

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MARCH 5, 2020

The City Council of Plain City convened in a regular meeting on Thursday, March 5, 2020, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Rachael Beal, Buddy Sadler, Don Weston and Todd Skeen  
Excused: Councilmember Chad Allen  
Staff: Diane Hirschi, Dan Schuler, Mike Kerswell  
Also in attendance: Carol Jean and Jim Beesley, Ron Goers, Rob Ortega, Matt Dixon

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

Approval of Minutes from February 20, 2020

**Councilmember Sadler moved to approve the minutes from the work meeting and the regular meeting of the City Council on February 20, 2020 as presented. Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Comments: Public  
There were none.

Report from Youth Council  
No report.

Report from Planning Commission  
No report.

Public Hearing: 2020 Budget Adjustments

**Councilmember Sadler moved to go into a public hearing to discuss the 2020 Budget Adjustments. Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**  
There were no comments from the public. **Councilmember Sadler moved to go out of the public hearing and into the regular meeting. Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Approval of FY2020 Budget Adjustments

City Treasurer, Ryan Child informed that there are three City departments on pace to have expenditures in excess of budgeted allotments: Streets, Parks and Sewer departments. He explained that salaries and associated benefits packages in the Streets budget must be adjusted upward. He noted that the projected cost for Equipment and Supplies in the Streets budget will need to be increased. He indicated that the budget for Class-C roadwork expenditures will be increased, as well. He stated that adjustments have been made due to reclassification of R.A.M.P. grant expenditures and Parks Capital Projects funds. He asserted that the necessary increases will be funded with amendments to the budget. He reviewed Sewer Fund revenues. He explained that an adjustment to the budget for collection supplies expenditures is proposed. Mayor Beesley reported that he has looked over the proposed budget adjustments and received clarifying input from the City Recorder. Ryan Child itemized departmental expenditures that might contribute to budget shortfalls. Councilmember Sadler remarked on reported Sales and User Tax revenue. He commented on Recreation Fund advances for football equipment. Ryan Child indicated that Building Permit Fee and Impact Fee revenue - at this point in the year - is less than anticipated. He predicted an upswing in Building Permit Fee and Impact Fee revenue through spring and summer months. Councilmember Weston explained that the reported annual Sewer expense is, in effect, payment toward long-term benefits. He commented on impact fee eligible expenditures. Mayor Beesley further noted that the sewer renovation was not designated as a project, thus appears in the report as an ongoing expense. **Councilmember Weston moved to approve the proposed FY2020 Budget Adjustments as presented. Councilmember Skeen seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion: Christensen Property

Mayor Beesley reported meeting with Jay, Cody and Shad Christensen to discuss the annexation of their property. He relayed prospective buyer's concerns over Future Land Use Map parameters. He submitted that boundary lines shown on

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the Future Land Use Map, designating zoning classification and density, are modifiable at the discretion of the City Council. Councilmember Sadler described the dynamic nature of the Future Land Use Map. He explained that the Map indicates to future property owners and developers anticipated conditions in specific areas of the City. He acknowledged that proposed zoning fields on the Future Land Use Map do not strictly follow recorded property lines. Councilmember Weston suggested that the annexation process be simplified and that less stringency be placed on a preplanned zoning layout when an alternative arrangement is favorable. Mayor Beesley acknowledged; the Christensen Property is part of a cumbersome island of unincorporated land within Plain City limits. Councilmember Sadler commented on the opportunity to utilize a Mixed-Use Overlay in the area.

Discussion: Warren Annexation

Mayor Beesley stated that he has requested a boundary map and legal description of the Warren Annexation from the City Engineer. The annexation will include established communities of Warren, Blossom and a portion of West Warren. He outlined the annexation process and affirmed that work is being done toward that action.

Discussion/Motion: Resolution – Public Works Standard

Mayor Beesley defined Public Work Standards. He explained that the Plain City Public Works Standards have been updated. He informed that new practices associated with State enforcement of low-impact development regulations are recognized in the revision. Councilmember Sadler remarked on a new requirement for fabric under surfaces of streets. He encouraged the elimination of a standard for paved temporary turnarounds, presuming that including the option will require allowance of the feature when put forward in a subdivision plan. He pointed out that some temporary turnarounds remain in place after permanent outlets have been constructed. He made mention of City liability for the cost to remove such formations. Public Works Director Dan Schuler indicated that the fabric requirement is in the updated standards but will only be specified for particular streets, at the City's discretion. He noted that a subdivision will not be given final acceptance until temporary turnarounds are deleted. Councilmember Weston described other options for temporary turnaround arrangements. He suggested that installation of paved temporary turnarounds be halted. Mayor Beesley commented on compounded maintenance troubles produced by paved temporary turnarounds. Matt Dixon instructed; Plain City Public Works Standards is the regulatory document used by the City and private developers to design and construct public infrastructure, including roads, water pipes and sewer pipes. He advised that future development circumstances may call for the use of a paved temporary turnaround. He clarified that having a standard for construction of the feature does not entitle a developer to use the option without Council approval. He stated that restriction of such features should be achieved through the City's subdivision ordinance. Dan Schuler contended that a developer has recently claimed legal authorization to choose from any viable option that is exhibited in the Public Works Standards. Councilmember Sadler voiced opinion that if the option is found in the Standards, an argument for the permissible use of the feature will be made. He wondered if misconceptions by developers stem from an inadequately informed Planning Commission. Dan Schuler outlined the plan review process. He emphasized that the City Council is in favor of removing the paved temporary turnaround standard. Matt Dixon restated the purpose of Public Work Standards. Councilmember Sadler indicated that he cannot envision a future circumstance that will require the installation of a paved temporary turnaround. Mayor Beesley verified; describing acceptable construction methods and materials for a paved temporary turnaround in the Public Works Standards does not explicitly permit a developer to use that feature. Matt Dixon explained how the City's control over such installations is provided through a subdivision ordinance. Councilmember Sadler referred to developer hardship claims in the past. He reiterated his opinion that arguments will be avoided with omission of the mentioned standard. He acknowledged that it's impossible to absolutely predict when, or if, the feature will be effective in a future circumstance. He expressed that he is in favor of deleting the element from Public Works Standards.

**Councilmember Sadler moved to approve Resolution 2020-03, Public Works Standards with the removal of paved temporary turnaround details and directives. Councilmember Beal seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

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

Mayor Beesley inferred that he had not provided sufficient information to the Council when he previously sought a Moratorium on Overlay Zones and the Cluster Subdivision Ordinance. He indicated that some of the councilmembers have a better understanding of his viewpoint, since the last City Council meeting. He gave an overview of the proposal and noted reasoning behind it. He explained that he intends to put right, confusing terms in the Overlay and Cluster Subdivision Ordinances regarding process and authority, with the assistance of Matt Dixon. Councilmember Sadler asked Matt Dixon for an estimated timetable for completion of the proposed revisions. Matt Dixon informed that a maximum total of 180-day moratorium can be ordered. He recommended that a 90-day moratorium be set, with an option to suspend the freeze earlier, administratively (by the Mayor), should the work be accomplished ahead of schedule. He indicated that

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the moratorium can be extended, legislatively (by the Council), if the proposed amendments are not finished in the 90-day period. He urged that specific types of applications be mentioned in the motion, to avoid an unintended, widespread halt of development. He stated that he cannot provide a firm timetable until he reviews the ordinances and assesses the proposed changes. He suggested that the moratorium might be ordered in incremental periods. Councilmember Sadler voiced support of incremental ordering of the moratorium. Mayor Beesley voiced approval of the recommended option to suspend the pause, administratively (by himself), should the work be accomplished ahead of schedule. He contemplated reinstating each ordinance sequentially, as work is completed. Councilmember Sadler expressed aversion because the City paid a professional planner to compose the ordinances in question and now will be funding this professional review and amendment. He supported placing a moratorium on the ordinances until they are enduringly reformed. He stated that Plain City does things differently than other municipalities. He made clear; the City Council will remain the definitive authority on these matters. Councilmember Weston divulged that he and other councilmembers have had ongoing discussions about the proposed changes to the ordinances with Mayor Beesley, and hoped for a timely completion. Matt Dixon indicated that his counsel will include points on best practices and evidences related to established rules for municipal governments. Councilmember Beal proposed setting a 60-day moratorium with 30-day extensions, if necessary. **Councilmember Sadler moved to accept Resolution 2020-04, Moratorium on Overlay Zones and Cluster Subdivision Ordinances for a period of Sixty (60) days. Councilmember Beal seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion: Utopia Survey

Mayor Beesley reviewed discussion on citywide fiber optic cable infrastructure from about a year ago. He displayed a SurveyMonkey questionnaire, provided by UTOPIA; designed to gather feedback from Plain City residents on internet provisions. He suggested that the survey be promptly distributed to citizens. Councilmember Sadler commented on a return visit from UTOPIA, after questionnaires are completed. He advised that other fiber optic sources might be approached for insight. He affirmed that citizen interest will determine further consideration of the provision. Councilmember Beal noted that "optional" fields on the survey form allow for multiple, anonymous submissions by one person. She suggested that data fields 12, 13 and 14 be designated as "required", to ensure individual identity is provided on each form. Councilmember Sadler proposed leaving the field for an email address "optional" – agreeing with Councilmember Beal's suggested change to fields 12 and 13. **Councilmember Sadler moved to approve dispersal of the UTOPIA survey by SurveyMonkey, with fields 12 and 13 labeled "required". Councilmember Skeen seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Contract for Consultant Services – Matt Dixon

Mayor Beesley stated that he asked Matt Dixon to assist him in revising the Overlay and Cluster Subdivision ordinances. He added that he's requested Matt Dixon's service toward educating him in best practices and established rules for city administration. He indicated that he would like Matt Dixon to provide him with useful information and guidance according to his need. He informed that the Matt Dixon's contract wage will be \$60.00 per hour. He described Matt Dixon's qualifications and spoke of his extensive experience in professional city administration. He noted that Matt Dixon is a Plain City Resident – mentioning his minor apprehension to live in the community that he helps manage. He commended Matt Dixon's willingness to serve. Councilmember Weston asked why he would have reservations about working for the city in which he resides. He supposed the arrangement would be a positive one. He evoked that Plain City administrations have sought out citizen employees, traditionally. He noted that the builder of the Plain City Fire Station was selected, in part, because he was a resident of Plain City. Matt Dixon pointed out that decisions made by the City administration are not always gladly accepted by residents – his neighbors. He commented on heartening aspects of separation of his homelife and his work as a professional city manager. Mayor Beesley proposed that the ending date of the contract be changed to December 1, 2021 – the end of his mayoral term. Councilmember Sadler instructed; the heading of the document should be changed to show "Plain City Corporation". **Councilmember Sadler moved to approve the Contract for Consultant Services with Local Government Consulting, LLC - to expire December 1, 2021, with change of referenced client to "Plain City Corporation". Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Motion: Approval of Business Licenses

Renewals

AutoZone #6769	AutoZone	3655 W 2600 N	retail auto parts
RJ Analytical LLC	Rich Mickelsen	4364 W 2575 N	microbiological testing
Affordable Sign Solutions LLC	Sam Ginn	1383 N 4700 W	sign maintenance & repair
Beehive Naturals, LLC	Sam Ginn	1383 N 4700 W	lotions, lip balms, soaps

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Councilmember Sadler indicated that the landscaping at AutoZone is failing and suggested holding the business license until it is remedied. It was noted that it is a development agreement issue, not a business license issue. **Councilmember Weston moved to approve the business licenses as presented. Councilmember Skeen seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Motion: Approval of Warrant Register

See warrant register dated 02/20/2020 to 02/29/2020. **Councilmember Sadler moved to approve and pay the bills as presented. Councilmember Beal seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Report from City Council

Councilmember Sadler remarked on the upcoming Founders Day celebration. He asked for an update on event preparations. Mayor Beesley reported that an advertisement has been posted on the Plain City Facebook page, You Know You're from Plain City Facebook Page and sent out with water bills. He confirmed that it will be held March 21<sup>st</sup>, 2020 – it will be advertised on the City Hall marquee.

Councilmember Weston related points from dialogue with a concerned resident about the traditional Chicken Chase; once a highlight of every Plain City 4<sup>th</sup> of July celebration – but not offered at the 2019 event. The resident accepted his invitation to organize the Chicken Chase for the 2020, 4<sup>th</sup> of July celebration and volunteered to raise the chickens. He referred the associate to Colette Doxey.

Mayor Beesley voiced appreciation for the work City councilmembers are doing. He applauded City staff for providing fantastic service.

**At 8:16 p.m. Councilmember Sadler moved to adjourn and was seconded by Councilmember Weston. The vote was unanimous.**

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City Recorder

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Mayor

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