

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
JANUARY 4, 2018

The City Council of Plain City convened in a regular meeting on Thursday, January 4, 2018, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Chad Allen, Buddy Sadler, Brett Ferrin, Don Weston and Brad Searle
Staff: Diane Hirschi, Mike Kerswell, Brandon Richards, Bren Edwards, Jeremy Crowton, Tyson Garr, Derek Moss, Shane McFarland
Also in attendance: Blake Neil, Deputy Jared Flandro, John Leonardi, Dixie Higley, Bruce Higley, Cody Rhees, Kelly Weston, Jack Schull, Kurt Schull, Brady Parker, Natalie Hale, Mike McKean, Ryan Child

Call to Order: Mayor Jon Beesley
Pledge of Allegiance: Councilmember Don Weston
Invocation/Moment of Silence: Mayor Jon Beesley

Approval of Minutes from December 7, 2017

Councilmember Sadler moved to approve the minutes for the regular City Council meeting of December 7, 2017 as presented. Councilmember Ferrin seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.

Comments: Public
None imparted.

Presentation: Recognition of Outgoing Mayor and City Council Members

Mayor Beesley expressed gratitude for service by the outgoing members of the City governing body, Bruce Higley, Natalie Hale and Mike McKean. He recognized the sacrifices made by their families throughout their term. He highlighted advances made under their leadership. Commemorative plaques were presented to the outgoing Mayor and Councilmembers.

Discussion/Motion: Presentation of Independent Audit Report for FY2017

Ryan Child gave a detailed summary of the 2017 City audit. He acknowledged, the assessment went smoothly presenting very few items of concern. He reviewed budget balances and transactions. He indicated, revenues to the general fund are up from the previous year. He explained "transfer of accumulated balances". He made recommendations concerning expenditures and Justice Court financial accounting. He commented on training for new Councilmembers. He spoke to the acceptance and handling of deposits for sports equipment.

Councilmember Allen moved to approve the Audit Report for FY2017. Councilmember Sadler seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.

Discussion/Motion: Conditional Final Approval of Taylor Parks Phase 1

Councilmember Searle enquired about enforcement of conditions in the development agreement. Bren Edwards explained the inspection process. Councilmember Allen noted, the conditions provide protection (limit risk) to the City. Councilmember Ferrin commented on time constraints. **Councilmember Ferrin moved to approve Taylor Parks Phase 1 with conditions as presented. Councilmember Searle seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.**

Discussion/Motion: Amend Ordinance Concerning Food Trucks

City Engineer, Derek Moss clarified, Food Truck provisions in the amended ordinance are new additions and not revised, existing regulations. He indicated, the provisions have been reviewed by the Planning Commission. He commented on State regulations and business license requirements. Councilmember Sadler asked for details on inspection directives and processes. Councilmember Ferrin queried if the regulations are similar to those adopted by other municipalities in the region. Derek Moss answered in the affirmative. He noted, new stipulations harmonize with existing Plain City ordinances and conditions. **Councilmember Ferrin moved to adopt Ordinance 2018-01 regarding Food Truck Clauses. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.**

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Discussion/Motion: Amend Ordinance Concerning Electronic Signs

Derek Moss reviewed the proposed code regulating electronic messaging signs. He indicated, the proposed code is a refined version of existing directives. Councilmember Searle asked why the existing ordinance needed amending. Derek Moss listed parameters that are not well-defined in the existing text. **Councilmember Sadler moved to approve Ordinance 2018-02 concerning Electronic Signs. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.**

Discussion/Motion: Approval of Capital Investment Plan

Public Works Director, Bren Edwards gave weight to the need for public participation in selecting future Capital Investments. He explained public hearing requirements for CDBG grant application. Councilmember Sadler sought confirmation that an approved list, compiled for a Capital Investment Plan, is modifiable. Bren Edwards affirmed, the Capital Investment Plan is adaptable. He contrasted Capital Investment Plan and Capital Investment Project. **Councilmember Ferrin moved to approve the proposed Capital Investment Plan. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.**

Discussion/Motion: Amendments to Personnel Policy

Mayor Beesley reviewed proposed amendments made to the Plain City Personnel Policy. He noted that the Plain City rules and procedure for the city council states that a Mayor is a voting member of the council on an ordinance that enlarges or restricts the Mayor's powers, duties or functions. City Attorney, Brandon Richards defined current voting powers of the Mayor and Councilmembers. There are two times that the Mayor can vote. One is when there is a tie vote from the council. The other is when voting on an ordinance enlarging or restricting the Mayor's powers. Councilmember Searle asked for clarification on tie-breaking vote policy in that case. Brandon Richards indicated, a tie vote that cannot be broken by the Mayor will result in the matter not passing. Mayor Beesley revisited the terms of the proposed changes. He suggested the word "consent" be changed to "advice" or "involvement". Councilmember Ferrin expressed accord with the recommendation. Councilmember Searle sought a standard definition of the word "consent". He reported an informal study of citizen responses when asked to define "consent". He asserted, the proposal of requiring consent of the City Council for certain actions is not meant to take power away from the Mayor but to afford protections and scrutiny in matters that may trigger hostile retorts. Councilmember Ferrin suggested the word "consent" be replaced with another word or be rigidly defined in the policy. Brandon Richards echoed the concept of closely defining "consent" or any word that may replace it in the policy. He advised, the policy as written, has provided stable management of personnel conditions for many years. Councilmember Ferrin remarked, "consent" signifies a majority vote by City Council. He commented on legal protections. He cited past legal actions taken against the City as an example. Mayor Beesley enquired about the outcome of past litigation relating to the Personnel Policy. Brandon Richards indicated, the case was dismissed, but there was a negative impact. He reviewed State legislative rules. Mayor Beesley commented on proposed changes entailing professional Human Resources direction. Councilmember Allen asked who is assigned professional HR tasks for Plain City. Councilmember Ferrin suggested hiring a qualified HR person on a case-by-case basis. Mayor Beesley spoke to comp-time provisions in the Personnel Policy. Councilmember Ferrin reviewed comp-time regulations. Councilmember Searle sought details on proposed comp-time payout options. Councilmember Weston expressed concern over certification requirements and ordered time constraints. Councilmember Ferrin acknowledged the need for exceptions to the rule. Councilmember Weston listed reasons for variable certification scheduling requirements. Councilmember Searle suggested the maximum for allowed test failures remain in place. Councilmember Weston noted, the test failure maximum can vary, according to test complexity. Councilmember Sadler recommended revising the maximum for allowed test failures to three times, generally. Councilmember Ferrin assessed eliminating the time constraint for certifications. City Recorder, Diane Hirschi suggested reimbursement for successfully acquired certifications be instituted. Councilmember Allen proposed certification requirements be left to Department Director's discretion. Fire Chief, Jeremy Crowton explained the Fire Department's system of training, testing, and certification. Councilmember Searle advised, the certification process for volunteer fire personnel should have fewer regulations. Mayor Beesley remarked on the current Personnel Policy rules on comp-time, suggesting they not be revised. Bren Edwards proposed capping comp-time carry-over at 80 hours. Councilmember Ferrin commented on Management's roll in effectively scheduling employee time off. Councilmember Searle considered the elimination of comp-time and replacing it with paid overtime. Mayor Beesley commented on banking comp-time hours. Councilmember Ferrin stressed the need for further discussion on the matter of comp-time and overtime pay. He opened discourse on City vehicle use regulations. Councilmember Sadler proposed replacing less direct phrases in the prohibition of cell phone use while operating a city vehicle with concise wording such as "is not allowed" and "prohibited". Mayor Beesley agreed with the notion. He acknowledged, while strictly defining prohibited actions may not ensure an employee obeys the directive, it will eliminate arguments over interpretation or clarity. Brandon Richards noted, edits to the presented policy will be broken out of the unaffected document, for review.

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Councilmember Ferrin moved to table the matter for further discussion. Councilmember Searle seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.

Motion: Approval of Business Licenses

Renewals

Commercial Jack's Garage Greg Warg 2417 N 4425 W restore cars
Mayor Beesley commented supportively on Jack's Garage. **Councilmember Sadler moved to Approve the Presented Business License(s). Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.**

Motion: Approval of Warrant Register

See warrant register dated from 12/01/2017 to 12/21/2017 and 12/22/2017 to 12/31/2017. It was reported that the badges are for the fire department and the lease is for the tractor. **Councilmember Ferrin moved to approve the warrant registers as presented. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Ferrin, Weston and Searle voted aye. The motion carried.**

Report from Planning Commission

Planning Commission Chairman, Blake Neil reported Technical Review findings and a scheduled Work Meeting with the City Engineer and City Council regarding development of the Papageorge property. He commented on density concerns. He invited the Council to participate in a work session next Thursday at 6 p.m. He reported, there will be another Work Meeting to review amended plans for Christensen property development; date and time yet to be determined. He reported progress on Bulk Propane Distribution and Storage ordinance preparation, including public hearing scheduling.

Report: Council

Councilmember Searle had no further comment.

Councilmember Weston deferred reporting.

Councilmember Allen divulged, Fremont High School Principal, Michele Parry requested his participation in a school-sponsored program to assist students in need of mentoring. He will be representing the Plain City Council. He sought approval from the Council to participate.

Councilmember Sadler had no further comment.

Councilmember Ferrin recapped the Ribbon Cutting Ceremony for the new Public Works Building. He reviewed a list of current City projects and named some proposed projects.

Mayor Beesley thanked Dixie Higley (present at the meeting) for her sacrifice and support throughout Mayor Bruce Higley's tenure. He expressed enthusiasm for working with the City Council.

At 8:48 p.m. Councilmember Searle moved to adjourn and was seconded by Councilmember Ferrin. The vote was unanimous.

City Recorder

Mayor

Date approved

The City Council of Plain City convened in a regular meeting on Thursday, January 18, 2018, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Chad Allen, Buddy Sadler, Don Weston
Excused: Councilmembers Brett Ferrin and Brad Searle
Staff: Diane Hirschi, Mike Kerswell, Brandon Richards, Jake Meibos, Tyson Garr, Cody White, Shane McFarland
Also in attendance: Blake Neil, John Leonardi, Val Sanders, Dallas Weston, Carol Jean Beesley, Lisa & Neil Cox, Brent Weston

Call to Order: Mayor Jon Beesley
Pledge of Allegiance: Councilmember Sadler
Invocation/Moment of Silence: Councilmember Allen

Approval of Minutes from January 4, 2018 and January 5, 2018

Councilmember Sadler moved to approve the minutes for the regular City Council meeting of January 4, 2018 and the work meeting of January 5, 2018 as presented. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, and Weston voted aye. The motion carried.

Comments: Public
None imparted.

Discussion/Motion: Renewal of Contract with Econo Waste

Mayor Beesley opened the discussion and noted, the proposed contract renewal does not include a rate increase. He reported, the contract renewal has been proposed for a 5-year term.

Representing Econo Waste, Val Sanders introduced himself and outlined his presentation. He reviewed service and rate history, pointing out, the present rate has not changed in 10 years. He disclosed, Plain City is charged less than all neighboring municipalities serviced by Econo Waste.

Councilmember Allen related a recent personal experience with Econo Waste service. He described many years of valued service. He reported an instance when his garbage was not picked up and a problem with getting a response from the company to resolve the issue.

Val Sanders apologized for the error and asserted, he will discuss the matter with employees and ensure better service in the future.

Councilmember Weston enquired about tipping fees.

Val Sanders stated both regular waste and recycling fees. He reviewed Econo Waste's contract with the County Landfill and Recycle Earth.

Councilmember Weston asked about adding services to the current agreement. He sought clarification on flexibility of the agreement after approval.

Val Sanders indicated, additional services are available and easily included. He affirmed willingness to work with Plain City on amendments after approval, if necessary.

Councilmember Weston commented on the varying weights and charges according to season. He voiced concern about use of garbage cans for green waste. He spoke to the weight of green waste versus regular household waste.

Val Sanders suggested programs that encourage citizens to utilize the City Landfill for green waste.

Councilmember Allen sought clarification from City Attorney, Brandon Richards on bid policies that affect approval of the proposed contract.

Brandon Richards indicated, the Council has prerogative to obtain additional bids but is not required to do so as the proposed agreement is an extension of an active commitment. He offered to review the proposed contract.

Councilmember Allen moved to approve Renewal of Contract with Econo Waste pending Legal Review.

Councilmember Sadler seconded the motion. Councilmembers Allen, Sadler, and Weston voted aye. The motion carried.

Discussion/Motion: Annual Notice of Meetings Ordinance

Mayor Beesley reread a printed copy of the ordinance, previously distributed to the Council and Staff. He briefly explained its purpose.

Councilmember Sadler moved to approve Annual Notice of Meeting Ordinance 2018-03. Councilmember Weston seconded the motion. Councilmembers Allen, Sadler, and Weston voted aye. The motion carried.

Discussion/Motion: Council Assignments

Mayor Beesley charted his recommended assignments for Councilmembers.

Councilmember Allen expressed concern; anticipating staff conflicts with the assignment of Environmental Services (sewer and landfill) oversight given to Councilmember Weston. He acknowledged Councilmember Weston's experience and ability to fulfill the assignment. He maintained, other contributing factors will cause undue contention within City departments.

Mayor Beesley explained his reasoning behind the selection of Councilmember Weston for the assignment. He spoke to the possibility of future assignment changes, should disfunction occur.

Councilmember Sadler moved to approve Council Assignments with option of assignment change by Mayor in the future. Councilmember Weston seconded the motion. Councilmembers Sadler, and Weston voted aye. Councilmember Allen voted nay. The motion did not carry.

Mayor Beesley appealed Councilmember Allen's vote.
Councilmember Allen retained his position.

Discussion/Motion: Amendments to Personnel Policy

Brandon Richards explained terms of Mayoral right to vote on City Council matters.

Councilmember Sadler advised, the word "consent", as used in the Personnel Policy, must be firmly defined or removed from the text.

Brandon Richards stated, the definition of "consent" shall be one of Council selection and unanimous approval. State Law does not provide an absolute definition of "consent".

Mayor Beesley presented definitions of "consent" found via Google search.

Councilmember Allen suggested, words with precise and constant definitions be used to replace "consent".

Councilmember Weston concurred. He proposed removing "consent" and replacing it with word(s) that clearly identify the intent of the phrase.

Brandon Richards commented on the importance of eliminating factors in the policy that can be misinterpreted.

Councilmember Weston spoke to separation of powers within a city council.

Councilmember Allen distinguished decisions regarding matters of daily operations from decisions that affect direction of city policy. He proposed a performance review of position appointees be conducted on a regular basis.

Councilmember Sadler suggested a line-by-line review of the policy be undertaken straightway, during the discussion. He began, seeking agreement with changes made to line 2-4H. After all expressed approval, he continued with line 2-4J, proposing "Mayor" be added to the text. All approved. Debate on changes proposed in Section 2-5 followed without consensus.

Councilmember Sadler reviewed Section 4-2. Accord was met, concerning the addition of two enumerated positions to those serving at the pleasure of the Mayor.

Councilmember Allen clarified, a City Manager is not employed at this time, but the policy is written to include future positions that may necessarily be activated. Consensus was not achieved on the "consent" and "vote" terms of the final paragraph of the section.

Councilmember Sadler examined Section 5-4 and proposed changed text be removed as it conflicts with subsequent language.

Councilmember Allen denoted, department heads should have license to make individualized decisions concerning certification of staff.

Councilmember Weston inferred, volunteer members of the Fire Department should not be subject to the same certification criteria as full-time employees. All agreed to eliminate the changed text.

Mayor Beesley reviewed proposed changes to Section 7-2.

All agreed to the proposed changes.

Councilmember Sadler commented on Section 7-4, indicating, certification requirements shall be removed. All agreed. He sought details on changes made to Section 9-2 related to annual leave.

Councilmember Allen noted, additional days off for long-term employees helps morale.

Councilmember Sadler pointed out, the policy grants more sick hours off per month than regular time off. He suggested, allowance for sick time-off be decreased to discourage misuse.

Councilmember Allen sought time-off rollover details.

City Recorder, Diane Hirschi provided policy specifics.

Councilmember Sadler proposed, permissible sick leave per month be reduced to 6 hours. All agreed.

Mayor Beesley reviewed Section 12-2 and opened discussion on Cell Phone and Company Vehicle Use policy.

Councilmember Allen asked Mayor Beesley if the proposed language encumbers his position, in his view.

Mayor Beesley answered in the negative. All agreed to let Section 12-2 stand, as drafted.

Mayor Beesley recommended the word "annually" be removed from the last sentence of Section 12-8. He suggested, Sections 12-9 and 12-10 remain as proposed. All agreed.

Brandon Richards instructed, the proposed changes that were not unanimously approved at this meeting shall be exhibited as "tabled for further discussion". He articulated the importance of clearly marking parts that have been excluded from the vote.

Councilmember Sadler moved to approve Amendments to Personnel Policy with changes as discussed EXCEPT for Sections 2-3, 2-5, and 4-2 Paragraph 3 which are tabled pending further discussion. Councilmember Allen seconded the motion. Councilmembers Sadler, Weston and Allen voted aye. The motion carried.

Motion: Approval of Business Licenses

New

Home	Little Pockets Preschool	Karlee Foulger	1638 N 4400 W	preschool
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Renewals

Com/Beer	Kent's Market	LLC PCO-KTA	3673 W 2600 N	grocery store/beer
Home	KET Express	Kelly W Ellis	2294 N 4100 W	office/trucking
Home	Rebel Rhodes	Scott Rhodes	1623 N 4150 W	raise/sell game birds
Home	Teresa's Daycare	Teresa Maisey	1623 N 4400 W	daycare
Home	Hilary's Home Daycare	Hilary Perez	1484 N 4800 W	daycare
Home	Paulette & Emily's Home Daycare	Paulette Sip	1547 N 4325 W	daycare

Councilmember Weston moved to Approve the Presented Business Licenses. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler and Weston voted aye. The motion carried.

Motion: Approval of Warrant Register

See warrant register dated from 01/01/2018 to 01/16/2018. **Councilmember Allen moved to approve the warrant registers as presented. Councilmember Weston seconded the motion. Councilmembers Allen, Sadler and Weston voted aye. The motion carried.**

Report from Planning Commission

Planning Commission Chairman, Blake Neil reported the approval of Minor Subdivisions KH Gibson and Cragun. He announced a public hearing for Bulk Propane Zoning, set for February 8th, 2018 at 7:00 p.m. He invited the Council to a Work Meeting, set for January 25th, 2018 at 6:00 p.m. pertaining to the Pappys Homeplace / Nilson Homes Development. He reported a partnership meeting with members of the Farr West Planning Commission to discuss future projects that will impact both communities.

Report: Council

Councilmember Allen had no further comment.

Councilmember Sadler reported, Commissioner Osenbach of the Plain City Planning Commission will not seek another term as his expires in February. He asked Staff to advertise the vacancy.

Councilmember Weston deferred comment.

Mayor Beesley expressed appreciation to the Public Works Department for extra efforts over recent days.

Diane Hirschi announced the requirement of an annual Open and Public Meetings training session. She tentatively scheduled the training for February 15th, 2018 and asked the Council to verify presence by City Council Meeting-next, February 1, 2018. She invited the Planning Commission to the training.

At 8:27 p.m. Councilmember Weston moved to adjourn and was seconded by Councilmember Allen. The vote was unanimous.

City Recorder

Mayor

Date approved