones are compatible with MRO as base zoning. If a desirable area does not have the base zoning, the Owner may apply for rezoning for the base zoning and the MRO simultaneously.

- Allowed in
 - R-1-12
 - R-1-10
 - R-1-8
 - RM-7
 - RM-15
 - General Commercial (G-C)

Not allowed in:

- Manufacturing and Distribution (M & D)
- R 1-20
- R-R
- Highway Commercial (C-H)
- Agriculture (A)
- Central Commercial (C-C)

MRO developments are intended to be infill development located within the community's core and not near the City's perimeter. MRO developments shall not have frontage on key commercial corridors such as State Street (600 East to Young Street) and Commercial Street (300 North to 100 North).

Usable Open Space:

- Of the usable open space, 75% must be less than 10% slope.

MRO with larger projects and developments:

- As a stand-alone project, MRO should conform to the 2.5 to 10 acres in size; however, as part of a larger subdivision, the MRO may be used for up to 25% of the gross acreage. For example, a 20-acre project could be MRO up to the first 10 acres, and the remaining 10 acres could be 75% base zoning (compatible R zone) and 25% MRO. The continuation of MRO after 10 acres should be a 4:1 ratio or less. This makes it compatible with larger developments and doesn't force large parcels into smaller projects.
- The entire project must be designed at once for streets, trails, utilities, stormwater, parks, and open space.
- The usable open space requirement only applies to the gross MRO acreage; however, the amenities, trails, park, and open space should be accessible and usable by the whole development and City.
- Requirements for architecture, landscaping, HOA management, and street trees should apply to the whole development (including non-MRO). Architecture requirements include garage placement, materials, and unique architecture. (See Section 10.15.070) Landscape requirements include waterwise landscaping. (See Section 10.15.100)

MROs next to other MROs:

- Regarding "MRO developments should not be contiguous or developed next to existing MRO developments" and our previous discussion, I suggest that "development patterns should provide choices in housing sizes and types, including larger homes and medium size lots. Careful consideration should be given if new MRO developments are proposed next to existing MRO developments".

ORDINANCE 23-04

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.04, SECTION 10.04.010, CHAPTER 10.12, SECTIONS 10.12.010 AND 10.12.040 AND ENACTING TITLE 10, CHAPTER 10.15 ENTITLED MIXED RESIDENTIAL OVERLAY (MRO) ZONE OF THE MORGAN CITY CODE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Morgan City desires to provide a variety of housing types and development within the City; and

WHEREAS, this Mixed Residential Overlay (MRO) Zone ordinance has been studied and reviewed by the Morgan City Planning Commission and is forwarded to the Morgan City Council with a positive recommendation; and

WHEREAS, the City Council has reviewed this Mixed Residential Overlay (MRO) Zone ordinance and finds that it is in the best interest of the health, safety and welfare of the Citizens of Morgan City to put into place an ordinance that allows for the development of a variety of housing types and innovative land use designs; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend Title 10, Chapter 10.04, Chapter 10.12, Sections 10.12.010 and 10.12.040 and enacting Title 10, Chapter 10.15 – Mixed Residential Overlay (MRO) Zone of the Morgan City Code.

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

SECTION 1 **Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith, they are hereby repealed.

SECTION 2. **Enactment.** Title 10, Chapter 10.04, Section 10.04.010 – Definitions, of the Morgan City Code is hereby amended to read as follows:

10.04.010 **DEFINITIONS**

. . .

COMMON GREEN: Property within a Home Owners Association (HOA) that is owned by the HOA and available for gatherings, recreation, and open space uses. All HOA members have access to Common Green. Landscaping around buildings and streets is not part of a Common Green unless associated with a larger gathering land area.

. . .

CIVIC GREEN: A community gathering place such as a square, plaza, or functioning grass gathering area. Outdoor activities and community gatherings may occur in Civic Greens.

. . .

INFILL DEVELOPMENT: Development of land that has been bypassed, remained vacant, and/or is underused because of current market conditions. Infill development is not on the perimeter of the city, located near outer annexation areas, and upper hillsides.

. . . .

SECTION 3. Enactment. Title 10, Chapter 10.12, Section 10.12.010 and Section 10.12.040 of the Morgan City Code are hereby amended to read as follows:

10.12.010 ZONING DISTRICTS AND CLASSIFICATION ESTABLISHED

For the purposes of this title, all of the land within the corporate limits of the city is hereby divided into zoning districts. The boundaries of the zoning districts are shown on the official zoning district map of the city. The classification of zoning districts is as follows:

A	Agriculture
R-R	Rural residential
R-1-20	Single-family residential
R-1-12	Single-family residential
R-1-10	Single-family residential
R-1-8	Single-family residential\
R-MH	Mobile home and travel trailer parks
RM-7	Multiple-family residential
RM-15	Multiple-family residential
C-G	General commercial
C-C	Central commercial
C-H	Highway commercial
M-D	Manufacturing and distribution
HC	Historic commercial overlay zone
<u>MRO</u>	<u>Mixed residential overlay zone</u>
--	Sensitive lands district

10.12.040 R RESIDENTIAL DISTRICTS

The R (residential) zoning districts are created to provide for a range of densities which will reflect the diverse needs and desires of the people of the city. These districts shall also allow for other compatible uses which may complement the primarily residential function of the district, under certain conditions. Basic urban services and utilities should be available in all of these zones.

- A. R-R Zone: The R-R zone is intended to provide area for very low density, suburban type uses. It may, provided adequate lot area exists, include farm animals.
- B. R-1 Zones: The R-1 zones are intended to provide areas for single-family attached and detached dwellings of a low density.
 1. The R-1-8 zone is not an available zoning designation for purposes of zoning applications filed after July 1, 2006.
- C. R-MH Zone: The R-MH zone is intended to provide areas for mobile home and travel trailer parks to develop at a low density. Because of the required size of these developments, they should be located adjacent to an arterial or collector street.
- D. R-M Zones: The R-M zones are intended to provide areas for multi-family attached dwellings at medium to high-medium densities. Single-family dwellings are also allowed in these zones. These districts shall be located adjacent arterial streets and, in some circumstances, major collector streets.
- E. MRO Zone: The MRO zone is intended for infill development. See Chapter 10.15 – Mixed Residential Overlay (MRO) Zone.

SECTION 4. Enactment. Title 10, Chapter 10.15 of the Morgan City Code is hereby enacted to read as follows:

CHAPTER 10.15 MIXED RESIDENTIAL OVERLAY (MRO) ZONE

10.15.010 PURPOSE

10.15.020 LAND USES IN MRO

10.15.030 DEVELOPMENT SIZE

10.15.040 RESIDENTIAL DENSITY

10.15.050 BUILDING TYPES AND DESIGN LIST

10.15.060 OPEN SPACE REQUIREMENTS

10.15.070 BUILDINGS
10.15.080 BUILDING SPATIAL STANDARDS
10.15.090 STREET AND ALLEY REQUIREMENTS
10.15.100 LANDSCAPE REQUIREMENTS
10.15.110 DOCUMENTS REQUIRED FOR APPLICATION
10.15.120 DOCUMENTS REQUIRED FOR BUILDING PERMITS (IN ADDITION TO TYPICAL DOCUMENTS)

10.15.010 PURPOSE

This residential overlay zone is intended for infill development. The MRO requires a mixture of housing types and creates smaller pocket neighborhoods. It is not intended for larger developments or as a standalone master-planned community. The dwelling types within the zone must vary according to the ordinance. The MRO is an overlay zone and is not preassigned to areas before the development application. The rezoning process to the MRO zone is in conjunction with the development application, site plan, open space plan, rezone application, Master Development Agreement, and final approval by the City Council. Construction plans and building plans are to be submitted with the plat and or building permit application.

10.15.020 LAND USES IN MRO

The allowed land uses in the MRO include residential and home businesses. See land use chart.

10.15.030 DEVELOPMENT SIZE

This zone applies to a development project between two and a half (2.5) to ten (10) acres in size, including all combined parcels. This gross acreage calculation includes residential parcels, open space or common space, trails, and street right-of-ways.

10.15.040 RESIDENTIAL DENSITY AND HOUSING TYPES MIXTURE

- A. Residential housing dwellings shall include a blend of housing types within the development plan. The variety of housing types will provide Morgan residents with options and establish neighborhoods with various architectural styles and Building Types. The residential dwellings should provide a range of housing costs.
- B. The maximum number of dwelling units is (10) ten gross per acre.

10.15.050 BUILDING TYPES AND DESIGN LIST

- A. In the MRO zone, developments shall have a minimum of two buildings/housing types. The housing types shall come from the two lists (below), with a minimum of one (1) housing type coming from each list. The minimum number of units from each list shall be 30%. The 30% can include all building types found in each list. For example, if the development plan had 30 dwellings, then a minimum of ten (10) units would be required from each list. Building types' variations should be mixed as groups throughout the project. Fractional numbers less than five round down to a whole number and five or greater round up to a whole number.

<u>List 1</u>	<u>List 2</u>
<u>Small-Single Family</u>	<u>Townhome</u>
<u>Medium-Single Family</u>	<u>Two-Family Home</u>

B. All residential buildings shall be oriented in one of the two methods:

1. Traditional street orientation. A building's front façade and front door are directly oriented toward the street. See the example in Figure 1.



Figure 1 Traditional Street Orientation

2. Connecting common green: The buildings face onto a common green or park that is a minimum of 40' wide for the majority of the common area. The common green shall directly connect to the street. Each dwelling shall have a continuous sidewalk from the residential front door, facing the common green, to the street. See the example in Figure 2.



Figure 2 Buildings Facing Common Green

10.15.060 OPEN SPACE REQUIREMENTS

- A. Open Space is essential for creating healthy and happy communities. In general, Open Space includes a variety of landscape types such as improvements, common open space, common greens, trails, and civic greens. The MRO ordinance is intended to create Usable Open Space that is within walking distance from each dwelling.
- B. Usable Open Space
 1. In the MRO Zone, fifteen percent (15%) of the entire project land area must be dedicated to Usable Open Space.
 2. The Usable Open Space areas must be accessible to all development residents. The Usable Open Space must be designed for multiple purposes and not landscaping in between buildings. Usable Open Spaces greater than one (1) acre may be divided into two (2) areas. The following open space features meet the Usable Open Space requirements: plazas, courtyards, common greens, parks, playing fields, gardens, shade structures, fountains, trails, play areas, sports courts, pools (including surrounding pool deck/pool house), splash pad, and playgrounds.
 3. The following do not qualify for Usable Open Space Requirements: buildings (excluding community pool or community buildings), sheds, garages, drives/alleys, roads/streets, parking areas, sidewalks in the public right of ways, landscaping on private property, and utility areas. This is not a comprehensive list, additional areas may not qualify per City review. Open Space features shall have a passive or active recreation function. Qualifying Usable Open Space shall be considered part of the application and rezone process.
 4. Stormwater infrastructure shall only count towards Usable Open Space when incorporated within designated open space, the stormwater function will have minimal effect on the usability and performance of the open space. Only one quarter (25%) of the Usable Open Space area may be used for stormwater detention/retention.
 5. The Usable Open Space Plan must include the following at a minimum: playground, open grass space for play and recreation, benches, sidewalks/trails, and landscaping. The Usable

- Open Space Plan should consider sports courts, natural or passive open spaces with walking/biking trails, pavilions, gathering places, and creative design. The grass may be synthetic grass or natural grass of a water conservation variety.
6. The Developer shall provide a Usable Open Space maintenance plan as part of the Development Agreement and include details regarding landscape maintenance, recreation equipment maintenance, and Home Owner Association (HOA) Codes Covenants and Restrictions (CCRs) for maintenance.
 7. Trails are an essential component of the City's recreation plans. Developers shall review the City's Parks and Recreation Plan and implement/incorporate required trails according to the City's plan.
 8. All open spaces shall be privately owned and maintained by an HOA unless they are deeded to the City as a park of two acres or larger.
 9. Resident access and visibility to the Usable Open Spaces are essential for public safety and to encourage usability. A minimum of 25% of the perimeter or a street front of 60 feet (whichever is lesser) of the Usable Open Space shall be directly in front of a public or private street for access. The Usable Open Space Plan must show the perimeter and frontage access percentage.
 10. No off-street parking is required for the Usable Open Space. A minimum of two (2) on-street parking stalls is required for the Usable Open Space where the street and open space connect.

10.15.070 BUILDINGS

A. Building Forms and Frontages:

1. Buildings in the MRO Zone must have porches and a covered entry for each dwelling. Porches must be a minimum of 5' x 8' equaling 40 square feet or larger.
2. The MRO zone developments should foster a majority of owner-occupied dwellings. A minimum of 50% of MRO dwellings/units shall be individually platted.
3. The maximum number of units per building is five (5).

B. Building Variety:

MRO developments shall utilize varying architectural elements throughout the community to create dynamic and interesting Centers and Neighborhoods.

1. No buildings on the same block face (on both sides of the street) may be the same, within 400 feet minimum distance. Building design must distinctly vary in four (4) of the following eight (8) elements:
 - a. architectural style
 - b. colors of exterior materials and surfaces
 - c. roofline articulation
 - d. materials (brick, stone, stucco, hardy-board, etc)
 - e. window locations and sizes
 - f. door design, color, and location
 - g. porch location or porch covering,
 - h. building bump-outs or exterior wall changes

C. Differentiation

Each townhome/twin home building is to be designed differently and varies from others. Individual units do not have to be designed differently but together should represent a single building.

D. Building Windows

Building facades facing the street or common green shall have a minimum of 20% transparency (glass). Non-street-facing facades shall have a minimum of 10% transparency (glass). Garage sides, porches, and roofs are excluded from measurements and requirements. Glass may include windows and/or doors (with windows). Architectural plans shall show façade measures and square footage.

E. Building Types

A. Small Single-Family

- a. Small Single-family homes are situated on smaller lots, and garages per standards. Homes face streets or common greens.
- b. See MRO Design Standards for lot size, setbacks, and dimensions.
- c. Garages may be attached or detached from dwelling units.
- d. Small Single-family examples:

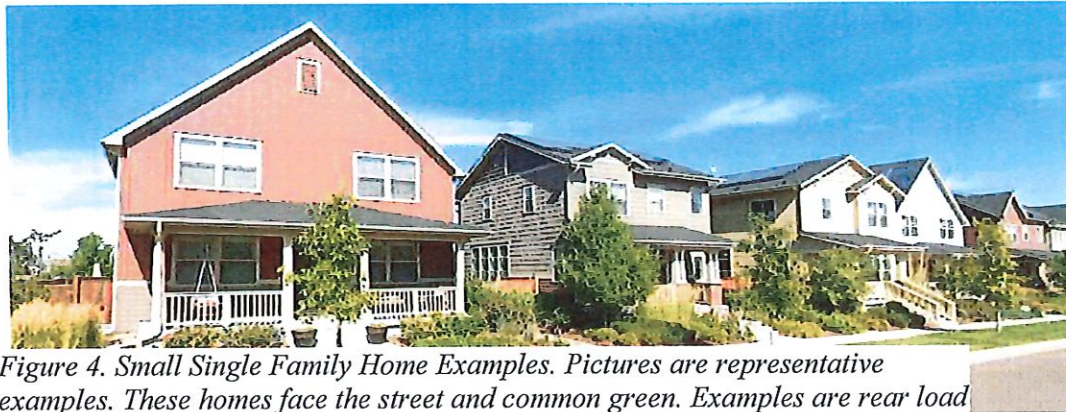


Figure 4. Small Single Family Home Examples. Pictures are representative examples. These homes face the street and common green. Examples are rear load loaded garages.

B. Medium Single-Family

- a. Medium Single-family homes are located on smaller lots, and garages may be rear-loaded or front-loaded (per garage standards). Homes face public streets or common greens.
- b. See MRO Design Standards for lot size, setbacks, and dimensions.
- c. Garages may be attached or detached from dwelling units.
- d. Medium Single-family examples:



Figure 5. Medium Single Family Home Examples. Pictures are representative examples. These homes face the street and common green. Examples are both rear load and front-loaded garages.

C. Townhome

- a. Townhome dwellings are single-family attached and may be up to five (5) units per building.
- b. Garages must be rear-loaded (per garage standards). Dwellings face streets or common greens.
- c. Garages may be attached or detached from dwelling units.
- d. See MRO Design Standards for lot size, setbacks, and dimensions.

Townhome Examples:

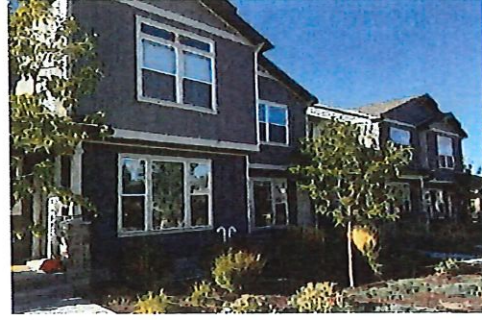


Figure 6. Townhome Examples. Pictures are representative examples. These homes face the street and have rear loaded garages.

D. Twin home

- a. Twin home is two (2) single-family attached units per building (see building standards).
- b. Garages may be rear-loaded (per garage standards) or street-facing with shared driveways. Dwellings face streets or common greens.
- c. Garages may be attached or detached from dwelling units.
- d. See MRO Design Standards for lot size, setbacks, and dimensions.

Twin home Examples:



Figure 7. Twin home Examples: Pictures are representative examples. These homes face the street and have rear loaded garages.

F. Building Materials:

Buildings in the MRO zone must have high-quality exterior finish materials on all sides. High-quality exterior finish materials are brick, fiber-cement board, or similar lap siding, glass, or stone. Fronts of the buildings must have brick, stone, fabricated stone, or fiber-cement boards on 30% minimum of all non-glass/window and door areas for each first-floor front facade.

G. Garages:

1. Two types of methods are allowed, including parking access from the street and parking access from an alley.
2. Parking Access via Street. The following standards apply to detached single-family units where the garage is accessed from the street in front of the house or from the side street on corner lots. Garage setback is per the standards table. Twinhomes with front-loaded garages may have shared driveways (minimum 20' wide).
3. Parking Access via alley/driveway. The second method is parking access via Alley.

Garages must be set back from the alley right of way to accommodate trash and recycle bins, utilities, and other items. Setbacks per standards table.

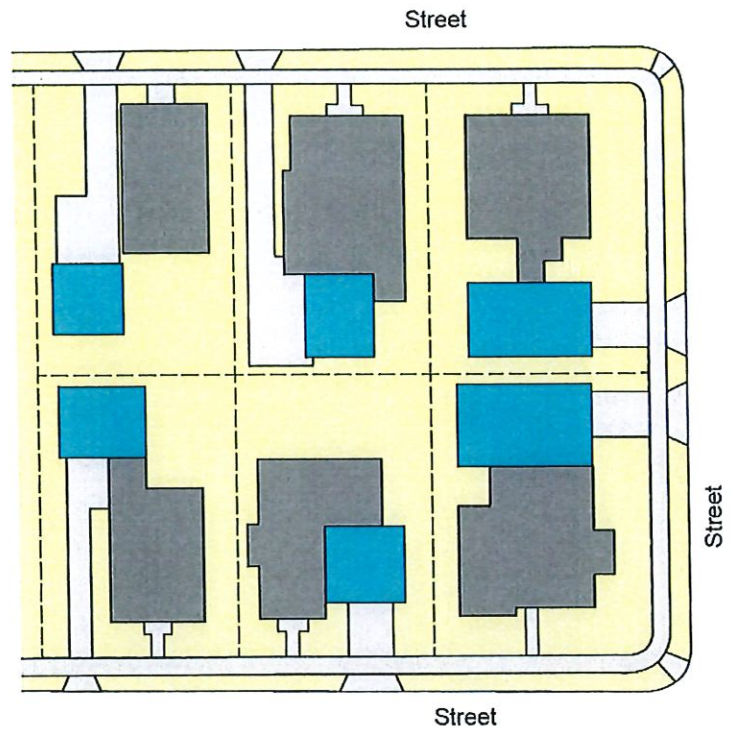


Figure 8. Front Loaded Garage Layout

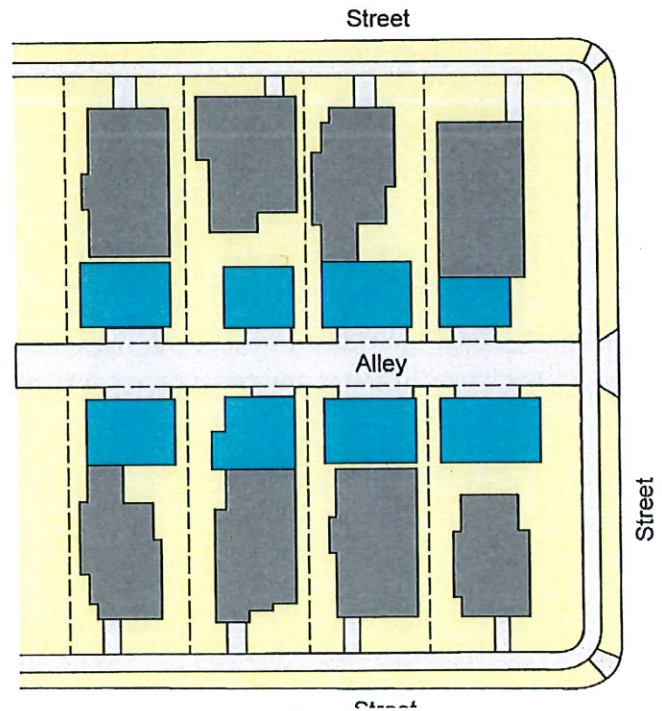


Figure 9. Rear Loaded Garage Layout
(garages in the blue/green color)

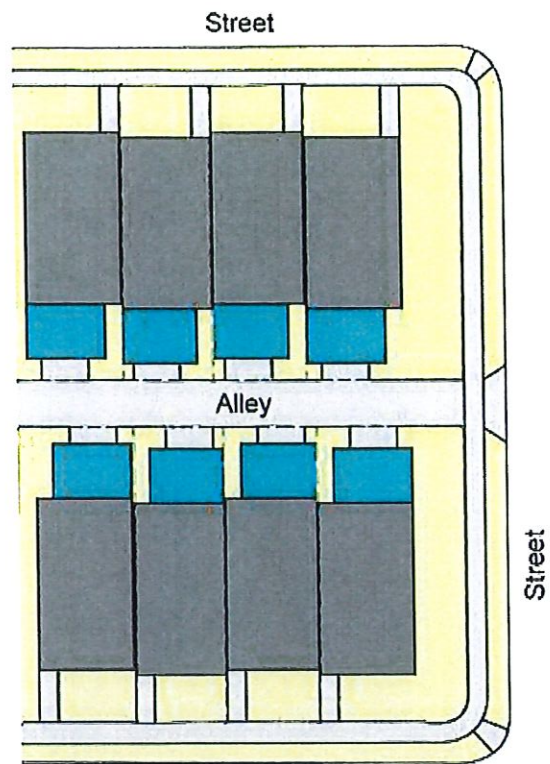


Figure 10. Rear Loaded Garage Layout
(garages in the blue/green color)

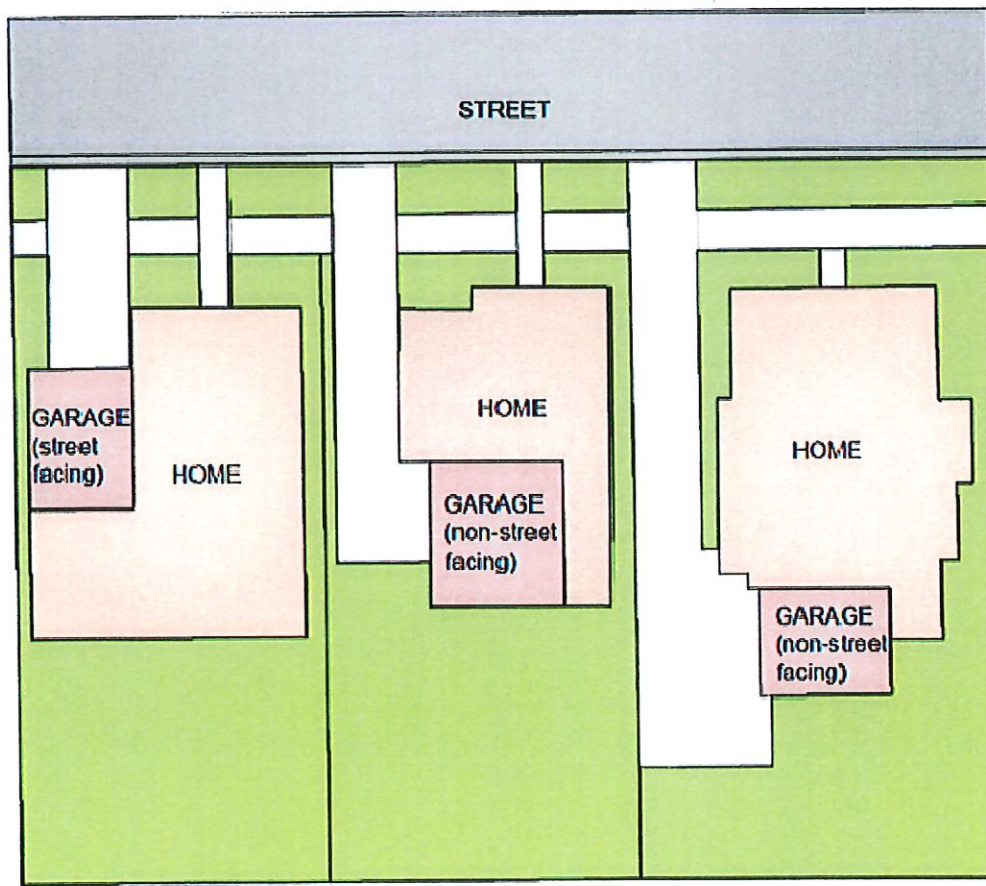


Figure 11. Front Loaded Garage Diagram

10.15.080 BUILDING SPATIAL STANDARDS**A. Building Standards (all distances are in feet)**

<u>Building Type</u>	<u>Small Single-family</u>	<u>Med. Single-family</u>	<u>Townhome</u>	<u>Twin-home</u>
<u>Min. Lot Size</u>	<u>3,000 SF</u>	<u>4,500 SF</u>	<u>1,500 SF</u>	<u>2,200 SF</u>
<u>Min. Lot Width in Feet (at setback)</u>	<u>40</u>	<u>50</u>	<u>24</u>	<u>30</u>
<u>Min. Lot Depth</u>	<u>60</u>	<u>70</u>	<u>60</u>	<u>60</u>
<u>Min. Front Setback</u>	<u>7</u>	<u>7</u>	<u>7</u>	<u>7</u>
<u>Min. Garage Setback (street facing garage)</u>	<u>20</u>	<u>20</u>	<u>N/A</u>	<u>N/A</u>
<u>Min. Garage Setback (non street facing garage)</u>	<u>11</u>	<u>11</u>	<u>N/A</u>	<u>11</u>
<u>Garage setback from the front of the home</u>	<u>4</u>	<u>4</u>	<u>N/A</u>	<u>N/A</u>
<u>Min. Rear Setback (alley)</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>Min. Rear Setback (non-alley)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Min. Side Setback (non-corner/non-attached)</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Min. Side Setback (street corner lot)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Building Height Max. in Feet</u>	<u>27</u>	<u>27</u>	<u>27</u>	<u>27</u>
<u>Parking Stalls Per Dwelling</u>	<u>2.5</u>	<u>2.5</u>	<u>2.5</u>	<u>2.5</u>

- B. Each unit must have a minimum of two dedicated stalls per unit located at the dwelling, one of which is required to be a garage stall. One half (1/2) visitor stall is required for each unit to be located within 150 feet of each dwelling unit.

10.15.090 STREET AND ALLEY REQUIREMENTS

- A. Street requirements will be per City engineering standards.
- B. The following Alley cross-section will be allowed for development. Construction standards will be approved by engineering.

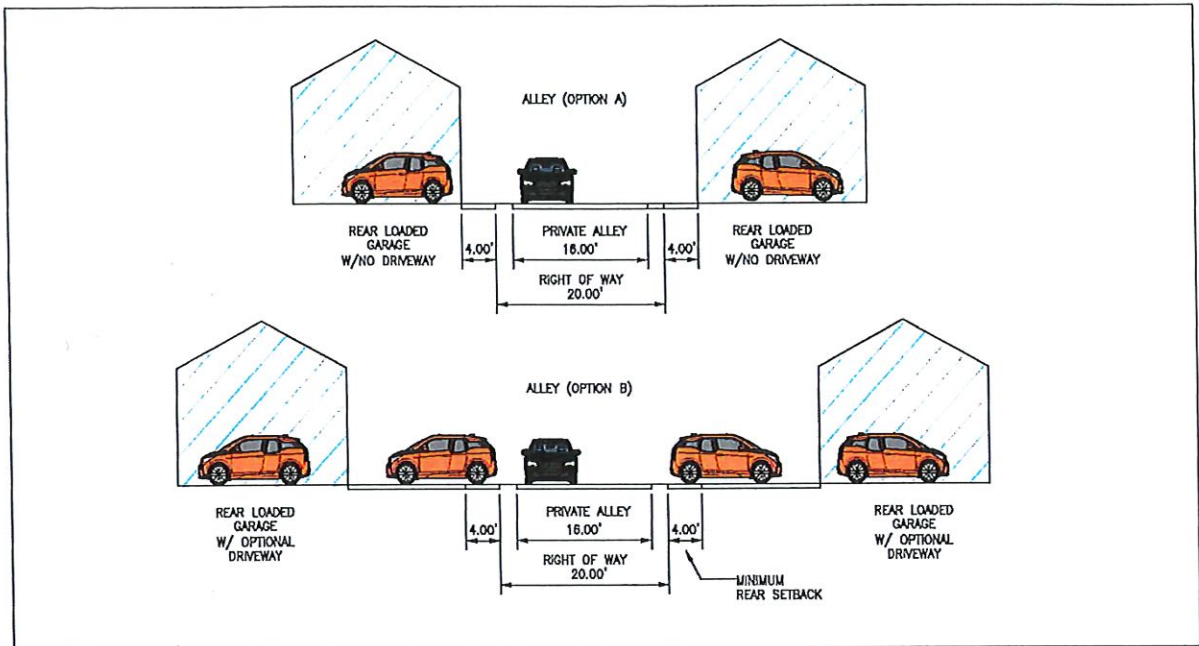


Figure 12. Alley Cross Section

10.15.100 LANDSCAPE REQUIREMENTS

Street Tree Master Plan.

- A. A street tree master plan is required at the plat submittal. The street tree plan shall show trees per lot planted in the park strip.
 - 1. Park Strip Tree Spacing.
 - a. Streets must be spaced at a minimum of 40 feet (excluding driveways). Trees species selection must be approved by City staff.
 - b. Conifers are not permitted as street trees.
- B. Landscape requirements
 - 1. Grass lawn areas in residential landscapes shall not exceed 50% of the total landscaped area.
 - a. Lawn areas should be at least eight feet wide in all directions.
 - b. Turfgrass in front lawns should be minimized.
 - c. Turf grass lawn is not permitted in the park strip unless it is synthetic.
 - d. Landscape plans must show coverage of water-wise plants for 70% of nongrass area landscapes (excluding pathways and patios). This does not include tree canopies. Waterwise plant coverage is for shrubs, ornamental grasses, perennials, and succulents. Coverage of plant areas shall be shown on landscape plans in the form of a table and plant sizes shall be shown at mature sizes.
 - 2. Landscape Plans
 - a. All townhome and twin home projects must submit a landscape plan simultaneously as construction documents. Single-family homes are required to submit plans for front yards.
 - b. The landscape plan must be stamped by a Professional Landscape Architect
 - c. Each dwelling must have a minimum of one tree in the front yard (excluding park strip trees).
 - d. The landscape plan must show:
 - 1) Foundation plantings around the base of dwellings.

- 2) Trees and landscape for private areas. A minimum of 10 trees per acre and 20 shrubs/ornamental grasses, this to all landscapes.
 - 3) Trees on residential dwellings.
 - 4) Waterwise conservation methods.
 - A) Water efficient irrigation
 - B) Water wise plantings
3. Common Areas
- a. Landscape plans must be submitted for common areas.
 - b. The landscape plan must be stamped by a Professional Landscape Architect
 - c. The landscape plan must include the following:
 - 1) Lawn areas should be at least eight feet wide in all directions.
 - 2) Foundation plantings around the base of buildings.
 - 3) Trees and landscape in common areas. A minimum of 15 trees per acre.
 - 4) Waterwise conservation methods.
 - A) Water efficient irrigation
 - B) Water wise plantings

10.15.110 DOCUMENTS REQUIRED FOR APPLICATION

- A. Application and all typical documents required for rezone.
- B. Site plan: including building envelopes, streets, alleys, parking, stormwater areas, open space amenities, trails, snow storage, and utility corridors.
- C. Open Space Plan: including Usable Open Space, trails, amenities, trees, and stormwater.
- D. Street tree plan.
- E. Conceptual building elevations of proposed building types.
- F. HOA – Codes Covenants and Restrictions (CC&Rs)
 1. The HOA CC&Rs must include management and policies for parking, outdoor storage, recreational vehicles, and landscape maintenance. Visitor parking policies shall address the need for visitor parking to be available.
- G. Property and landscape management plans.
- H. Master Development Agreement.

10.15.120 DOCUMENTS REQUIRED FOR BUILDING PERMITS (IN ADDITION TO TYPICAL DOCUMENTS)

- A. Building Elevations with materials and colors to be reviewed by Planning Staff in addition to building officials
- B. Landscape Plans
 1. Full landscape plans for Townhomes and Twin homes. Front yard plans for Single-family Homes (both small and Medium)
- C. Open Space Plan construction documents
- D. Civil Construction Documents
- E. Plat

SECTION 5. 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 6. **Effective Date.** This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 13th day of June, 2023.

STEVE GALE, 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 Gale	_____	_____
------------	-------	-------

