

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 4, 2021

The City Council of Plain City convened in a regular meeting at City Hall on Thursday, March 4, 2021, public was also accessible via ZOOM beginning at 7:00 p.m.

Present: Councilmembers Chad Allen, Buddy Sadler, Don Weston and Todd Skeen
Attendance Via Zoom: Mayor Jon Beesley, Councilmembers Rachael Beal
Staff Present: Diane Hirschi, Dan Schuler
Also Present: Blake Jenkins, Megan Dawson, Ross Taylor, Jeff East, Dustin Skeen, Cody Rhees, Lt. Mark Horton
Attendance via Zoom: Brandon Richards, James Farrell

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

Approval of Minutes from February 18, 2021

Councilmember Beal noted that she had brought up school bus safety. **Councilmember Allen moved to approve the minutes from the regular meeting on February 18, 2021 as corrected. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Comments: Public

Cody Rhees spoke of his experience as a developer and commented on a proposed moratorium on road cuts. He noted that permits are issued by Plain City for such work. He indicated that conditions, consequences and a warrantee period are clearly specified on the permit application. He commented on Plain City ordinance 7-3-7 (Bond Required), asserting that the rule has not been applied since its induction in 2000. He suggested that existing codes should be utilized to regulate road cut work. He proposed that special restoration standards might be added to existing Public Works Standards.

Megan Dawson voiced concern over speeding traffic on 1975 North Street. She explained that the speed limit is reduced to 30 miles per hour on the west end of the street but drivers typically ignore the signs. She indicated that 1975 North Street is main walkway for students. She proposed that flashing lights be installed at a crosswalk near the cemetery. She commented on Weber County Sheriff's Office patrolling in the area. Councilmember Allen affirmed that the City plans to install flashing lights at all crosswalks on 1975 North Street. He contemplated relocating a radar sign to the problem area. Councilmember Sadler remarked on scheduling and funding of the flashing light devices at crosswalk locations. Councilmember Weston added that traffic on 4425 West Street compounds the crosswalk dilemma where it intersects 1975 North Street. Weber County Sheriff's Lt. Mark Horton commented on patrol patterns along 1975 North Street and near Fremont High School.

Report from Planning Commission

Planning Commissioner, Dustin Skeen reported that a lot line adjustment for Gary Westergard was approved at the February 25th Planning Commission meeting and a Public Hearing for a zoning amendment requested by the Favero family was set for March 25th. He indicated that amendments to the Residential Overlay Zone were discussed. He stated that a new ordinance addendum for cul-de-sac special exceptions was forwarded to the Council for approval. He briefly described planning of a safe pedestrian route, to and from school in the Taylor Parks neighborhood. He explained changes to the proposed road cut moratorium, recommended by the Commission. He urged the Council to thoroughly research fiber optic Internet download speeds offered by Connex, as well as degradation attributes and data capacity factors. Councilmember Sadler commented on Connex claims regarding the aforementioned considerations. He expressed disapproval of some terms and standards set forth in the proposed ordinance addendum for cul-de-sac special exceptions. Mayor Beesley asked if the Planning Commission reviewed the existing ordinance for excavations and street cuts as they considered the presented moratorium. Commissioner Skeen answered in the affirmative.

Discussion/Motion: Connex Franchise Agreement

Mayor Beesley summarized related topics discussed in the work session held prior to this City Council meeting. Councilmember Allen reported that the Council agreed on adding a provision to the draft agreement identifying a future process to implement a franchise fee. City Attorney, Brandon Richards recommended including a clause allowing the City to renegotiate or adjust terms during the process. Councilmember Sadler asked about buildout potentials. Mayor Beesley noted that buildout stipulations cannot be part of the contract unless comparable Franchise Agreements with completion dates are provided by other fiber-optic suppliers. Councilmember Allen reported timeline details and infrastructure transfer contingencies examined during the work session. Councilmember Beal stated that she has not had a chance to review Exhibit "A" - the current Plain City telecommunications ordinance - as it was emailed to her an hour or two before this meeting, but trusted the City Attorney and the other councilmember's judgment and direction. Councilmember Sadler stated that a printout of Exhibit "A" was not provided in

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his information packet for this meeting. He inferred that a copy of Kaysville's telecommunications ordinance should have been distributed for review. Councilmember Allen evoked; Plain City ordinances are available online, through the City's website. Brandon Richards reiterated that a condition of the Franchise Agreement with Connex can allow the City Council to adjust terms after further study of the existing Plain City telecommunications ordinance and review of binding contracts between this franchisor and other municipalities. **Councilmember Allen moved to approve the Connex Franchise Agreement which will include a condition that it may be added to and/or amended as seen fit by the City at any time during the process, effective 45 days from this action. Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Cemetery Service Contract

Committee Chairman for the Plain City Cemetery, Ross Taylor indicated that the presented Cemetery Service Contract is essentially a renewal of last year's agreement. Councilmember Sadler asked if working with the City has been a positive aspect for the Cemetery Board. Ross Taylor deemed the working relationship to be beneficial. **Councilmember Weston moved to approve the Cemetery Service Contract. Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Resolution – Moratorium on Public Works Standard – Time Limit for Cutting a New Road

Mayor Beesley explained that he asked about the Planning Commission's review of an existing Plain City ordinance for excavations and street cuts because it was brought to his attention, by Cody Rhees, that much found in the proposed moratorium is addressed in current regulations. He advised that the Resolution be compared to existing directives before it's adopted. Councilmember Skeen agreed with Cody Rhees' assumption that this Resolution will confuse matters. He proposed that the special restoration standards be added to existing Public Works Standards. Public Works Director, Dan Schuler agreed that the moratorium is not necessary. He remarked on special restoration standards and concurred with adding them to Public Works Standards. **Councilmember Sadler moved to table the Resolution – Moratorium on Public Works Standard – Time Limit for Cutting a New Road. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Resolution Amending Personnel Policy – Appointed Positions

Councilmember Allen recommended that City Manager be kept as an appointed position. He reasoned that there will be need for a City Manager in the future. He stated that he does not object to the title being changed to City Administrator. Councilmember Beal sought clarification on the significance of a title change. Mayor Beesley explained that a City Manager works for the City Council – a City Administrator works for the mayor. He noted that both are appointed by the mayor. He briefly touched on Council assignments. Councilmember Allen outlined the appointment process and remarked on discharge policies and procedures. Councilmember Sadler spoke to voting ramifications associated with certain appointed positions. Brandon Richards indicated that the City Administrator position can be structured by the Council to serve as they consider acceptable. Councilmember Weston commented on citizen voter objectives. He counseled that checks and balances between the legislative and executive branches are necessary in city government. **Councilmember Allen moved to approve Resolution 2021-03 – Changing the title “City Manager” to “City Administrator” in the Plain City Personnel Policy (4.2 F). Councilmember Sadler seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Set Public Hearing for 2020-21 Budget Adjustments – March 18

Councilmember Sadler requested details about items in the budget that must be adjusted. Mayor Beesley informed that the measure must be done to deal with minor consequences of unanticipated variables. He referred to summaries provided by our Treasurer and noted that itemized description details will be provided in the councilmember's information packets. **Councilmember Sadler moved to Set Public Hearing for 2020-21 Budget Adjustments – March 18, 2021. Councilmember Allen seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Set Public Hearing to Amend Subdivision Ordinance Concerning Cul-de-sac Special Exceptions – April 1

Councilmember Sadler voiced strong reservations about numerous elements of the proposed ordinance. He asserted it would be imprudent to advertise and hold a public hearing on the addendum. Councilmember Skeen questioned the purpose and intent of the new code. He recited a colloquial phrase he attributed to the Air Force, “If it ain't broke, don't fix it.” Councilmember Weston spoke of public safety concerns related to fire hydrant placement and access points. He commented on road maintenance difficulties connected to cul-de-sac terminations. Councilmember Allen made known that he prefers property situated on a cul-de-sac over lots with frontage on a through roadway. Planning Commissioner, Rob Ortega told of an upcoming project that would be bettered if an exception could be made to the existing Plain City ordinance restricting cul-de-sac street length to 400 feet. He explained that a 750-foot maximum constraint in the proposed addendum reflects state regulations. He supposed the maximum standard could be omitted from this ordinance to avoid redundancy. Councilmember Sadler asked if the ordinance has been drafted because the City sees a general need for it or has it been presented in order to resolve distinctive issues for a specific developer. Councilmember Beal remarked on problems that will result from approving an ordinance amendment for the benefit

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of an individual. Dustin Skeen described circumstances in which slightly longer cul-de-sac streets are practical. He advised that current City code does not allow for any sensible deviation. The Council came to a consensus of opinion that the original ordinance for cul-de-sacs should not be amended. **Councilmember Sadler moved to deny Setting of a Public Hearing to Amend Subdivision Ordinance Concerning Cul-de-sac Special Exceptions. Councilmember Beal seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Appointment to the Planning Commission – Shawna Faulkner
Mayor Beesley notified that Shawna Faulkner submitted a letter in intent to continue her involvement on the Planning Commission at the end of her first term. He recognized her efforts and positive direction as a planning commissioner. He announced her reappointment to the Plain City Planning Commission. Councilmember Sadler echoed the mayor's approval of Shawna Faulkner's contributions and asked if other letters of intent were received. Mayor Beesley answered in the negative. Councilmember Allen remarked on policies for planning commissioner appointments. Councilmember Weston stated that Commissioner Faulkner has performed well in her position. He considered established policies for advertising the vacancy. **Councilmember Sadler moved to Appoint Shawna Faulkner temporary Planning Commissioner pending review of policy. Councilmember Weston seconded the motion. No vote was tendered.** City Recorder, Diane Hirschi indicated that the City does not have a policy that addresses Planning Commission vacancy notification. Brandon Richards confirmed; policy does not prescribe a course of action for advertising an open Planning Commission seat. **Councilmember Sadler moved to approve the Appointment of Shawna Faulkner to the Planning Commission. Councilmember Weston seconded the motion. Councilmembers Allen, Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Motion: Approval of Business Licenses

New

Levi Royce, LLC	Logan Rogers	3430 W 1975 N	handmade goods
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Renewals

The Dance Establishment	Gary & Peggi Nielsen	4425 W 2350 N	dance instruction
Reading Express Preschool LLC	Amber Dunn	2385 N 3575 W	preschool
RLK Electric Inc	Richard Kester	1617 N 4650 W	home office
Yellowstone Fence Sprinkler	Greg Shepherd	2726 W 2550 N	landscaping contractor
Annador's Pet Salon	Trisha Sonato	2414 N 4350 W Unit D	dog grooming salon
2 Tracks Contracting LLC	Loren Patterson	1525 N 4325 W	office for contractor
Concocted Creationz Boutique	Julie Taylor	4380 W 2100 N	online etsy shop

Councilmember Sadler moved to approve the business licenses as presented. Councilmember Allen 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 02/18/2021 to 02/28/2021. **Councilmember Sadler moved to approve and pay the bills. Councilmember Skeen seconded the motion. Councilmembers Allen, Sadler, Beal, Weston and Skeen voted aye. The motion carried.**

Report from City Council

Councilmember Allen contemplated amending Planning Commissioner appointment policy to direct advertising of vacant positions.

Councilmember Beal commented on City plans for an Easter event. She reported that waste, inappropriately dumped at the head of the Rail Trail, was cleaned up by considerate residents. She expressed appreciation for their voluntary efforts. She noted that the Weber County Sheriff's Office is pursuing leads to track down individuals responsible for the unlawful dumping.

Mayor Beesley confirmed that each Plain City firetruck in operation has been equipped with a steamer outlet adapter. He commented on repairs that are currently being done on one of the Department's trucks that is temporarily out of service.

At 8:45 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 _____

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The City Council of Plain City convened in a regular meeting at City Hall on Thursday, March 18, 2021, public was also accessible via ZOOM beginning at 7:00 p.m.

Present: Mayor Jon Beesley, Councilmembers Buddy Sadler, Don Weston and Todd Skeen
Attendance Via Zoom: Councilmembers Rachael Beal and Todd Skeen
Excused: Councilmember Chad Allen
Staff Present: Diane Hirschi, Dan Schuler
Also Present: Jarod Maw, Trent Meyerhoffer, Shad Christensen, Hannah McBride, Brinley Thompson and her parents, Lt. Mark Horton
Attendance via Zoom: Brandon Richards, Ryan Child, Carolyn Povey, Rob Ortega

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

Approval of Minutes from March 4, 2021

Councilmember Weston moved to approve the minutes from the work meeting and the regular meeting on March 4, 2021 as presented. Councilmember Sadler seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.

Comments: Public

Professional consultant, Matt Dixon commented on an upcoming Strategic Planning Work Session. He described intended activities and accomplishments. He related personal experiences with development and population growth in Plain City over past decades. He noted that accelerated expansion is expected to continue over the next 30 years. He indicated that a central objective of the upcoming work session is to create a vision statement considering the projected Plain City environment in 50 – 75 years. He invited all participants to envision present and future needs of the community and to share their ideas at the work session.

Report from Planning Commission

Planning Commission Chairman, Jarod Maw reported that a consolidation of parcels requested by the Harrison family, approximately 3812 W 1975 N, was approved. He indicated that the assignments of Chairman and Vice Chairman of the Planning Commission were discussed at Planning Commission meeting but not administered because the full Commission was not present. He reported that a public hearing for Shad Christensen's zoning amendment was held and City Council approval of the application was recommended. He noted that a public hearing for a zoning amendment request (RE-20 to RE-15) by Cody Johnson was set for April 8, 2021. He briefed the Council on elements of a subdivision amendment – Fremont Meadows Phase 1, 1st Amendment, that were discussed at the Planning Commission meeting. He reported that the change was forwarded with a recommendation for approval. He stated that an amendment to the Residential Overlay Zone ordinance was discussed at length. Councilmember Sadler commented on proposed changes to established cul-de-sac regulations. He voiced expectation that any change to the code will be soundly beneficial to the City and clearly objective. Jarod Maw advised that the Planning Commission will be reviewing past Accessory Dwelling Unit considerations, due to H.B. 82, recently passed by the Utah legislature, restricting municipalities from imposing conditions on the construction of ADUs.

Discussion/Motion: Youth Council Scholarship Awards

Mayor Beesley reported that three Plain City Youth Council members applied for the Scholarship Awards. He announced that Brinley Thompson will receive a \$1,000 scholarship, Hannah McBride will be awarded \$600 and Laney Hall will receive a \$400 scholarship. He thanked the recipients for their service to the community. He recognized Youth Council adult leaders for their support. He mentioned that the grants were funded by Anderson Livestock Auction.

Presentation of Award – TJ Larson – Fire Department

Mayor Beesley stated that TJ Larson is out of town and the presentation of his award will be postponed.

Public Hearing: Adjustments to 2020-21 City Budgets

Councilmember Sadler moved to open a Public Hearing for Adjustments to 2020-21 City Budgets. Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.

No public comment was offered. **Councilmember Sadler moved to close the Public Hearing for Adjustments to 2020-21 City Budgets. Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

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Discussion/Motion: Adjustments to 2020-21 City Budgets

City Treasurer, Ryan Child indicated that use of CARES Act Coronavirus Relief Fund dollars contributed to typical factors that make budget adjustments necessary. He commented on a sales tax increase and changes made to impact fee amounts. He remarked on revenue increases associated with additional participation in Plain City Recreation programs. He explained how lowered federal interest rates influenced 2020-21 City Budgets interest earnings. He outlined refocused expenditure structures. He told of transfers to the Capital Projects fund and calculated office building remodel expenses. He identified other adjustments to General, Sewer and Storm Drain Funds. Councilmember Sadler commented on transfers into the Capital Project Fund. Councilmember Beal remarked on COVID-19 relief resources that may be allocated to the City in the future. **Councilmember Sadler moved to approve Adjustments to 2020-21 City Budgets. Councilmember Skeen seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Award Bid for City Office/Senior Center Remodel

Mayor Beesley summarized design and bidding processes for the City Office/Senior Center Remodel project. He described the scope of work to be done. He reviewed bid tabulations, distributed to councilmembers prior to the meeting. Councilmember Sadler commented on itemized paint and flooring quotes. He asked if a timetable has been hashed out. He queried about the availability status of flooring materials. Mayor Beesley weighed up time constraints and work quality expectations. City Recorder, Diane Hirschi affirmed that the flooring contractor will order materials upon approval of the bid. She noted; they have assured the product will be on site when needed. Councilmember Beal referred to drastic price increases for construction materials that have emerged in recent days. Councilmember Weston remarked on a past sidewalk project that was hampered by construction delays. Mayor Beesley expressed concurrence with setting a target date for completion. Councilmember Beal proposed that demolition of existing flooring not be started until new material is delivered. Mayor Beesley informed that the front desk and front offices will be temporarily moved into Council Chambers during the renovations. He indicated that City Council and Planning Commission meetings will be held downstairs until work on the main floor is completed. **Councilmember Weston moved to Award the Bid for City Office/Senior Center Remodel to CK Construction. Councilmember Skeen seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion: Povey Property

Mayor Beesley delineated the location of the Povey's plot. He reported that survey data has uncovered a discrepancy between a recorded, public right of way and an existing, private fence line. He commented on a dedicated street that will run adjacent to the Povey's parcel and access the new Panunzio Estates subdivision. He stated that the street will be relatively narrow and will only have curb, gutter and sidewalk on the north side. He contemplated ways to concede the piece of land between the proposed roadway and the private fence line to the Povey family. City Attorney, Brandon Richards agreed to research legalities related to the suggested adjustment. Councilmember Weston remarked on excessively wide rights of way in Plain City. He recommended that all such rights of way be identified and rectified. Public Works Director, Dan Schuler reviewed current Plain City Public Works Standards for road widths. Councilmember Sadler remarked on publicly held land and complexities related to reassignment of ownership to a person or company. Property owner, Carolyn Povey thanked the mayor for checking the site and arranging this discussion. She verified that stakes marked "ROW", now located on the north side of her lot, depict the recorded property line. Brandon Richards clarified that the mentioned stakes separate the Povey's parcel from the city-owned right of way. He briefly touched on common law boundary cases where the outcome cannot be determined based on existing statutes. He speculated that common law considerations may not be applicable to public property. Carolyn Povey voiced concerns about access to pasture beyond the Panunzio Estates development.

Discussion/Motion: Ordinance for Zoning Amendment – Shad Christensen – RE-20 to RE-18.5 and RE-15 – 3626 W 1975 N

Planning Commissioner, Rob Ortega affirmed that the requested amendment is in accordance with the General Plan. Councilmember Sadler enquired which of the three parcels listed on the application will be rezoned to RE-15. Project developer, Shad Christensen informed that the northernmost property (north of 2200 North Street) will be rezoned to RE-15, as prescribed by the General Plan. He stated that two parcels on the south side of 2200 North Street will be zoned RE-18.5, also in conformity with the General Plan. **Councilmember Weston moved to approve Ordinance 2021-04 Zoning Amendment – Shad Christensen – RE-20 to RE-18.5 and RE-15 – 3626 W 1975 N . Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Discussion/Motion: Subdivision Amendment – Fremont Meadows Phase 1, 1st Amendment – 1775 N 4400 W

Commissioner Ortega indicated that the Planning Commission reviewed the application for this Subdivision Amendment and found it to be straightforward and acceptable. Mayor Beesley noted that the adjustment will give satisfactory frontage to both affected lots. Councilmember Beal asked for a firm measurement of the transference. Mayor Beesley stated that the lot line will be moved 9.32 feet. **Councilmember Beal moved to approve the Subdivision Amendment – Fremont Meadows Phase 1, 1st Amendment – 1775 N 4400 W. Councilmember Sadler seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

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Discussion/Motion: YCC Family Crisis Center Contribution

Mayor Beesley advised that the YCC Family Crisis Center works to prevent and alleviate domestic violence, sexual assault and homelessness by providing safety, services and resources. He noted that the City traditionally donates funds to this cause. He asked the Council to approve the requested \$3000 contribution. Councilmember Beal spoke of budget allocations and requested an overview of YCC services. Mayor Beesley indicated that they provide crisis intervention, advocacy services and a safe environment for families in crisis and for at-risk children in need of childcare. He told of relocation assistances offered by the Center. **Councilmember Beal moved to approve the \$3,000 YCC Family Crisis Center Contribution. Councilmember Weston seconded the motion. Councilmembers Beal, Sadler, Weston and Skeen voted aye. The motion carried.**

Motion: Approval of Business Licenses

New

Everest Construction Joshua Martin 3544 W 2600 N roofing contractor

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

Motion: Approval of Warrant Register

See warrant register dated 03/01/2021 to 03/15/2021. **Councilmember Sadler moved to approve and pay the bills. Councilmember Beal seconded the motion. Councilmembers Sadler, Beal, Weston and Skeen voted aye. The motion carried.**

Report from City Council

Councilmember Skeen reported that the restroom facility at Lee Olsen Park is in fantastic condition. He commended the Public Works Department for outstanding facilities maintenance throughout the City.

Mayor Beesley announced that blue garbage cans will be used for green waste, starting April 1. He reported that a printed flyer explaining Green Waste Program specifics will be sent to all residents in their water bill.

At 8:15 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