

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 7, 2017

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

Present: Mayor Bruce Higley, Councilmembers Mike McKean, Buddy Sadler, Brett Ferrin, Natalie Hale and Brad Searle
Staff: Diane Hirschi, Mike Kerswell, Brandon Richards, Bren Edwards, Brad Jensen
Also in attendance: Blake Neil, Jeff Johansen, Chad Allen, Don Weston, Jay Jenkins, Scott Jenkins, Jon Beesley, Sherri Rhees, Lisa Cox, Neil Cox, Bridger Archuleta, Rob Scott

Call to Order: Mayor Bruce Higley
Pledge of Allegiance: Councilmember McKean
Invocation/Moment of Silence: Councilmember Sadler

Approval of Minutes from November 16, 2017 and November 21, 2017

Councilmember Hale noted that it should be noted that she arrived later on the 16th. **Councilmember Ferrin moved to approve the minutes for the work meeting and the regular City Council meeting of November 16, 2017 as amended. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Councilmember Sadler moved to approve the minutes for the special meeting on November 21, 2017 as presented. Councilmember Ferrin seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Comments: Public

Former Plain City Mayor, Jay Jenkins, referring to the agenda for the current City Council Meeting, proposed, motion on amendments to the City Code and Personnel Policy be postponed. As new Councilmembers will be sworn in and a new Mayor will be seated early in the upcoming year, Mr. Jenkins indicated, a review of the modifications and participation in decision making regarding the matter should be granted them. He spoke to the optics of substantial changes being bidden by Councilmembers that are on their way out of the administration. He petitioned that a vote on City Code and Personnel Policy revisions be suspended until the new Councilmembers and Mayor can appraise them.
Former Plain City Mayor, Scott Jenkins asserted, the current City Code and Personnel Policy has been in place for years and has adequately managed Plain City governance. He spoke to established authority of Councilmembers and the Mayor. He advised against changing the relationship between the Mayor and City Council. He petitioned that a vote on City Code and Personnel Policy revisions be delayed.

Public Hearing: Discussion of Possible Projects Eligible for CDBG funds

Councilmember Hale moved to open a Public Hearing to discuss Possible Projects Eligible for CDBG funds. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Public Works Director, Bren Edwards outlined the CDBG grant application process. He indicated, a public hearing is required as part of the process. He sought input from the public concerning their needs (project recommendations) that might qualify for CDBG grant monies.
Councilmember Hale asked if there are project suggestions by Councilmembers and/or City Staff that can be considered. Councilmember Ferrin asked if ADA improvements to public restroom facilities have been studied.
Bren Edwards answered in the affirmative, both questions. He told of diminished funds available through the program, compared to previous yearly provisions. He affirmed, applications for CDBG grants will be submitted by Plain City. He reviewed past projects.
No public input was presented.

Councilmember Ferrin moved to close the Public Hearing. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Discussion/Motion: Amendment to Subdivision Ordinance Concerning Subdivision Process

Planning Specialist, Rob Scott conveyed the Planning Commission's recommendation that authority to approve and amend Minor Subdivisions be retained by the Planning Commission, and authority to grant final approval for larger subdivisions be held by City Council. He reviewed printed information, previously distributed to the Council and Staff.
Councilmember Searle requested a definition of Minor Subdivision.

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Rob Scott defined Minor Subdivision: One lot divided into two lots. He declared, most of the proposed amendments are matters of clarification and appropriate synchronization of existing terms within the Subdivision Ordinance. He continued his review of planned changes.

Councilmember Sadler sought clarification on fee assessment.

Rob Scott acknowledged, the City Council is in charge of fee structuring as it is a legislative task. He highlighted notification procedures, addressed in the ordinance. He presented a new Technical Review section.

Councilmember Ferrin asked if the proposed schedule will affect existing Escrow requirements.

Rob Scott answered in the negative. He expounded on the concern and reviewed Escrow documentation procedures.

Councilmember Sadler asked if provisions for extensions are in place.

Rob Scott answered in the affirmative, noting, extension provisions remain unaltered from the existing ordinance. He ended his presentation with a request that the City Council adopt the amended Subdivision Ordinance concerning the Subdivision Process.

Councilmember Ferrin moved to adopt Subdivision Ordinance 2017.14 Concerning Subdivision Process.

Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Discussion/Motion: Amendment to Development Agreement – Kelly's Korner – bulk propane

Representing Kelly's Korner, Jeff Johansen reported a recently found need to provide bulk propane to customers. As the original development agreement does not include authorization for the sale and storage of bulk propane, Jeff Johansen requested a modification, allowing it. He contrasted service and cost parameters associated with the sale of bulk propane and exchangeable propane tanks.

Councilmember Searle asked for facility location details.

Jeff Johansen displayed a site map and described multiple areas to deliberate. He explained, local and State Fire Authorities will need to approve a location. He delineated a preferred placement.

Councilmember Searle asked if a barrier will be installed, to shield exposure from adjoining residential properties.

Councilmember Sadler reported his interface with the Plain City Fire Chief and the Planning Commission Chairman on actions needed to allow the proposed facility. He expressed approval of the proposal.

Councilmember Searle voiced endorsement of the proposal. He noted, the process of finalizing an amendment may take more time than expected.

Planning Commission Chairman, Blake Neil indicated, Rob Scott (Planning Specialist) is currently studying revisions to the adjoining residential area that will provide allowance for bulk propane storage and dispensing on nearby commercial property.

Councilmember Ferrin underscored the significance of providing citizens with a service that many have need of.

Councilmember Searle moved to refer the Amendment to Development Agreement – Kelly's Korner to the Planning Commission for review and initiation of process requirements. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Discussion/Motion: Review of City Code and Personnel Policy

Mayor Higley asserted, work on the Review of City Code and Personnel Policy has been ongoing for more than a year.

He acknowledged his respect for counsel given by the two previous Mayors. He considered the view of Councilmembers, that many of the amendments discussed in preceding City Council Meetings should be adopted as soon as possible. He advised, to eliminate controversy and doubt, the matter be tabled until the new Councilmembers and Mayor are in place, to review and approve the changes.

Councilmember Ferrin indicated, most of the modifications are matters of clarification and alignment, not reversals of current policies nor introductions of new principles. He gave urgency to resolving conflicts found within the text of the existing policy. He reported divulging the proposed review to the Mayor-elect and explaining some of the verbiage issues.

Councilmember Searle confirmed, the proposed revisions to the City Code and Personnel Policy have been in discussion for several months. He also supported, the recommended changes are not to proven governing standards. He spoke to the problem of rules that are unclear or have contradictions within the same guiding principle.

Councilmember Sadler stated, the perception of a vote on the matter, before the new members of the administration are sworn in, is dubious. He suggested, none of the planned amendments need be enacted immediately.

Councilmember Searle noted, for sake of transparency, the Mayor-elect has been given copies of the proposed code and policy corrections.

Councilmember McKean, after reviewing the amendments, pointed out perceived authority shifts caused by the new wording.

Councilmember Searle sought clarification on the definition of "consent" as used in the policy document.

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Councilmember McKean defined it as a vote by the majority of Councilmembers. He examined conflicts in the rules that allow “double dipping” into City budget funds for employee and service compensation.

Councilmember Ferrin addressed the issue of perceived authority shifts and verified, changes are in order.

Councilmember Sadler suggested, preliminary work can continue but a vote on the matter should be suspended until the new members of the administration are able to participate.

Councilmember Ferrin contended, fixing the conflicts in the City Code that allow “double dipping” is of prime importance and need to be acted on presently.

Councilmember Hale expressed accord with Councilmember Ferrin’s assessment of the matter.

Councilmember Searle agreed.

Councilmember Sadler questioned if the entirety of the changes submitted for ratification needs to be suspended and a separate motion be scheduled for a vote on isolated modifications within the Personnel Policy and City Code.

Councilmember Ferrin commented on another item of urgency regarding a discrepancy exposed during a recent audit.

City Recorder, Diane Hirschi clarified, it’s a context problem in the wording of a rule set for city vehicle use.

Councilmember Sadler stressed the importance of precise descriptions of regulations.

Councilmember Ferrin accepted, the Personnel Policy amendments can be tabled for further discussion and refinement. He expressed concern over postponing action on the City Code conflicts.

Councilmember McKean expounded, the sitting Council has the authority and responsibility to address this inconsistency in the City Code. He explained, postponement of the other proposed changes is for further discussion and refinement, not for optics.

City Attorney, Brandon Richards indicated, a vote can be held on designated changes to the Personnel Policy and/or City Code; not necessarily on the whole of proposed amendments.

Councilmember Hale spoke to the need for updated policy and code content with population growth and city development adaptations. She commented on city classification.

Councilmember Searle moved to adopt Resolution 2017-15 proposed change to the City Code Amendment to Development Agreement; “A proposal has been made to amend the city code to mandate that elected officials cannot be hired as employees of the city and, by ordinance, shall not be provided the salary of an administrator.” and to postpone legislative action on additional amendments. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Discussion/Motion: Approval of Contract for Annual Sewer Line Maintenance

Bren Edwards reviewed information, previously sent to the Council and Staff via e-mail. He outlined the three-year agreement for Annual Sewer Line Maintenance.

Councilmember Sadler cautioned, approval of the contract will lock the new administration into a three-year contract.

Councilmember McKean restated, the current administration has the authority and commission to legislate all matters that come before them.

Councilmember Ferrin moved to Approve the Contract for Annual Sewer Line Maintenance. Councilmember McKean seconded the motion. Councilmembers McKean, Ferrin, Hale and Searle voted aye. Councilmember Sadler voted nay. The motion carried.

Discussion/Motion: Home Occupation Licensing Update

Brandon Richards reported, city business license renewals will be coming due next month. Before renewal letters are mailed, a new directive from the State concerning Home Occupation Licenses must be dealt with. He reviewed the regulation. He reviewed options that have been discussed in previous City Council Meetings.

Councilmember Ferrin expressed concern over the possibility of future refund and penalty consequences for charges covering licensing administration costs.

Mayor Higley assured, charges for administrative expenses are justifiable.

Brandon Richards advised, because the language of the mandate is not specific, there is a risk that any charge for Home Occupation Licenses, will be questioned.

Councilmember McKean spoke to documentation of administrative expenses in licensing procedure.

Councilmember Searle suggested, existing fees may not be sufficient to cover actual administrative costs.

Brandon Richards indicated, the new State rule does not take effect until January, 2018 – but renewal letters will be sent before the end of the year.

Councilmember Ferrin proposed, the new State directive be reported to owners of home businesses and an option be given for the purchase of a license (paying only the justifiable expense of license administration).

Councilmember Sadler queried if it is possible to postpone the renewal process until the State Legislature revisits the matter in March.

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Brandon Richards advised, the regulation must be followed as precisely as possible pending further refinement by the State Legislature.

Councilmember McKean moved to cease the requirement of Home Occupation Licenses with an option to obtain one through application and payment of \$50.00 administrative cost. Councilmember Ferrin seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Discussion/Motion: Cancel December 21 Meeting

Councilmember McKean moved to Cancel December 21 City Council Meeting. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Motion: Approval of Business Licenses

There were none.

Motion: Approval of Warrant Register

See warrant register dated from 11/16/17 to 11/30/17. **Councilmember Sadler moved to approve the warrant register as presented. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Report from Planning Commission

Blake Neil reported on updates to the Subdivision Ordinance. He thanked the Council for approving the Planning Commission's amendment proposals. He asserted, work will begin on bulk propane storage and delivery conditions. He announced, a proposed Commercial Property Ordinance is ready for City Council review.

Report: Council

Councilmember McKean thanked those on the City Council for their service and fellowship. He commented on needs of the citizens of Plain City, including friendly attention from city leaders. He urged new councilmembers and the Mayor-elect to provide as much face-to-face time to all citizens - not just friends and neighbors - as possible. He complimented Plain City Staff, Planning Commission, and City Council on a phenomenal tenure.

Councilmember Sadler expressed gratitude to Councilmember McKean for his service.

Councilmember Ferrin turned his apportioned time to Bren Edwards for a presentation on the new Public Works Building. Bren Edwards displayed photographs of the new building. He spoke to equipment maintenance and repair work that now can be done in-house. He announced, the snowplow fleet is ready for engagement. He described a woodchip collection bin that is being fabricated in the shop for efficient tree trimming refuse disposal. He briefed the Council on pending grant funds and applications.

Councilmember Ferrin proposed setting a date for an open house, to be held at the new Public Works Building. He commented on the efforts of outgoing councilmembers to make Plain City a better place.

Councilmember Hale listed accomplishments by city leadership over the past four years. She mentioned past mentors. She commended the current City Council and Mayor for improving government transparency and communication with the community. She wished the new councilmembers and Mayor-elect good luck and voiced pleasure in serving.

Councilmember Searle had no further comment.

Mayor Higley reported on the recent WACOG meeting. He detailed Rocky Mountain Power incentives and lighting upgrades provided in municipal buildings through the Watsmart program. He congratulated Bren Edwards for successfully initiating the program. He thanked current councilmembers for their service and sacrifice. He introduced the new councilmembers and Mayor-elect and guaranteed his support as a citizen. He gave accolades to the Planning Commission for their work and accomplishments. He stated, it has been an honor to serve as Mayor.

At 8:41 p.m. Councilmember Ferrin moved to go into an executive session concerning pending litigation and was seconded by Councilmember Hale. The vote was unanimous.

City Recorder

Mayor

Date approved