

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 21, 2024

The City Council of Plain City convened in a regular meeting at City Hall, 4160 W 2200 N in Plain City, on Thursday, March 21, 2024 also accessible via ZOOM beginning at 6:30 p.m.

Present: Mayor Jon Beesley, Councilmembers Adam Favero, Jed Jenkins, and Jan Wilson
Excused: Councilmembers Luigi Panunzio and Rachael Beal
Staff: Patty Burton, Dan Schuler, Brandon Richards
Present: Blake Jenkins, Mike and Debbie Beesley, Melinda Jensen, Wendy Farley, John Panter, Darlana Quinn, Vaughn Baird, Juanes Baird, Jeremy Bell, Ruth Mary Hansen, Brad Barrowes, Kathy Jewkes, Jim and Kathie East, Juliann Rogers, Steve Anderson, Gale Dingman, Mike Abbott, Lina Byrne, Cody Rhees
Zoom: Jim Beesley

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

Approval of Minutes from March 7, 2024

Councilmember Jenkins moved to approve the minutes from March 7, 2024 as presented. Councilmember Favero seconded the motion. Councilmembers Favero, Jenkins, and Wilson voted aye. The motion carried.

Comments: Public

Melinda Jensen spoke on behalf of the residents of Stillcreek Phase I. She stated she sent a letter and documentation to the councilmembers this week, which the members present confirmed they had received. She stated the expensive amenities do not have to be installed and if they are, only the phase they are in is obligated to pay, and that the developer could offer membership options for those in other phases that are interested without obligating anyone else. Melinda reached out to Joel Prince at Utah Management who handles the dues and bills for Stillcreek. In his reply he stated that phase 3 homeowners will be paying for their own amenities and that the city doesn't have any say in how the HOA is run and who pays for what. That would also be the same for Phase 4. Melinda also researched the documents filed in regard to Stillcreek, the first being the Development Agreement. Under 2.4.3.2.4 it states only one amenity is required. The first options are the big-ticket items, a pool, clubhouse, basketball courts, playgrounds, etc. The second option is the improved streetscapes with landscaped medians along the main parkway and two roundabouts along the main parkway with landscaped center islands. When Phase 4 is done the amenity requirement is fulfilled. Mayor Beesley stated he had a meeting with Visionary when they first took over Phase 3. They told him they have 400 votes and they can out vote the rest of the HOA. Mayor Beesley stated the Stillcreek residents may want to consult an attorney. Melinda stated the original development agreement expired in 2017. The City Council then approved an extension over a year after it expired, which should not have been done. With each additional phase, the Master is the Master and all subsequent to it are not subject to that, so they may have 400 votes because they get 10 votes per lot, but theirs has nothing to do with what has been done up to this point. Visionary can do what they want with phase 3 and phase 4 but they can't do anything to the rest of Stillcreek and make them pay for it. Melinda then stated that under Article 6.2.e of the Master CC&Rs, some common areas may be for the express use of the owners of a certain phase of Stillcreek. Examples include, but are not limited to, areas surrounding the patio homes and townhomes. The CC&Rs filed by Axiom under Article 2.8.2 state the developer has the right, but not the obligation to do any improvements, and that is also mentioned in the Hawkins CC&Rs. Melinda stated they would like discussion on the amenities for Stillcreek to no longer be part of the City Council or Planning Commission meetings. She stated when purchasing their home as the first family in Stillcreek, they were told not to buy because of the planned amenities because they are not guaranteed. Mayor Beesley stated the ordinance was approved as a P.R.U.D. When that was passed the City Council in 2007 bought a bill of goods saying there were going to be all of these amenities. That's why they allowed for smaller lots and let townhomes, patio homes, and cottages in there, but legally everything signed says they only have to do one or the other. Mayor Beesley asked who is enforcing the CC&Rs with Hawkins and JC gone. Melinda stated, no one. Melinda then addressed their concern about the issue of private streets in Stillcreek that was brought up in the public comments on February 15, 2024. She stated it is true the development agreement states the patio homes and townhomes are private and will be taken care of by the HOA. However, all the plats filed for Stillcreek have in the

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 21, 2024

owner's dedication some version of the following, "convey to Plain City, Weber County, Utah all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever". According to her research, after the government, the plat is the next deciding factor of legality. She found support through the plat dedication in Utah Code 14.27.A-607 which refers to dedication by plat of public streets. Plain City Subdivision regulations Title 11 under the definition of private streets states it has to be reserved by dedication, in Plain City Subdivision regulation 11-5-3 under subparagraphs A.3.b(2) pg. 40, "all streets in city subdivisions shall be dedicated to the city except the private streets may be approved under special circumstances as determined by the Planning Commission". Mayor Beesley stated the City Council has their attorney looking into this matter and wants to do the right thing, and the legal thing. He then asked if City Attorney Brandon Richards had anything to add. He stated he has nothing now other than the fact we're looking into it and will be meeting with staff. Mayor Beesley stated we will put it on the agenda once we come to a consensus on direction.

Brad Barrowes then addressed the Council regarding the pickleball courts at the park by the Lion's Club. He stated they started playing about 8:00 pm and had a great time, but the lights ticked off at 8:57 and asked if that is what you would expect. Mayor Beesley said they do turn off automatically for a cool down period, but after 9:00 pm you can't reset the timer. Dan stated he is looking into LED lights so we don't have to worry about that. Brad then asked what time the parks close and was informed all parks close at 10:00 pm.

Report from Planning Commission

Blake Jenkins, Planning Commission Chair reported at their last meeting they recommended final approval of Diamond E Phase 2 to the City Council. They also discussed Sunset Estates which they approved both preliminary and final, but final was done in error. At this point they were waiting for the city engineer and Dan to have the opportunity to see all the information and make a recommendation on the final. Blake is asking that they send it back to Planning Commission. Mayor Beesley stated he had a conversation with the developer on this and is just curious if we're only waiting for those two things, could they schedule it for their next meeting. Blake stated the comments have been submitted and this will be on the Planning Commission agenda for March 28. Mayor Beesley stated the City Council would then put it on their agenda for April 4th, so it is still only 2 weeks until final approval. Blake then reported they appointed Jarod Maw as co-chair for 2024.

Discussion/Motion: Final Approval – Diamond E Phase 2 – 16 lots – 3225 W 2750 N

Mayor Beesley stated he is concerned that if they sign the plat without the second access being built, Diamond E could begin selling lots. This causes the city to get pressure from the developer and someone who wants to get their house built. Steve Anderson with Nilson Homes addressed those concerns. He stated they would not record the plat until that was done and they wouldn't be able to apply for a building permit until the plat was recorded. He also stated the road is currently under construction and they would record that plat in conjunction with the road being completed. **Councilmember Wilson moved to give final approval to Diamond E Phase 2 as presented. Councilmember Jenkins seconded the motion. Councilmembers Favero, Jenkins, and Wilson voted aye. The motion carried.**

Discussion/Motion: Final Approval – Cody Rhees – Sunset Estates - 4 lots – 2650 N 3975 W

Cody Rhees with Heritage Craft Homes stated the lots at 3975 West in the back of Jim and Kathy East's home have gone through Planning Commission a few different times with some rounds back and forth but they've got to a point where they've recommended approval. Blake reported they were waiting for comments from the city engineer, but those were received today. Brandon stated the council would need to make a motion to send it back to the Planning Commission. **Councilmember Favero moved to table final approval Sunset Estates and send back to the Planning Commission. Councilmember Wilson seconded the motion. Councilmembers Favero, Jenkins, and Wilson voted aye. The motion carried.**

Discussion/Motion: Resolution – Amend Employee Policy – Chapter 11- Retirement Eligibility

Mayor Beesley stated that when the city hired Judge Memmott about 6 years ago, part of our deal with him was that we would put him in the retirement system so if he went to a district court or anything above and beyond here, he would have those years towards retirement. This resolution is to bring our policy in compliance with our agreement with him. **Councilmember Jenkins moved to approve Resolution 2024-02 amending the employee policy**

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 21, 2024

regarding retirement eligibility as presented. Councilmember Wilson seconded the motion. Councilmembers Favero, Jenkins, and Wilson voted aye. The motion carried.

Motion: Approval of Business License

New – Home Occupation

Miss Emily's Preschool	Emily Sip	2215 N 3825 W	preschool
Ray's Spray Tanning	Rachell Stuart	3520 W 2425 N	spray tanning in garage

New - Commercial

Pint Sized Paradise Daycare (formerly Hilary's Daycare)	Colette Doxey	3639 W 2600 N A&B	daycare center
--	---------------	-------------------	----------------

Renewals

C&B Customs	Cortney Smith	3547 W 2350 N	construction/mobile mechanic
-------------	---------------	---------------	------------------------------

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

Motion: Approval of Warrant Register

See warrant register dated 03/01/2024 to 03/18/2024. **Councilmember Jenkins moved to approve and pay the bills as presented. Councilmember Wilson seconded the motion. Councilmembers Favero, Jenkins, and Wilson voted aye. The motion carried.**

Report from City Council

Councilmember Wilson reported there was a small issue at the Landfill where a company picked up the wrong container. She spoke to the landfill director, Chris Weicks and it has been worked out. She then that Weber Human Services are still working on how get equal for each city with a senior center.

Councilmember Jenkins reported that he went to March's mosquito abatement meeting and there is not much going on at this time of year for mosquito abatement. The April meeting was canceled, but May is on.

Councilmember Favero reminded everyone to be careful as this time of year brings tragedy with more people out and about in the warm weather.

Mayor Beesley reported the Easter Egg hunt will be Saturday, April 30th at 9:00 a.m. at Lee Olsen Park.

At 7:00 p.m. Councilmember Jenkins moved to adjourn and was seconded by Councilmember Wilson. The vote was unanimous.

City Recorder

Mayor

Date approved _____