The City Council of Plain City convened in a regular meeting on Thursday, April 2, 2020, via ZOOM 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, Paul Taylor, Brandon Richards

Also in attendance: Jim Beesley, Ryan Child, James Hansen, Cody Rhees, Jackie VanMeeteren, Jake Rhees, Lt. Mark Horton

Call to Order: Mayor Jon Beesley
Pledge of Allegiance: none
Invocation/Moment of Silence: Mayor Jon Beesley

Approval of Minutes from March 5, 2020
Councilmember Allen moved to approve the minutes from the work meeting and the regular meeting of the City Council on March 5, 2020 as presented. Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Weston and Skeen voted aye. The motion carried.

Comments: Public
There were none.

Report from Youth Council
No report.

Report from Planning Commission
Planning Commission Vice-Chair, Blake Nel reported that a Public Hearing for a proposed Zoning Amendment – Taylor Parks Three, at approximately 3850 W 2200 N (RE-20 to RE-15) was set for April 23, 2020. He commented on a Public Hearing that was hosted by the Commission, for the Sherry Barker Property Zoning Amendment (A-1 to RE-20). He noted that the proposed amendment was recommended for approval by the Council and on the agenda for this meeting. He indicated that after some discussion, an application for the Mixed-Use Overlay Zone – Elk Horn Properties, at approximately 4325 W 2425 N, was recommended for denial by the Council, and is also on the agenda for this meeting. He reported that the Site Plan for the Wasatch Peaks Credit Union at Kelly’s Corner was approved with conditions.

Councilmember Sadler came into the meeting.

Discussion/Motion: Annexation Boundaries
Mayor Beesley explained that City Engineer, Paul Taylor drafted two maps showing the proposed Annexation Boundaries but because of State legislation that was recently passed, restricting annexation, tabling the matter is advisable.

Councilmember Sadler moved to table Discussion/Motion: Annexation Boundaries. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Ordinance – Zoning Amendment – Sherry Barker – A-1 to RE-20 – 3224 W 2200 N
Mayor Beesley restated consensus that the proposed Zoning Amendment is consistent with Future Land Use Map indications. Councilmember Sadler moved to approve Ordinance 2020-05; Zoning Amendment – Sherry Barker (A-1 to RE-20). Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Ordinance – Mixed-Use Overlay Zone – Elk Horn Properties – 4325 W 2425 N
Mayor Beesley described the layout of the proposed Mixed-Use development. He evoked the Planning Commission’s recommendation for denial of the application. Councilmember Sadler spoke of planned conditions that do not meet the Purpose and Intent of the Mixed-Use Overlay Zone ordinance. Councilmember Allen agreed with Councilmember Sadler’s assessment. Property owner and developer, Jake Rhees indicated that he sought direction from the Technical Review Committee before pursuing the Mixed-Use Overlay for his commercial property. He read the written Purpose and Intent of the Mixed-Use Overlay Zone ordinance. He contended that his plan meets the listed criteria in the code. He reported that the Plain City Fire Marshal reviewed and approved the building, parking and access arrangement. He noted aspects of the proposed development that he feels fit the community well. He explained that additional parking spaces...
were added at the request of the Planning Commission. He indicated that efforts have been made to comply with US Postal Service requirements and Public Works standards. He maintained that the planned commercial spaces in the development will be occupied by flourishing businesses. He pointed out that recommendation for approval of the project was initially moved and seconded by Planning Commissioners before the recommendation for denial was finally agreed upon. Mayor Beesley asked Commissioner Neil to report on comments received at the Public Hearing. Commissioner Neil indicated that many at the hearing expressed concerns over parking conditions. He noted that suggestions were made to either keep the commercial zoning or rezone the parcel to residential. **Councilmember Sadler moved to deny the application for a Mixed-Use Overlay Zone – Elk Horn Properties – 4325 W 2425 N.** Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Weston and Skeen voted aye. Councilmember Beal abstained. The motion carried.

Discussion/Motion: Taylor Parks Phase 2 Conditional Final Acceptance
Mayor Beesley affirmed that Public Works Director, Dan Schuler has worked with the developer in completing a final checklist for this phase of the subdivision. **Councilmember Allen moved to grant Conditional Final Acceptance of Taylor Parks Phase 2.** Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Weston, Sadler and Skeen voted aye. The motion carried.

Discussion/Motion: Plain City Cemetery’s Proposal with Public Works Department
Mayor Beesley acknowledged that a contract has not been fully negotiated and requested that this item be tabled, pending finalization of the agreement. **Councilmember Sadler moved to table.** Discussion/Motion: Plain City Cemetery’s Proposal with Public Works. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Appointment to Planning Commission
Mayor Beesley reported that Rob Ortega has applied for the Alternate Planning Commissioner position. He commented on Mr. Ortega’s experience, and his motivation for serving. He stated that Mr. Ortega will be a great addition to the Planning Commission. Councilmember Sadler asked if other applications were received. Mayor Beesley answered in the negative. Councilmember Allen commented supportively on Mr. Ortega’s resume and asked if there is a minimum residency term attendant to the position. City Recorder, Diane Hirschi answered in the negative. Councilmember Weston relayed positive responses from citizens, regarding Mr. Ortega’s prospective role with the Planning Commission. **Mayor Beesley appointed Rob Ortega to the Plain City Planning Commission as Alternate Planning Commissioner.** Councilmembers Allen, Beal, Sadler, Weston and Skeen sustained the appointment.

Discussion/Motion: Update Draft of Off-road Vehicles Ordinance
Councilmember Skeen indicated that his intent is not fully reflected in the draft, presented for discussion/and action. He expressed unease with a mandated purchase of particular insurance coverage, found in the proposed ordinance. Mayor Beesley instructed that a motion can include conditions such as omitting specific parts of the code. He noted that he spoke with Lt. Horton about the provision and has mixed feelings on the matter. Councilmember Beal remarked on past debate of the legality of crossing State roads with an unregistered Off-road Vehicle. She questioned if the terms in Section 4(e) are accurate. She pointed out that Section 6 -Penalties and Fines- is blank. Mayor Beesley indicated that the City Council has yet to determine the penalties and fines associated with infractions of this ordinance. He commented on existing State traffic laws that deal with moving violations like drunk driving and speeding, as well as violations based on the condition or status of a vehicle, such as expired registration. He recommended that State imposed fines, penalties and fees for traffic offenses should remain, as established. Councilmember Beal suggested that those State established fines and penalties be referenced in Section 6. Councilmember Weston proposed deleting Section 6 to avoid confusion. City Attorney, Brandon Richards remarked on statutes in the draft ordinance that are not explicitly addressed in State law. He indicated that those stipulations must have a penalty attached for enforcement purposes. He counseled; such items might simply be called out as infractions of the code, with an ascribed (general) fine. Councilmember Allen emphasized that infractions of ordinance provisions that are presently addressed in State traffic law must be enforced according to State terms - not in addition to, or as an overriding offence. Brandon Richards explained how Section 6 -Penalties and Fines- can be written to differentiate such infractions and associated penalties. Mayor Beesley proposed incremental processing of this ordinance. He stated that the ordinance can be approved – with conditions, if desired – and Section 6 can be finalized afterward. Brandon Richards acknowledged that time will elapse between approval of the draft ordinance and its conversion into a legal document. He indicated that penalties and fines will be added before the text (in ordinance form) is presented for formal enactment. Councilmember Beal restated that there are uncertainties in Section 4, regarding operation of Off-road Vehicles on State roads – specifically crossings at intersections with City roads. Lt. Horton voiced
Brandon Richards identified three alterations:

1. Section 1 (d) to include the cost of an endorsement sticker of “up to $10.00”.
2. Section 6 to specify a $50.00 fee/penalty for infractions of ordinance statutes that are not covered by State traffic law.
3. An added indication that a map and directives will be made available to applicants, showing the location of State roads in Plain City, outlining lawful crossing procedures, and summarizing State traffic laws related to Off-road Vehicle use.

Councilmember Beal pointed out that enactment of this ordinance cannot take place until certification stickers have been produced. Councilmembers Sadler and Allen implored to review the finalized ordinance, with the proposed alterations, prior to a vote on enactment. **Councilmember Beal moved to approve the Off-road Vehicles Ordinance with changes as discussed. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.** Brandon Richards agreed to complete work on the ordinance promptly, and have it distributed to the Council for review.

**Discussion/Motion: Mission SCADA System for Lift Stations**

Mayor Beesley defined SCADA System function and gave a brief history of sewer component monitoring in Plain City. He explained; the company that provided Plain City’s original SCADA equipment quoted an unreasonably high price to extend service to additional lift stations in the system. He indicated that Mission has offered to outfit the lift stations with comparable monitoring apparatus for much less. He reported positive reviews (by engineers) of Mission systems. He noted that Mission currently provides monitoring for lift station 17. He stated that installation of the Mission SCADA System was straightforward and the equipment has functioned flawlessly. Dan Schuler listed advantages of the proposed Mission system over that offered by the former SCADA supplier. He stated preference for the Mission SCADA System, due to improved monitoring and reporting, coupled with the much lower quoted price. Mayor Beesley commented on the upshots of specifying the Mission SCADA System in Public Works Standards. Budget provisions were deliberated. Councilmember Beal referred to claims that the increased price quote from the former SCADA system supplier was due to undisclosed costs and inflation. She questioned if Mission Communications will blindside the City with such an increase in the future. Dan Schuler answered in the negative. He explained that all anticipated cost is included in Mission’s documented quote. Councilmember Sadler made mention of lift stations that have been considered for elimination. He asked if they will be upgraded, then abandoned – potentially within one or two-year’s time. Dan Schuler emphasized the importance of equipping all lift stations with the monitoring system, as soon as possible. He acknowledged; system improvement will be seen with the elimination of the aforementioned lift stations, but noted that a timeline for revamping the conveyance in those areas is uncertain. Councilmember Sadler contemplated equipment relocation, surplussing and resale options. Councilmember Allen reviewed proposed budget reallocations for the new Mission SCADA System. **Councilmember Sadler moved to add funding of the Mission SCADA System to the Capital Projects list for the Sewer Budget and vote on the proposed purchase and installation in the April 16th City Council meeting. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Beal, Weston and Skeen voted aye. The motion carried.**

**Motion: Approval of Business Licenses**

New
Flippin Simple Creations Philip Hinojosa 2414 N 4350 W furniture refurbishing/creations

Renewals
The Dance Establishment Gary & Peggi Nielsen 4425 W 2350 W dance instruction
Motion: Approval of Warrant Register
See warrant register dated 03/01/2020 to 03/18/2020 and 03/19/2020 to 03/29/2020. Councilmember Weston moved to approve and pay the bills as presented. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Report from City Council
Councilmember Sadler reported joining a meeting with the Mayor, senators, and landowners; the purpose of which was to examine the anticipated annexation of western land and the impact of H.B. 393. He expressed discouragement over the proceedings. He affirmed that plans for the annexation will be advanced with help of an advocate.

Councilmember Allen gave a shout out to the City employees for commendably adapting to conditions caused by the COVID-19 pandemic. He asked if the Pickleball courts are open.

Councilmember Beal expressed gratitude to the community for looking out for each other. She commented positively to examples on social media, of local caring and support.

Councilmember Weston updated those present on work being done to clean out the north, primary sewer pond. He announced that wood chipping has commenced at the landfill. He informed that maintenance and some repairs are due on the chipper, and offered to perform the tasks on his day(s) off. Dan Schuler indicated that the Public Works shop is available to Councilmember Weston, for the maintenance and repair work.

Mayor Beesley thanked Councilmember Weston for his offer to work on the chipper. He commented on the COVID-19 situation and reported precautionary information provided by the Weber-Davis Health Department. He expressed concern over delayed and fractional communications from the Department. He thanked City employees for working through office procedure complications caused by social distancing. He expressed appreciation for Public Works’ efforts in trying times - submitting that workers are welcome to wear personal protection gear (PPG) as they see fit. He commented on temporary playground closures.

At 8:33 p.m. Councilmember Sadler moved to adjourn and was seconded by Councilmember Skeen seconded the motion. The vote was unanimous.

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City Recorder

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Mayor

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Date approved