

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
JULY 16, 2020

The City Council of Plain City convened in a regular meeting at City Hall on Thursday, July 16, 2020, public was accessible via ZOOM beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Chad Allen, Buddy Sadler, Don Weston and Todd Skeen. Councilmember Beal was present via ZOOM.

Staff Present: Diane Hirschi, Dan Schuler

Present: Shawna Faulkner, Marion Call, Randy Call, Blake Carlin, Paul Hodson, Pam Hodson, Scott Wayment, Johanne Holmes, Annette Howard, Roger Howard, Shane Zalza, Ben Quick, Wayne Andreotti, Tim Doolin, Nealy Adams, Greg Bell, Mark Staples, Lisa Cox,

Attendance via Zoom: Brandon Richards, Jim and Carol Jean Beesley, Shae Bitton, Duncan Murray, Rob Ortega, Brenda Meibos, Max Palmer, Leslie, Calene, MD, Jeff Davis, K. Wilson, Ashley, Mavis, Kelly Weston, Jill Hipwell, Paul McGeorge, Terry Tremea, Gary Nielsen

Call to Order: Mayor Beesley

Pledge of Allegiance: Councilmember Skeen

Invocation/Moment of Silence: Councilmember Allen

Approval of Minutes from June 18, 2020

Councilmember Sadler moved to approve the minutes from the work meeting and the regular meeting of the City Council on June 18, 2020 as presented. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Comments: Public

Representing Fremont High School football team mothers, Johanne Holmes asked the Council to waive the Pioneer Park bowery rental fee for a once-weekly team gathering, through months of the football season (August – October). She noted that the fee has been waived in past years. She assured that the team will leave the premises in clean, sanitized condition after each gathering. Mayor Beesley requested that the petition be put on the agenda for next City Council meeting.

West Warren resident, Marion Call commented on the scheduled discussion on a proposed West Annexation. She inquired if public input will be invited during tonight's deliberation. Mayor Beesley answered in the negative. He informed that the action to be taken at this meeting is Acceptance of Petitions for West Annexation that have already been submitted. Marion Call referred to a Plain City Municipal Energy Tax that is required of residents and asked for program details. She asked if the Plain City General Plan will be revised to include western property to be annexed and, if so, who will pay for the update. Mayor Beesley explained that the tax is six percent of a resident's power and natural gas bill. He confirmed that annexed households will be subject to that charge. He asserted the costs for generating a new General Plan would be assumed by all Plain City residents. He reckoned that annexed households will see a net reduction in taxes when Weber County Fire Safety fees are eliminated.

Report from Youth Council

Mayor Beesley reported that the Plain City Youth Council has begun holding weekly meetings, again. He indicated that they're planning events and projects through the end of the year. He requested that City Councilmembers contribute ideas for constructive activities.

Report from Planning Commission

Planning Commissioner, Shawna Faulkner reported that a Conditional Use Permit for Rock and Gem Marvels, LLC – 2770 W North Plain City Rd. was considered, but denied. She indicated that Preliminary Subdivision – Heritage North, approximately 4008 W 2800 N, was approved. She noted that Final Subdivision – Heritage North, was tabled, pending a final review by the City Engineer. She reported that Final Subdivision – West Park Phase 1, approximately 3200 North Plain City Road, was recommended for approval and is on the agenda for this meeting. She stated that Final Subdivision – Sunset Meadows Phases 2 and 3, was recommended for approval, as well, advising that both phases should not be constructed simultaneously. She informed that Amendments to Overlay Zone ordinance were discussed. She commended organizers of the 4th of July Celebration and voiced appreciation for community's support and participation.

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Councilmember Allen moved to move the West Annexation agenda item up on the agenda. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Resolutions Accepting Petition for West Annexation

Mayor Beesley addressed unincorporated Weber County residents that have recently expressed opposition to the proposed annexation of their property but may have signed a petition stating otherwise, in the past. He explained measures that will be taken to ensure that their names are removed from a list of land owners, requesting to be included in the West Annexation. He noted that a number of petitions for annexation were accepted in January, 2020. Additional petitions must be accepted by August 5, 2020. Land Use Specialist, Mike Kerswell displayed a current map of the West Annexation. Mayor Beesley laid out boundaries and described landmarks within the West Annexation area. He stated that parcels on the west side of 6700 West Street, below 1950 North Street, are not part of the proposed annexation. He turned time over to West Warren resident, Brenda Meibos. Brenda Meibos notified that neither she nor her husband signed a petition in January. Councilmember Allen verified that all councilmembers have the updated lists of accepted petitions, pending petitions (submitted after January) and property owners that have declared opposition to the annexation. Councilmember Sadler indicated that nine people have verbally requested their names be withdrawn from the early petition. City Attorney, Brandon Richards indicated that the mentioned cross-referencing of accepted petitions with notices from property owners that chose not to participate in the annexation must be completed before an ordinance for the West Annexation is ratified. He reviewed upcoming steps in the annexation process. Mayor Beesley presented Councilmember Weston's concern that land belonging to those who chose not to participate in the annexation might cause the formation of prohibited, unincorporated islands or peninsulas. Brandon Richards acknowledged that the State statute disallowing unincorporated islands or peninsulas must be adhered to. He stated that such conditions will only be discernable after primary steps have been completed. He indicated that action taken at this meeting will initiate the process. Councilmember Weston commented on a time constraint, recently imposed by the State through a legislative amendment. Brandon Richards asserted that any additional applicants will need to submit a notice of intent to file a petition for annexation or file an actual petition before August 5th, 2020. **Councilmember Weston moved to approve Resolution 2020-07 - Accepting Petitions for West Annexation. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Final Approval of Sunset Meadows Phase 2 and Phase 3

Mayor Beesley explained how plats for Phase 2 and Phase 3 of the Sunset Meadows subdivision have been perceptively reconfigured to maintain a certain number of lots in each, in accordance with Plain City ordinance. Mark Staples read from Plain City Code 11-3-7 (D), "... Subdivisions containing more than thirty (30) lots shall be done in phases. Each phase must be approved by the Planning Commission and shall consist of that number of lots that can be completely developed with off-site improvements within a two (2) year period. "Off-site improvements" are construed to be those improvements required by the City public works standards. "On site improvements" shall be construed to mean the construction of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and all said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by lessees or grantees of any of the lands located within the subdivision within the time hereinafter specified. Phases shall be designed to minimize the dead ending of streets and water lines. Phasing shall be done in such a manner as to provide sufficient traffic circulation in each of the phases". He pointed out that a specific number of lots allowed in a phase is not quantified – only "*that number of lots that can be completely developed with off-site improvements within a two (2) year period.*". He agreed; there is a clear stipulation that a subdivision with more than thirty lots shall be done in phases, but contended that phases may comprise more than thirty lots as long as the lots can be fully developed within a two-year period. Mayor Beesley disagreed with Mark Staples interpretation of the terms. He regarded "*that number of lots*" as reference to the number "30", specified earlier in the code. Brandon Richards affirmed that the City has construed the debated expression as reference to the number "30", specified earlier in the code, traditionally. Councilmember Allen noted that updated drawings have not been distributed for review. He voiced reluctance to approve the new concept without seeing it formally platted. He mentioned plans for a regional stormwater detention basin, once presented by the project developer. Mayor Beesley described improvements to 2200 North Street that the developer has agreed to do. Councilmember Sadler approved of the agreement to complete the pavement on 2200 North Street, as it passes through the subdivision. He instructed that "Parcel A" on the original plat needs to be labeled "Retention Basin". He explained that the proposed regional detention basin can be constructed in the future. Mayor Beesley divulged development agreement details related to the potential formation of a regional stormwater detention basin in the area. He expounded the reason for the "Parcel A" designation on the final plat. Public Works Director, Dan Schuler reported that "Parcel A" has been renamed "Detention Basin" on the revised improvement plans, provided by the

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project engineer. Councilmember Beal commented road improvement arrangements. Councilmember Sadler remarked on public amenities that are appropriate in areas under power lines. Mark Staples reviewed commitments made by Nilson Homes to unincorporated County residents that live along 2200 North Street. Councilmember Allen spoke about subdivision access points that have been proposed and equated traffic concerns voiced by adjoining property owners. **Councilmember Sadler moved to approve Sunset Meadows Phase 2 and Phase 3, conditional upon each phase comprising a maximum of 30 lots, improvements on 2200 North Street – per a development agreement - are provided and a contract is approved by the City Council for the future dedication of land (Parcel A) to be used as a permanent detention basin. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Final Approval of West Park Phase 1 – 3200 North Plain City Road

Mark Staples clearly identified items that will be addressed in a development agreement for West Park Phase 1. He noted that the presented document is a draft and subject to modification per the Council's direction. He explained that the dedicated park will be completed as part of Phase 1, not put off until the final phase of the development. He indicated that plans for the amenities must be approved by the City Council before a pre-construction meeting for the subdivision phase is held. He informed that design parameters for the stormwater detention/retention feature will be laid out in the development agreement and are, as yet, being formulated. Mayor Beesley affirmed that City Engineer, Brad Jensen, has endorsed approval of West Park Phase 1. He indicated that Brandon Richards has reviewed the right of way documentation and given his endorsement. He stated; after assessing the construction drawings, Dan Schuler okayed the project, pending a formal development agreement. Councilmember Skeen commented on the parking lot location, advising that it should not be separated from the playing field(s). Councilmember Sadler pointed out that the proposed, developed open space is annotated as comprising twenty-eight per cent of the proposed development rather than the thirty-three percent (1:2 ratio of developed open space to housing) stipulated in the ordinance. He expressed disapproval of the inclusion of area used for a detention basin in calculated developed open space data. He asserted that area used for State mandated stormwater detention provisions should not be classified as offsetting open space. He noted that amenities shown in a concept, submitted with their application for the Residential Overlay Zone, are not present on this final plat. He voiced concern over how much the design has changed. He reported that Councilmember Weston, Mayor Beesley and he met with the developer and requested an adventure park. Mayor Beesley stated that the ordinance allows consideration of an exceptional amenity or amenities (deemed acceptable by the Planning Commission and City Council). He assured that the development agreement will yield a conforming, beneficial arrangement. Brandon Richards indicated that a motion for final approval of the phase can be made, contingent upon a signed development agreement before construction work commences. He urged that the development agreement be composed promptly as not to further delay the project. He counseled that the final plat and associated development agreement should be signed at the same time. Councilmember Sadler proposed that the item be tabled for two weeks, so an updated plat and acceptable development agreement can be presented together. Mayor Beesley suggested that final approval of the plat be granted tonight, a work meeting to compose an acceptable development agreement be scheduled for August 6th and acceptance of the development agreement be placed on the agenda for the following City Council meeting. **Councilmember Weston moved to approve West Park Phase 1, conditional upon a signed development agreement prior to commencement of construction. Councilmember Skeen seconded the motion. Councilmembers Beal, Weston and Skeen voted aye. Councilmembers Allen and Sadler voted nay. The motion carried.**

Discussion/Motion: Approval of 2020 Street Projects

A map of the 2020 Street Projects was displayed. Dan Schuler indicated that bids for projects were requested and Staker Parson Materials & Construction returned the lowest priced proposal. He indicated that improvement of the main entrances to Plain City will be a major focus of road work this year. He described work that will be done in building or repairing roads, by location. He indicated that a level course on 1500 North Street will be done by the Public Works Department. Councilmember Sadler sought particulars on surface treatments. Dan Schuler outlined the proposed chip-seal and fog coat process. He indicated that the lifespan of the treatment is approximately five years. Councilmember Allen verified that Staker Parson Materials & Construction is favored by the Department. He confirmed that Class C road funds will be used to pay for the projects. **Councilmember Sadler moved to approve the 2020 Street Projects. Councilmember Allen seconded the motion. Councilmembers Beal, Allen, Weston, Sadler and Skeen voted aye. The motion carried.**

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Discussion: Pineview Water

Pineview Water Systems General manager, Ben Quick acknowledged the Council's questions concerning the cost of culinary water vs. secondary water. He commented on Pineview's billing structure and reporting schedules. He referred to misgivings over system expansion costs and sequences, asserting; though time tables have improved over recent years, actions to further shorten installation, maintenance and repair times are underway. He explained allocation of secondary water procedures and summarized local usage statistics. He used local secondary water usage data and a hypothetical, scenario, substituting culinary water pricing, to prove the cost of Pineview Water Systems water is relatively lower than Bona Vista culinary water. He noted that Bona Vista has a tiered billing system. He gave a history of Pineview Water Systems operations in Northern Utah. He broke down water categories and the imparted the pricing structure for each water type. He claimed that the enterprise is currently running very efficiently. Councilmember Allen commented on Pineview's business/organization model. He asked about their maintenance policy for valves at residential connection points. Ben Quick clarified; Pineview Water Systems is an irrigation district. He explained that the master valve is property of the home owner. Councilmember Sadler noted that valves at those connection points are installed by Pineview Water Systems. He voiced opinion that the valve should belong to and be the liability of the company. Ben Quick informed that seasonal maintenance processes are the responsibility of residents – valve failure often occurs due to neglect. Councilmember Allen indicated that his secondary water is sourced through Mountain View Irrigation Company. He presented calculations showing a much lower rate for Mountain View Irrigation water. Ben Quick recognized the price difference, reasoning that the origin of the water causes the variation of the rate. Councilmember Sadler asserted that culinary water conveyance systems belong to the provider, up to a residential meter. He stated that all plumbing after the meter is installed by the homeowner and understandably the responsibility of the homeowner. Mayor Beesley expressed appreciation for the informative presentation by Ben Quick. He made clear; Pineview Water Systems policy changes must be decided by their Board of Directors. Councilmember Sadler contemplated writing a City ordinance stating that valves installed by Pineview Water Systems, joining residential lines to their service line, belong to and are the liability of the company. Pineview Board member, Paul Hodson thanked Ben Quick for his outstanding efforts as General manager. He substantiated claims that the organization is performing more efficiently than ever before. He explained that additional employees would be needed if the obligation for seasonal maintenance processes was to be assumed by Pineview Water Systems, resulting in higher consumer rates. Councilmember Sadler relayed citizen reports that they've been held responsible for valve replacement and associated system shutoffs when the master valve has failed. Ben Quick stated that residents are not charged for stoppages. He remarked on impact fees (for Unit K), collected by Pineview Water Systems. Councilmember Allen compared the argument over master valve ownership to recent questions raised about garbage can entitlement. Bona Vista Water Improvement District General Manager, Blake Carlin indicated that use of culinary water for secondary water purposes would not be cost effective. Mayor Beesley restated his appreciation for Pineview's presentation and their willingness to answer questions at this meeting.

Discussion/Motion: Approval of Purchase of New Lawnmower

Mayor Beesley reported that a Hustler lawnmower, purchased four years ago, is in poor repair and should be replaced. Dan Schuler indicated that the mentioned equipment has over 970 hours of use and is typically expensive to maintain and repair. He described other lawnmowers currently used by the Department. He noted that roughly 31 acres of turf in Plain City requires weekly mowing. He remarked on new parks that are planned or under construction. He presented purchase and performance data for a lawnmower to replace the Hustler. Mayor Beesley stated that Parks Maintenance Operative, Jerry Bradford has inspected the mower and is impressed with the its functioning. Councilmember Sadler confirmed that other models were assessed. He reviewed pricing distinctions. He remarked on product warrantee attributes. Councilmember Skeen verified that the purchase is considered necessary by the Public Works Director. He suggested exceptional maintenance methods. **Councilmember Skeen moved to approve Purchase of New Lawnmower. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Resolution – Interlocal Agreement for CARES Act Funding Distribution

Mayor Beesley advised that contributing to CARES Act Funding with the County is a favorable way to provide assistance. Councilmember Sadler commented on current availability of the financial assistance. **Councilmember Sadler moved to approve Resolution 2020-08, Interlocal Agreement for CARES Act Funding Distribution. Councilmember Allen seconded the motion. Councilmembers Allen, Sadler, Weston and Skeen voted aye. The motion carried.**

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Motion: Approval of Business Licenses

None.

Motion: Approval of Warrant Register

See warrant register dated 06/15/2020 to 06/30/2020, 07/01/2020 to 07/14/2020, and 07/15/2020 to 07/15/2020.

Councilmember Weston moved to approve and pay the bills as presented. Councilmember Sadler seconded the motion. Councilmembers Allen, Sadler, Weston and Skeen voted aye. The motion carried.

Report from City Council

Councilmember Allen indicated that he has seen trucks, headed for the landfill without secure loads. He acknowledged complaints by some residents, regarding waste that has fallen and left in the street. He proposed drafting an ordinance requiring that materials bound for the landfill in trucks and on trailers be secured and/or covered.

Councilmember Sadler reported that no cases of West Nile virus have been reported in Utah, at present date. He reported that a recently commissioned drone is working effectively for Weber County Mosquito Abatement. He commented on the registration process for beekeepers.

Councilmember Weston previewed a revised residential sewer billing structure.

Councilmember Skeen reported a stolen speed limit sign. He suggested that a fire extinguisher be kept in an equipment shed at the Plain City landfill. He reported that the swamp cooler at the Fire Department is in need of repair or replacement.

Mayor Beesley asked that a special session for a pending legal matter be scheduled for a time when all councilmembers can attend.

At 9:40 p.m. Councilmember Sadler moved to adjourn and was seconded by Councilmember Skeen seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved