

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 1, 2021

The City Council of Plain City convened in a regular meeting at City Hall on Thursday, April 1, 2021, public was also accessible via ZOOM beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Chad Allen, Buddy Sadler, Don Weston, Todd Skeen
Attendance Via Zoom: Councilmembers Rachael Beal
Staff Present: Diane Hirschi, Dan Schuler
Also Present: Shawna Faulkner, Dennis and Sharilyn Rogers, Kathleen & Jim East, James Farrell, Sgt. Kyley Slater
Attendance via Zoom: Tom Favero, Brandon Richards, Rob Ortega, Cody Rhees, Janet Bingham

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

Approval of Minutes from March 18, 2021

Councilmember Allen moved to approve the minutes from the regular meeting on March 18, 2021 as presented. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Comments: Public

Property owner, Tom Favero stated that 2018 General Plan updates were not brought to his attention until notification of Scott Wayment's recent zoning amendment petition was published. He noted that the updated Future Land Use Map now shows his property segmented into a sweeping variety of density categories. He spoke of zoning specifications for his land, set forth in the previous version of the General Plan. He commented on obstacles to farming pursuits posed by residential developments that surround his plots. He remarked on disadvantages related to large residential lots. He suggested that the current version of the General Plan be reviewed, acknowledging he does not have pressing plans to subdivide the property but would like appropriate zoning in place to guide future development. He recognized that the General Plan does not address specific pieces of property in detail or provide for specific zoning. He proposed that the 2018 be amended soon. He made mention of the importance of the appeal at the city entrance.

Report from Planning Commission

Planning Commissioner, Shawna Faulkner spoke of contradictions the Planning Commission has been dealing with in the latest General plan update. She indicated that compliance with Future Land Use Map guidelines is given specified attention by the Commission. She commented on the General Plan update process and attested that community notification of the effort in 2018 was a high priority. She listed actions taken from December, 2017 through May, 2018 to publicize workshops and meetings for the purpose of receiving input from citizens. She acknowledged that response from residents was lacking. She asserted that several factors give cause for further examination of stated concerns and consideration of another General Plan amendment. She noted that the Planning Commission recommends approval of a portion of Mr. Favero's rezone request that meets Future Land Use Map conditions. She reported evident demand for half-acre and three-quarter-acre lots in Plain City. She commented on previous concepts for the Favero Farms development that have been rendered unachievable by updated General Plan standards. She stated that the Planning Commission recommends final approval of the Palmer Heritage subdivision conditional upon the removal of utility infrastructure placed on Dennis Rogers' property by the developer, without permission and that sidewalk will not be installed on Dennis Rogers' property. She reported that a commercial site plan for the Old Town Shear Shop was approved. She indicated that a lot line adjustment for Kent Hurd was discussed and tabled, pending a professional survey and other outstanding application information. She briefed the Council on options considered for bringing a parcel owned by the Orton family into zoning conformity. Councilmember Sadler expressed his opinion that the General Plan/Future Land Use Map is a guide, by design, that affords relative flexibility to land use decision makers in consideration of varying circumstances.

Discussion/Motion: Ordinance – Zoning Amendment – Portion of Favero Property – A-2 to RE-15 – 1295 N 4700 W

Mayor Beesley described the location of the parcels to be rezoned. Councilmember Beal referred to prior comments about the intended action. Commissioner Faulkner informed that one of the parcels is given two density category designations on the Future Land Use Map. She indicated that the Commission recommends RE-15 zoning for the entire property. **Councilmember Sadler moved to approve Ordinance 2021-05, Zoning Amendment – Portion of Favero Property – A-2 to RE-15. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Final Approval – Palmer Heritage Subdivision – approx. 3975 W 2600 N

Mayor Beesley reported that the proposed Palmer Heritage subdivision is separated from Jim East's property by a narrow strip of land owned by Dennis Rogers; the development will not share a boundary line with Jim East's plot. Property owner, Jim East

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stated that the precise location or existence of the mentioned strip of land is disputable. He indicated that a private survey shows the narrow plot on the side of his fence, but Dennis Rogers has never had possession of it nor used it for anything in over fifty years. He clarified that the parcel is a five-foot strip. Mayor Beesley spoke of historical fence line locations in the area, that apparently do not line up with recorded property lines. He noted that he has been facilitating possible solutions to the boundary issues with property owners and project developer. Cody Rhees. He stressed that it is not the City's onus to settle landowner disputes. Jim East presented documents substantiating his claim that Dennis Rogers does not own property on the west side of his long-established fence line. He contended that the utility stubs installed by Cody Rhees do not affect Dennis Rogers. Property owner, Dennis Rogers informed that he has attempted to resolve the incongruity, to no avail. He reported that he's been paying property tax on the parcel in question for over fifty years. He indicated that the property exists and is formally recorded by Weber County. He submitted that the Palmer Heritage subdivision does not comprise his five-foot strip and approval of the project should not be delayed because of contested properties outside of its bounds. Public Works Director, Dan Schuler recommended that utilities be cut, capped and marked on the Palmer Heritage curb line. He explained that future access to the stubs will not pose a problem. Jim East maintained that there is not a five-foot parcel on the east side of his fence line. City Attorney, Brandon Richards agreed with Mayor Beesley's conviction that the City does not have the authority nor an obligation to settle this property dispute. He commented on civil action that might be taken by one or both of the land owners. He noted that legal agreements can be made outside of a courtroom setting. He advised that approval of this subdivision must be based on information currently available and officially recorded. Commissioner Faulkner verified that Dennis Rogers' five-foot parcel is a recorded entity on Weber County maps. Councilmember Allen clarified Cody Rhees had a professional survey done prior to submitting plans for the Palmer Heritage subdivision. Cody Rhees confirmed that the survey was completed by an accredited surveyor. He noted that he purchased land extending to Jim East's fence line. He indicated that the fence line is not directly on Jim East's property line, as recorded. He affirmed that Dennis Rogers owns a real piece of property on the west side of the existing fence line, according to Weber County record. He took full responsibility for crossing Dennis Rogers' parcel with utility infrastructure. He agreed to cut and remove the sewer laterals that are not on his own property. Brandon Richards stated that motion terms can specify that sewer laterals must terminate on property owned by Cody Rhees. Councilmember Sadler proposed that the subdivision be approved contingent on the removal of said laterals from adjoining land or a formal agreement between the developer and Mr. Rogers consenting to the infrastructure. **Councilmember Sadler moved to grant Final Approval – Palmer Heritage Subdivision – approx. 3975 W 2600 N, with the condition that installed utility laterals be terminated at the subdivision boundary. Councilmember Beal seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. Councilmember Allen voted nay. The motion carried.** Councilmember Allen expressed concern that stipulating this condition signifies partiality by the City Council, relative to the property line dispute between Dennis Rogers and Jim East. He suggested that the subdivision be approved from property line to property line without further ruling.

Discussion/Motion: Set Public Hearing for Amendment to the Residential Overlay Zone – May 6
Councilmember Allen moved/Set Public Hearing for Amendment to the Residential Overlay Zone – May 6. Councilmember Skeen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Ordinance – Amend Title 2-1-3A Concerning Organization of Planning Commission Officers
Commissioner Faulkner outlined an amended procedure for Planning Commission Chair and Vice-chair appointments. Mayor Beesley commented on the currently established method for leadership selection. Councilmember Sadler remarked on commissioner seniority bearings and the expected position turnover rate. He commented on leadership term limits.
Councilmember Sadler moved to approve Ordinance 2021-6, Amend Title 2-1-3A Concerning Organization of Planning Commission Officers. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Resolution - Cooperative Agreement with UDOT Concerning New Sidewalk
Dan Schuler reviewed proposed resolution and referred to a map, provided to the Council prior to this meeting. He described the scope and location of the proposed construction. He indicated that a grant from UDOT will partially fund the project. He confirmed that bids have been received. Mayor Beesley informed that UDOT only claims and maintains to the edge of asphalt or (in some cases) back of curb on state roads. He made known that the City is responsible for constructing sidewalks along state roads if needed. He remarked on pedestrian traffic around Fremont High School. Councilmember Beal related concerns about pedestrian activity, including a Fremont High School track team training course, on 2600 North Street. Councilmember Allen spoke of planned budget allocations for the City's portion of the project. Councilmember Skeen commented on sidewalk maintenance responsibilities. **Councilmember Allen moved to approve Resolution 2021-04, Cooperative Agreement with UDOT Concerning New Sidewalk. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

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Discussion/Motion: Communities that Care Contribution - \$1,000

Mayor Beesley commented on resolve of the Communities that Care organization to extend their services and strengthen their impact. He reported that he is the chairman of the Fremont cone of the coalition. He asked the Council to approve a \$1000 donation to the cause. **Councilmember Weston moved to approve the requested Communities that Care Contribution - \$1,000. Councilmember Skeen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Motion: Approval of Business Licenses

New

C&B Transportation	Christian Torres	1957 N 5100 W	dispatching trucks
C&B Striping LLC	Christian Torres	1957 N 5100 W	asphalt maintenance
Insomniac's Enterprises Inc	Jacob Bass	1635 N 3450 W	home office
Flowing Locks Salon	Jordan Andrascik	1651 N 3450 W	hair salon

Renewals

Jason Cantonwine Repairs	Jason Cantonwine	2720 N 4350 W	roofers helper
Natural_Lather_Soap Co	Tammy Folkman	2510 N 4100 W	soap making

Councilmember Weston moved to approve the business licenses as presented. Councilmember Skeen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen seconded the motion. The motion carried.

Motion: Approval of Warrant Register

See warrant register dated 03/15/2021 to 03/31/2021. Apparatus Equipment and Service bill will be held out because the truck is not fixed properly. **Councilmember Weston moved to approve and pay the bills except Apparatus Equipment and Service. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Report from City Council

Councilmember Beal offered a reminder that the Recreation Department is holding an Easter scavenger hunt, Saturday, April 3 - beginning at 1:00 p.m. She reported that her household has not received a flyer or email regarding the Plain City Green Waste Program.

Councilmember Sadler referred to the updated draft of the Residential Overlay Zone ordinance and proposed that a clause stating that the City Council "may hold a Public Hearing" be included in 10-20-8. He commented on measures to streamline the Overlay Zone approval process.

Councilmember Weston announced that the Plain City Green Waste Program starts this month. He reported that information flyers were sent out with paper utility bills. He spoke of budget savings realized through implantation of the program. He requested that notification of the Green Waste Program schedule be put on the marquee, in front of the City offices.

Councilmember Skeen reported that the new restroom and press box facility at Lee Olsen Park (north side) has been erected.

Mayor Beesley reported that this will be the last City Council meeting to be held onsite until remodeling of City Hall is finished. He made mention of the new restroom and press box facility at Lee Olsen Park and asserted that it will be a great amenity for sporting event spectators. He commented positively on the design of the structure. He invited the Council to visit the building. He notified that budgeted impact fee revenues are building and will need to be utilized in upcoming months. He reported that he's received a bid for this year's 4th of July Celebration fireworks and requested that the Council consider increasing budget allotment for fireworks in the future.

At 8:31 p.m. Councilmember Weston moved to adjourn and was seconded by Councilmember Sadler seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved

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The City Council of Plain City convened in a regular meeting on Thursday, April 15, 2021, accessible via ZOOM beginning at 7:00 p.m.

Present via Zoom: Mayor Jon Beesley, Councilmembers Chad Allen, Rachael Beal, Buddy Sadler, Don Weston, Todd Skeen
Staff Present via Zoom: Diane Hirschi, Dan Schuler, Brandon Richards
Also Present via Zoom: Shawna Faulkner, Cody Rhees, Jim Beesley, Rob Ortega, Tom Favero, Cody Johnson, Lisa Cox, David Brown, Robyn Jackson, Chris Jackson, TJ Larson, Adams Family, Mark Horton

Call to Order: Mayor Beesley
Invocation/Moment of Silence: Mayor Beesley

Approval of Minutes from April 1, 2021

Councilmember Sadler moved to approve the minutes from the regular meeting on April 1, 2021 as presented. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Comments: Public
None.

Report from Planning Commission

Planning Commission Vice-Chair, Shawna Faulkner reported that a Public Hearing for a zoning amendment (Orton property) was set for May 13th. She informed that a Public Hearing for Cody Johnson's zoning amendment application was held and a recommendation for Council approval was conferred. She noted that a recommendation for Council approval of a zoning amendment petition by the Favero family was imparted, as well. She reported that requests for preliminary subdivisions – Skeen Subdivision and Plain City Fields – were tabled pending response to the City Engineer's memorandum. She indicated that a recommendation for the City Council's final approval of the Taylor Parks Three subdivision was handed down by the Planning Commission.

Presentation of Award: TJ Larson – Fire Department

The Mayor noted that he would prefer to do this recognition in person. He will get with TJ for a time to do so.

Discussion/Motion: Rezone – Cody Johnson – RE-20 to RE-15 – 2779 W 1900 N

Councilmember Allen moved to approve Ordinance 2021-07 for the rezone of the Cody Johnson property from and RE-20 zone to an RE-15 zone. Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Rezone – Favero Property – A-2 to a RE-30 – approx. 1295 N 4700 W

Councilmember Sadler moved to approve Ordinance 2021-08 for the rezone of the Favero property from and A-2 zone to a RE-30 zone. Councilmember Skeen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Discussion/Motion: Final Approval of Taylor Parks 3

Public Works Director, Dan Schuler explained that a detention basin in Taylor Parks Phase 2 will be upsized by the developer and serve this subdivision. Councilmember Sadler stated that a motion on this project should include conditions that the enlarged detention pond be fabric lined and cobbled, and that the fence be repaired. **Councilmember Sadler moved to approve Taylor Parks 3 conditional upon the detention pond being fabric lined and cobbled, and the perimeter fencing be repaired to City standards. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Final Acceptance of Taylor Parks Phase 2

Mayor Beesley affirmed that Taylor Parks Phase 2 is ready for Final Acceptance, according to a report from the Public Works Department. **Councilmember Allen moved to approve Final Acceptance of Taylor Parks Phase 2. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Connex Construction Agreement

Councilmember Sadler reiterated that he would like to see a time period for build-out broken down in the agreement. He maintained that the City's ownership of the utility conduit should be clearly pronounced. He proposed that anticipated utilization of said conduit be brought to the City Council in order to ascertain their opinion. Mayor Beesley evoked that ownership of the infrastructure will impose liability for maintenance, repairs and continuity of service. Councilmember Beal referred to the Public Works Standard that stipulates installation of one conduit. She questioned why the City would transfer possession of the conduit to Connex, recognizing; adding lines into a conduit which already has a cable may cause tangling, increasing pulling tension and potentially damaging cables. She suggested

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that Connex should provide their own conduit if they cannot share a common duct with other providers. Mayor Beesley explained that proprietary use of the conduit would be given in exchange for broadband service to City facilities, etc. Developer, Cody Rhees commented on updated Public Works Standards that require utility conduit installation in new subdivisions. Connex co-owner, David Brown noted that many cities are adopting ordinances, requiring developers to provide underground conveyance systems for fiber-optic cable. Councilmember Weston remarked on scheduling said installation while trenches are open for other development improvements. He asserted that the Public Works Standard was not updated with consideration of any specific supplier or product. Councilmember Beal stated that the Council didn't account for liabilities related to installing and maintaining/repairing cables in a shared conduit system when they approved the Standard. David Brown reported that some municipalities are requiring developers to position two open utility conduits on each building lot. He asked if Connex can move forward with fiber-optic builds within Plain City. He acknowledged that plans have been drafted for the eastern section of town. Mayor Beesley voiced his opinion that the work can commence, directly. A work meeting to discuss utility conduit provisions was tentatively scheduled for the next City Council meeting. **Councilmember Sadler moved to table Discussion/Motion: Connex Construction Agreement. Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Resolution – Fee Schedule for Ordinance Violations

Mayor Beesley told of current code enforcement practices. He referenced an updated policy and Fee Schedule, drafted by Dan Schuler and suggesting that the fine for first offences be reduced. Councilmember Sadler weighed discounted fine amounts. Dan Schuler pointed out that the presented Fee Schedule is directed by established ordinances. He proposed that a clause for yard sales be removed. He recommended that SWPPP violations be addressed in the updated policy and Fee Schedule. Councilmember Sadler commented on proposed sign regulation changes. He stated that the proposed fine for first offenses is appropriate. Councilmember Beal advised; the *warning* step in the sequence should be considered the *first offense* measure in the Fee Schedule. Councilmember Allen expressed his opinion that flagrant dumping of construction materials into detention/retention basins should not qualify for a warning before a citation is issued. Councilmember Weston warned that feuding neighbors might exploit code enforcement policies. He deemed the intended fine for first offences too high. He stated that he will not vote in support the policy and Fee Schedule as presented. Mayor Beesley indicated that it's vital for a code enforcement officer be rational - as a City agent, the officer must retain a professional demeanor, de-escalate situations when possible and know when to walk away from someone who won't have a reasonable interaction. Dan Schuler outlined tasks performed by staff, to clean up after ordinance infractions. He spoke of costs associated with restoration labors. He affirmed that the proposed fines do not represent punitive damages. Councilmember Skeen voiced approval of the Fee Schedule and asserted that current Code Enforcement personnel have the ability to implement the policy wisely. Councilmember Beal expressed accord with the Fee Schedule and minor changes proposed by Dan Schuler and herself. **Councilmember Beal moved to approve Resolution 2021-05 – Fee Schedule for Ordinance Violations with phrasing changes as discussed. Councilmember Skeen seconded the motion. Councilmembers Allen, Beal, Sadler and Skeen voted aye. Councilmember Weston voted nay. The motion carried.**

Motion: Approval of Business Licenses

New

Quick Snack Vending LLC	Jeneya Crawford	3203 N Stillcreek Parkway	vending
The Old Town Shear Shop	Fred Martinez	2414 N 4350 W Unit D	barber, salon

Renewals

RedBox Automated Retail	Redbox	4098 W 1975 N	DVD rentals
TrueValue, Plain City	PCT-KTA LLC	3627 W 2600 N	hardware store
Dollar Tree	Dollar Tree	3625 W 2600 N	variety store
Clarke Restaurants Unlimited LLC	Glen Clarke	3639 W 2600 N	pizza shop
American Promotional Events	American Promotional	3673 W 2600 N	fireworks @ Kents

Councilmember Beal moved to approve the business licenses as presented. Councilmember Sadler seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen seconded the motion. The motion carried.

Motion: Approval of Warrant Register

See warrant register dated 04/01/2021 to 04/14/2021. The work on the firetruck has been repaired and the bill for Apparatus Equipment and Service is ready to pay. **Councilmember Skeen 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 Weston reported that blue waste receptacles were taken to the Weber County Transfer Station the initial week of the Green Waste Program, to avoid dumping household garbage inadvertently deposited in them at the City landfill. He spoke of measures taken to inform the public about program details. He noted that an unacceptable amount of household garbage has been

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found in green waste cans over following weeks. He asked that a notice be put up on the marquee in front of City Hall, reminding residents that blue cans are for organic waste through November.

Councilmember Skeen reported that construction of the new restroom/press box facility at Lee Olsen Park is on schedule and the building should be ready for the May 3rd baseball opener.

Councilmember Beal thanked Recreation Director, Colette Doxey, for organizing the Easter Scavenger Hunt. She voiced appreciation to volunteers that helped with the event.

Mayor Beesley commented on the reported Green Waste Program issues and gave a personal account of conditions he's observed at the landfill. He acknowledged that many residents enjoy the Program and participate in a beneficial way. He briefed the Council on City Hall renovation advancements.

At 8:00 p.m. Councilmember Sadler moved to adjourn and was seconded by Councilmember Weston seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved _____

