

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 20, 2020

The City Council of Plain City convened in a regular meeting on Thursday, February 20, 2020, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Chad Allen, Rachael Beal, Buddy Sadler, Don Weston and Todd Skeen  
Staff: Diane Hirschi, Dan Schuler, Mike Kerswell, Brandon Richards  
Also in attendance: Lisa Cox, Carol Jean and Jim Beesley, Rachel Rowley, Ryan Gimble, Ryan Gimble, Sherry Barker, Marlie Hansen, DeEtt Skeen, Rob Ortega, Matt Dixon, Paul Taylor

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

Approval of Minutes from February 6, 2020

**Councilmember Allen moved to approve the minutes from the City Council meetings of February 6, 2020 as presented. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Comments: Public

Rob Ortega compared garbage service to all other utility services, provided by the City. He suggested that the contract for garbage can possession should be similar to sewer connection arrangements. Home owners understand that the sewer connection apparatus will remain as part of the public system if the house is ever vacated, even though it was initially paid for by the resident. He commented on second trash container policies, supporting an added nominal fee for extra can orders. He remarked on adverse behavioral issues that might be improved with a more burdensome second can policy.

Report from Youth Council

Rachel Rowley reported on the Veterans Recognition Dinner, held on February 11<sup>th</sup>. She indicated that a tribute video, produced by the Youth Council, was presented at the dinner and will be screened again during the Founders Day celebration. She announced that the next Youth Council meeting will be held March 17, 2020. Mayor Beesley noted; military veterans that did not participate in the earlier event are invited to provide pictures and stories for display at the Founders Day celebration.

Report from Planning Commission

Commissioner Blake Jenkins explained; two main points were discussed at the February 13<sup>th</sup> Planning Commission meeting: Setting a Public Hearing date for a Mixed-Use Overlay Zone request; and Review the site plan for a proposed woodshop in the Roylies building. He described the planned Mixed-Use development and detailed its location. He commented on safety concerns raised, due to the proximity of an existing preschool to the proposed woodshop. He stated that the matter was tabled, pending further review by the Fire Marshal and Building Inspector. He reported that Public Hearing for the Mixed-Use Overlay was set for April 12, 2020.

Public Hearing: Sherry Barker Annexation – 3224 W 2200 N – RE-20

**Councilmember Sadler moved to go into a Public Hearing for Sherry Barker Annexation. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.** There were no comments from the public. **Councilmember Allen moved to go out of the public hearing and into the regular meeting. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen moved aye. The motion carried.**

No comment from the public was presented.

Discussion/Motion: Ordinance – Sherry Barker Annexation – 3224 W 2200 N – RE-20

Councilmember Sadler verified that the property is currently zoned (Weber County) A-1. Councilmember Allen asserted that any annexed property shall become part of Plain City with the zoning classification assigned by the previous jurisdiction. Mayor Beesley indicated that the annexation petition specifies a revised zoning classification (RE-20). He commented on code related to zoning requirements in annexation cases. He acknowledged that the Public Hearing was on the simple annexation of Sherry Barker's land without consideration of amended zoning. City Attorney, Brandon Richards stated that the annexation can be approved at this meeting; the zoning amendment must be processed separately. Noticing stipulations were discussed. Councilmember Beal advised that the established zoning amendment process should

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 20, 2020

be followed. Councilmember Weston proposed allowing the annexation with revised zoning, as presented, without further demand. **Councilmember Sadler moved to approve Ordinance 2020-03, Sherry Barker Annexation – 3224 W 2200 N, with A-1 Zoning. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.** City Engineer, Paul Taylor voiced opinion that a policy to annex land into Plain City with zoning as specified in the General Plan/Future Land Use Map (if zoning is identified) would be prudent. Councilmember Sadler indicated that a policy to annex land into Plain City with commercial zoning, if specified in the General Plan/Future Land Use Map is not advisable. He agreed with Paul Taylor's assessment, otherwise. He remarked on the capacity of a developer agreement before annexed land is assigned commercial zoning.

**Discussion/Motion: Ordinance allowing Residential Overlay Zone for Heritage North (Andrea Folkman Prop) – 4000 W 2800 N**

Mayor Beesley described the location and scope of the proposed Heritage North development. He noted that the project has been reviewed by the Planning Commission. He identified aspects of the development that he finds appealing. He identified aspects that he does not like, including departure from the Future Land Use Map. He informed that the developer has backed a proposal to record a three-acre lot on the plat, such that it shall never be open to further subdividing. He provided details on overall maximum density restrictions and adjoining property access points. Councilmember Allen asked for the Planning Commission assessment of the proposal. Councilmember Sadler reported that the Planning Commission recommended disapproval of the Residential Overlay Zone for this development. He explained that the ultimate decision rests with the City Council, as this item is a legislative matter. He outlined areas of concern found in the original plat schematic, assuring, with recent modifications, the plan is acceptable. He stated that this application for the Residential Overlay Zone was received prior to the latest update to the ordinance, thus subject to the version of the code in place when the petition was filed. Mayor Beesley indicated that the current proposal wholly complies with (City Code) 10-20-3, B. Legal means for ensuring preservation of the three-acre parcel were discussed. **Councilmember Allen moved to approve Ordinance 2020-04, allowing Residential Overlay Zone for Heritage North (Andrea Folkman Property) – 4000 W 2800 N, with condition that a three-acre parcel be permanently preserved as a single residential lot. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

**Discussion/Motion: Waive Senior Center Rental Fee for Town Hall Meeting with Jeff Burningham – March 3**  
Mayor Beesley informed that Jeff Burningham is a 2020 Utah gubernatorial candidate. **Councilmember Weston moved to Waive Senior Center Rental Fee for Town Hall Meeting with Jeff Burningham. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

**Discussion/Motion: Resolution – Moratorium on Overlay Zones and Cluster Ordinances**

Mayor Beesley commented on endeavors by staff and City officials to align Overlay Zone ordinances and the Cluster Subdivision ordinance with projected Plain City development plans. He suggested that the revised terms do not adequately regulate aspects of concern and confuses authoritative roles of the Planning Commission and City Council. He proposed a 90-day moratorium on Overlay Zone and Cluster Subdivision application acceptance while corrections are devised and adopted. He indicated that assistance will be provided by a professional. Councilmember Sadler asserted that a moratorium is not necessary. He explained that while revisions are being formally deliberated, new applications can be held to stipulations ratified in the new version of the code. Brandon Richards reported complications that have resulted in the past, related to acceptance of applications while pertinent ordinances are in the process of being modified. He emphasized the importance of a definitive action (such as enactment of a moratorium) to mark the shift to an amended ordinance. Moratorium extensions were discussed. The executing a moratorium on Overlay Zones and Cluster Ordinances was regarded with apprehension, by Councilmember Sadler. He submitted that the City Council can competently revise the text without delays. Mayor Beesley gave an example of a process change he would like stipulated in the new Overlay ordinances. Paul Taylor verified that active projects with an approved Overlay will not be hindered by the moratorium. **Councilmember Allen moved to approve a Moratorium on the acceptance of Overlay Zone and Cluster Subdivision applications. Councilmember Skeen seconded the motion. Councilmembers Allen and Skeen voted aye. Councilmembers Beal, Sadler and Weston voted nay. The motion did not pass.**

**Discussion/Motion – Request for Proposal – Engineering Services**

Mayor Beesley indicated that the City Engineer contract with J-U-B Engineers expired on February 1, 2020. Councilmember Allen referred to printed material, distributed to the Council prior to the meeting, noting; a closing date for the anticipated acceptance of bids has not been identified. Councilmember Sadler recommended that the RFP be open for three weeks. Mayor Beesley suggested making that detail part of a motion. **Councilmember Allen moved to submit**

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 20, 2020

**a Request for Proposal (RFP) for Engineering Services, to remain open for three weeks. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion – Approval of Business License Fee Study – Zions Bank

Councilmember Sadler questioned the established practice of charging the same fee for all commercial business licenses. He asserted that some enterprises preempt or extract greater resources from public services than do others. He stated support of the proposed Business License Fee Study. Councilmember Allen remarked on recouping the cost of the Business License Fee Study. **Councilmember Sadler moved to Approve a Business License Fee Study by Zions Bank. Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Garbage Can Policy

Councilmember Allen proposed incorporating a green waste can April 15 – October 15. The green waste can could be exchanged for a regular waste container in winter months. He affirmed that the green waste can would not replace the standard recycling container. He spoke of enhanced utilization of the City Landfill. Councilmember Sadler commented on the Plain City recycling program. He informed that the program was originated with an “opt out” provision that is not commonly understood by the community. He endorsed a study to determine what an added green waste program would cost. Mayor Beesley summarized the Council’s discussion at a work meeting on the Garbage Can Policy, held prior to this meeting. He outlined the proposed, amended Garbage Can Policy; including a charge of \$100 for extra cans (per can) and warranty coverage of damage to cans, five years old or newer. He explained that the policy adjustment is intended to correct a budget gap. Councilmember Allen commented on the Public Works Department’s commitment to repair broken cans when sensible. **Councilmember Allen moved to Approve the updated Garbage Can Policy. Councilmember Skeen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Set Public Hearing for FY2020 Budget Adjustment – March 5

**Councilmember Sadler moved to Set Public Hearing for the FY2020 Budget Adjustment - March 5, 2020. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Contract for Consultant Services – Matt Dixon

Mayor Beesley stated that a printed copy of the pending contract, distributed to the Council as the meeting began, describes Matt Dixon’s proposed function in the context of city administration. He noted that Mr. Dixon is the City Manager of South Ogden, presently. Councilmember Sadler indicated that he would like additional time to review the contract. He invited Mr. Dixon to speak about the proposal. Mayor Beesley commented on free advice and assistance that he has received from Mr. Dixon, over past months. Mr. Dixon, a Plain City resident, spoke of his appreciation for City leadership and the community in general. He indicated that Mayor Beesley approached him with a request for his sustained service as a contracted professional. He explained particulars of the contract. He recounted his years of experience in local government administration. Councilmember Allen voiced gratitude for services provided by Mr. Dixon. He conveyed respect for Mr. Dixon’s abilities and insight. Councilmember Allen stated opinion that the contract is an attempt to circumvent the preferable employment of a full-time City Manager/Administrator. Mayor Beesley explained that the contract arrangement will help in determining how essential the position is to daily management of the City. He acknowledged that a measure of professional direction needed. Councilmember Beal proposed opening the position for bids from other consultants. Mayor Beesley maintained that he has the authority to hire Mr. Dixon as a part-time employee, as per current personnel policy. Councilmember Allen asked why the matter has been brought before the Council if employment of Mr. Dixon can be ordered by the Mayor. Mayor Beesley explained that the Council’s approval is required because the City will be entering into a contract for professional services. Mr. Dixon briefed on State instituted procurement procedures for municipalities. He indicated that the State does not require the same bidding process for certain types of professional services as for procurement of other contractors. He divulged his inclination that the contract be reviewed by the Council. Councilmember Sadler asserted that the Council can elect to consider bids from other consultants. **Councilmember Sadler moved to table Discussion/Motion: Contract for Consultant Services – Matt Dixon. Until the next City Council meeting. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Motion: Approval of Business Licenses

There were none.

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 20, 2020

Motion: Approval of Warrant Register

See warrant register dated 02/01/2020 to 02/19/2020. **Councilmember Sadler moved to approve and pay the bills as presented. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Report from City Council

Councilmember Allen reported that information gathered from the Weber County Sheriff's Office quarterly meeting projects a rate increase (for city contracts) and an enlargement of staff.

Councilmember Beal referenced a survey on Plain City internet service and requested details on its release to the public. Mayor Beesley mentioned some concerns with the method used by the survey publisher.

Councilmember Sadler relayed a report from a resident that was turned away from the construction waste area of the landfill, due to pit safety concerns. He was then allowed to dump "at his own risk". He questioned the actions of landfill operators in this case and advised; if construction waste is not wanted at the landfill, the restriction should be posted. He reminded Brandon Richards about a compliance letter that is to be presented to the developers of Kelly's Corner. He reported that the new firetruck is loaded and in service. He pressed for hastened planning of a budget organization retreat.

Councilmember Weston affirmed that an early start on renovation of northern sewer ponds is now priority one. He reported a scheduled State review of the system. He informed those present of elements of the lagoons that will be overhauled. He commented on expected performance improvements that will result from the effort.

Councilmember Skeen requested feedback on his draft of an ordinance for ATV use on Plain City roads. He proposed that the matter be discussed again at an upcoming City Council meeting. Mayor Beesley advised that a work meeting be scheduled for refinement of the mentioned draft ordinance. He further reported on the Veterans Recognition Dinner, hosted by the Plain City Youth Council.

**At 8:32 p.m. Councilmember Weston moved to adjourn and was seconded by Councilmember Sadler. The vote was unanimous.**

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date approved