

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 7, 2023

The City Council of Plain City convened in a regular meeting at City Hall, 4160 W 2200 N in Plain City, on Thursday, December 7, 2023 also accessible via ZOOM beginning at 6:30 p.m.

Present: Mayor Jon Beesley, Councilmembers Jed Jenkins, Rachael Beal, Buddy Sadler, Luigi Panunzio and Todd Skeen
Staff: Diane Hirschi, Brandon Richards, Dan Schuler,
Present: Adam Favero, Blake Neil
Zoom: Bruce Parker, Jim Beesley

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

Approval of Minutes from November 16, 2023 and December 5, 2023

Councilmember Jenkins moved to approve the minutes from November 16, 2023 and December 5, 2023 as presented. Councilmember Skeen seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.

Comments: Public

There was none at this time.

Report from Planning Commission

Blake Neil reported that their last regular meeting was cancelled due to Thanksgiving. He noted that they had a special meeting on November 30 to discuss the sensitive land use amendment and the Plain City Flood Damage Prevention Ordinance. The Planning Commission recommended it to be sent on to City Council.

Discussion/Motion: Conditional Final Acceptance – BB’s Place Subdivision

It was reported that there are some engineering fees due. Diane noted that this is conditional final acceptance not final acceptance. **Councilmember Beal moved to table conditional final acceptance of BB’s Place Subdivision. Councilmember Panunzio seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Discussion/Motion: Conditional Final Acceptance – Plain City Fields Subdivision

Councilmember Beal moved to give conditional final acceptance to Plain City Fields Subdivision. Councilmember Jenkins seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.

Discussion/Motion: - Resolution – Housing Element for General Plan

Bruce thanked everyone for the confidence everyone had in him to prepare the moderate-income housing plan. Bruce walked everyone through the draft. He reported that there are seven housing policies included. He noted that housing policy #7 was not part of Planning Commission’s recommendation. He talked about 10% of subdivisions being dedicated for moderate income housing. Bruce indicated that if there are any changes the State of Utah requires, he will do it at no cost to the city. He believes the document is in compliance with the state. The Mayor mentioned having a conversation with Chairman Faulkner about policies #6 and #7. Housing policy #6 talks about off street parking in residential developments near senior living facilities and investment corridors. He mentioned #7 demonstrates implementation of any other program or strategy to address the housing needs of the city who earn less than 80% of the median income. The Mayor would like to take these two out for now and mentioned that we can always go back and add them later. Bruce mentioned that housing policy #6 is no risk for the city. Bruce mentioned that the five housing elements we have in the plan will give us priority funding for transportation projects as funded by the Utah transportation commission. Councilmember Jenkins asked if we are required to do five strategies. Bruce mentioned we are only required to do three. The Mayor mentioned that this is not an ordinance but a resolution that we can work from. Councilmember Jenkins feels that #6 and #7 should be removed and keep #1-5. Bruce noted that will leave the city with three on moderate income housing and two on housing in general.

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 7, 2023

Councilmember Jenkins moved to approve Resolution 2023-18 by removing sections #6 and #7 and to adopt the Housing Element of the General Plan as presented. Councilmember Beal seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.

Discussion/Motion: Resolution - Recertification of Plain City Justice Court

Brandon Richards explained that there are minimum requirements that are required in order to continue having our own Justice Court. He mentioned that we go through this process to make sure we are in compliance with what the state court system requires. There is an application and a certification letter from his office in everyone's packet. The Mayor acknowledged that it is a nice service to offer our residents. It was noted that we are filing about 26 cases a month. **Councilmember Jenkins moved to approve Resolution 2023-17 recertifying the Plain City Justice Court as presented. Councilmember seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Discussion/Motion: Ordinance – Amend Zoning Ordinance Concerning Site Development Standards

The Mayor mentioned that this will clean up the ordinance to go with the detached accessory dwelling unit ordinance so everything matches. **Councilmember Jenkins moved to approve Ordinance 2023-18 amending the Zoning Ordinance concerning Site Development Standards as presented. Councilmember Beal seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Discussion/Motion: Ordinance – Amend Sensitive Land Use Ordinance and Adoption of Flood Damage Prevention Ordinance

Dan mentioned that we are only changing Weber County to Plain City in the ordinance. **Councilmember Jenkins moved to approve Ordinance 2023-19 Amending the Sensitive Land Use Ordinance and adopting the flood damage prevention ordinance as presented. Councilmember Skeen seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Motion: Approval of Business License

New – Home Occupation

Nate Bywater	Nate Bywater	2928 W 2200 N	DADU
The Crapper Company	Jared Felt	2996 N 4200 W	office, portable toilet rentals

The Mayor wanted to know if it is a permitted use to have a port-a-potty business in his garage. He noted that there is one parked in his driveway. Commissioner Neil said he also uses the fire hydrant by the church. He also mentioned that it is located in a residential zone and it should be in a C-2 or C-3 zone. **Councilmember Beal moved to approve the business license for Nate Bywater and deny The Crapper Company. Councilmember Jenkins seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Motion: Approval of Warrant Register

See warrant register dated 11/16/2023 to 11/30/2023. **Councilmember Jenkins moved to approve and pay the bills as presented. Councilmember Beal seconded the motion. Councilmembers Jenkins, Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Report from City Council

Councilmember Panunzio said the Christmas Tree lighting was great.

Councilmember Beal agreed everything looked good and thanked Colette for all her hard work.

Councilmember Skeen would like to take a few minutes to thank everyone on the council for putting up with him over the last four years as well as Planning Commission and staff. He also wanted to thank Lieutenant Horton for what he and the Sheriff's Department do for Plain City.

Councilmember Sadler said everyone has made his job enjoyable. He loves the city and has enjoyed working with the Mayor and everyone else. He gives best wishes for the new councilmembers.

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 7, 2023

The Mayor reported that he met with Mike Hanson. The state has contracted his firm to help cities to update their subdivision ordinance with the new changes. The state has a grant and we can use up to \$14,000 to use to get this ordinance changed by February 1, 2024. The Mayor welcomed the new incoming councilmembers and also thanked the outgoing councilmembers for their service with the city.

DRAFT

At 7:20 p.m. Councilmember Skeen moved to adjourn and was seconded by Councilmember Sadler. The vote was unanimous.

City Recorder

Mayor

Date approved _____

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PLAIN CITY, UTAH SETTING THE MEETING SCHEDULE FOR THE CITY MEETINGS AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1. Recitals:

WHEREAS, the City Council finds that the City of Plain City (herein “City”) is a municipal corporation and a city duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA §10-3-502, the governing body of shall by ordinance prescribe the time and place for holding its regular meeting which shall be held at least once each month; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PLAIN CITY, UTAH that the following meeting schedule is hereby established for Plain City:

<u>Body</u>	<u>When</u>	<u>Time</u>
City Council	1 st and 3 rd Thursday of each month	6:30 pm
Planning Commission	2 nd and 4 th Thursday of each month	7:00 pm

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 5. Date of Effect

This Ordinance shall be effective on the ____ day of January, 2024, and after publication or posting as required by law.

PASSED, ADOPTED AND ORDERED POSTED by the City Council of Plain City, Utah, this ____ day of January, 2024.

PLAIN CITY, a municipal corporation

by: _____
Jon Beesley
Mayor

Attested and recorded

Diane Hirschi, CMC
City Recorder

**AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S ZONING
ORDINANCE TITLE 10 CHAPTER 6 SECTION 1 CHART; AND
ESTABLISHING AN EFFECTIVE DATE**

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all administrative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Zoning Ordinance Amended.

The following amends and replaces Plain City Code Title 10 Chapter 6 Section 1 Chart:

SECTION:

10-6-1 : Uses

10-6-2 : Town Center

10-6-1 : USES:

A. Uses In Commercial Zones: In the following list of possible uses in the commercial zones, those designated in any zone as "P" will be permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in chapter 10 of this title. Uses designated "N" will not be

allowed in that zone. If a specific business is not listed these uses apply C-1 Not Allowed (N) C-2 Not Allowed(N) C-3 Not Allowed (N)

Business	Neighborhood C-1 ¹	General C-2	Transitional C-3
Amusement enterprises (i.e., arcades, mini-golf course, batting cage)	N	C	C
Animal hospital, small animals only and provided conducted within completely enclosed building	C	C	C
Antique and import shop	C	P	P
Archery shop and range, provided conducted within completely enclosed building	C	C	C
Art and artists supply store	C	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	C	P	P
Athletic and sporting goods store, including sale or repair of motor vehicles, motor boats or motors	N	C	C
Athletic club	N	P	P
Auction establishment	N	P	P
Automobile body repair	N	P	C
Automobile maintenance	N	C	C
Automobile new or used sales and service	N	P	P
Automobile rental	N	C	P
Automobile repair	C	P	P
Awning sales and service	C	P	P
Bakery goods manufacturing	N	N	P
Bakery manufacture limited to goods retailed on premises	C	P	N
Bank or financial institution	C	P	C
Barbershop	C	P	P
Beauty culture school	N	P	P
Beauty shop	P	P	P
Beer parlor, sale of draft beer	N	C	C
Bicycle sales and service	C	P	P
Billiard parlor	N	C	C
Blueprinting or copy center	C	P	P
Boarding or lodging house	N	N	N
Boat building	N	N	P
Boat sales and service	N	C	P
Body Art/Tattoo	C	C	C
Bookbinding	C	P	P
Bookstore, retail	C	P	P
Bottling and distribution plant	N	N	P
Bowling alley	N	P	P
Building materials sales or yard	N	C	P
Cafe or cafeteria	C	P	P
Camera store	C	P	P
Candy manufacturer	C	P	P
Candy store, confectionery	C	P	P
Car wash - automatic	C	P	P
Car wash - manual	C	P	P
Carbonated water sales	C	P	P
Carpenter and cabinet shop	C	P	P

Carpet and rug cleaning	C	P	P
Carpet, rug, and linoleum service	C	P	P
Catering establishment	C	P	P
Childcare - daycare	P	P	P
Christmas tree sales	C	P	P
Church	C	C	C
Church, temporary revival	N	C	C
Circus, carnival or other transient amusement	N	C	C
Clinics, medical and dental	C	P	P
Clothing and accessory store	C	P	P
Construction of buildings to be sold and moved off of premises	N	N	P
Contractor shop, provided work conducted within a completely enclosed building	C	P	P
Convenience store	C	P	P
Costume rental	C	P	P
Dairy products	C	P	P
Dance hall - studio	C	P	P
Delicatessen	C	P	P
Dental practice	C	P	P
Department store	N	C	C
Drapery and curtain store	C	P	P
Drugstore	C	P	P
Dumpster rental	N	N	C
Educational institution	C	C	C
Electrical and heating appliances and fixtures sales and service	N	P	P
Electronic appliances and/or electronic instruments assembly	N	N	P
Electronic equipment sales and service	C	P	P
Employment agency	N	P	P
Estate sales and one day auctions	C	P	P
Express and transfer service	N	P	P
Fabric and textile store	C	P	P
Farm implement sales	N	C	P
Farmers' market	C	P	N
Five and ten cent notions store	C	P	C
Florist shop	C	P	C
Fruit and vegetable store or stand	P	C	N
Fuel sales office	N	N	C
Furniture sales, repair and upholstery	C	P	P
Garden supplies and plant material sales	N	P	C
Gift store	C	P	C
Glass sales and service	N	P	C
Government buildings or uses, nonindustrial	C	C	C
Graphic designing	N	P	C
Greenhouse and nursery	C	P	P
Grocery	C	P	C
Gunsmith	C	P	P
Gymnasium	C	P	P
Hardware store	N	P	P
Health and fitness club	C	P	P

Health food store	C	P	P
Heating and air conditioning sales and service	N	C	C
Heliport	N	N	C
Hobby and crafts store	C	P	C
Home decor shop	C	P	P
Hospital supplies	N	C	C
Hotel	N	C	C
Household appliance sales and incidental service	N	P	P
Household cleaning and repair	N	P	P
Household pet boarding	N	P	P
Ice cream manufacture	N	C	P
Ice cream parlor	P	P	P
Ice manufacture and storage	N	C	P
Insulation sales	N	C	P
Insurance agency	P	P	P
Interior decorating and designing establishment	N	P	P
Janitor service and supply	N	P	P
Jewelry store sales and service	P	P	C
Knitting mills	N	P	P
Laboratory, dental or medical	C	P	P
Laundry and/or dry cleaning and/or laundromat	C	P	P
Laundry and/or dry cleaning pick up station	P	P	P
Lawn and garden equipment sales and service	C	P	P
Leather goods sales and service	P	P	P
Legal office	P	P	P
Library	P	P	P
Linen supply store	N	P	P
Liquor store	N	C	C
Locksmith	P	P	P
Lodge or social hall	N	N	P
Lounge	N	N	C
Machine shop operations	N	N	P
Manufacture of goods retailed on premises	N	C	C
Meat, fish and seafood store	N	P	P
Medical office	C	P	P
Mobile home sales lot and service	N	N	P
Monument works and sales	N	N	P
Mortuary	N	P	P
Motel	N	C	C
Motorcycle and motor scooter sales and service	N	P	P
Museum	C	C	C
Music store	C	C	C
Nightclub or social club	N	N	C
Novelty store	N	N	C
Office machines sales and service	N	P	P
Office supply	C	P	P
Optometrist, optician or oculist	C	P	P
Ornamental iron sales or repair	N	C	P

Outcall services (sexually oriented)	P	P	P
Paint or wallpaper store	N	P	P
Parking lot or garage for passenger automobiles	N	C	C
Pawnshop	N	C	P
Pest control and extermination	N	C	P
Pet and pet supply store	N	C	P
Pet grooming	C	P	P
Pharmacy	C	C	P
Photo studio	C	C	P
Photographic supplies	N	C	P
Physician or surgeon	C	P	P
Pie manufacture	N	C	P
Piercing/Body	C	C	C
Plumbing shop	N	C	C
Portable/mobile toilet	N	N	C
Post Office or supply	N	C	P
Preschool and/or nursery school	P	P	P
Private club	N	C	C
Professional office	C	P	P
Propane retail sales as an accessory use ² :	N	C	P
Real estate agency	N	C	P
Reception center or wedding chapel	N	C	P
Recreational vehicle sales and service	N	N	C
Recreational vehicle storage	N	N	P
Rehabilitation center	N	N	C
Rental agency for home and garden equipment	N	C	P
Residential dwellings in a Mixed Use Overlay Zone per chapter 19 of this title	P	P	N
Restaurant	C	C	P
Restaurant drive-in	C	C	P
Rollerskating rink	N	C	P
Roofing sales or shop	N	N	P
Sandblasting	N	N	P
Seamstress or tailor	P	P	P
Seed and feed store, retail	N	C	P
Self-storage - enclosed	N	C	C
Service station, automobile	C	C	P
Sewing machine sales and service	N	C	P
Sexually oriented business	N	N	P
Sheet metal shop and retinning, provided all operations conducted within completely enclosed building	N	N	C
Shoe store	N	P	C
Shooting gallery	N	N	C
Sign - graphic design	N	C	C
Sign manufacture or sign painting	N	N	C
Soil and lawn service	N	P	P
Souvenir shop	C	P	P
Spa and massage establishment	C	P	C
Supercenter (groceries and nonfood related items)	N	C	P

Tanning salon	N	P	P
Tattoo/Body Art	C	C	C
Tavern	N	C	C
Taxicab and shuttle terminal	N	N	C
Taxidermist	N	C	C
Telecommunication tower	C	C	P
Theater, indoor	N	C	C
Theater, outdoor	N	N	P
Thrift store	N	C	P
Tire recapping or retreading sales and service	N	N	P
Tobacco shop	N	C	C
Tool design (precisions) repair and manufacture	N	N	C
Toy store, retail	N	C	C
Trade or industrial school/ Teaching	N	C	C
Travel agency	C	C	P
Ultra light aircraft manufacturing	N	N	P
Used car lot	N	C	C
Utility equipment building	C	P	P
Variety store	N	C	P
Ventilating equipment sales and service	N	N	C
Video arcade	N	C	P
Video shop	C	C	P
Warehouse storage	N	N	P
Welding shop	N	N	P
Wholesale business	N	N	C
Window washing establishment	N	C	P

Section 3. **Prior Ordinances And Resolutions** The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. **Repealer Of Conflicting Enactments** All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. **Savings Clause** If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 6. **Date Of Effect** This Ordinance shall be effective on the ___ day of _____ 2024, and after publication or posting as required by law.

DATED this ___st day of _____, 2024

PLAIN CITY, a municipal corporation

MAYOR – Jon Beesley

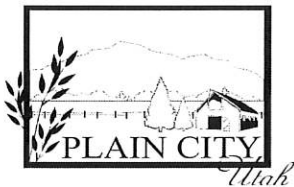
ATTESTED AND RECORDED:

Diane Hirschi, CMC
CITY RECORDER

TO: Mayor and City Council
FROM: Diane
DATE: December 28, 2023
SUBJECT: Annual Conflict of Interest Disclosure Form

At the first of every year, or during the year if anything changes, you are required to fill out an annual Conflict of Interest Disclosure form. I have attached a copy for you. Please fill it out but don't sign it, and bring it with you to the January 4, 2023 meeting. I am a notary so you can sign it in front of me.

Call me if you have any questions!



Annual Conflict of Interest Disclosure Form

The following disclosures are required to be made annually by all officers and employees of Plain City pursuant to Utah Code Annotated 10-3-1301 thru 1312. If additional space is needed, please use a separate sheet of paper. Per statute, the information provided shall be kept on file with the City Council and may be subject to disclosure to the public.

I, _____ am the duly elected/appointed
_____ of Plain City.

- 1) I am an officer, director, agent, employee or owner of a substantial interest in the following business entities which are subject to the regulation of Plain City, and within such business entities, I hold the following positions:

Business Entity Name:

Position within Business Entity:

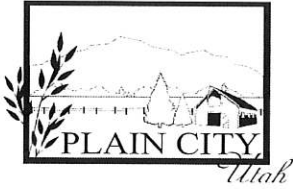
Ownership of a substantial interest is defined in U.C.A. 10-3-1303(9) as an interest of 10% or more of the shares of a corporation, or a 10% or more ownership interest in other entities, legally or equitably held or owned by the officer, the officer's spouse, or the officer's children.

*Note: There is no case law or statutory guidance as to what constitutes a business entity "subject to regulation of the City." A business which is simply issued a business license by the City may or may not be deemed by a court, administrative agency, an auditor, or member of the public to be an entity regulated by the City. Businesses regulated by interlocal agencies of which the City is a member may or may not be deemed to be a business regulated by the City (i.e., a restaurant subject to regulations imposed by an interlocal agency).

- 2) I am an officer, director, agent, employee or owner of a substantial interest in the following business entities which do business with or anticipate doing business with Plain City:

Business Entity Name:

Position within Business Entity:



Please note that pursuant to U.C.A. §10-3-1307, an officer must disclose his or her interest or involvement in such an entity immediately prior to any discussion in an open and public meeting pertaining to business that the [entity type] may do with any such entity, regardless of whether a disclosure of interest or involvement in the business was made in this document.

- 3) The following personal interests or investments of mine create a potential or actual conflict between my personal interest and my public duties:

* * * OPTIONAL DISCLOSURES * * *

- 4) The following disclosures of other business interests, investments, and other matters are not required to be made by law, but are made with the intent to more fully disclose other interests that may be deemed relevant to the administration of public duties, or in furtherance of my intent to provide a more complete disclosure of my economic or personal activities, or for other reasons:

DATED THIS _____ DAY OF _____ 2024

Printed Name: _____

Signature: _____

Title/Office: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ 2024

NOTARY PUBLIC