

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 15, 2024

The City Council of Plain City convened in a regular meeting at City Hall, 4160 W 2200 N in Plain City, on Thursday, February 15, 2024 also accessible via ZOOM beginning at 6:30 p.m.

Present: Mayor Jon Beesley, Councilmembers Luigi Panunzio, Rachael Beal and Jan Wilson
Excused: Councilmembers Adam Favero and Jed Jenkins
Staff: Diane Hirschi, Dan Schuler
Present: Blake Neil, Mike and Debbie Beesley, Jeff Hales, Shawn Sandberg
Zoom: Brandon Richards, Jacob Hansen, Jim Beesley

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

Approval of Minutes from February 1, 2024

Councilmember Wilson moved to approve the minutes from February 1, 2024 as presented. Councilmember Panunzio seconded the motion. Councilmembers Panunzio, Beal and Wilson voted aye. The motion carried.

Comments: Public

Mike Beesley is part of the Stillcreek subdivision. He said it has come to his attention in January that there are three roads that he knows of that are classified as private roads. He indicated he has been here nine years and did not know the roads were private. He mentioned they had to increase their HOA fees by 40% in November. He thinks they are now responsible for the road. Mike is wondering how much do they need to put in a reserve and how fast do they have to do it to pay for this. He mentioned the roads are 15 years old and have 33 homes. Of the 33 homes, 18 are single elderly ladies and 4 homes are married couples and there are 3 homes with families but those three are all rentals. He has three documents. He has the CC&RS. He has the development agreement which was signed in 2007. He indicated the development agreement clearly states that Larkspur, 3500 and Bridlewood are all private roads, even though 3500 connects to 2975 and Larkspur connects to Saddlebrook and Bridlewood connects to Stillcreek Parkway. He also has a plat map from 2009 showing the roads were given to Plain City. Mike is afraid we are going to price people out of their homes with such a burden. The Mayor mentioned that sometimes the developer makes it a private road in order to get around the public work standards. Councilmember Wilson is wondering who maintains the roads currently. Mike indicated the roads have been plowed for the 9 years he has been here but doesn't know who has done it. This January, he contacted the director of public works to see why the roads had not been plowed. He found out they were private roads. Mike indicated he contacted someone from City Council and the next day the roads were plowed. He doesn't know who came out and did it. He did say they have never paid someone to plow the roads. The Mayor stated he was the one who Mike contacted and he told Dan to go plow the roads. He also mentioned that Dan submitted a release of liability so if the city does plow the roads, they will not be responsible for any damage but the board didn't agree to it. Mike mentioned that now the liability is on the board and he is concerned about having the resources. He said they have become a sub-HOA and are paying two sets of dues. The Mayor indicated we need to look into this and see about taking these roads. Councilmember Wilson asked what Mike would like the city to do. She indicated she understands the frustration. Mike referred to the development agreement and the plat map. He noted that the development agreement clearly says that those roads are private but the plat map says they were given to the city. Councilmember Wilson is wondering who signed the documents to give to the city. The Mayor said he will do some research and keep Mike updated. Councilmember Beal is wondering who is plowing the roads while this gets worked out.

Report from Planning Commission

Blake Neil is here to report on the Planning Commission. He reported that two of the items the Planning Commission discussed are on the agenda tonight. One is the subdivision ordinance. He indicated they had a problem with one of the terms. He said they left it to the Hanson Group to come up with a different term. The other is Jeff Hales extension for the River Crossing Phase 3. The Planning Commission recommended approval of the extension. They also granted preliminary approval to Diamond E with the condition that no building permits are issued until they have the second access. It needs to be farther east.

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 15, 2024

Discussion/Motion: Extension for Final Approval of River Crossing Phase 3

There were no comments on the extension. **Councilmember Wilson moved to approve the extension for final approval of River Crossing Phase 3. Councilmember Beal seconded the motion. Councilmembers Panunzio, Beal and Wilson voted aye. The motion carried.**

Discussion/Motion: Upgrade Council Chambers Sound System Presentation – Gencomm

The Mayor mentioned that Shawn Sandberg is here with Gencomm to explain about upgrading the sound system in the Council Chambers. Shawn noted Gencomm was established in 1968. Originally, they worked mostly with the Church of Jesus Christ of Latter-day Saints across the United States. He said they do a lot of City Council chambers as well as State offices. Shawn indicated they are very aware of our needs and they have broken the proposal into two different sections so it can be divided into two installments and budget years. The sound will go through one box instead of four. There will be a USB feed that will stream to YouTube and the city recorder. The Mayor mentioned we have a lot of people who watch city council on Facebook. Shawn said we could do Facebook as well. Shawn was shocked at how many followers we have and he loves that we can keep everyone informed. He said they will put a camera in the back of the room that can move and will stream into a dedicated stream box so everything will work better. The first phase is audio and camera. The second phase builds on the first one and it will add a dedicated processor for Zoom and streaming with a second camera. Shawn mentioned they are on state contract. The first phase is \$10,500 and the second is \$12,800. Councilmember Beal asked what kind of support there will be for technical issues. Shawn mentioned that they do include a one-year warranty which would be phone support. He did say they have a city maintenance agreement where they can remote into our system and trouble shoot. Councilmember Beal asked how secure it would be to remote into our computers. Shawn indicated there is a two-factor security to remote into our system. Councilmember Wilson is wondering if the city maintenance agreement is yearly. She also asked how many cities use the maintenance agreement. Shawn mentioned there are a lot who don't have it but they have their own IT person. He indicated that most of the time it is user error. Councilmember Beal would like to sit in on the training. Shawn said the support agreement package usually runs \$200 to \$300 a month and you can sign up anytime. He feels after the training we should be able to troubleshoot our own issues and expand on the program when we need to. He also mentioned that if we have ARPA funds left, that money can go towards the project. Once he gets approval and the purchase order, they are six weeks away from installing the system. The Mayor mentioned that there are only three councilmembers and it would need to be unanimous, so if there are any doubts, please table until we can get the questions resolved. It was noted that there is money in the budget that can be moved around. We will do that in a budget adjustment meeting in the next couple months. **Councilmember Wilson moved to approve the both phases of the upgrade to the Council Chambers Sound System. Councilmember Beal seconded the motion. Councilmembers Panunzio, Beal and Wilson voted aye. The motion carried.** Councilmember Beal asked if there would be new microphones. Shawn indicated the microphones will not be replaced at this stage.

Discussion/Motion: Ordinance - Amendment of Subdivision Ordinance – Hansen Planning Group

The Mayor indicated that Jacob Hansen is on Zoom to help with our subdivision ordinance amendment. Jacob said he will make it out in a couple weeks when there is a work session. Jacob asked if everyone was aware of the state's new law. The Mayor felt like they were aware of the state changes but would like a detailed walk through. Jacob mentioned that the State law is not very clear and has many interpretations as people read it. He indicated the draft they have prepared for us is compliant with 99% of all those interpretations. He mentioned the main changes they see in this bill are that the city council can no longer be the final approval authority for subdivision applications. He indicated the State is trying to make this purely administrative and not a legislative process. The way the State code is approaching this is if all the boxes are checked, then you have to approve the plans. One of the biggest changes is all of this is delegated to city staff and Planning Commission. He mentioned another big change is the review cycles. There is a maximum of four review cycles. The intent behind this is to keep cities from dragging their feet and to move the process forward. The first cycle begins when the developer turns in their completed application. The Planning Commission considers it and suggests changes and is given back to the developer to revise any

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 15, 2024

changes. Each cycle has 15 business days on the city side and this can happen four times. If the applicant takes longer, it won't start a new cycle. The Mayor mentioned that there are times when regular meetings are cancelled. This shouldn't be a problem. Jacob said as far as he knows the only penalty is if the developer were seeking some sort of injunction to force the city to approve the plan. He mentioned the worst we could be looking at is a waiver of some kind because the Planning Commission forgot to tell the developer something on the first cycle. The law is saying the City will have to get through the four review cycles before the developer has any recourse. He thinks this can may be debated. He thinks we would be compliant if we didn't get the review back by the 15 days because of a missed meeting but we get the information to them on the next review cycle. Then we continue on with the rest of the cycles. Jacob indicated the last major change is if the applicant has checked all the boxes, the application has to be approved. The amendment has focused on all the plat requirements and land use requirements to make sure all the boxes are checked. He mentioned the amendment is focusing on making sure we are in compliance with state code. However, if there is an error that results in a public safety issue, you don't have to approve it until it is fixed. Jacob went over the new part of the application that deals with single family homes, duplexes and townhomes. It is formatted as a stand-alone chapter just for these three things. He indicated they have combined the preliminary and final into one. He knows it is not traditionally how we do it, but he feels it is a little more efficient and more compliant. The clock does not start ticking until the developer has submitted a complete application and then the phase process starts. He mentioned that you can have one public hearing. It is really for the Planning Commission to hear from experts who may have some technical information about the subdivision, it is not for public clamor. Diane was wondering if we have to have a public hearing. Jacob indicated it was optional. He made sure to beef up our requirements for what a complete application would look like and one of those is the applicant will need an approved land use decision. He mentioned that it is in our best interest to describe what a complete application is. A subdivision application cannot be submitted until you have an approved land use application, or a variance approval, if needed. It has to be a permitted use and show where in the code it is permitted. Once all these things and the plat are turned in, the review process begins. He did add an appeals process in the new chapter 8 to flush out what the city had previously. The rest of the changes were smaller like 11-3-9 they added an exemption for agricultural subdivisions. Other changes were to improve clarity and grammatical correctness. Councilmember Beal was wondering what the city council's role is in the process. The Mayor indicated that the Council has the final say on the ordinances and they control zoning. He mentioned reviewing other ordinances as well. The Mayor asked Jacob if the Planning Commission would be checking to see where a light pole or similar things would go. Jacob indicated that they would just be reviewing the plat and city staff and the developer review committee would do the light pole. He also said that parts of the City Council can be involved in the process formally or informally, if the land use authority is some kind of committee that is made up of city staff, a person from the Planning Commission as well as a person from City Council. The Mayor had a question on the City Council being the Appeal Board. The Mayor thought it was city staff that had to do this. Jacob said this is a grey area and if City Council wanted to change this they could. He is thinking that if the Planning Commission doesn't make a decision in the allotted amount of time, then the developer can appeal to the City Council. Diane asked the council to go into the document and if they had comments to make those comments on the document and send it to her. She will send her comments and Councilmember Favero's comments out to everyone tomorrow. Commissioner Neil asked about zoning changes. He is wondering if this will now bypass Planning Commission. The Mayor indicated it would not. He would like to discuss this further and would like council to table this tonight. Diane mentioned her goal is to have the new application when the ordinance gets approved. She did say she would like to have a meeting with our engineer and attorney as well as Jacob and others to get everything ironed out so we are ready to roll when this gets passed.

Councilmember Beal moved to table the amendment of the Subdivision Ordinance. Councilmember Wilson seconded the motion. Councilmembers Panunzio, Beal and Wilson voted aye. The motion carried.

Motion: Approval of Business License

New – Home Occupation

Image and Film LLC
Grimley Dynasty Inc

Bryan Butterfield
Joshua Grimley

1892 N 4150 W office for creative agency
4319 W 1975 N online marketing

New – Commercial

Plain City Family Dental PLLC

Peter Mortenson

2384 N 4350 W dental office

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 15, 2024

Renewals

Reading Express Preschool	Amber Dunn	2385 N 3575 W	preschool
Cody Rhees Construction	Cody Rhees	2396 N 4350 W	general contractor
Tara's Tot Stop Preschool	Tara Savage	2067 N 2850 W	preschool
Paulette & Emily's Daycare	Paulette Sip	1547 N 4325 W	home daycare
Precision Lighting	Kaleb Wayment	3535 W NPC Rd	custom light install
Yellowstone Fence Sprinkler	Greg Shepherd	2726 W 2550 N	landscaping contractor
Kristin's Stylehouse Salon	Kristin Christensen	2775 N 3800 W	hair stylist
Wyatt Technologies LLC	Nicholas Cota	2806 W 1800 N	assembly of small cables
Armstrong Leather Works LLC	Jody Armstrong	5190 W 2700 W	cowboy leather items
Mantah LLC	Meliza Chase	4500 W 2200 N	online retail sales
Terry Marketing Team	Erika Terry	1459 N 4250 W	social media ads manager
Reflection Research LLC	Glen Remy	4326 W 1600 N	research & consulting
Karen's Kars LLC	Brandon Ewell	3785 W 2100 N	online car sales
Brazilian Paradise	Jacob Daniels	1772 N 2750 W	food truck for drink
Hair Therapy Studio LLC	Lindsy Sparks	2255 N 2850 W	electrology & cosmetology
Air Now Heating & Air	Jeffrey Ray Hanchett	3947 W 2400 N	HVAC service
DDSL Enterprizes, LLC	Saralyn Loney	2990 W 2050 N	recycling collection
Radiant Massage and Bodywork	Sara Winder	2396 N 4350 W	massage therapy
Superbloom Wellness & Massage	Kylie Shepherd	2396 N 4350 W	massage therapy, foot zoning
QBM Services LLC	Reece Elmer	2396 N 4350 W	janitorial services

Solicitor

Jacob Godfrey	Jay Carnahan Insurance	insurance sales
Kennedy Carnahan	Jay Carnahan Insurance	insurance sales

Councilmember Wilson moved to approve the business licenses as presented. Councilmember Panunzio seconded the motion. Councilmembers Panunzio, Beal and Wilson voted aye. The motion carried.

Motion: Approval of Warrant Register

See warrant register dated 02/01/2024 to 02/13/2024. **Councilmember Wilson moved to approve and pay the bills as presented. Councilmember Panunzio seconded the motion. Councilmembers Panunzio, Beal and Wilson voted aye. The motion carried.**

Report from City Council

Councilmember Beal had someone come to her with a complaint about off road bikes, ATV's and go carts racing around. They were not wearing helmets. She asked if we could put the noise ordinance on our website. She would like something put in the newsletter as well. Councilmember Beal also wondered if there was any information about the easter egg hunt. She indicated she has a three-year-old that would not receive any notification on when this will take place. She also has two other kids who go to schools outside of Plain City. She is hoping we can have a better way of letting people know about it. She is planning on having an art contest for the 4th of July. She would like to get access to the Facebook page so she can make posts. Councilmember Beal would also like to organize a blood drive in the senior center. She asked legal if it had to be put on the agenda to waive the fee, legal thought it should be on the agenda.

Councilmember Wilson mentioned she went to a Weber Human Services meeting. She reported that how they have been allocating the money is outdated and they are going to try and revamp it so our senior center can do more things and ask for more funds. Councilmember Panunzio said he received an email from them but could not open the email. Councilmember Wilson said she had trouble too, but the next meeting is March 8 on the third floor at 11:30 am. She indicated the money comes from the State and is allocated for senior centers or a senior day.

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 15, 2024

At 7:43 p.m. Councilmember Beal moved to adjourn and was seconded by Councilmember Panunzio. The vote was unanimous.

City Recorder

Mayor

Date approved _____