

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
JULY 20, 2017

The City Council of Plain City convened in a regular meeting on Thursday, July 20, 2017, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers Mike McKean, Buddy Sadler, Natalie Hale and Brad Searle  
Excused: Councilmember Brett Ferrin  
Staff: Diane Hirschi, Mike Kerswell, Bren Edwards, Tyson Garr  
Also Present: A.C. Millet, Pat Millet, Alanna Loftus, Nolan Loftus, John Leonardi, Heidi Gibson, Kenneth Gibson, Blake Neil, Todd Davis, Bryan Memmott, Brad Cragun, Kayli Cragun, Cecil Satterthwaite, Jim Flint, Candice Kunz, Shane McFarland, Robert Scott

Call to Order: Mayor Bruce Higley  
Pledge of Allegiance: Councilmember Searle  
Invocation/Moment of Silence: Councilmember Natalie

Approval of Minutes

**Councilmember Sadler moved to approve the regular meeting minutes from June 15, 2017 as presented. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Comments: Public

None presented.

Discussion/Motion: Appointment of New Justice Court Judge

Mayor Higley explained the statutory law governing retirement of judges and distributed written material, outlining the process of selecting a new judge. After recognizing Bryan Memmott (present in the audience) as the Judge Select, he imparted the City Council's responsibility to ratify the selection. He referred to the strict criteria of judge certification. Councilmember Sadler asked that Bryan Memmott introduce himself. Bryan Memmott acquiesced. He spoke of his Utah roots, upbringing, and education. He related his experience serving in the U.S. Airforce, Judge Advocate General's Corps. He briefly spoke of his experience as an attorney in the private sector. **Councilmember McKean moved to appoint Bryan Memmott, Justice Court Judge for Plain City. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Pioneer Agreement Extension – Grouse Meadows Lift Station – Alanna Loftus

Alanna Loftus, representing the Loftus Family Support Trust Partnership, presented historical figures relating to the Grouse Meadows Lift Station. She recounted the specifics of the original Pioneer Agreement between Plain City and the Loftus Family Support Trust, covering upgrades to the lift station. She asserted, miscommunication, slower than anticipated growth of the development, and other dubious factors have led to inadequate compensation to the Loftus Family Support Trust for expenditures by the partnership to establish the lift station. She made a plea, that Plain City Corporation extend the original Pioneer Agreement with the Loftus Family Support Trust Partnership for ten additional years. Councilmember Searle requested further details of the original Pioneer Agreement. He noted, Mayor Higley was part of the City Council when the Agreement was approved. Mayor Higley explained the ten-year termination clause included in the original contract. He addressed its payment arrangement. Councilmember McKean deduced, the matter is one of speculative error – slower than anticipated growth of the development. Mayor Higley confirmed the City's full compliance with the Pioneer Agreement, to term. Councilmember Sadler revisited the purpose of the original agreement. He noted, the sum of the payments made by Plain City Corporation to the Loftus Family Support Trust, adequately covered the added expense of the required upgrades to the sewer system. Councilmember Searle read aloud, the section of the Pioneer Agreement implicating financial responsibility. Councilmember McKean sought verification that the request is for a ten-year term extension. Alanna Loftus answered in the affirmative. She suggested the term of the agreement coincide with the final phase(s) of the Stillcreek Development. Mayor Higley reiterated, the City's obligation per the original Pioneer Agreement has been met. Alanna Loftus evoked, the Loftus Family Support Trust provided the fundamental lift station. She

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remarked, the upgraded system would be significantly more expensive without the fundamental planning and elements that were in place -- cost borne by the Loftus Family Support Trust. Councilmember Searle asked if the partners of the Trust were informed of the terms of the original Pioneer Agreement at the time of approval. Alanna Loftus stated, the members of the Trust were not provided a copy of the Agreement until it was finalized. Shane McFarland, representing J-U-B Engineers, spoke to the base cost of the Grouse Meadows Lift Station and the additional expenses related to the modifications requested by the city. Councilmember McKean attested, the expense for requested modifications has been compensated for through the fulfillment of the Pioneer Agreement. **Councilmember McKean moved to allow the original Pioneer Agreement with the Loftus Family Support Trust to expire without granting the proposed extension. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Vacate Post Subdivision – 3440 N Plain City Rd

Jim Flint outlined actions taken to plan and develop the Post Subdivision. He described access points. He addressed zoning requirements. Councilmember Sadler sought verification that passable emergency vehicle access and turn-around locations have been considered in the design of the subdivision. Planning Commission Chairman, Blake Neil confirmed, the subdivision plan has been through Technical Review and meets the requirements for emergency vehicle access and all other associated planning and zoning conditions. Councilmember McKean sought clarification on the proposed use of each lot. Blake Neil reviewed the plat and land use information. Jim Flint displayed the plat map and pointed out challenges faced in bringing the subdivision into compliance with zoning ordinances. **Councilmember McKean moved to vacate the Post Subdivision as designed. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Amendment to Grouse Meadows Subdivision – Lot 9

Details relevant to the proposed Amendment to Grouse Meadows Subdivision were discussed previously. **Councilmember Hale moved to amend Lot 9 of the Grouse Creek Subdivision. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Final Approval – KH Gibson Estates 3440 N Plain City Rd – 2 lots

Councilmember Sadler asked Public Works Director, Bren Edwards, if conditions that will inhibit snow plowing exist in the proposed design. Bren Edwards answered in the negative. **Councilmember McKean moved to approve the KH Gibson Estates Residential Development. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Final Approval – Cragun Subdivision – 4208 W 2575 N – 2 lots

Brad Cragun presented the proposed plan to subdivide a single lot at 4208 W 2575 N into two lots. Councilmember McKean enquired if the lot to be divided was currently where the Craguns reside. Brad Cragun answered in the affirmative. Referring to the presented plan, Mayor Higley asked for clarification on the land use of each proposed lot. Brad Cragun provided the requested information. Councilmember Sadler asked the Planning Commission representatives if the remainder parcel is a buildable lot. Blake Neil responded, the piece of land in question does not belong to the Craguns and is not part of the proposed subdivision. Councilmember Sadler questioned the labeling of the Cragun Subdivision as a “2 lot” subdivision when the creation of ONE sole lot is being proposed. Blake Neil explained, the labeling coincides with terminology of the Minor Subdivision Application and does not actually define the number of lots in this proposed plat. Councilmember Sadler queried if curb and gutter will be placed as part of the development. Blake Neil answered in the negative. He noted, a deferral agreement has been submitted. As the road in question is under State jurisdiction, the legitimacy of a deferral agreement drafted by Plain City was discussed. Councilmember McKean asked if the Cragun Subdivision will be recorded as a “one lot” or “two lot” subdivision. Planning Consultant, Rob Scott provided an explanation and declared the subdivision will be recorded as a “two lot” subdivision, in accordance with Utah State Law. Councilmember Sadler called attention to the error in labeling of the presented plat. Shane McFarland affirmed, the classification will be corrected on the plat drawing, prior to recording. **Councilmember Sadler moved to approve the Cragun Subdivision with the corrected classification (2 Lot Subdivision). Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

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Discussion/Motion: Sunny Brook Subdivision Extension

Councilmember Hale reviewed the extension process and clarified, only two extensions are permitted under current regulations. Councilmember Searle sought verification that the proposed extension is the first to be issued for this development. Mayor Higley confirmed, Sunny Brook Subdivision has not been granted an extension, previously. Councilmember Sadler asked if extension filing fees have been paid. City Recorder, Diane Hirschi answered in the affirmative. **Councilmember McKean moved to approve the Extension for the Sunny Brook Subdivision. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Final Approval – Town Square Estates – 21 Lots

Cecil Satterthwaite reported on storm water system improvements that were completed with coordinated of Plain City Public Works. Councilmember Sadler asked if the joining of drive approaches on the State Road, contained within the development, is to comply with Utah State regulations. Cecil Satterthwaite answered affirmatively. He explained, the State will only allow two accesses from the road. Councilmember Sadler queried, who will be charged with plowing the private road comprised in the development. Mayor Higley declared, the HOA associated with the development will provide snow removal on the private road. Councilmember Sadler commented on the road width, as stated in the engineering documents. He referred to earlier undertakings to change the preliminary figures. He questioned why the information is not updated in the current proposal. Shane McFarland assured the Council that the actual construction of the road will be per the most recent design – discussed and approved by the Planning Commission and City Council. **Councilmember McKean moved to approve the Town Square Estates Development. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Award Contract – 2425 W Storm Drain Project

Mayor Higley attested, the notice of award of this contract has not yet been extended, pending approval of the City Council. Councilmember McKean asked if multiple bids were obtained for the project. Mayor Higley answered in the affirmative. He directed the Council where to view the other bids, found in the previously distributed documents. Councilmember Searle noted, the preferred bid is not the lowest-priced. He asked for an explanation. Mayor Higley cited scheduling and timeline as considerations that determined the selection of the next-highest bid, which is less than \$40.00 higher than the lowest. Councilmember McKean mentioned, the preferred bid comes from a local company, owned by a Plain City resident. Councilmember Hale sought particulars concerning to location and service. Shane McFarland described the scope of the project. Councilmember Searle asked if this project has been reviewed in City Council Meeting or in a City Council Work Meeting, previously. Bren Edwards spoke of an impact study that has been discussed, comprising this project as part of a necessary system enhancement. Shane McFarland stated, the project has been seen as a “need” for a while. Councilmember Searle admitted, he was taken aback by the expense and scope of this project. He acknowledged understanding of the need. Shane McFarland displayed a map of the discharge plan. He identified the purpose of the presentation - to obtain approval of the contract with Marriott Construction so that a notice of award can be given. **Councilmember Searle moved to approve the contract with Marriott Construction for the 2425 W Storm Drain Project. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Econo Waste – Recycle Fees

Mayor Higley announced, the County Waste Transfer Station has changed policy and will no longer provide recycling services. The Recycle Earth Company, providing free substitute recycling in the past, is now charging for the service. Councilmember Searle asked what the fee is for standard waste disposal. Diane Hirschi explained the monthly fee citizens are charged for the service. Mayor Higley described the per-ton fees charged by the Transfer Station. He noted, recycling fees are substantially less than standard waste disposal fees. He proposed an increase in the Recycle Can Fee to cover the cost of the recycling service offered by Recycle Earth. According to preliminary estimates, the price will be 39 cents per household. Councilmember Searle asked if there might be a variable in the figure for recycling materials received, annually. He suggested the increase in the Recycle Can Fee be adequate to cover an anticipated increase in volume resulting in extra cost to the City. Mayor Higley recommended, the increase be based on the preliminary estimate of 39 cents and reevaluated in the future. He spoke to the direct billing for service by Recycle Earth and the coordination of billing through Econo Waste.

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**Councilmember Hale moved to approve the Econo Waste Recycling Fee of 39 cents per household. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Extension of Interlocal Cooperation Agreement – Animal Control Services  
Councilmember McKean sought statistics for the number of calls to Weber County Animal Control Services by Plain City residents. Bren Edwards distributed written information to the Council and City Staff. He explained, walk-in service provided to Plain City residents is included in the presented calculations. **Councilmember Searle moved to approve Resolution 2017-07, Extending the Interlocal Cooperation Agreement with Weber County Animal Control Services. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Purchase of New Tables and Chairs in Senior Center  
Parks and Recreation Director, Tyson Garr described the condition of the Plain City Senior Center furnishings. He noted, the fabric upholstery on a majority of the padded chairs is stained or otherwise dilapidated. He mentioned concerns, voiced by visitors, that the some of the dining tables are not safe due to cracking and failing joinery. Councilmember Searle asked about plans for the old furniture, if replacement units are purchased. Tyson spoke of the options being considered, including donation, re-use, and storage. Councilmember Searle suggested the sale of sturdy pieces to recover some of the cost of the new units. Diane Hirschi proposed keeping some of the padded chairs for use by seniors that have grown accustomed to them, as the proposed chairs are not padded. Councilmember Searle sought clarification on the preferred bid and manufacturer of the proposed, new furniture. Tyson Garr divulged, Lifetime is the preferred manufacturer. Councilmember Searle asked for funding details and budget data. Councilmember McKean affirmed, the funding will come from provisions in this year's Building Budget. **Councilmember McKean moved to approve the purchase of new tables and chairs for the Senior Center through Lifetime Products. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Amendment to Subdivision Ordinance Revamping Application Processing  
Representing the Planning Commission, Rob Scott reviewed the updates and improvements made to the Subdivision Ordinance. He contrasted Legislative and Administrative actions, identifying the City Council's role in matters of both designations. He explained Planning and Technical Review processes and outlined the steps of obtaining Planning Commission approval. While Plain City has a good system in place, the proposed, State authorized amendments to the process can simplify and make it more efficient. Councilmember Searle queried how bypassing City Council on some matters will help the process. Rob Scott suggested, the deliberation of matters already approved by the Planning Commission, by the City Council, is a redundant step and not necessary. Councilmember Searle questioned the liability of the City Council for errors in plans that have not been presented to the Council for approval. Rob Scott acknowledged, the City is ultimately responsible for those errors. He pointed out a number of building and development matters that are currently subject to Planning Commission approval but not to City Council examination. He pronounced timeliness of the process as a factor that can be improved by eliminating the step of City Council approval where it is appropriate to do so. Councilmember Sadler mentioned, historically, some Planning Commission approved matters have been rejected by the City Council. Councilmember McKean observed, the whole process may be negatively affected if the City Council is not part of verification and approval. Rob Scott expounded on the Technical Review program. Councilmember Searle asked how long Plain City's Technical Review program has been in place. Bren Edwards responded – one and a half years. Councilmember Hale, referring to previously distributed printed information, requested details related to amended process timelines. Bren Edwards noted, the proposed official scheduling rules are the same as the ones observed, currently. It's necessary that they be written and adopted to keep the system organized and uniform; A matter of "housekeeping". Rob Scott acknowledged, many of the "amendments" to the Subdivision Ordinance are simplifications and clarifications of instituted protocols. Councilmember Searle stated his interest in maintaining the checks and balance system of City Council's current role in planning and development decision making. Blake Neil expressed his intent to better the time elements within the process of planning and development decision making through the elimination of redundant steps. He referred to recent citizen complaints of delayed permit applications, etc. Councilmember Searle asked for specific examples of complaints received due to timeline issues. Blake Neil related a recent incident.

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Councilmember McKean noted, miscommunication causes delays and bypassing the City Council's inspection and approval will only add to the problem. Councilmember Sadler pointed out, a majority of the proposed amendments are beneficial and need to be adopted. He voiced his opposition to the exclusion of the City Council in some matters of planning and development decision making. Councilmember Searle asked if the delay issue can be traced to something other than having the City Council in the loop. He suggested, other steps in the process may need to be eliminated or made more efficient. Blake Neil touted the educational and oversight elements of the Technical Review program. He compared the subdivision approval process of other communities with the proposed, revamped process being discussed, calling it a "middle of the road" approach, as it maintains shared authority. Councilmember Searle enquired, who attends the Technical Review sessions. Bren Edwards answered – Building Inspectors, Public Works Department representatives, Engineers, the Fire Chief, Utilities representatives, etc. He gave a brief example of how a review is conducted. Councilmember Sadler suggested the Amendment be sent back to the Planning Commission for rewriting. He reaffirmed his appreciation for the efforts of the Planning Commission. Rob Scott recommended that the City Council continue the discussion and refer the Subdivision Ordinance Revamp back to the Planning Commission for revision, to include keeping the City Council's authority over land use decisions on subdivisions. Councilmember Hale clarified, the Planning Commission can revise the components regarding City Council authority without rewriting the Amendment entirely. Planning Commission Vice Chairman, John Leonardi referred to the existing ordinance governing subdivision approval. He spoke to the importance of keeping the existing City Council land use authority over subdivisions in place. He agreed with the idea of continuing the discussion and revising the Amendment without rejecting it entirely. **Councilmember Searle moved to send the Amendment to the Subdivision Ordinance Revamping Application Process back to the Planning Commission for revision, to preserve the City Council's authority over final approval of subdivisions. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Amendment to Zoning Ordinance Concerning Public Hearings for Conditional Use Permits  
Rob Scott outlined the parts of the Amendment to Zoning Ordinance Concerning Public Hearings for Conditional Use Permits that have been amended. He explained the reasoning behind segmenting the Subdivision Ordinance. Councilmember Searle asked if the amendments change processes or are meant to provide clarification and consolidation. Rob Scott explained, the amendment establishes uniform standards that define what an applicant needs to provide. He added, rather than referring to a checklist, there will now be an ordinance that strictly specifies what must be submitted with an application. Councilmember McKean noted, the public hearing requirement is being taken out of the ordinance with this amendment. Rob Scott affirmed, a public hearing will be optional with this amendment. He described the approval of Conditional Use Permits as an administrative matter, according to Utah State Law. Councilmember Hale clarified, the amendment being discussed pertains to Conditional Use Permits, only. Rob Scott spoke of Planning Commission efforts to ensure public access to Planning Commission Meetings and to promote interaction with commissioners. **Councilmember McKean moved to approve the Amendment to Zoning Ordinance Concerning Public Hearings for Conditional Use Permits 2017-08. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Amendment to Zoning & Subdivision Ordinance - Senior Housing Overlay Zone & Clarifications

Rob Scott praised the Plain City Planning Commission for their hard work and preparedness. He spoke to the process of adjusting ordinances. He explained, the Senior Housing Overlay Zoning Ordinance has been transferred from the Subdivision Ordinance to the Zoning Ordinance as a matter of orderliness. He noted, the only other change is to make Senior Housing Overlay applications subject to Site Plan Review per newly adopted standards for Site Plan Review. Councilmember Searle sought verification that the proposed amendment does not limit, change, or otherwise effect the process. Rob Scott confirmed, the ordinance remains the same. Councilmember McKean pointed out, the City Council has been struck-out of the review process in the amendment. Rob Scott explained, the City Council was included in the process because the Senior Housing Overlay was previously part of the Subdivision Ordinance. Because of the transfer to the Zoning Ordinance (properly ordered), City Council review is no longer required. City Council retains authority over re-zoning matters and will have final approval of subdivision approval. Site Plan review and approval will continue to be a Planning Commission assignment. Councilmember Sadler asked about the right of the City Council to hold a public meeting separately from the Planning Commission

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established public meeting. Rob Scott answered – State law requires City Governments to hold ONE public hearing. Plain City holds that public hearing in front of the Planning Commission. The public is invited to attend City Council Meetings and provide input in that manner, as well. He answered in the affirmative; The City Council has the right to hold a public hearing at any time. **Councilmember McKean moved to approve Ordinance 2017-09 Amendment to Zoning & Subdivision Ordinance - Senior Housing Overlay Zone & Clarifications. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Motion: Approval of Business Licenses

The following business license was approved:

Melinda Hortin                      Melinda Hortin                      2096 N 2875 N                      housekeeping/make jewelry

**Councilmember Hale moved to approve the business license as presented. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Motion: Approval of Warrant Register

See warrant register dated from 06/15/17 to 06-30/17, 07/01/17 to 07/18/17 and 07/19/17 to 07/19/17.

**Councilmember McKean moved to approve the warrant registers as presented. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Hale and Searle voted aye. The motion carried.**

Report from Planning Commission

Blake Neil reported on progress being made toward completion of a General Plan for Plain City. He announced a presentation for the August 3<sup>rd</sup> City Council Meeting, covering timeline and scope of the General Plan endeavor. Councilmember Searle requested a report on current development projects. Blake Neil disclosed, the VanHulton Property is scheduled for Technical Review. He spoke to a proposed property annexation near S-Curve that is being discussed.

Report: Council

Mayor Higley proposed Work Sessions for two items of importance: Home Occupation Business Licensing Policy, and City Council Meeting Procedures. Bren Edwards proposed a Work Session to review Impact Fees. Councilmember McKean proposed a Work Session to address Customer Service Policy and Procedures. He thanked the City Staff for their efforts in serving the citizens. He noted the outstanding condition of the city parks. He complimented the Recreation Department on a well-run sports program. He commented positively on the updated city website. Councilmember Hale heralded appreciation for the Whitelock family and Roylies Restaurant for their contributions to the community. She commended citizens for their neighborly support. Councilmember Searle noted, communication is key to the success of the City Council undertakings. Being informed is necessary for good decision making. He stressed the importance of good, open dialogue among city leaders and between city leadership and the citizens. Mayor Higley requested notice for expected absence from City Council Meetings by councilmembers. He promoted the City Staff Party, to be held on August 1, 2017. He commented on the periodically distributed Weber County Sheriff's Police Report. Diane Hirschi informed, the mail-in ballots for the City Elections will be out for delivery on October 1, 2017. She announced, there will be NO Primary Election. She requested a "Meet the Candidates Night" be scheduled for the 26<sup>th</sup> of September.

**At 9:27 p.m. Councilmember McKean moved to adjourn and was seconded by Councilmember Searle. The vote was unanimous.**

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City Recorder

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Mayor

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Date approved