

**MINUTES OF MORGAN CITY
COUNCIL MEETING**

NOVEMBER 14, 2023; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**Mayor Pro Tem Tony London, Jeff Wardell, Eric
Turner, Jeffery Richins, and Dave Alexander**

**MAYOR AND COUNCILMEMBERS
PRESENT ELECTRONICALLY:**

Mayor Gale

STAFF PRESENT IN-PERSON:

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

**STAFF PRESENT
ELECTRONICALLY:**

Jake Young, CitiDesign, City Planner

OTHERS PRESENT:

**Cole Rowser, Lisa Preece, Shaun Preece, and Geni
Rowser**

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 Pro Tem Tony London.

The pledge of allegiance was led by Councilmember Richins.

The opening ceremony was presented by Councilmember Wardell.

APPROVAL OF MEETING AGENDA

MOTION: Councilmember Wardell moved to approve the agenda.

SECOND: Councilmember Turner

Vote was 4 ayes; Motion passed unanimously to approve the agenda; Councilmember London was acting Mayor Pro Tem and not able to vote.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve the following:
City Council Work Meeting Minutes – September 12, 2023;
City Council Meeting Minutes – September 12, 2023;
City Council Meeting Minutes – October 10, 2023; and
Warrants (10/06/2023 – 11/09/2023).

SECOND: Councilmember Turner

Vote was 4 ayes; The motion passed unanimously to approve the minutes as written and one set of warrants; Councilmember London was acting Mayor Pro Tem and not able to vote.

CITIZEN COMMENTS

No comments given.

ACTIVE AGENDA

FINAL ACCEPTANCE – RIVERSTONE TOWNHOMES PHASE 1 SUBDIVISION

Ty Bailey, City Manager, provided an overview of the final acceptance process for the Riverstone Townhomes Phase 1 Subdivision. Ben Slater, City Inspector, JA Jones & Associates, provided a Memorandum recommending final acceptance of the Riverstone Townhomes Phase 1 Subdivision. The total amount in the escrow fund was One Hundred Fifty-Three Thousand Four Hundred Sixty Dollars Seventy-Nine Cents (\$153,460.79) which can be released upon final acceptance by the City Council as follows: One Hundred Forty-Eight Thousand Four Hundred Sixty Dollars Seventy-Nine Cents (\$148,460.79) to be released to the developer and the remaining amount of Five Thousand Dollars (\$5,000.00) would be released to the City for the completion of the chip seal project.

Cole Rowser, Ford Construction, clarified any remaining funds after the completion of the chip seal project in the spring would be reimbursed to the developer.

MOTION: Councilmember Alexander moved to grant final acceptance of the Riverstone Townhomes Phase 1 Subdivision and the release of the escrow funds as outlined in the Memorandum from JA Jones & Associates.

SECOND: Councilmember Richins

Discussion on the Motion: No discussion.

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

Vote was 4 ayes; Motion passed unanimously to grant final acceptance of the Riverstone Townhomes Phase 1 Subdivision and the release of the escrow funds as outlined in the Memorandum from JA Jones & Associates; Councilmember London was acting Mayor Pro Tem and not able to vote.

AGREEMENT FOR ANNEXATION AND DEVELOPMENT OF LAND BETWEEN MORGAN CITY AND LISA C. AND SHAUN D. PREECE, WAYLON S. AND MICHAELA PREECE, BLAKE E. AND EUGENIA H. ROWSER, ARLENE S. CHRISTENSEN, TRUSTEE, AND DEANNE C. JOHNSON, TRUSTEE; PROPERTY LOCATED AT APPROXIMATELY 555 WEST OLD HIGHWAY ROAD, 936 NORTH 700 EAST, 1075 NORTH 700 EAST, AND 1050 NORTH 600 WEST, MORGAN UTAH – RESOLUTION 23-31

Gary Crane, City Attorney, guided the attendees through a crucial step in the annexation process. An annexation agreement was introduced, serving as a precursor to the annexation ordinance adoption. The agreement, encompassed in a resolution, delineated standards for utilities, road infrastructure, and other developmental aspects associated with the mentioned property.

Gary emphasized the necessity for both the City and property owners to comprehend the intricacies of post-annexation. The agreement accommodated details on a forthcoming subdivision proposal, ensuring comprehensive coverage for the property's development. The discussion also noted the incorporation of the City Engineer's Memorandum, addressing pertinent technical aspects.

Following a review of the annexation agreement, participants expressed satisfaction and addressed concerns raised during a prior meeting. Confirmations were made regarding existing City services for water and power. Gary facilitated a brief discussion on Staff notes and concerns, which had been thoroughly examined in the previous meeting.

Gary clarified the interdependence of passing the annexation agreement before progressing to the public hearing and the annexation ordinance. Notably, there was unanimous agreement among the participants, leading to the preparation for a motion to proceed with the next steps in the annexation process.

MOTION: Councilmember Alexander moved to adopt Resolution 23-31 – A Resolution adopting the Agreement for Annexation and Development of Land Between Morgan City and Lisa C. and Shaun D. Preece, Waylon S. and Michaela Preece, Blake E. and Eugenia H. Rowser, Arlene S. Christensen, Trustee, and Deanne C. Johnson, Trustee; Property Located at Approximately 555 West Old Highway Road, 936 North 700 East, 1075 North 700 East, and 1050 North 600 West, Morgan Utah.

SECOND: Councilmember Richins

Discussion on the Motion: No discussion.

ROLL CALL VOTE: Jeffery Richins – aye
Jeff Wardell – aye
Tony London – Acting Mayor Pro Tem
Eric Turner – aye
Dave Alexander - aye

Vote was 4 ayes; Motion passed unanimously to adopt Resolution 23-31 – A Resolution adopting the Agreement for Annexation and Development of Land Between Morgan City and Lisa C. and Shaun D. Preece, Waylon S. and Michaela Preece, Blake E. and Eugenia H. Rowser, Arlene S. Christensen, Trustee, and Deanne C. Johnson, Trustee; Property Located at Approximately 555 West Old Highway Road, 936 North 700 East, 1075 North 700 East, and 1050 North 600 West, Morgan Utah; Councilmember London was acting Mayor Pro Tem and not able to vote.

PUBLIC HEARINGS

ANNEXATION OF PROPERTY LOCATED AT APPROXIMATELY 555 WEST OLD HIGHWAY ROAD, 936 NORTH 700 EAST, 1075 NORTH 700 EAST, AND 1050 NORTH 600 WEST, MORGAN, UTAH AND CONTAINS APPROXIMATELY 54.36 ACRES – ORDINANCE 23-15

MOTION: Councilmember Turner moved to open the public hearing at 7:14 p.m., to receive any public comments regarding Ordinance 23-15 – An ordinance declaring the annexation of 54.36 acres of real property into Morgan City.

SECOND: Councilmember Richins

Vote was 4 ayes; Motion passed unanimously to open the public hearing at 7:14 p.m.; Councilmember London was acting Mayor Pro Tem and not able to vote.

Public Comments: Lisa Preece asked regarding the sewer connection for existing and potential new houses on her property. She sought clarification on whether both the current house and the prospective house for their son needed to be connected to the sewer when selling a portion of the property.

Geni Rowser clarified that only the new house, located on the part of the property designated for their son, would require a sewer connection. It was emphasized that the existing house, where Arlene Christensen resided, would not be affected by this requirement.

Gary Crane referred to the stipulations set by both the Health Department and the City, which necessitated sewer connection within 300 feet of the sanitary sewer line. If it wasn't within the 300 fee it could remain as it was until further development of the property.

Lisa confirmed understanding and expressed satisfaction with the clarification, concluding the discussion on this specific aspect of the property.

Jake Young, CitiDesign, City Planner, displayed the Annexation Plat and explained the status of a dirt road on the North End of the property, stating that the Planning Commission indicated it would not be part of the annexation as it belongs to the State of Utah. He explained that while the road is not included in the plat, future development could prompt the City to require its inclusion.

Discussion then shifted to the 54.36-acre property, both north and south of I-84, with existing homes requested to be zoned R-1-10 and no specific recommendation for the rest of the land. The Planning Commission suggested agriculture zoning for the remaining areas, considering their current use and potential future development timeline. Jake presented plat maps and discussed current and future land uses, noting that the requested zoning aligns with adjacent properties.

Mayor Pro Tem Tony London raised a question about a road labeled as "1100 North," confirming it as a State road and not included in the annexation. The City's potential involvement would depend on future development. The zoning choice (R-1-10) was justified for its flexibility in splitting properties into smaller lots.

No further questions or comments from the public.

MOTION: Councilmember Turner moved to close the public hearing at 7:21 p.m.

SECOND: Councilmember Richins

Discussion on the Motion: No discussion.

Vote was 4 ayes; Motion passed unanimously to close the public hearing at 7:21 p.m.; Councilmember London was acting Mayor Pro Tem and not able to vote.

ACTIVE AGENDA (Continued)

ANNEXATION OF PROPERTY LOCATED AT APPROXIMATELY 555 WEST OLD HIGHWAY ROAD, 936 NORTH 700 EAST, 1075 NORTH 700 EAST, AND 1050 NORTH 600 WEST, MORGAN, UTAH AND CONTAINS APPROXIMATELY 54.36 ACRES – ORDINANCE 23-15

MOTION: Councilmember Alexander moved to adopt and approve Ordinance 23-15 – An Ordinance declaring the annexation of real property into Morgan City; Property is 54.36 acres in area and is located at approximately 555 West Old Highway Road, 936 North 700 East, 1075 North 700 East, and 1050 North 600 West, Morgan, Utah; Property owned by Lisa C. and Shaun D. Preece, Waylon S. and Michaela Preece, Blake E. and Eugenia H. Rowser, and Arlene S. Christensen and Deanne C. Johnson, Trustees.

SECOND: Councilmember Wardell

Discussion on the Motion: Councilmember Alexander highlighted that the annexation had been a topic in prior meetings, both in Planning and City Council sessions.

Mayor Pro Tem Tony London expressed concern that individuals solely relying on City Council meeting summaries might overlook the extensive background and effort invested in the annexation process. He acknowledged and appreciated the point raised, emphasizing the need to recognize the substantial background work involved in the proceedings.

The discussion on this matter concluded, and there were no further comments or questions at that point.

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

Vote was 4 ayes; Motion passed unanimously to adopt and approve Ordinance 23-15 – An Ordinance declaring the annexation of real property into Morgan City; Property is 54.36 acres in area and is located at approximately 555 West Old Highway Road, 936 North 700 East, 1075 North 700 East, and 1050 North 600 West, Morgan, Utah; Property owned by Lisa C. and Shaun D. Preece, Waylon S. and Michaela Preece, Blake E. and Eugenia H. Rowser, and Arlene S. Christensen and Deanne C. Johnson, Trustees; Councilmember London was acting Mayor Pro Tem and not able to vote.

Jake Young left the meeting at 7:35 p.m.

SUNNYSIDE WASTE COAL FACILITY PROJECT FIRM POWER SUPPLY AGREEMENT TRANSACTION SCHEDULE BETWEEN MORGAN CITY AND UAMPS; RATIFYING TY BAILEY'S, CITY MANAGER, SIGNATURE – RESOLUTION 23-32

Ty informed the Council the Resolution also ratified his signature on a power purchase agreement. The agreement involved obtaining power from the Sunnyside Waste Coal Facility Project, contributing approximately 49.3 kilowatts to the City's portfolio. The project, a two-year commitment, was deemed beneficial for the City's energy needs during summers and aligned with the average cost of wind power.

Discussion covered the pricing comparison, with the cost per megawatt hour at \$71, significantly lower than the pool price experienced the previous summer, which was around \$180. Ty explained that the

decision to secure half a megawatt was influenced by the collective interest in the Project, the City's relative size, and its energy needs.

Questions were raised regarding the potential for renewing the agreement for an additional two years, to which Ty confirmed it was an option. The maintenance costs were clarified to be inclusive in the agreed-upon price.

Ty provided additional context, explaining that the Sunnyside Facility was already operational, and the City was essentially purchasing power without bearing ownership or maintenance costs.

MOTION: Councilmember Turner moved to approve Resolution 23-32 – A Resolution authorizing the Sunnyside Waste Coal Facility Project Firm Power Supply Agreement Transaction Schedule Under the Master Firm Power Supply Agreement With Utah Associated Municipal Power Systems; and Ratifying the Execution of the Transaction Schedule by Ty Bailey, City Manager.

SECOND: Councilmember Richins

Discussion on the Motion: No discussion.

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

Vote was 4 ayes; Motion passed unanimously to authorize the Sunnyside Waste Coal Facility Project Firm Power Supply Agreement Transaction Schedule Under the Master Firm Power Supply Agreement With Utah Associated Municipal Power Systems; and Ratifying the Execution of the Transaction Schedule by Ty Bailey, City Manager; Councilmember London was acting Mayor Pro Tem and not able to vote.

AMENDMENT TO TITLE 1, CHAPTER 1.15 – CONSOLIDATED FEE SCHEDULE, OF THE MORGAN CITY CODE BY AMENDING THE BUSINESS LICENSES TO CLARIFY ADMIN FEES, CEMETERY BURIAL FEES, TRANSFER FEES FOR GRAVE SPACES, AND CLARIFICATION OF UTILITY FEES – ORDINANCE 23-13

Ty explained the proposed amendments to the Consolidated Fee Schedule, specifically focusing on business licenses, admin fees, cemetery burial fees, transfer fees for grave spaces, and utility fees as outlined in the ordinance.

Ty stated the first amendment clarified that the admin fee was an administrative processing fee, a flat charge not contingent on the duration or complexity of the application. Ty addressed questions regarding the admin fee, emphasizing that it was an average processing charge.

Discussion then shifted to cemetery fees and burial fees, mainly focusing on disinterment costs, which were proposed to increase due to the complex nature of the process. Ty explained the difficulties involved in disinterment, including the need for digging, placing anchor bolts, and utilizing a truck to lift the vault.

Further, the amendments covered changes in burial fees for infants and children, with the criteria primarily based on vault size. Questions were raised about the reasonableness of the fees, and Ty provided context, noting that the proposed fees were reasonable, offering a discount for residents.

The utility fee section addressed changes related to disconnect and reconnect charges. Instead of separating these charges, the proposal consolidated them into a single service disconnection/reconnection fee for clarification.

MOTION: Councilmember Wardell moved to adopt Ordinance 23-13 – An Ordinance Amending Title 1, Chapter 1.15 – Consolidated Fee Schedule, of the Morgan City Code by Amending the Business Licenses to Clarify Administrative Fees, Cemetery Burial Fees, Transfer Fees for Grave Spaces, and Clarification of Utility Fees; Providing for repealer; Providing for Severability; and Providing for an immediate effect date.

SECOND: Councilmember Alexander

Discussion on the Motion: Councilmember Alexander asked for clarification on whether the proposed fee applied to both of the City's cemeteries.

Ty responded, confirming that the fee was indeed applicable to both cemeteries. He explained that although there was equipment at both locations, it was shared between Departments and transported as needed.

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

Vote was 4 ayes; Motion passed unanimously to Amend Title 1, Chapter 1.15 – Consolidated Fee Schedule, of the Morgan City Code by Amending the Business Licenses to Clarify Administrative Fees, Cemetery Burial Fees, Transfer Fees for Grave Spaces, and Clarification of Utility; Councilmember London was acting Mayor Pro Tem and not able to vote.

AMENDMENT TO TITLE 10, CHAPTER 10.22, SECTION 10.22.050(F)(5) – DEVELOPMENT STANDARDS, OF THE MORGAN CITY CODE REGARDING ACCESS POINTS IN THE SENSITIVE LANDS DISTRICT ORDINANCE – ORDINANCE 23-14

Councilmember Alexander mentioned this item was at Jake's request and reference was made to the Planning Commission's positive recommendation for the amendment.

Jake Young returned to the meeting electronically to discuss this item at 7:48 p.m.

Jake explained the proposed amendment to the sensitive lands ordinance. The previous language had stated "20 lots," but there was a recognition that this wording didn't provide the necessary clarity for developments with more than 20 lots, such as townhome communities. The suggested change was to replace "20 lots" with "dwelling units," ensuring that developments with multiple townhome units on a single lot would also require a second access point.

Jade explained the need for this adjustment, emphasizing that it addressed concerns raised by Matt Hartvigsen, City Engineer, over several months. The clarification focused on requiring a second access point for developments, regardless of the type of dwelling unit.

Discussion concluded with the acknowledgment that the proposed fix was straightforward. No further questions were raised, and it was noted that the change added clarity to the requirement for a second access point for developments, which could include townhome communities or individual homes on a single lot.

MOTION: Councilmember Turner moved to adopt Ordinance 23-14 – An Ordinance amending Title 10, Chapter 10.22, Section 10.22.050(F)(5) – Development Standards, of the Morgan City Code Regarding Access Points in the Sensitive Lands District Ordinance; Providing for repealer; Providing for severability; and Providing for and immediate effective date.

SECOND: Councilmember Richins

Discussion on the Motion: No discussion.

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

Vote was 4 ayes; Motion passed unanimously to adopt Ordinance 23-14 – An Ordinance amending Title 10, Chapter 10.22, Section 10.22.050(F)(5) – Development Standards, of the Morgan City Code Regarding Access Points in the Sensitive Lands District; Councilmember London was acting Mayor Pro Tem and not able to vote.

Jake Young left the meeting at 7:54 p.m.

CITY REPORTS

CITY COUNCIL

Councilmember Alexander made a complimentary acknowledgment of Gary's retirement, expressing gratitude for his continued collaboration. The sentiment was officially recorded, emphasizing the pleasure of working with Gary over the years. It was noted that Gary would not be retiring from Morgan City. The expressed appreciation highlighted the positive working relationship and the pleasure of having Gary remain with the City.

Councilmember Richins made a comment regarding the Halloween festivities on Commercial Street and State Street. He expressed amazement at the turnout and the lively atmosphere during the Halloween event. A thank-you was extended to the businesses, with a mention of the Chamber of Commerce's involvement in promoting the event for its members.

It was clarified that the significant effort came from the businesses and the community, with the Church being highlighted for its commendable community work. The scale of participation was emphasized. The discussion conveyed the enthusiasm and astonishment at the success of the Halloween event.

The concern about safety during Halloween festivities was raised as two locations, the Health Center, and First Community Bank, were situated on one side of State Street, leading to children crossing the street to reach them. Discussed the potential safety hazard for kids navigating back and forth across the street. The suggestion was made to encourage booths to move to one side of the street to mitigate this risk.

CITY MANAGER

PROJECT UPDATES

UAMPS Updates:

High Wind Resiliency Grant Application: The City applied for a high wind resiliency grant under the Infrastructure Investment and Jobs Act, seeking \$600,000 for a \$1 million project to bury power lines on State Street. The goal is to protect power lines from wind and trees, enhancing resilience.

UAMPS applied for a \$3 million grant involving five participants to explore internal power generation. The project aims to create an internal market, allowing members to buy excess power from each other at favorable rates.

Carbon-Free Power Project: The City decided to end its partnership with NuScale for the Carbon-Free Power Project due to permitting challenges, financial risks, and increased costs.

The Carbon-Free Power Project experienced a significant development, as it was mutually decided to end the project with New Scale. This decision was not entirely unexpected, considering the challenges involved in permitting new power sources. Congressman Curtis, present virtually at the UAMPS meeting, acknowledged the complexities and risks associated with the project. The decision to exit the project was prompted by the lack of subscription and escalating costs, attributed to factors like inflation and financing challenges. The team expressed proactive measures in response to the evolving power landscape, and while the termination of the project was a notable development, it wasn't perceived as a substantial loss. The decision was reached through mutual agreement, avoiding potential disagreements and disputes over financial responsibilities.

Generator Project: The generator project progressed as planned. A notice to proceed was issued, following previous discussions on the contract in prior meetings. The sites for the natural gas generator were to be prepared. Two portable units had been picked up, and the unit designated for this building was ordered. The exact timeline for delivery wasn't specified, but the site preparation notice was sent to the vendor. The work on the generator project is expected to commence in spring, involving the pouring of pads and making necessary connections. The necessary paperwork, including signing, was completed to move forward.

City Building Updates: Remodeling efforts included finishing the basement at the Train Depot, creating a storage space. Electrical work and a new sign concept are underway. Additionally, the Municipal Building Authority funded the remodeling of City offices for better functionality.

Riverside Park and Tree Maintenance: Trees were removed at Riverside Park, and while some will be replanted, they may not necessarily be pine trees. The City has contracted a tree service to assess and maintain the health of existing trees.

Snowplow Truck Acquisition: The City acquired a new snowplow truck, a long-awaited addition to the budget, contributing to better snow removal efficiency.

Cemetery Updates: Two new mowers were purchased for the cemeteries to enhance maintenance. A \$61,000 investment was made for a new water pump at the cemetery, addressing water level issues.

Performance Reviews: The City completed performance reviews for employees, providing an opportunity to discuss safety, personal goals, and cost-saving measures.

Hometown Christmas: The event is scheduled for December 2nd.

CLOSED SESSION

MOTION: Councilmember Richins moved to go into a closed session at 8:09 p.m. for the purpose of discussing the purchase, exchange, or lease of real property.

SECOND: Councilmember Turner

Vote: 4 ayes; Motion passed to go into closed session; Councilmember London was acting Mayor Pro Tem and not able to vote.

PRESENT: Mayor Pro Tem Tony London, Ty Bailey, City Manager, Gary Crane, City Attorney, Denise Woods, City Recorder, Councilmember Wardell, Councilmember Alexander, Councilmember Turner, and Councilmember Richins.

MOTION: Councilmember Richins moved to open the meeting at 8:33 p.m.

SECOND: Councilmember Turner

Vote: 4 ayes; Motion passed to come out of closed session; Councilmember London was acting Mayor Pro Tem and not able to vote.

This meeting was adjourned at 8:34 p.m.


Denise Woods, City Recorder


Tony London, Mayor Pro Tem

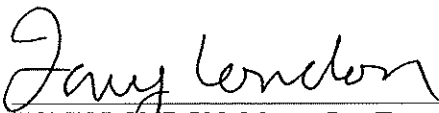
These minutes were approved at the December 12, 2023 meeting.

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 **14th day of November, 2023**, was to discuss the purchase, exchange, or lease of real property.

Dated this 14th day of November, 2023.

ATTEST:



TONY LONDON, Mayor Pro Tem



DENISE WOODS, City Recorder