

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 6, 2018

The City Council of Plain City convened in a regular meeting on Thursday, September 6, 2018, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Chad Allen, Buddy Sadler, Todd Davis, Don Weston and Brad Searle
Staff: Diane Hirschi, Mike Kerswell, Jake Melbos
Also in attendance: Boyd Brown, Derek Moss, Shane McFarland, Cheri Sparks, Ben Hale, Gary Vance, Carl Miller, Jim & Carol Jean Beesley, Lisa Cox

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

Approval of Minutes from August 16, 2018

Councilmember Searle moved to approve the minutes from the regular City Council meeting on August 16, 2018 as presented. Councilmember Davis seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.

Comments: Public

Ben Hale presented a follow-up to his petition for blinking lights at a crosswalk near the Fox subdivision. He reported additional near miss incidents and listed area safety concerns. He asked for instructions on continuing the process. He speculated, the uncommonly wide shoulders at that point of the road pose dangers not present at typical crosswalks, due to use of the shoulder to pass turning vehicles that are waiting for oncoming traffic to clear. He reiterated willingness of community to contribute funding. He commented on bids that have been received, noting, State contracted suppliers offer the best pricing. Mayor Beesley submitted, the purchase and installation of new signs with button-operated lights at the proposed location, be put on the agenda for next City Council Meeting.

Discussion/Motion: Set Public Hearing for Christensen Annexation – Sept 20

Mayor Beesley indicated, the developer of the project has requested Public Hearing be held after a joint work meeting (yet to be scheduled) with Planning Commission and City Council. It was proposed, a work meeting be scheduled directly before Planning Commission Meeting, September 27, 2018 at 6:00 p.m. – Public Hearing to be set for October 4.

Councilmember Sadler moved to Set Public Hearing for Christensen Annexation – October 4, 2018, and Work Meeting September 27, 2018 at 6:00 p.m. Councilmember Searle seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.

Discussion/Motion: Approval of Town Square Estates Development Agreement

City Attorney, Brandon Richards pointed out, the standard developer's agreement and escrow agreement are in order and have been signed. Because this type of development is unique to existing Plain City zoning, a Town Square Estates Development Agreement was drawn up, to specifically address unprecedented elements. He stated, the document essentially ensures adherence to Plain City code. Councilmember Sadler reported reviewing the agreement and found all to be proper. **Councilmember Sadler moved to approve the Town Square Estates Development Agreement. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.**

Discussion/Motion: Resolution to Adopt General Plan

Councilmember Sadler asserted, the latest version of the (draft) General Plan has not been posted online. He suggested the matter be tabled until October 4. He advocated public review of recent changes. City Planner, Derek Moss told of citizen input, received during Public Hearing and at previously convened workshops. He noted, the final changes were made at the request of public representatives – City Council. Councilmember Sadler indicated, informal community comment may yet be heard through the Public Comment segment of City Council Meeting, by phone call, and through emailed communications. Derek Moss mentioned the presentation of recent modifications at the last Planning Commission Meeting (a public meeting). He voiced professional opinion that the public has been adequately informed of updated information, contained in the General Plan and Future Land Use Map. He stated, the Planning Commission has recommended that City Council adopt the updated General Plan. He indicated, internet posting of the previous draft of General Plan updates was mainly for Council and Planning Commission access, but open to public viewing as a courtesy.

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Councilmember Sadler restated concern that citizens have not been appropriately apprised of recent amendments. He asked for an explanation of General Plan ordering of proposed access to State roads - 2600 North Street and 4700 West Street. Derek Moss reviewed General Plan road categories. He listed multiple concepts for design of roads in each category. He explained, the options are provided to define desired elements in future road development. Councilmember Sadler questioned the inclusion of reduced standard alternatives, surmising, State officials will be able to choose a lesser option, when State roads through Plain City are slated for revamping. He contended, if a concept comprising the highest level of criterion were the only option, all State-owned roads through Plain City would be held to that standard when updating is necessary. Mayor Beesley asked if the City can dictate, to the State, which General Plan alternative to use when reconstructing their roads. Derek Moss defined "concept" and "standard" as applicable to road planning. Brandon Richards conceded, he will need to read State code on the matter before commenting with conviction. He assumed, the State will consider General Plan parameters when managing road construction within Plain City boundaries. Derek Moss spoke to the intent of providing optional concepts for road construction in the General Plan. He noted, the State recently mandated design changes for a development on their road, without consulting the City about preferences or standards. Planning Commission Chairman, Blake Neil announced, application for a zoning amendment for the Panunzio property is pending. Under current General Plan guidelines, the requested conditions are unacceptable. He indicated, the applicant is waiting for the updated General Plan to be adopted, before submitting a finalized application. Councilmember Searle suggested tabling action until the September 20th City Council Meeting, allowing for adoption of the General Plan prior to Public Hearing on the Panunzio property. **Councilmember Searle moved to table Discussion/Motion: Resolution to Adopt General Plan until September 20, 2018. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.**

Discussion: 2200 N Road Project

Mayor Beesley commended work that has been completed on the project. He commented on portions that are behind schedule and sought a report from Interim Public Works Director, Jake Meibos. Jake Meibos reported meeting with the contractor on the 24th of August, to create a punch list and schedule for completion of the project. He outlined the intended timetable. He expressed approval of the quality of work performed. He spoke to delayed completion and contractor failure to comply with stipulated scheduling. Mayor Beesley reported meeting with a representative of the contracted construction company, Shane McFarland (City Engineer), and Jake Meibos. Contract terms were discussed, including daily penalties for schedule deferment. He told of tasks he had performed personally, to ensure safety during prolonged construction. He noted similar efforts by the Public Works Department. He expressed opinion that the City is entitled to compensation of some sort. Councilmember Searle suggested mediation to determine appropriate compensation and/or penalties. Councilmember Davis asked for the number of days completion of the project is overdue. Mayor Beesley assessed, thirty days. Councilmember Davis figured penalties, as agreed to in the contract, at \$30,000.00. Councilmember Searle evaluated, \$30,000.00 is excessive, considering an approximate \$60 - \$70,000.00 profit margin on the project. He proposed a fine of \$5,000.00 - \$7,000.00. He asserted, road construction companies enter contracts understanding that penalties will be charged for delay. Councilmember Weston pointed out justifiable expenses for labor provided by City staff and officials, due to the delay. Brandon Richards explained prearranged damage coverage, laid out in the contract. He stated, the amount of the penalty set forth in the contract has already been negotiated and agreed upon. Mayor Beesley remarked favorably on diplomacies by the Public Works Department, throughout the process. Councilmember Allen recommended demanding the entire \$30,000.00, as predetermined in the contract. Councilmember Searle commented on maintaining an amicable relationship with the company.

Discussion/Motion: Choose Options from JUB Sewer Facilities Plan

JUB Engineers representative, Gary Vance presented concluded Sewer Facilities upgrade options: All Land Application, Full Regionalization (Central Weber Sewer), Partial Regionalization (Central Weber Sewer), Hybrid Mechanical/Lagoon System, and Full Mechanical Treatment. He provided details on current user rates and outlined proposed user rates connected to each upgrade option. He spoke to future growth concerns and projected longevity of effective service for each alternative. He reiterated, State grant money is not available for Plain City, due to elevated economic circumstances of citizens. Mayor Beesley reported meeting with the Central Weber Sewer Improvement District Board. He indicated, a request for Plain City representation with commitment to their upgrade project, was denied. A petition for adjustment of impact fees was rejected. He commented on complexities of requiring citizens to be connected to a sewer system that cannot be affected by the City Council. Councilmember Searle mentioned Central Weber Sewer Improvement District bylaws that may provide opportunity for representation as the quantity of online users increases. City Engineer, Shane McFarland explained the terms of the bylaw, noting, the "significant number" of sharing users required for representation, is not quantified. Councilmember Searle recapped benefits of joining the Central Weber Sewer Improvement District's new trunk line project. Councilmember Weston asserted, Central Weber Sewer Improvement District will be installing the

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new trunk line regardless of Plain City's participation, at this point in time. He deduced, they will want to service areas west of Plain City, in the future. He voiced opinion that the option of connecting with their system will be available again. He recommended dedicating funds to upgrading the current City system, including the addition of Land Application discharge, rather than paying impact fees to Central Weber. He described improvements that should be made to the Plain City lagoon system, and listed resulting gains. Councilmember Sadler noted, upgrades to collection attributes of the sewer system are generally necessary for all options. He spoke to outlying plans for a City mechanical treatment facility. Councilmember Allen asked how long the lagoon system will remain a viable means of treating wastewater. Gary Vance estimated, with proposed improvements, the lagoon system will provide adequate service for twenty years. He qualified his answer, noting, State regulations may be changed at any time. Councilmember Searle queried if Utah Division of Water Quality loan money (application presently in process) can be used for specified upgrades to the Plain City lagoon system. Mayor Beesley answered in the affirmative. He explained, the application will need to be revised. Gary Vance clarified, the amended loan application will be subject to review by the Board. Councilmember Allen emphasized the abstraction of investing in the lagoon system without a clear idea of how long the State will allow its operation. Councilmember Davis commented on federal command of wastewater treatment regulations. Councilmember Searle informed, if upgrading the lagoons will provide ten to fifteen years of efficient service, the City will be ahead, fiscally. He advised, savings should be put away for construction of the expected mechanical treatment facility. Councilmember Allen expounded, the short-term plan must be made with consideration of outlying plans for a City mechanical treatment facility. Councilmember Sadler noted, sewer impact fees for new development will be a substantial source of funding. He asserted, joining the Central Weber project will not eliminate expenses for collection and conveyance. He echoed Councilmember Weston's proposal to fund upgrading of the existing system with money that might be spent on connecting to the new Central Weber line. Councilmember Searle asked that a plan, combining elements of studied options, be drawn up to meet an approved, set funding amount. Gary Vance acknowledged, the requested plan can be drafted from data compiled for the presentation. Shane McFarland evoked, Lift Station 12 will need to be retrofitted, in all cases but the Central Weber Sewer options. He voiced support for the Full Land Application alternative. Capital costs and associated user rates were reevaluated. Councilmember Allen invited Jake Meibos to weigh in on the matter. Jake Meibos endorsed the Land Application option. He expressed uncertainty with the value of joining the Central Weber Sewer Improvement District's project. He presumed, maintenance tasks would be alleviated with more flow going to the Central Weber facility. He reckoned, an additional full-time employee will be needed to handle increasing demand and Land Application aspects of an updated lagoon system. Councilmember Sadler contended, an additional full-time employee for sewer work will be needed, regardless of choice. Councilmember Searle clarified, a decision to turn down connecting to Central Weber, at this juncture, does not mean it cannot be considered in the future. Mayor Beesley proposed the cancelation of application for a Utah Division of Water Quality loan, that has been submitted for processing. He indicated, a revised application will be submitted, with apologies, when the new plan is decided. Gary Vance reviewed Utah Division of Water Quality loan consideration processes. He suggested exploring other funding options such as USDA, as well. **Councilmember Searle moved to approve up to \$2,000,000.00 for Land Application and Lagoon System Upgrades, to be Planned, Scheduled, and Presented by JUB Engineering, with Cancelation of Current Loan Petition to Utah Division of Water Quality. Councilmember Davis seconded the motion. Councilmembers Sadler, Davis, Weston and Searle voted aye. Councilmember Allen voted nay. The motion carried.**

Discussion: Sewer Operations

Mayor Beesley reported restarting an abandoned pump next to Lift Station 1. It pushed out much sand and sludge before resuming steady function. He ascertained, another old pump in the same location is likely full of debris. He stated intent to restore it to operational condition. He suggested, having use of those pumps, as backup units, will be advantageous. He proposed crushing concrete, discarded at the City landfill, and using it for riprap. He expressed gratitude to Gary Vance, Jake Meibos, and Shane McFarland for research, instruction, and labor put forth, to resolve wastewater treatment issues. He commented on hiring personnel for handling of sewer operations. Councilmember Sadler gave commendation to those involved with planning future sewer system arrangements. He highlighted insight provided by Rich Mickelsen. He mentioned a SCADA system that was purchased for pump station monitoring and asked for a status report on its implementation. Mayor Beesley indicated, preparation for installation is entering final stages. Jake Meibos stated, installation is scheduled for October 15, 2018.

Motion: Approval of Business Licenses

New

HO	Brain Builders Preschool	Jen Ortgiesen	3820 W 1975 N	preschool
HO	Hanson's Happy Cleaning Service	Cindy Hanson	2869 N 5150 W	office for housekeeping supplies

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Councilmember Searle moved to approve the business licenses as presented. Councilmember Sadler seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.

Motion: Approval of Warrant Register

See warrant register dated from 08/16/2018 to 08/31/2018. The bill for Abe Ableman was for magnesium chloride for the arena. **Councilmember Searle moved to approve the warrant registers as presented. Councilmember Sadler seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.**

Report from Planning Commission

Planning Commissioner, Cheri Sparks reported setting Public Hearing for zoning amendment of the Panunzio property - September 27th. She noted Public Hearing and work meeting scheduling for the annexation of Christensen property petition. She reported Commission approval of the elimination of "Apartments" from uses permitted in City commercial zoning ordinance. She indicated, Public Hearing for the Mixed-Use overlay zone will be set at the next Planning Commission Meeting.

Report from City Council

Councilmember Searle proposed scheduling installation of flashing lights at multiple crosswalks, over a period of time, as funding is available. He suggested, unused budget from the Public Works Director salary allocation be marked for such a project. He noted, Class C Road funds may be available, to pay for the lights/signs. He asked Mayor Beesley to consider Jake Meibos for the Public Works Director position. He acknowledged, City Council will adjust the budget, if necessary, to provide an appropriate salary offer. He spoke positively to Jake Meibos' capabilities. He commented on Jake Meibos' experience and connections.

Councilmembers Weston & Davis had no further comments.

Councilmember Allen reported having a telephone conversation with Josh Ableman, September 5, 2018. He described the conversation as disturbing and a display of lack of professionalism. He stated intention to share details at the meeting (in a public forum), but opted to reserve comment at this time. He affirmed, the information will be conveyed, via email.

Councilmember Sadler requested that a closed session be commenced, to discuss pending legal proceedings. He proposed a vote to suspend rules, in order to allow the closed session. Brandon Richards indicated, though highly irregular, the suspension of rules to allow a closed session is possible. He spoke to proper notification of closed meetings. He offered to update the Council on proceedings. Mayor Beesley assessed, a closed meeting will be necessary for reporting details of these legal matters. Brandon Richards recommended scheduling a closed meeting and notifying the public, 24 hours in advance. Councilmember Sadler agreed with the suggestion, stating earnestness in disclosure of appraises as soon as possible.

At 8:59 p.m. Councilmember Searle moved to adjourn and was seconded by Councilmember Allen. The vote was unanimous.

City Recorder

Mayor

Date approved