

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 7, 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 7, 2024 also accessible via ZOOM beginning at 6:30 p.m.

Present: Mayor Jon Beesley, Councilmembers Adam Favero, Luigi Panunzio, Jed Jenkins, Rachael Beal and Jan Wilson
Staff: Diane Hirschi, Dan Schuler
Present: Shawna Faulkner, Todd Skeen, Jacob Hansen, Blake Jenkins, Mike and Debbie Beesley and Sara Loney, Lt Mark Horton
Zoom: Brandon Richards, Jim Beesley

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

Approval of Minutes from February 15, 2024

Councilmember Beal moved to approve the minutes from February 15, 2024 as presented. Councilmember Wilson seconded the motion. Councilmembers Favero, Panunzio, Jenkins, Beal and Wilson voted aye. The motion carried.

Comments: Public

Mike Beesley reported that he came to the last meeting representing the Stillcreek subdivision home owners' association and is wondering if the issue has been resolved. There are a couple roads that the subdivision plat says the city owns but the development agreement says the home owner association owns. The Mayor noted that it has not been resolved yet. Mike reminded the council that the home owners association can't move forward until it has been resolved. The Mayor asked Dan to give this top priority.

Report from Planning Commission

Shawna Faulkner reported that they recommended final approval for Diamond E Phase 2. She reported that no building can start until there is a second access. She reported that Blake Jenkins is now the chair but they haven't picked a co-chair yet. She reported that they are going to discuss the two-entrance requirement at their next meeting. If the council has any input, she welcomed it.

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

Jacob Hansen, with Hansen Planning Group mentioned that we had a discussion at the last meeting. Since then, there was a staff meeting with the engineer and attorney. It was brought to attention that the whole subdivision ordinance needs some updating. At the staff meeting, it suggested we deal specifically the new state requirements first which is a new section in the ordinance. Once that is in place, we will spend some time on updating the whole ordinance to fix the conflicts. Jacob asked the council if there were any concerns or comments. Councilmember Beal noted that she loved the flow chart. Councilmember Favero wanted clarification in section 11-8-10 D 3 & 4. It was noted that if the developer takes longer than 20 days to get information back to the Planning Commission, the Planning Commission is granted an additional 20 days to review it. If the applicant takes longer than 180 days to submit a revised application, the application shall expire. Councilmember Favero also asked about including the public works standard in paragraph F of the same section. Jacob felt it was OK since the requirement to protect public health and safety covers that. Jacob noted that also in this meeting it was discussed the public works standard will also need to be reviewed and possibly updated. Jacob also noted that this ordinance is a work in progress and can be updated as often as needed. He noted that his scope of work also includes updating the application. Once this is passed, he can work on that. **Councilmember Jenkins moved to approve the Ordinance 2024-03 as the Amendment of the Subdivision Ordinance. Councilmember Panunzio seconded the motion. Councilmembers Favero, Panunzio, Jenkins, Beal and Wilson voted aye. The motion carried.**

Motion: Approval of Business License

Renewals

The Dance Establishment Gary & Peggi Nielsen 4425 W 2350 N dance instruction

PLAIN CITY COUNCIL
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America First Credit Union	AFCU	4350 W 2336 N	banking
AutoZone Parts Inc	Autozone	3655 W 2600 N	retail auto parts
Sugar Stop	Ellie Clark	3267 W 2950 N	food trailer office
Concocted Creationz Boutique	Julie Taylor	4380 W 2100 N	online Etsy shop
Luxe Beauty Esthetics	Londyn McGregor	1685 N 4150 W	aesthetic treatments

Solicitor

The Real Estate Connection Ruth Mary Hansen 3438 Larkspur Lane solicitor

Councilmember Wilson moved to approve the business licenses as presented. Councilmember Jenkins seconded the motion. Councilmembers Favero, Panunzio, Jenkins, Beal and Wilson voted aye. The motion carried. It was noted the solicitor badge is blue this year.

Motion: Approval of Warrant Register

See warrant register dated 02/14/2024 to 02/29/2024. **Councilmember Beal moved to approve and pay the bills as presented. Councilmember Jenkins seconded the motion. Councilmembers Favero, Panunzio, Jenkins, Beal and Wilson voted aye. The motion carried.**

Report from City Council

Councilmember Beal reported that Colette put a committee together to talk about a recreation center. Councilmember Beal attended the meeting. She asked about the Easter Egg Hunt. The Mayor noted that the Lions Club organizes it but the city purchases the candy. Councilmember Beal is concerned about the advertisement. The Mayor will talk to the Lions Club president. It was reported that last year the city spent \$1,300. The Mayor noted that it was approved at \$2,000 and asked if anyone had any heartburn with that. No one did.

Councilmember Wilson noted she has a meeting tomorrow with Weber Human Services.

At 6:50 p.m. Councilmember Jenkins moved to adjourn and was seconded by Councilmember Beal. The vote was unanimous.

City Recorder

Mayor

Date approved _____

NOTICE OF DECISION

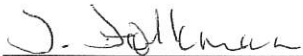
Plain City, Weber County, Utah

On February 22, 2024, the Plain City Planning Commission recommends
[X] Approval, [] *Approval with condition(s), [] Disapproval, [] Tabled
of an application for Diamond Estates Phase 2 approx. 2750 N 3225 W, 16 lots

received from (Applicant): Steve Anderson with Nilson Homes

This Notice of Decision formally concludes the Planning Commission's involvement with the application for the above-mentioned land use case. Copies of the Order are available at City Hall.

Applications that have been deemed complete and have not been pursued with reasonable diligence before the appropriate board shall expire after six (6) months. The applicant will have to submit a new application and fees to restart the process, subject to all new zoning restrictions and subdivision regulations then in existence. Any party of record may appeal this decision to the City Council within 10 days of the Order approval date.



City Official

*Condition(s)/Notes:

Commissioner Maw motioned to recommend City Council approve final for Diamond Estates Phase 2, 16 lots.
Commissioner Jenkins seconded the motion. Vote: Commissioners Jenkins, Maw, Ortega and Chairman Faulkner
voted aye. Motion Carried.

Notes: Motion from 02.08.24

Commissioner Neil motioned to approve preliminary for Diamond Estates Phase 2 for 16 lots with the stipulation
before any building takes place a second access needs to be provided. Commissioner Ortega seconded the motion.
Commissioners Maw, Neil, Ortega and Chairman Faulkner voted aye. The motion carried.



Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E.
Wasatch Civil Consulting Engineering

Date: February 16, 2024

Subject: **Diamond E Subdivision Phase 2, Final Review**

I have reviewed the final drawings for the Diamond E Subdivision, Phase 2. It appears that all of our previous comments and concerns have been addressed. Once any Planning Commission concerns are addressed, I recommend the development be granted final approval.

If you have questions or require additional information, feel free to contact me.

APPLICATION FOR A PLAIN CITY SUBDIVISION

Subdivision Name Diamond E Phase 2 Zone RE-15 Date Submitted January 8, 2024

Address of Subdivision Approx 2750 N 3225 W Plain City, UT No. of Units or Lots 16

List all Parcel Numbers included in development: 19-021-0071 & 19-021-0076

Owner Name Diamond E Community LLC(Nilson) Full Address 1740 Combe Rd, Suite 2, So. Ogden, UT 84403

Phone # 801.430.3996 Cell # _____ Email steve.anderson@nilsonld.com

Subdivider's Name Nilson Land - Steve Anderson Full Address 1740 Combe Rd, Suite 2, So. Ogden, UT 84403

Phone # 801.430.3996 Cell # _____ Email steve.anderson@nilsonld.com

Name of Intended Escrow Holder _____ Address _____

Contact Name _____ Phone # _____ Email _____

Surveyor's Name Gardner Engineering Address 1580 W 2100 S, Ogden Phone # _____

Engineer's Name same Address _____ Phone # _____

Have all property taxes, interests and penalties been paid? Yes (no approval given until paid in full.) UCA 10-9a-603(3)

Secondary Water Available? Yes Contact Pineview Phone # 801.621.6555

Secondary Water System in Place? _____ Type _____ Phone # _____

Culinary Water Available? Yes Type Bona Vista Phone # 801.621.0474

Sewer Connection Available? Yes Contact Plain City Type _____

Is Property in a Flood Hazard Area? No Flood Zone X Lowest Elevation 4244

Access Road above 4215' Elevation? Yes Source _____

Please describe any agreements, rights-of-way, easements etc, which could affect this site: (Use other side if needed)

Adjacent to Diamond E Phase 1

Describe history of parcel being subdivided, approximate dates and acreage of past land divisions: (Use other side if needed)
Existing Ag land

The above information is true and accurate to the best of my knowledge.

Date Jan 9, 2024 Signature Steve Anderson

Office Use Only

1-10-24

Subdivision Filing Fee: 800.00 + 200.00

Subdivision Engineering Fee: 1,824.00

Number of Copies: _____

PC Preliminary Approval Date: _____

PC Final Approval Date: _____

CC Final Approval Date: _____

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF WEBER)

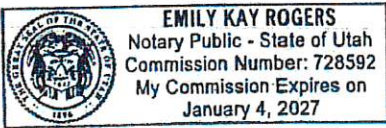
Diamond E Community LLC

I (we), David Lowry, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Plain City Planning staff has indicated they are available to assist me in making this application.

David Lowry - Diamond E Com LLC
(Property Owner)

David Lowry, Manager
(Property Owner)

Subscribed and sworn to me this 11 day of Jan, 2024.



Emily Kay Rogers
(Notary)
Residing in Weber County, Utah

My commission expires: 1/4/2027

AGENT AUTHORIZATION

I (we), David Lowry, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Steve Anderson to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Steve Anderson - Nilson Homes
(Agent)

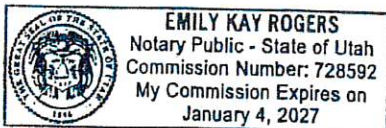
David Lowry
(Property Owner)

David Lowry, Manager
(Property Owner)

Dated this 11 day of Jan, 2024, personally appeared before me

David Lowry, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same

Emily Kay Rogers
(Notary)
Residing in Weber County, Utah



My commission expires: 1/4/2027

NOTICE OF DECISION

Plain City, Weber County, Utah

On March 14, 2024 the Plain City Planning Commission recommends
[X] Approval, [] *Approval with condition(s), [] Disapproval, [] Tabled
of an application for Sunset Estates approx. 2650 N 3975 W 4 lots

received from (Applicant): Cody Rhees

This Notice of Decision formally concludes the Planning Commission's involvement with the application for the above-mentioned land use case. Copies of the Order are available at City Hall.

Applications that have been deemed complete and have not been pursued with reasonable diligence before the appropriate board shall expire after six (6) months. The applicant will have to submit a new application and fees to restart the process, subject to all new zoning restrictions and subdivision regulations then in existence. Any party of record may appeal this decision to the City Council within 10 days of the Order approval date.



City Official

*Condition(s)/Notes:

Commissioner Faulkner motioned to approve preliminary and recommend to City Council to approve final for Sunset Estates approx. 2650 N 3975 W 4 lots. Commissioner Ortega seconded the motion. Vote: Commissioners Maw, Otega, Faulkner and Chairman Jenkins voted aye. Motion Carried.



Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E. 
Wasatch Civil Consulting Engineering

Date: March 8, 2024

Subject: Sunset Estates, Irrigation Easement

I have reviewed the revised plat with regard to the irrigation easement running across the proposed lots. The plat revisions appear to adequately address my concerns.

If you have any questions or require additional information, feel free to contact me.



Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E.
Wasatch Civil Consulting Engineering

Date: October 26, 2023

Subject: Sunset Estates – Preliminary Plan Review

We have reviewed the revised plan for the revised for Sunset Estates Subdivision and have the following comments:

1. The proposed Typical Roadway Expansion Detail should be revised per Plain City Standards (see redlines). This revision is minor and can be done on the final drawings.
2. The Developer should be prepared to describe how the lots will be developed with the existing irrigation pipe in-place.

Once any Planning Commission issues have been resolved, we recommend the Sunset Estates Subdivision be granted preliminary approval. If you have any questions or require additional information, feel free to contact me.

APPLICATION FOR A PLAIN CITY SUBDIVISION

Subdivision Name Sunset Estates Zone RE-20 Date Submitted 9/25/2023

Address of Subdivision 2650 N. 3975 W. Plain City, UT No. of Units or Lots 4

List all Parcel Numbers included in development: 240530050

Owner Name Jim & Kathy East Trust Full Address 2650 N. 3975 W. Plain City

Phone # 801-731-1289 Cell # same Email _____

Subdivider's Name Heritage Craft Homes Full Address 2396 N. 4350 W. Plain City, UT 84401

Phone # 801-458-4868 Cell # 801-388-4091 Email cody@heritagecrafthomes.com

Name of Intended Escrow Holder Existing Palmer Address _____

Contact Name Cody Rhuss Phone # 801-458-4868 Email Cody@heritagecrafthomes

Surveyor's Name Mike Wangeman Address _____ Phone # 801-725-8395

Engineer's Name Hanson & Associates Address _____ Phone # 801-398-4905

Have all property taxes, interests and penalties been paid? Y (no approval given until paid in full.) UCA 10-9a-603(3)

Secondary Water Available? Y Contact Pine View Water Phone # _____

Secondary Water System in Place? Y Type Pine View Water Phone # _____

Culinary Water Available? Y Type Bona Vista Water Phone # _____

Sewer Connection Available? Y Contact Plain City Corp (Dran) Type _____

Is Property in a Flood Hazard Area? NO Flood Zone None Lowest Elevation _____

Access Road above 4215' Elevation? Yes, 4,235' Source Google Earth

Please describe any agreements, rights-of-way, easements etc, which could affect this site: (Use other side if needed)
NONE

Describe history of parcel being subdivided, approximate dates and acreage of past land divisions: (Use other side if needed)

The above information is true and accurate to the best of my knowledge.

Date 9/25/2023

Signature [Signature]

Office Use Only

Subdivision Filing Fee: 400.00
Subdivision Engineering Fee: 456.00
Number of Copies: _____

PC Preliminary Approval Date: _____
PC Final Approval Date: _____
CC Final Approval Date: _____

RESOLUTION NO. 2024- _____

**A RESOLUTION EXPRESSING THE DESIRE OF PLAIN CITY
TO MODIFY ITS EMPLOYEE POLICY AND PROCEDURE MANUAL
RELATED TO JUSTICE COURT JUDGE RETIREMENT ELIGIBILITY**

WHEREAS, 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 by resolutions; and,

WHEREAS, the City has received direction from Utah Retirement Systems to make changes to its retirement policy related to the Justice Court Judge,

WHEREAS, the City has determined modifications should be made to be in compliance with URS direction.

NOW, THEREFORE, Be It Resolved that the City Council of Plain City, Utah, desires to modify Chapter 11 Retirement in its Employee Policy and Procedure Manual as follows::

CHAPTER 11 RETIREMENT

11-1 Retirement System

11-1 Retirement System

All full-time employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State law or URS guidelines (this is in addition to Social Security coverage). Enrollment in the retirement program(s) shall be in accordance with State law and regulations.

When specific employee retirements are deemed to be in the best interest of the City, the Mayor and City Council may approve retirement incentives to further that end.

For purposes of Utah Retirement Systems (URS) coverage, the City classifies all elected officials, appointed Planning Commission members **and the Fire Chief and the appointed Justice Court Judge** as part-time. All other appointed officers shall be considered full-time and shall be covered by URS. Eligibility for

retirement coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement Systems.

For the purposes of Utah Retirement Systems (URS) coverage, the position of Justice Court Judge is considered Tier 2 full-time eligible.

PASSED AND APPROVED by the Plain City Council this ____ day of _____, 2024.

Voting:

Council Member _____
Council Member _____
Council Member _____
Council Member _____
Council Member _____

MAYOR OF PLAIN CITY

ATTEST:

City Recorder