

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 3, 2019

The City Council of Plain City convened in a regular meeting on Thursday, October 3, 2019, 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, Dan Schuler
Also in attendance: Todd Skeen, Lori Bryson, Ally Bryson, Hannah McBride, Aubrey Arteaga, Samantha Gooch, Violet Jessop, Keegan Macdonald, Porter Iverson, Kate Shulz, Evan Lundgreen, Tatelyn Vongsavath, Rev Alzevelo, Kolby Huss, Jacee Taylor, Jim and Carol Jean Beesley, Carl Miller, Camberly Remy, Jadon Parker, Dustin Skeen

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

Approval of Minutes from September 19, 2019

Councilmember Sadler moved to approve the minutes from the City Council meetings of September 19, 2019 as presented. Councilmember Davis seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.

Comments: Public
None presented.

Report from Youth Council

Plain City Youth Council Vice President, Hannah McBride reported preparation actions for the Heroes for Families Superhero 5K Run/Walk, scheduled for October 12th. She gave details on a planned Chili Cookoff event, scheduled for October 22nd. She indicated that the contest will benefit the Plain City Fire Department and encouraged the City Councilmembers to bring a pot of chili. She noted that some former mayors of Plain City have accepted a call to judge the entries. She announced that prizes will be awarded. She reported that the Youth Council will be helping with the annual Christmas tree lighting celebration, December 7th. She indicated that Youth Councilmembers have been gathering names of veterans with ties to Plain City, for an original video production in their honor. Mayor Beesley asked that the Youth Council consider showing the video at the Founders Day celebration, March 17th, 2020.

Report from Planning Commission
No report.

Discussion: Monthly Residential Sewer Billing Rate

Mayor Beesley indicated that continuation of discussion regarding the Plain City Residential Sewer Rate is necessary, as many questions and advocations were brought forward, after the Public Hearing and previous councilmember conversation. Councilmember Allen referred to the minutes from the past City Council meeting, pointing out issues related to metered water usage for swimming pools, agricultural purposes, and other situations that do not pass wastewater into the sewer system. He questioned how water used in these circumstances can be proven, accurately calculated and deducted from proposed billing schedule parameters. Mayor Beesley commented on adjustment procedures, including claim processes and factors affecting water requirements and needs. He mentioned methods that will be instituted by Bona Vista Water Improvement District, to apply variances to household sewer bill totals. Councilmember Searle deduced that applying concessions to initially metered water (“front end”) will simplify accounting. Mayor Beesley, after disclosing the current monthly price for Bona Vista billing services, noted that added complexity to the invoicing process will certainly increase administrative costs. Councilmember Sadler suggested that increases in administrative costs, resulting from declarations of wastewater that does not impact the sewer system, should be borne by the consumer-applicant. He advised that such claims should be reviewed annually. Mayor Beesley remarked on Roy East’s personal account of swimming pool water usage. Inground swimming pool sewer impacts were discussed. Councilmember Searle revisited sticking points of water use for livestock care. Councilmember Sadler commented on instances of households without secondary water connections and variation in seasonal culinary water consumption. He proposed that sewer billing for those households be figured from average water use during months that secondary water systems are shut off (for the winter). Councilmember Davis considered metering devices at sewer connection locations, concluding that the only fair way to calculate specified household sewer output is to gauge it at the connection. He noted that more

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practical means of assessment will undoubtedly generate imbalances. He recounted Nicole Mitchell's charge, at the Public Hearing, that the presented billing alteration is not equitable for households that do not have a secondary water supply. She described seasonal swings in culinary water usage by her household. She maintained that more water is put into the sewer by her family in the winter months, though metered usage is elevated through summer months. She proposed that the new fee schedule be gauged on average winter month culinary water usage. She supposed that a majority of households in Plain City discharge a smaller percentage of consumed water into the sewer in the summer. Councilmember Weston acknowledged that absolute fairness is likely not attainable, when it comes to residential sewer bills. He asserted that an effort should be made to charge according to household use of the sewer system and that a flat rate for every residence equates to inequitable subsidies by those putting less stress on infrastructure. Councilmember Sadler indicated that changes to the Monthly Commercial Sewer Billing Rate will be more easily settled at this time. He advised that amendment of the Residential Sewer Billing Rate be scrutinized further, to ensure all technical details have been considered. Councilmember Davis agreed with Councilmember Sadler's indication that the Monthly Commercial Sewer Billing Rate can be settled at this time. He argued that the Residential Sewer Billing Rate should be left, as is. He queried if the adjustment to the Monthly Commercial Sewer Rate will deter businesses from locating in Plain City. Councilmember Weston declared that charges for Plain City sewer service should be determined by what it costs to run the system – not set through comparative pricing or other factors. Mayor Beesley contemplated inviting Bona Vista billing administrators to a work meeting, in the near future. Councilmember Davis noted that there's been little to no citizen complaint about their sewer bill. He questioned the logic in revamping the arrangement, at this time. Councilmember Sadler explained; fixed costs are covered by a set collection (base) fee, itemized on all resident's sewer bill, and will remain the same. Treatment fees will vary according to culinary water usage, under the new billing structure. Mayor Beesley proposed dividing the sewer budget into an account for collection fee revenue and an account for treatment fee revenue. He reported that wastewater from the Maverik parking lot is drained into the Plain City sewer system. Councilmember Weston proposed testing wastewater coming from commercial locations, to assess its impact on the sewer. Councilmember Sadler reiterated that a worst-case scenario is planned for when developing components of a municipal sewer system. Councilmember Allen commented on the Monthly Billing Rate for local school buildings. City Recorder, Diane Hirschi explained that schools are already charged per use. She noted that the same flat rate policy for dwellings was assumed for other commercial buildings because of an oversight.

Discussion/Motion: Monthly Commercial Sewer Billing Rate

Councilmember Sadler moved to approve a Resolution to set Monthly Commercial Sewer Billing Rate at \$13.80 for collection and \$3.00 per 1000 gallons (\$0.003 per gallon) of metered culinary water usage, effective October 4th, 2019. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Weston and Searle voted aye. Councilmember Davis voted nay. The motion carried.

Motion: Approval of Business Licenses

None were issued.

Motion: Approval of Warrant Register

See warrant register dated from 09/18/19 to 09/30/19. **Councilmember Searle moved to approve the warrant register as presented. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.**

Report from City Council

Councilmember Weston reported that refilling of the renovated sewer lagoon began this day. He indicated that sewer meters have been repaired and are functioning dynamically. He asserted that wastewater will not need to be released until January and that outflow will test acceptably.

Mayor Beesley reported that Landfill Operator, Chris Weicks has been doing an exceptional job, overhauling the sewer aerators. He mentioned others that have contributed to the reconditioning project. He expressed gratitude to the Public Works Department for assisting in the renovation. He referred to Fourmile Creek and proposed development of a waterside recreation area on its banks, south of town. He relayed information on water quality, received from Marriott-Slaterville Mayor, Scott Van Leeuwen. He noted that further discussion on the concept is to be anticipated.

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Motion for Executive Session: Pending or Reasonably Imminent Litigation

At 8:02 p.m. Councilmember Sadler moved to go into an executive session for the purpose of pending or reasonable imminent litigation. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.

At 8:46 p.m. Councilmember Sadler moved to go out of the executive session and into the regular meeting. Councilmember Davis seconded the motion. Councilmembers Allen, Sadler, Davis, Weston and Searle voted aye. The motion carried.

At 8:46 p.m. Councilmember Searle moved to adjourn and was seconded by Councilmember Weston. The vote was unanimous.

City Recorder

Mayor

Date approved

COPY

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The City Council of Plain City convened in a regular meeting on Thursday, October 17, 2019, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Buddy Sadler, Todd Davis and Don Weston
Excused: Councilmembers Chad Allen and Brad Searle
Staff: Diane Hirschi, Mike Kerswell, Dan Schuler
Also in attendance: Todd Skeen, Lynette and Greg Neff, Bryan Memmott, Ryan & Misty Rogers, Sherri Hunting, Jeremy & Shaniel Jacob, Bill Urry, Blake Neil, Tracy & Tamra Smith, Marlie Hansen, Jake Brown, Daniella Brown, Rachel Rowley, Kattie Nipko

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

Approval of Minutes from October 3, 2019

Councilmember Sadler moved to approve the minutes from the City Council meetings of October 3, 2019 as presented. Councilmember Davis seconded the motion. Councilmembers Sadler, Davis and Weston voted aye. The motion carried.

Comments: Public
None presented.

Report from Youth Council

Plain City Youth Council Communications Officer, Marlie Hansen announced a Chili Cookoff event, to be held on behalf of the Fire Department, October 22nd. She explained how to enter the contest and implored councilmember participation. She thanked the Council for its support.

Report from Planning Commission

Planning Commissioner, Blake Neil reported discussion on a proposed Town Center Mixed-Use Overlay Zone, app. 4315 W 2425 N. He described the concept, noting that residential townhome units will be combined with retail spaces in the development. He relayed concerns over emergency vehicle access and parking provisions. He reported recommendation for approval of a requested subdivision amendment at Plain City Meadows Phase 6. He stated that a Public Hearing will be set at this meeting, for an amendment to the Residential Overlay Zone ordinance. He commented on progress made toward completion of an amendment to the Mixed-Use Overlay Zone ordinance. He briefly outlined Mixed-Use Overlay changes that have been discussed.

Discussion/Motion: Potential Annexation Request

Mayor Beesley indicated that City leaders have been asked by owners of land in unincorporated areas west, to expand annexation boundaries to encompass their property and beyond. He reported meeting with numerous land owners in western Weber County to get feedback on the effect of the potential annexation. He commented on speculation that a new municipality will be incorporated, comprising a part of that land. He reported that some of the aforementioned land owners are in attendance at this meeting and invited them to present their thoughts regarding annexation of their property into Plain City. Weber County resident, Kattie Nipko stated opinion that annexing into Plain City is preferable to becoming part of the speculated new municipality. She indicated that her neighbors are of the same opinion. She remarked on Plain City amenities and activities that are presently enjoyed by her family and neighbors, though they live outside of city limits. Blossom resident, Lynette Neff stated that her children attend Plain City schools and her family shops in Plain City. She asserted that her household would be better served as part of Plain City than as part of a new town. Blossom resident, Tracy Smith commented on creeks, sloughs and ditches that make up existing infrastructure in the area where he lives. He asked about maintenance plans and reported liberal County investment for upkeep of the systems. Mayor Beesley admitted; infrastructure maintenance has not been fully assessed, at this point. He reported research exchanges with waste hauling services and the City Public Works Department. Blossom property owner, Sherri Hunting indicated that Weber County has not maintained the slough on her land, satisfactorily. She commented on her history with Plain City and expressed strong opinion that she would rather be included in the annexation than be part of a newly established city. She commended Plain City leadership for respecting and endeavoring to maintain its rural environment. Weber County resident, Ryan Rogers requested to be annexed into Plain City boundaries. He presented a petition, signed by his neighbors, for inclusion in the proposed annexation. He conveyed his family history and

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association with Plain City. He reported consensus among land owners in his area, that annexation of their property into Plain City would be of benefit to them. Unincorporated land owner, Bill Urry noted that according to the existing proposal, his property lays outside of the speculated annexation region. He spoke of tax base concerns. He stated that residents, west of the river, will be hurt by incorporation into the proposed, new township. City Engineer, Paul Taylor passed out copies of a map, depicting the proposed annexation area. Mayor Beesley indicated that the borderline has been updated, recently. He noted that an extension of annexation boundaries will be necessary, as a first step in the process. He explained that two Public Hearings will be hosted by the Planning Commission, to consider the expansion. The Planning Commission recommends the annexation policy plan to the City Council after both a public meeting and a Public Hearing. The City Council can adopt the plan after holding an additional Public Hearing. Bill Urry listed tax revenue generating enterprises that are anticipated to be established on land near his property. Councilmember Davis commented on affected land owners that may disagree with the annexation proposal. Mayor Beesley evoked state law that prohibits creation of islands and peninsulas resulting from annexation. He asserted that he does not want to force unincorporated property owners into Plain City if they don't want to be part of the municipality.

Discussion/Motion: Subdivision Amendment of Plain City Meadows Phase 6 2nd Amendment

Paul Taylor explained that the lot was initially recorded with an easement for an emergency vehicle turnaround. The roadway has since been continued and the turnaround is no longer necessary. He stated; the request is that the lot line be adjusted to absorb the vacant easement. He listed items of concern, presented at Technical Review and confirmed that the issues have been addressed. Councilmember Weston clarified that the now vacant easement will be recorded as part of the parcel from which it was cut. Councilmember Sadler explained that the lot is restricted until the turnaround is removed. Paul Taylor remarked on the cumbersome legislative process, indicating that measures have been proposed to handle this type of adjustment administratively, going forward. **Councilmember Davis moved to approve Subdivision Amendment of Plain City Meadows Phase 6, 2nd Amendment. Councilmember Sadler seconded the motion. Councilmembers Sadler, Davis and Weston voted aye. The motion carried.**

Discussion/Motion: Second Addendum to Interlocal Agreement for Ambulance Services

Plain City Fire Chief, T.J. Larson stated that according to Interlocal Agreement terms, it is time for review and renewal of the contract. He indicated; beyond a time-commitment extension, the Second Addendum exhibits no change to the original Agreement. He reviewed the original Interlocal Agreement for Ambulance Services. Councilmember Weston remarked positively on the working relationship between the Plain City Fire Department and Ogden City Public Safety personnel, calling the partnership a "win, win". Chief Larson reported call statistics from 2004. He contrasted operation efficiency under a new Interlocal Agreement, established in 2017. He explained compensation aspects of the arrangement. He calculated the current total cost for dedicated ambulance service in Plain City, through the Interlocal Agreement. He contrasted the estimated cost for a city-held ambulance agency. He stated that the amended Interlocal Agreement will extend the contract to June, 2023. He noted; on average, calls for service in Plain City increase by 15 – 20 calls per year. He reported 247 calls in 2018. Councilmember Weston asserted that the contract is beneficial to the City. Councilmember Davis, after acknowledging the advantages provided with the Agreement, contemplated an annual review and renewal instead of the existing three-year term. Chief Larson indicated that review and renewal of the Interlocal Agreement can be conducted as often as the City wants, with 90 days written notice. He relayed Ogden City Fire Department's commitment to the success of Plain City's program. **Councilmember Sadler moved to approve Resolution 2019-10, Second Amendment to Interlocal Agreement for Ambulance Services. Councilmember Weston seconded the motion. Councilmembers Sadler, Davis and Weston voted aye. The motion carried.**

Discussion/Motion: Resolution Requesting Recertification of the Plain City Justice Court

Councilmember Sadler recounted the decision to certify the Justice Court when the previous Judge retired, reasoning that the value of having a court in Plain City surmounts associated expenses. **Councilmember Davis moved to approve Resolution 2019-11, Recertification of the Plain City Justice Court. Councilmember Weston seconded the motion. Councilmembers Sadler, Davis and Weston voted aye. The motion carried.**

Discussion/Motion: Expansion of Recreation Program – Hunters Safety

Mayor Beesley referenced past discussion on Senior Center rental policy for Hunter Safety courses. He indicated that Public Works Director, Dan Schuler recommended adopting the Hunter Safety course into the City Recreation Program. He touted the important lessons taught through the classes. Councilmember Sadler commented on budget factors to consider with the offering of a new a city resource. Instructor compensation was briefly deliberated. Mayor Beesley inferred that on-site (Senior Center) space may be available for class supply storage. **Councilmember Davis moved to**

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approve Expansion of Recreation Program - Hunters Safety. Councilmember Sadler seconded the motion. Councilmembers Sadler, Davis and Weston voted aye. The motion carried.

Discussion/Motion: Set Public Hearing for Amendments to the Residential Overlay Zone

Councilmember Sadler indicated that he would like the Planning Commission to examine some distinctions in the code, that are vague or have been exploited as loopholes in the past. He voiced concern over attempts to include State mandated stormwater detention basins in "open space" calculations. He recommended that language be added to the ordinance, prohibiting classification of stormwater detention devices as "open space". He expressed accord with a change of required frontage for single-family dwellings but had reservations over the specified minimum frontage requirement (150') for duplexes. Planning Commission Vice-Chairman, Blake Neil reviewed existing code for multi-family attached dwellings and agreed to present the concerns at the next Planning Commission meeting. Mayor Beesley suggested that reference to current ordinances, stipulating duplexes shall be constructed on a minimum lot area of one-half acre (21,780 square feet) be added to the Residential Overlay Zone ordinance. Councilmember Weston proposed restricting the percentage of shared-wall dwelling units to a maximum of 30% of homes in a development. **Councilmember Sadler moved to Set Public Hearing for Amendments to the Residential Overlay Zone, November 7, 2019 with Planning Commission review of suggested elements, prior to the meeting. Councilmember Weston seconded the motion. Councilmembers Sadler, Davis and Weston voted aye. The motion carried.**

Motion: Approval of Business Licenses

New

Precision Lighting Kaleb Wayment 3535 W NPC Rd Christmas light install

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

Motion: Approval of Warrant Register

See warrant register dated from 10/01/2019 to 10/16/2019. **Councilmember Weston moved to approve the warrant register as presented. Councilmember Davis seconded the motion. Councilmembers Sadler, Davis and Weston voted aye. The motion carried.**

Report from City Council

Councilmember Sadler reported mosquito abatement equipment and procedure innovations, presented at the Utah Mosquito Abatement Association's Annual Meeting, held in Bryce Canyon National Park. He gave information about diseases that are known to be transmitted through mosquitos and reported local case statistics.

Councilmember Davis acknowledged positive aspects of the proposed annexation. He advised that complications caused by growth should be thoughtfully considered planned for. He specified Public Works responsibilities that will be compounded. He commented on commercial revenue, property tax and other budget factors that will need to be evaluated as plans for the annexation are advanced.

Councilmember Weston reported on sewer maintenance and repair progress.

Mayor Beesley thanked City Staff for educating and instructing him in administrative matters.

At 7:58 p.m. Councilmember Searle moved to adjourn and was seconded by Councilmember Weston. The vote was unanimous.

City Recorder

Mayor

Date approved