

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 15, 2019

The City Council of Plain City convened in a regular meeting on Thursday, August 15, 2019, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Chad Allen, Buddy Sadler, Todd Davis and Don Weston
Excused: Councilmember Brad Searle
Staff: Diane Hirschi, Mike Kerswell, Dan Schuler, Brandon Richards
Also in attendance: Paul Taylor, Lt Mark Horton, Carol Jean and Jim Beesley, Lisa Cox, Christopher Ruiz, Bridger Williams, Ernest Donohue, Victoria Nielsen, Bronson Archuleta, Shawna Faulkner, Mark Staples, Garaleen Parks, Jed Parry, Patricia Watkins, David Watkins, Ryan Olsen, Alex Papageorge, Neil Cox, Karen Housley, Allan Housley

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

Approval of Minutes from July 18, 2019

Councilmember Sadler moved to approve the minutes from the City Council meeting of July 18, 2019 as presented. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.

Comments: Public

There was none at this time.

Public Hearing - Residential Overlay Zone at Papageorge Estates

Councilmember Sadler moved to go into a Public Hearing for Residential Overlay Zone at Papageorge Estates. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.

Nilson Homes representative, Mark Staples reviewed the purpose and intent of the Residential Overlay Zone: The Residential Overlay Zone is established to provide for and encourage better planned and more desirable residential developments that provide various lot sizes and/or public amenities, including the preservation of open space and the development of parks, trails, and other open space. He stated that all attributes listed in the purpose and intent of the ordinance have been fulfilled in plans for the Wasatch Ridge development. Noting that site plan characteristics will be discussed after a subdivision design has been submitted, Mark Staples briefly described the proposed layout. He totaled percentages for open space, streets, and building lot areas. He quantified the range of lot sizes. He listed proposed public amenity elements. He asserted that housing built in the project will meet the needs of a variety of future residents. Councilmember Allen clarified that proposed lot sizes will range from 8000 square feet to slightly over an acre.

Patricia Watkins repeated concerns, as a neighbor of the proposed community, over increased traffic flow, General Plan stipulations, and sewer connection shortages, that were presented in a Public Hearing held at a previous Planning Commission meeting. Mayor Beesley explained that the Residential Overlay Zone is available to developers of land that is not wholly suitable for building houses. He noted that application of the Residential Overlay Zone in this area, coincides with General Plan directives. He reported on a dry sewer line, constructed many years ago, that will soon be restored to service – alleviating immediate concern over connection shortages. He gave credit to previous mayor, Scott Jenkins and the City Council at that time, for taking proactive measures to handle future sewer demand. Patricia Watkins asked if existing homes in the area will be required to connect to the Plain City sewer system. Councilmember Sadler explained that Weber County ordinance requires that dwellings within 300 feet of an available sewer line be connected. Patricia Watkins asked about plans for widening/improving North Plain City Road. She commented on limited easement conditions. Mayor Beesley described work that will be done to widen and improve North Plain City Road. He indicated that grant money has been requested and the project will progress from the east border, westward – schedule depending on awarded grant installments.

David Watkins expressed discontent over higher-density development in the area where he resides. He commented on County ordinance that requires sewer connections for dwellings within 300 feet of an available sewer line; reckoning that his home will be subject to the rule. He voiced concern over the widening of North Plain City Road, specifically related to encroachment on private property. Acknowledging that growth is inevitable, he noted rural living conditions that are not viewed as ideal by many that are moving away from more populated locations. Councilmember Sadler detailed

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“grandfather” clauses in Plain City code, that uphold rights of citizens to maintain existing environments. Mayor Beesley remarked on projected growth and its predicted impact on Utah’s rural communities. **Councilmember Sadler moved to go out the public hearing and into the regular meeting. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.**

Discussion/Motion: Ordinance – Annexation of Derek Kennedy Property

Councilmember Davis moved to approve Ordinance 2019-09, Annexation of Derek Kennedy Property. Councilmember Sadler seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.

Discussion/Motion: Weber County Animal Control Interlocal Agreement

Weber County Sheriff Lt. Mark Horton introduced Garaleen Parks, Weber County Animal Services Lead Accountant. Garaleen Parks distributed printed data sheets to the Commission. She explained that the City is billed by Weber County Animal Services, two times each quarter. She reviewed line items that are included in each billing statement. She described the formulas used to calculate annual charges. She invited City Treasurer, Ryan Child, to visit the Weber County Animal Shelter; to observe operations and discuss financial particulars. Councilmember Sadler commented on communication system charges. Councilmember Allen remarked on expenses for maintenance of equipment. Garaleen Parks asserted that Weber County Animal Services uses creative thinking and hard work to save money on operations. She gave details on a bond payment that is split between participating municipalities. Councilmember Sadler asked if shelter costs will be adjusted; depending on population, animal needs, and other variables. Garaleen Parks answered in the negative. She explained that the amount set forth in the contract with Plain City cannot be changed. Mayor Beesley pointed out that the existing contract allows Weber County Animal Services to charge Plain City for full-term sheltering and care of animals picked up within its boundaries. He acknowledged that sheltering charges have remained constant in the past. He proposed eliminating the clause. He asked how much it costs to shelter and care for an animal, per day. Garaleen Parks stated that the actual cost is variable. She mentioned a requirement that all animals be vaccinated against rabies and fitted with an identification chip, regardless of the length of stay at the shelter. She commented on spay and neuter agreements that are made with adoptive owners. Councilmember Sadler queried if there is follow up to check compliance with the spay and neuter agreements. Garaleen Parks admitted that enforcement of these contracts is important but, to date, has not been a priority. She noted that calls for service don’t always represent picking up an animal. Councilmember Weston commented on the number of calls by Plain City citizens, that have been reported. Councilmember Allen clarified that the 207 calls, reported on the previously distributed data sheets, denotes calls for service over the span of a year and a half. Garaleen Parks requested that the Council submit written questions to her, after the meeting, so she can more thoroughly research the answers. She laid out the animal sheltering and adoption process, as effected by Weber County Animal Services. She explained the “No Kill” policy that has been assumed by the agency. She described programs that have been activated to encourage adoption of animals from the shelter. Councilmember Davis suggested that action on the item be tabled, pending further research. Garaleen Parks confirmed that additional charges will not be assessed because of the delay in contract settlement. **Councilmember Sadler moved to table Discussion/Motion: Weber County Animal Control Interlocal Agreement. Councilmember Davis seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.**

Discussion/Motion: Stillcreek HOA Amendment

Stillcreek HOA representative, Ryan Olsen commented on ongoing fencing and unfinished landscaping issues. He reported discussions with current developer, J.C. Aland, leading to coordination between the HOA and the developer, in finding a mutually agreeable solution. He indicated that the HOA is requesting that the recorded Stillcreek agreements and instruments related to all properties owned by the Association be amended to stipulate the resulting adaptations. He diagramed intended fence locations. He remarked on clear vision directives, the safety of children at play and privacy concerns. He expressed appreciation for the City Council’s support in remedying the problem. He requested of the Council, continued monitoring of the conditions. He noted that terms for completion of the work have yet to be finalized. He indicated that J.C. Aland is planning to pay for the fencing and landscaping. He confirmed that the HOA will assume responsibility for maintaining the landscaping and fencing elements (Phase 1), once they are completed. Mayor Beesley indicated that J.C. Aland will sign an agreement with the City and the Stillcreek HOA. City Attorney, Brandon Richards verified the Mayor’s statement. Ryan Olsen acknowledged that the HOA is ready to assume responsibility for Phase 1, after the contract is signed and uncompleted items, assigned to the developer, are finished. **Councilmember Sadler moved to approve Stillcreek HOA Amendment with a signed agreement between J.C. Aland, Mayor Beesley, and the Stillcreek HOA, transferring proprietary rights and responsibilities of Phase 1. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.**

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Discussion/Motion: FY2020 Budget Amendment

Councilmember Allen indicated that the request for further discussion regarding FY2020 Budget Amendment(s) was made with intent to receive input from department heads on the matter. He noted that some of the department heads were not present. He stated that a work meeting was not held prior to Final Approval of FY2020 City Budgets, as is customary. Mayor Beesley agreed to schedule a work meeting and to invite all department heads, for presentation of specific amendment proposals. He directed that the meeting be calendared for September 5th, 2019 at 6:00 pm. **Councilmember Davis moved to table Discussion/Motion: FY2020 Budget Amendment. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.**

Discussion/Motion: Ordinance – Rezone Cody Rhees property – approx.. 4008 W 2800 N – A-1 & RE-20 to RE18.5

Representing Cody Rhees, Jed Parry introduced himself and offered to answer questions. Planning Commissioner, Shawna Faulkner affirmed; the requested zoning amendment is in accordance with General Plan stipulations. She relayed Planning Commission's recommendation that approval be granted. Councilmember Sadler indicated that the proposed zoning is a suitable for the area. **Councilmember Davis moved to approve Ordinance 2019-10, Rezone Cody Rhees property. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.**

Discussion/Motion: Conditional Final Approval – Hidden Hollow Subdivision

Public Works Director, Dan Schuler requested Conditional Final Approval of the Hidden Hollow Subdivision. He confirmed that inspections have been completed and the elements necessary for Conditional Final Approval are present and acceptable. **Councilmember Sadler moved to grant Conditional Final Approval – Hidden Hollow Subdivision. Councilmember Davis seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.**

Discussion: Sewer Billing

Mayor Beesley advised that changes should be made to the current billing structure for sewer service in Plain City. He commented on the flat fee system and explained that some commercial establishments are being billed the same for sewer service as residential property owners. He recommended review of the billing parameters for commercial property. He proposed that a per-use/per-gallon disbursement system be considered. Councilmember Weston itemized sewer use attributed to Maverik, Kent's Market, and enterprises of Randy Marriott. Mayor Beesley further specified the quantity of wastewater from commercial properties that is conveyed and treated through the Plain City sewer system. Councilmember Sadler remarked on evident differences in sewer billing factors for Fremont High School. Mayor Beesley indicated that a new billing schedule will align actual sewer incumbrance with charges for service; for both residential and commercial users. He contemplated a \$2.00 per 1000 gallons (water usage) charge. He noted that with this arrangement, households and businesses that use less than 5000 gallons of culinary water per month will not see an increase in their sewer bill, while offering a minimal increase in sewer revenue to the City. He maintained that the proposed restructuring of charges is not intended for revenue growth, but to provide a fair means of assessment. He petitioned for input from the Council. Councilmember Allen agreed that the existing billing structure needs to be corrected. He commented on the variety of distinct uses of water by commercial entities. He suggested research be done, to determine the ratio of water used by commercial properties, that is drawn off to the sewer system. City Engineer, Paul Taylor commented on mechanisms that can be used to gauge pull at sewer laterals. Councilmember Allen considered requiring installation of such meters when new businesses are constructed. He remarked on residential functions that require elevated amounts of water. Mayor Beesley told of residential swimming pools that have been filled from hydrants or other outside sources. The water is metered as supplied but not necessarily accounted for in terms of sewer load. He related conditions of keeping livestock on residential properties. He asserted that the new billing schedule should not be complex. Councilmember Davis stated that the billing structure should separate commercial use from residential use, and the commercial rate should be higher than that for residential. Councilmember Sadler noted that Bona Vista Water Improvement District has defined commercial and residential uses of water.

Discussion: Recreation Director

Councilmember Allen asked if the matter would be better addressed in a closed session. Brandon Richards confirmed that a closed session can be held to discuss particular circumstances of a current employee or employees. He added; a closed session will need to be publicized on an agenda. Councilmember Allen explained why he would prefer the matter be discussed in an executive meeting and proposed that discussion be tabled. Mayor Beesley agreed with Councilmember Allen's sentiment. He directed that the item be put on the agenda – to be discussed in an executive session – for the September 5th City Council meeting.

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Motion: Approval of Business Licenses

New

Reading Express Preschool, LLC	Amber Dunn	2414 N 4350 W #A	preschool
RLK Electric, Inc	Richard Kester	1617 N 4650 W	home office
BA Outfitters	Bronson Archuleta	1780 N 3500 W	hunting guide
Clarke Restaurants Unlimited, LLC DBA Westside Pizza	Glen Clarke	3639 W 2600 N	pizza shop

Renewals

Top of the Ladder DBA Arts Janitorial	Jed Black, Kaylee Wehrman	2473 N 3425 W	janitorial
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Councilmember Davis moved to approve the business licenses as presented. Councilmember Weston seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.

Motion: Approval of Warrant Register

See warrant register dated from 07/18/19 to 07/31/19 and 08/01/19 to 08/14/19. **Councilmember Davis moved to approve the warrant registers as presented. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis and Weston voted aye. The motion carried.**

Report from Planning Commission

Planning Commissioner, Shawna Faulkner reported on Planning Commission meetings, held on July 25th and August 8th. She relayed information presented by Rachel Otto, of the Utah League of Cities and Towns, and LaNiece Davenport of the Wasatch Front Regional Council, related to Senate Bill 34. Councilmember Sadler recommended that the same presentation be imparted to the City Council. Shawna Faulkner reported that the Planning Commission granted preliminary approval of Panunzio Estates Phase 1, contingent on some revisions that were discussed. She commented on the Heritage North zoning amendment. She made mention of review of the Cluster Subdivisions ordinance. She noted that a great deal of redundancy exists within the Cluster Subdivisions ordinance and the Residential Overlay Zone ordinance. Mayor Beesley advised review of the Mixed-Use Overlay Zone. Citing a planned project that will consist entirely of residential units, to be built on commercially zoned property, he indicated that housing built in commercial zones deprives the City of expected revenue. He acknowledged; the project may meet required attributes for the Mixed-Use Overlay Zone, as it is written. He proposed making changes to the language in order to prevent this unanticipated occurrence in the future. Commissioner Faulkner remarked on the purpose and intent of the Mixed-Use Overlay Zone. Brandon Richards indicated, if the language of the ordinance is clear and discernable, intent is ascribed to what is written, not to discussion leading to establishment of the language. Shawna Faulkner spoke to City Council's legislative authority in the matter. Brandon Richards noted that the Council does not have to grant the Overlay as long as the application is given proper consideration.

Report from City Council

Councilmember Allen commented on Open and Public Meetings training. He indicated that he has not received the training, this fiscal year. He weighed scheduling the course for a day and/or time that doesn't overlie City Council meeting. Brandon Richards remarked on auditing stipulations. Mayor Beesley directed that the Open and Public Meetings training be scheduled for the first City Council meeting in January, 2020.

Councilmember Allen asked Dan Schuler for a status update on proposed roadways out of the Nilson Homes development - Sunset Meadows, that will connect to 2600 North Street and 2200 North Street. Dan Schuler commented on pending UDOT pronouncements that will have bearing on the schedule for the 2600 North connection. He indicated that the 2200 North intersection is planned for Phase 2 of the project and will be temporarily blocked off. Councilmember Allen encouraged Dan Schuler to keep the City Council apprized of any progress toward completion of the intersections.

Councilmember Sadler sought a status update from Brandon Richards, on a requested reminder letter to the ownership of Kelly's Corner, concerning landscaping provisos outlined in their development agreement. Brandon Richards affirmed that initial contact was made, but follow up on the matter has not been executed. Councilmember Sadler listed contract items of concern. He queried about plans to install a fire hydrant near the fire station, for training purposes. He recounted past discussion on the proposal. Cost of the installation and budget factors were deliberated.

Councilmember Davis had no further comment.

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Councilmember Weston gave an update on the sewer project. He reported that the aeration basin is installed. He informed that lagoon number 1 (South) has been drained, leaving but a few inches of sludge in the bottom. He commented on aerator mechanism refurbishments and predicted that the pond may be refilled in four to five weeks.

Mayor Beesley reported that the State has given the Plain City Landfill high marks after a recent inspection. He thanked staff and Operations Director, Chris Weicks, for a job well done. Unauthorized dumping was identified as a concern to reassess, in the State's report. Hiring and training of City personnel for landfill duties was discussed. Mayor Beesley recalled past discussion on fiber optic infrastructure for internet service to Plain City. He requested that Councilmember Sadler follow up with UTOPIA Fiber, to initiate primary steps toward network installation.

At 8:57 p.m. Councilmember Sadler moved to adjourn and was seconded by Councilmember Allen. The vote was unanimous.

City Recorder

Mayor

Date approved