

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 3, 2020

The City Council of Plain City convened in a regular meeting at City Hall on Thursday, September 3, 2020, public was accessible 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 Present: Diane Hirschi, Dan Schuler, Mike Kerswell
Present: Jim and Carol Jean Beesley, Scott Wayment
Attendance via Zoom: Rob Ortega

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

Approval of Minutes from August 20, 2020

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

Comments: Public
None presented.

Report from Youth Council

Mayor Beesley commented on a Youth Council assignment to deliver information flyers and container stickers to residents, for the newly implemented Plain City Green Waste Program. He notified that some homes have yet to receive the material and assured that he will make a list of addresses for the next phase of deliveries. Councilmember Allen offered to help with the project, if assistance is needed.

Report from Planning Commission

Planning Commissioner, Rob Ortega was in attendance, via Zoom, but unable to report due to a technical malfunction. Public Works Director, Dan Schuler reported that updates to the Public Works Standards were recommended by the Planning Commission for approval, at their last meeting. He noted that items scheduled for the upcoming Technical Review Committee meeting were reviewed when details from the past meeting were reported.

Discussion/Motion: Resolution to Accept West Annexation Petitions

Mayor Beesley explained that West Annexation Petitions received prior to August 5th, while sufficiently showing intent, were deemed by the State and Weber County to be technically incorrect. He remarked on measures that have been taken to update and legitimize the Petitions. He affirmed that the West Annexation Petitions to be considered at this time correspond to these previously signed requests. He commented on Petitions that may be received in the future. Councilmember Sadler thanked Warren resident, Scott Wayment, for organizing the effort to gather the more accurate information based on the new conditions. Scott Wayment described undertakings to ensure completeness of the task. He pointed out that additional Annexation Petitions were gathered. He noted that some of the previously accepted requests were withdrawn. **Councilmember Sadler moved to approve Resolution 2020-11, to Accept West Annexation Petitions. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Resolution – Public Works Standard Update – Conduit, Detention & Retention Basin Requirements

Dan Schuler confirmed that the updates addressed in this resolution are open utility Conduit installations and stormwater Retention Basin Requirements. Councilmember Weston reviewed sizing parameters associated with the proposed utility Conduit Standard. He contemplated requiring a larger channel, in order to accommodate more than one cable. Dan Schuler remarked on pricing of the suggested conduit, distinguishing no advantage in providing the larger, more expensive variety. Mayor Beesley stated that more than one line is rarely placed in the same conduit when a fiber-optic cable is installed. **Councilmember Allen moved to approve Resolution 2020-12, Public Works Standard Update – Conduit, Detention & Retention Basin Requirements. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, 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 08/19/2020 to 08/31/2020. **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 Sadler advised that the Site Plan for an impending commercial project (FiiZ Drinks) in the Kelly's Corner development must be approved by the Planning Commission prior to issuance of a building permit.

Councilmember Weston verified that sewer pond, North II is ready to be refilled. He noted that inflow cannot commence until maintenance of sewer pond, North I is wrapped up. Dan Schuler anticipated that North I will be available next week.

Councilmember Allen reported meeting with Councilmember Weston to hash out some details related to a proposed residential sewer billing structure. He indicated that the meeting was productive and ended with an agreement between them. He reported that Fremont High School held a special recognition assembly for local first responders and military members. He expressed esteem for the students and faculty that organized the awe-inspiring production.

Councilmember Beal reminded citizens that the curb-side recycling program was replaced with a green waste program, as of September 2, 2020. She reviewed aspects of the hauling schedule and gave instructions related to placement of a can designation sticker. She emphasized; organic material going into the green waste bins must not be bagged.

Mayor Beesley proposed that Mosquito Abatement sprayings be carried out at dusk instead of later in the night. Councilmember Sadler stated that, per Weber County Mosquito Abatement policy, spraying will not start until after sunset. He suggested that call-in abatement services for evening events should be scheduled for the night before.

At 7:25 p.m. Councilmember Weston moved to adjourn and was seconded by Councilmember Skeen seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved

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SEPTEMBER 17, 2020

The City Council of Plain City convened in a regular meeting at City Hall on Thursday, September 17, 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.
Present via Zoom: Councilmember Rachael Beal
Staff Present: Diane Hirschi, Dan Schuler, Mike Kerswell
Present: Jim and Carol Jean Beesley, Mark & Robyn Lowther, Kristin Hadley, Cody Rhees, Josh Ableman, Dennis Rogers, Dustin Skeen
Attendance via Zoom: Rob Ortega, Ryan Child, Robert, Steve, Tek Hipwell, Scott Read, Jennifer Read, Janet, Shay, Paul McGeorge, Vicki McFarland, Jason Green, Jill Hodson

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

Approval of Minutes from September 3, 2020

Councilmember Sadler moved to approve the minutes from the regular meeting of the City Council on September 3, 2020 as presented. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Comments: Public

None.

Report from Youth Council

Mayor Beesley notified that the Plain City Youth Council is currently recruiting membership. He indicated that their regular meetings will resume shortly. He announced that the Youth Council has begun organizing the annual Chili Cookoff with the Fire Department. In answer to Councilmember Beal's question, he stated that Youth Council members must be high school sophomore age, or older.

Report from Planning Commission

Planning Commissioner, Dustin Skeen reported that a Public Hearing for the requested Zoning Amendment (A-1 and RE-20 to RE-18.5) associated with a Stillwater Development at approximately 1875 N 4700 W, was held at the beginning of the meeting. He indicated that the application was tabled and will be reexamined in conjunction with an adjoining phase of the development, to the south. He commented on a wetlands/sensitive lands study that is underway on property intended for the subdivision. He reported that Updated Public Works Standards and Storm Water Management Plan (SWMP) was reviewed and recommended for Council approval. Mayor Beesley reported hearing concerns expressed by a developer, over existing site development standards for corner lots. He requested that the Planning Commission evaluate corner lot setback requirements and consider increasing the buildable footprint. Commissioner Skeen remarked on code guidelines for scheduling of Technical Review Committee meetings.

Public Hearing: Residential Sewer Rates

Councilmember Sadler moved to open a Public Hearing on Residential Sewer Rates. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Plain City resident and developer, Cody Rhees recognized the Council's efforts to formulate a more equitable sewer billing structure. He voiced his opinion that it's impractical to apply a rate based on culinary water use. He named variables that make this calculation ill-defined. He spoke of a proposed waiver program and additional formalities that will be tasked to the City staff, as a result of its implementation. He commented on the possible abuse of waivers, noting that unforeseen budget shortfalls may occur.

Property owner, Mark Lowther indicated that he owns over three acres and cares for horses and goats on that land. He acknowledged the mentioned variables that present difficulties in pay-per use sewer fee computations. He echoed concern over an increased City staff workload expected from the administration of a proposed waiver system. He suggested that the current, flat rate be continued.

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Josh Ableman sought assurance that the revised sewer billing schedule has not been instituted to increase revenue. He informed that his family raises animals on his property and uses culinary water in their care. He asserted that the water used for animal husbandry does not go into the City's sewer system. He stated that a pay-per-use sewer billing system would be acceptable, only if accurate metering of outflow from each household is obtainable. He asked that the current flat-rate billing structure remain in place.

Kristin Hadley remarked on numerous social media posts, signaling that a majority of the population prefers the existing flat-rate sewer fee schedule over the pay-per-use system, recently approved by the City Council. She submitted that the assumed benefit to households using less water will be negated by unexpected variations in their monthly utility bill. She reiterated that metered culinary water use is not an accurate indicator of household impact on the sewer system. She commented on problematic illegal hookups. She explained that her family has pets and a swimming pool that require culinary water - water that does not drain into the sewer. She agreed with previous sentiments about undue demands that will be shouldered by City staff, to process exemptions. She advised the Council to keep the functional flat-rate billing structure. She encouraged councilmembers to monitor social media for local input on matters such as this.

Mayor Beesley pointed out that a small number of homes in Plain City do not discharge into the City sewer system. He indicated that these residents pay \$13.80/month for maintenance of sewer collection infrastructure. He proposed that every Plain City household be charged \$13.80/month for maintenance of sewer collection infrastructure and \$1.75/1000 gallons of metered culinary water for sewage treatment. He did general calculations to show how the hybrid billing structure would work, noting that it would produce less acute changes to typical sewer bills.

Cody Rhees asserted that a pay-per-use schedule should only be applied to usage after 10,000 gallons. He anticipated that under the approved plan, a large number of people will request exemptions, compounding administrative demands on City staff. Councilmember Beal reported; based on January's metered water use, there are 93 households in Plain City that used more than 10,000 gallons.

Kristin Hadley requested that councilmembers explain why they voted to abolish the practical flat-rate program. Councilmember Sadler indicated that his decision was based on fairness. He reviewed statistics revealing an ostensible subsidizing of households that impact the sewer system greatly, by some that use it far less, because of the flat-rate billing system. Councilmember Weston stated that many households that impact the sewer the least are homes of elderly people on fixed incomes or small families that may struggle to make ends meet. He asserted that those households subsidize the sewer bill of larger homes and people living in more favorable circumstances, under the flat-rate arrangement. He equated the current flat-rate billing system to socialism. He commented on a recently approved commercial sewer billing arrangement that is based on metered culinary water usage.

Councilmember Skeen noted that the approved pay-per-use sewer billing formula is based on average household culinary water usage during winter months. He imparted details about an exemption that is available for metered water that does not impact the sewer system. He acknowledged that water usage varies widely among homes in Plain City and viewed the waiver option as a way to eliminate fee disproportions.

Councilmember Allen stated that his vote for the change signifies an appeal for fairness. He indicated that further study of the approved system has brought to light several inconsistencies that will cause disorder. He submitted that it was a mistake to approve the revised sewer billing schedule and that the operational flat-rate system should remain in place.

Councilmember Beal recalled her upbringing in an Air Force family and counseled that a simple pay-per-use system, as employed by the military, is the fairest way to bill for utilities. She commented on recent social media posts exhibiting prevalent opposition to the new fee structure. She referred to Plain City water usage data provided by Bona Vista Water Improvement District and asserted; the numbers prove that a flat-rate cannot be generally equitable. She recognized obstacles to metering household sewer discharge. She noted conditions that will allow for an exemption. She indicated that, though she believes each household should pay for their specific use of the sewer system, she is willing to consider a hybrid fee arrangement. She remarked on the predicted administrative strain that processing waivers will create.

Kristin Hadley urged the Council to regard Plain City residents' concerns on the matter and take into account the desire of the majority, that a flat-rate sewer billing system be kept.

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City Recorder, Diane Hirschi foresaw much added stress for office staff with waiver processing on top of expanded administrative duties incidental to the newly implemented green waste program. She mentioned that the responsibility of determining waiver eligibility has yet to be assigned.

Mark Lowther voiced disappointment in the City Council's seemingly predetermined decision to change the existing sewer billing structure, regardless of residents' input at this Public Hearing. Referring to his experience as a former Plain City councilmember, he explained the purpose of a Public Hearing.

Councilmember Sadler stated that this Public Hearing was scheduled to receive citizen feedback on an approved billing system that has not been favorably regarded by many in the community – it is not a required formality. He affirmed that the Council wants to hear residents' concerns and advices.

Councilmember Allen told of negative reactions to the new sewer billing plan, posted on Facebook. He restated his opinion that it was a mistake to approve the modified arrangement. He commented on a poorly attended Public Hearing that was held prior to the passing of this Resolution (2020-09), noting that it happened a year ago. He reasoned that an additional Public Hearing should have been scheduled before a final decision was made on the matter – not after.

Councilmember Beal commented on private sewer meters and expenses related to installation and retrofitting.

Mayor Beesley indicated that the expense of installing residential sewer meters is not supportable.

Kristin Hadley concluded; short of an indisputably fairer alternative, effectual flat-rate sewer billing should not be changed.

Councilmember Weston pointed out that Resolution 2020-09 has been appropriately reviewed and ratified. He indicated that, without further Council action, the revised Plain City sewer rate will take effect in little over one month. He explained that the matter is being reconsidered because of newly expressed public anxieties. He assured that councilmembers are not attempting to deceive citizens or unjustly pad the budget. He stated that the Mayor and City Council are simply trying to create a more equitable sewer billing system.

Mayor Beesley remarked on disparities that will result if households that use culinary water for agricultural purposes are charged a pay-per-use sewer fee. He maintained that the proposed hybrid structure would minimize changes to customary sewer bills, while making the situation more fair and balanced.

Councilmember Allen attested that councilmembers are working together to figure out a reasonable compromise. **Councilmember Weston moved to close the Public Hearing on Residential Sewer Rates. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Approval of Sewer Lift Station Rehabilitation

Mayor Beesley briefly described the needed renovations. He reported that Nilson Homes has committed \$40,000.00 to the Rehabilitation project. City Treasurer, Ryan Child confirmed Mayor Beesley's observation that assenting action on this agenda item - and the following agenda item - will require a budget adjustment. He informed that a Public Hearing for the proposed budget adjustment(s) must be held prior to any motion on the adjustment(s) by the Council. **Councilmember Sadler moved to Approve Sewer Lift Station Rehabilitation, contingent on a Resolution for Budget Adjustments; And set a Public Hearing for Adjustments to the 2020 – 21 Fiscal Year Budgets, October 1, 2020. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Approval of Purchase of Sewer Vacuum Truck with Jetter

Councilmember Sadler stated that time may be of the essence to the sellers of the Sewer Vacuum Truck. He contemplated ways to commit to the purchase while budget amendment matters are being processed. Ryan Child explained that a reduction of a line item in the sewer budget can offset Lift Station Rehabilitation and Vac Truck line items, thusly maintaining the same overall expenditure threshold. He recommended that the offsetting actions be made by Resolution. Dan Schuler reported that the sellers are bringing the Sewer Vacuum Truck with Jetter from Colorado for inspection and anticipated closing of a deal, the coming Monday. Appropriate use of impact fees and the Sewer Fund for bankrolling the two items was deliberated. City Attorney, Brandon Richards indicated; as the mentioned agenda items have been clearly

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defined and proper public notification of this meeting was provided, approval of the purchase, contingent on acceptance of an attendant resolution at the next City Council meeting, would be passable. He determined that setting a Public Hearing for the budget amendment can be accomplished at this meeting, though it was not explicitly listed as an agenda item. Ryan Child agreed to prepare the financial information needed for the Public Hearing. **Councilmember Allen moved to Approve Purchase of Sewer Vacuum Truck with Jetter (up to \$100,000.00), contingent on a Resolution for Budget Adjustments; And set a Public Hearing for Adjustments to the 2020 – 21 Fiscal Year Budgets, October 1, 2020. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Set Public Hearing –Public Works Standard Changes to Ordinances

Dan Schuler announced that an updated Plain City Storm Water Management Plan (SWMP) is available online for public review and comment. He noted that the Changes to Ordinances will be proofread by the City Recorder and City Attorney, prior to being codified. **Councilmember Sadler moved to set a Public Hearing for Public Works Standard Changes to Ordinances, October 15, 2020. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Amendment to Storm Water Management Plan and Addition of LID (Low Impact Development)

Dan Schuler asserted that adoption of this Amendment does not require a Public Hearing – only a period for public review and comment. He repeated; an updated Plain City Storm Water Management Plan (SWMP) is available online for public review and comment. He affirmed that the City has adopted the State Low Impact Development (LID) handbook, in whole. Mayor Beesley noted that the Amendment was reviewed by the Planning Commission and comes to the City Council with their recommendation for approval. **Councilmember Allen moved to Approve Amendment to Storm Water Management Plan and Addition of LID (Low Impact Development). Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Motion: Approval of Business Licenses

None.

Motion: Approval of Warrant Register

See warrant register dated 09/01/2020 to 09/16/2020. **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 Beal advised that consensus on an alternative sewer billing schedule should be reached soon if it's to be voted on before the approved pay-per-use arrangement goes into effect. She thanked the Plain City Fire Department for their assistance in delivering green waste flyers and stickers to residents. She requested that home owners who have not received an information flyer and designation sticker, contact the City Office.

Councilmember Allen offered to help with the mentioned deliveries. He reported that some Farr West residents received the flyers and stickers. He expressed appreciation to the Plain City Youth Council and their leaders that volunteered to get the word out.

Councilmember Sadler reported speaking with Bruce Patterson, Technology Director at City of Ammon, ID about their renowned fiberoptic system. He stated that they have received many requests for information, advice and direction, by communities around the nation. He indicated that meetings, at this point, are all conducted via ZOOM. He proposed setting up a ZOOM work meeting with representatives from the City of Ammon, Idaho. He noted that Mr. Patterson clarified Connect Point's role in the installation and operations of their fiberoptic services. He suggested concerted research be done by the Council, on installation processes and cost, before a ZOOM meeting with Mr. Patterson is scheduled.

Councilmember Weston reported that the renovated sewer lagoon aeration system is ready to be restarted after a cursory inspection. He commented positively on the new green waste program.

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Councilmember Skeen reported that a resident contacted him with concerns over the location of a storm drain on 2275 North Street, at 4425 West Street. He commented on an inspection of the storm drain in question and affirmed; action to fix the problem has been initiated by the Public Works Department.

Mayor Beesley thanked City staff for working hard and maintaining an upbeat environment at City Hall.

At 8:28 p.m. Councilmember Weston moved to adjourn and was seconded by Councilmember Skeen seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved

