

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
NOVEMBER 17, 2024

The City Council of Plain City convened in a regular meeting at City Hall, 4160 W 2200 N in Plain City, on Thursday, November 7, 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: Diane Hirschi, Dan Schuler, Trent Meyerhoffer
Present: Jarod Maw, Chuck Palmer, Jason Shultz, Rob Ortega
Zoom: Brandon Richards, Jim Beesley, Stacy Adams, Michael Phillips

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

Approval of Minutes from October 3, 2024

Councilmember Jenkins moved to approve the meeting minutes from October 3, 2024 as presented. Councilmember Wilson seconded the motion. Councilmembers Favero, Jenkins and Wilson voted aye. The motion carried.

Comments: Public
There were none.

Report from Planning Commission

Jarod Maw Jarod Maw reported that the Planning Commission discussed amending Site Development Standards in A-1, A-2 zones and also discussed the definition of Corner Lot Frontage and Two-Family Dwellings (Duplex). The Planning Commission will bring their recommendations to the City Council at the next meeting. He noted that they will be discussing DADU's and ADU's regarding existing structures. The Mayor asked if they are still working on a residential overlay. It was noted that the Mayor had given them a sample of what another city was doing and asked the Planning Commission to look at it. Jarod noted that the commission felt the current overlay zone is adequate.

Discussion/Motion: Subdivision Amendment – Fremont Estates Phase 2 – 1646 N 4325 W – Jason Shult
It was noted that the address is 1564 N 4325 W. The City Council reviewed the proposed plat amendment recommendation from the Planning Commission. **Councilmember Wilson moved to approve the subdivision amendment for 1546 N 4325 W of Fremont Estates Phase 2 as presented. Councilmember Favero seconded the motion. Councilmembers Favero, Jenkins and Wilson voted aye. The motion carried.**

Discussion/Motion: Interlocal Agreement – Multi-Jurisdictional Building Inspection Services
Trent Meyerhoffer provided a summary of the agreement in Utah Code 15A-1-105. This interlocal cooperation agreement adds each municipality to the other's third-party inspection firm list, as well as allows each municipality to provide mutual assistance and share their collective building inspection capabilities. This resolution approves this interlocal cooperation agreement for shared building inspector services. **Councilmember Jenkins moved to Resolution 2024-12 allowing the signing of the interlocal agreement. Councilmember Favero seconded the motion. Councilmembers Favero, Jenkins and Wilson voted aye. The motion carried.**

Motion: Approval of Business License
There were none.

Motion: Approval of Warrant Register
See warrant register dated 10/01/2024 to 10/15/2024 and 10/16/2024 to 10/31/2024. Councilmember Jenkins inquired about the Mountainland Supply and APE bills and Dan explained. **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.**

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
NOVEMBER 17, 2024

Report from City Council

Councilmember Wilson reported that she met with Chris from the landfill and she will put some purchase items on the agenda once she has all the information.

The Mayor wanted to make the Council aware of the updated camera system SD cards in each camera. The cost increased from \$2200 each to \$8800 and he is asking the council to approve the increase in the cost of the SD cards. Councilmember Wilson felt that we should only pay the difference as they will be able to use the old ones in other systems. Diane noted that it will show up on the next warrant register. The Council members agreed to pay the difference from the original bid.

The Mayor thanked everyone.

At 6:55 p.m. Councilmember Favero moved to adjourn and was seconded by Councilmember Wilson. The vote was unanimous.

City Recorder

Mayor

Date approved _____



November 4, 2024

Re: Emergency Access for Diamond E Phase 1 Subdivision.

Dear Mayor Beesley,

Thank you for meeting with us last week. This letter is to summarize what was agreed to at this meeting.

In order to provide proper emergency access to both Diamond E Ph 1 and Diamond E Ph 2, Nilson Land will provide an additional 6' of asphalt to the 9' of asphalt that has already been placed between the two roads that access Ph 1 and Ph 2. Please see the attached exhibit.

The 9' feet of pavement that has been placed from Diamond E Ph 2 to Pappy Estates Subdivision will be used as emergency access and a safe route for school children to walk to school. Please see the attached exhibit.

The Plain City General Plan and Weber County Planning requires a road to be built eventually in this area. This road will be known as 2800 North. This access and trail can be used until 2800 North is built along this alignment. Wherever Nilson Land develops on this 2800 North corridor, they will build this road.

We appreciate you working with us on this issue. Please call if you have any questions.

Sincerely,

Nilson Land

A handwritten signature in blue ink that reads 'Steve Anderson'.

Steve Anderson, P.E.
Director Construction/Engineering
Nilson Land Development

801.430.3996



10/24/2024, 10:24:30 AM
Neamap US Vertical Imagery
Red: Band_1
Green: Band_2
Blue: Band_3

EXHIBIT

Emergency access and pathway

1:2,561
0 120 240 480 ft
0 35 70 140 m

Copyright neamap 2015

Copyright neamap 2016

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
JULY 21, 2022

Councilmember Sadler stated it doesn't do any good unless the council is tasked with giving final approval on each application, which he doesn't want to do. Councilmember Beal said she hadn't had time to review the emails yet and Mayor Beesley discussed the issues with the council resolving to leave the ordinance as is. **Councilmember Sadler moved to accept Ordinance # 2022-10 as presented. Councilmember Beal seconded the motion. Councilmembers Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Discussion/Motion: Approval Street Maintenance Project and Change Order

Dan Schuler informed the council there were three bids for the street maintenance. The costs of gone up dramatically and the lowest bid was over \$1 million, which was much more than was originally budgeted. Dan reviewed the initial maintenance plans and removed some of the items that weren't necessarily needed at this time in order to meet budget. By doing so, the bid was able to be reduced by quite a bit. He mentioned there are several roads that will need some heavy repair in the future, due to increased traffic from new subdivisions. Dan stated there are several streets that will receive surface treatments in order to help extend the life of the roads. He did mention that some of the costs would be paid for out of developer's escrow agreements to help ease the burden on the city. **Councilmember Skeen moved to approve the Street Maintenance Project and Change Order. Councilmember Panunzio seconded the motion. Councilmembers Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Discussion/Motion: Final Approval – Diamond E Subdivision Phase 1 – First Amendment

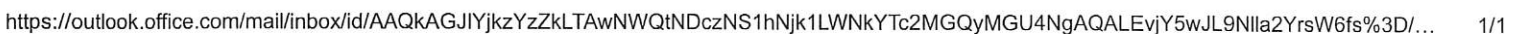
Tyler Nielsen with Gardner Engineering stated the written description on the plat was incorrect due to several different changes. The mapping part of the plat was correct. Mayor Beesley informed the council that the plat was being amended. He stated he noticed that Lot 113 was supposed to be restricted to building and it doesn't reflect that. He asked that it be noted on the plat. Julie with Nielsen Lands asked for clarification on Lot 113. Mayor Beesley explained that it cannot be built upon until the road goes through. Tyler stated it is noted properly on the plat and they will make sure it is noted with an "R" correctly on the mylar. **Councilmember Sadler moved to approve the Diamond E Subdivision Phase 1 with the addition of the "R" on Lot 113 to the mylar. Councilmember Panunzio seconded the motion. Councilmembers Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

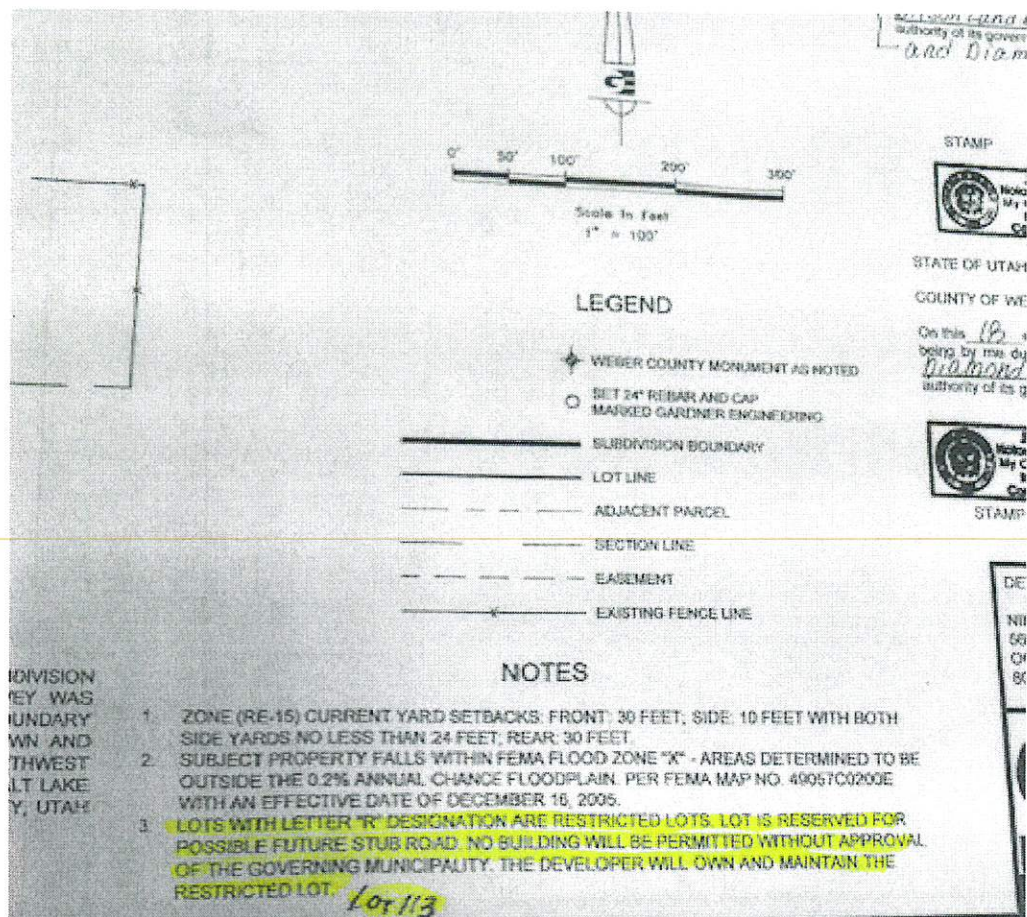
Discussion/Motion: Recreation Building

Mayor Beesley stated the bid that was previously approved for the new building was increased by the builder by 40%. Due to the large increase, he halted the start of construction. Mayor Beesley stated with such a large increase, the bid and approval of funds needs to be revisited and approved by the council before going forward. He said the builder told him the shell could be built at the original price, without the office or training room included. Mayor Beesley asked the council how they wanted to proceed. Councilmember Skeen inquired about building the shell and adding the office and training rooms the following budget year. Mayor Beesley stated that was a possibility and mentioned Councilmember Sadler wondered about having the office and training room at all. Mayor Beesley stated culinary water and electricity are already stubbed and ready to go. He asked the council if they would like to move forward or put it back out to bid. Councilmember Sadler suggested revisiting the need for it in a year, stating he believed there was still plenty of room in the buildings when he inspected them. Mayor Beesley pointed out the equipment is spread out through several buildings and there is a lot of chasing around being done trying to store recreation equipment. Mayor Beesley also informed the council that the building can be constructed within three weeks if approval is given. He also mentioned there are kits available to build one as well. Councilmember Sadler suggested looking at that option before making a decision. Mayor Beesley reminded the council that pricing is increasing and should be considered. **Councilmember Sadler moved to have Dan Schuler find some different options for the building. Councilmember Panunzio seconded the motion. Councilmembers Beal, Sadler, Panunzio and Skeen voted aye. The motion carried.**

Discussion/Motion: Sale of 1997 F350 Truck

Mayor Beesley stated the time has come for the truck to be sold. He said after speaking with Ross Taylor, he was told the Sanitary Board may have some interest in it. He stated even if the truck is traded to a public entity, it still must go through a public auction or sale. Mayor Beesley stated after speaking with Dan Schuler, they believe the truck can be donated to the cemetery. He stated the truck is worth roughly \$5000 and believes the cemetery would benefit from it much more than sending it out to bid or auction. Mayor Beesley asked Brandon Richards, the city attorney, if the truck could be donated or if it must go through a public sale. Brandon stated he would do further research on this and let the council know. The council discussed the minimum price to set for the truck if it cannot be donated. **Councilmember Beal moved to donate the truck to the cemetery, with legal's approval. If donation cannot be done, the minimum bid will be set at \$5,000**







Memorandum

To: Diane Hirschi, City Recorder
Plain City Corporation

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

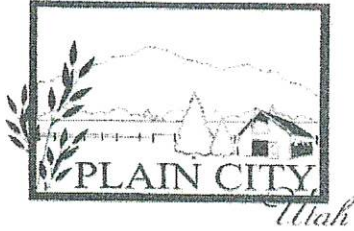
Date: August 12, 2024

Subject: **Sunset Meadows, Phase 2 Subdivision - Final Acceptance**

We have reviewed the Final Acceptance request for Sunset Meadows Subdivision, Phase 2 Subdivision. We concur with the recommendation submitted by Dan Schuler of Plain City Public Works (attached). Consequently, we recommend granting Final Acceptance to the Sunset Meadows, Phase 2 Subdivision.

Once Final Acceptance is granted, all the escrow funds can be released to the Developer.

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



8/15/2024

RE: Final Acceptance Request

Subdivision: Sunset Meadows phase 2 & 3 Subdivision

Approx. Address: 1975 North 3200 West, Plain City Utah.

Final Acceptance Request

Developer is requesting Final acceptance. All city improvements were re-inspected and are 100% completed to city standards, Final acceptance is recommended and will be requested to Mayor and Council for approval to end the one-year warranty phase and releasing the 10% contingency.

If you have any questions or concerns, please give me a call.

DANIEL SCHULER

Public Works Director

4160 W 2200 N

Plain City Ut 84404

385-466-1079

dans@plaincityutah.org



Memorandum

To: Diane Hirschi, City Recorder
Plain City Corporation

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

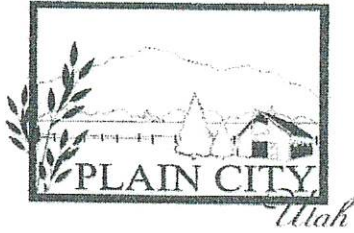
Date: August 12, 2024

Subject: Sunset Meadows, Phase 3 Subdivision - Final Acceptance

We have reviewed the Final Acceptance request for Sunset Meadows Subdivision, Phase 3. We concur with the recommendation submitted by Dan Schuler of Plain City Public Works (attached). Consequently, we recommend granting Final Acceptance to the Sunset Meadows, Phase 3 Subdivision.

Once Final Acceptance is granted, all the escrow funds can be released to the Developer.

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



8/15/2024

RE: Final Acceptance Request

Subdivision: Sunset Meadows phase 2 & 3 Subdivision

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If you have any questions or concerns, please give me a call.

DANIEL SCHULER

Public Works Director

4160 W 2200 N

Plain City Ut 84404

385-466-1079

dans@plaincityutah.org

1-5-1: ELIGIBILITY AND RESIDENCY REQUIREMENTS:

A. Declaration Of Candidacy: A person filing a declaration of candidacy for a City office shall:

1. Have been a resident of the City for at least one year immediately before the date of the election; and

2. Meet the other requirements of Utah Code Annotated section 20A-9-203.

B. Annexed Areas: A person living in an area annexed to the City meets the residency requirement of this subsection if that person resided within the area annexed to the City for at least one year before the date of the election.

C. Registered Voter: Any person elected to City office shall be a registered voter in the City.

D. Residency Maintained: Each elected officer of the City shall maintain residency within the boundaries of the City during his term of office.

E. Residence Outside City: If an elected officer of the City establishes his principal place of residence as provided in Utah Code Annotated section 20A-2-105 outside of the City during his term of office, the office is automatically vacant.

F. Continuous Absence From City: If an elected City officer is absent from the City any time during his term of office for a continuous period of more than sixty (60) days without the consent of the City Council, the City office is automatically vacant. (1982 Code § 3-301; amd. 2003 Code)

Plain City Code

Effective 5/3/2023

20A-2-105 Determining residency.

- (1) As used in this section:
 - (a) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:
 - (i) the intent expressed by the individual; and
 - (ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.
 - (b) "Resident" means an individual whose principal place of residence is within a specific voting precinct in Utah.
- (2) Election officials and judges shall apply the standards and requirements of this section when determining whether an individual is a resident for purposes of interpreting this title or the Utah Constitution.
- (3) An individual may request that an election official or election judge assist the individual in determining the individual's principal place of residence for a purpose described in Subsection (2).
- (4)
 - (a) An individual resides in Utah if:
 - (i) the individual's principal place of residence is within Utah; and
 - (ii) the individual has a present intention to maintain the individual's principal place of residence in Utah permanently or indefinitely.
 - (b) An individual resides within a particular voting precinct if, on the date of registering to vote, the individual's principal place of residence is in that voting precinct.
 - (c) An individual's principal place of residence does not change solely because the individual is present in Utah, present in a voting precinct, absent from Utah, or absent from the individual's voting precinct because the individual is:
 - (i) employed in the service of the United States or of Utah;
 - (ii) a student at an institution of learning;
 - (iii) incarcerated in prison or jail; or
 - (iv) residing upon an Indian or military reservation.
 - (d)
 - (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at a military facility within Utah.
 - (ii) In order to be a resident of Utah, a member of the armed forces described in this Subsection (4)(d) shall meet the other requirements of this section.
 - (e)
 - (i) Except as provided in Subsection (4)(e)(ii) or (iii), an individual does not lose the individual's principal place of residence in Utah or a precinct if the individual moves to a foreign country, another state, or another voting precinct within Utah, for temporary purposes with the intention of returning.
 - (ii) If an individual leaves the state or a voting precinct and votes or registers to vote in another state or voting precinct, the individual is no longer a resident of the state or voting precinct that the individual left.
 - (iii) An individual loses the individual's principal place of residence in Utah or in a precinct, if, after the individual moves to another state or another precinct under Subsection (4)(e)(i), the individual forms the intent of making the other state or precinct the individual's principal place of residence.

- (f) An individual is not a resident of a county or voting precinct if the individual comes to the county or voting precinct for temporary purposes and does not intend to make that county or voting precinct the individual's principal place of residence.
 - (g) An individual loses the individual's principal place of residence in Utah or in a precinct if the individual moves to another state or precinct with the intention of making the other state or precinct the individual's principal place of residence.
 - (h) If an individual moves to another state or precinct with the intent of remaining in the other state or precinct for an indefinite time as the individual's principal place of residence, the individual loses the individual's principal place of residence in Utah, or in the precinct, even though the individual intends to return at some future time.
- (5)
- (a) An individual may challenge a determination by a voter, election official, or election judge of a voter's principal place of residence, for the purpose of voting, in accordance with the applicable provisions of Sections 20A-3a-803, 20A-3a-804, and 20A-3a-805.
 - (b) If an election official or election judge has reasonable, articulable grounds to question the principal place of residence of an individual for a purpose described in Subsection (2), the election official or election judge may require the individual to provide information to resolve the question.
 - (c) Reasonable, articulable grounds to question an individual's principal place of residence, and require additional information under Subsection (5)(b) include:
 - (i) that the individual has a driver license or other identification from outside Utah;
 - (ii) that the address claimed as the individual's principal place of residence does not match the address on the individual's driver license or other identification;
 - (iii) that the individual owns residential property outside the location claimed as the individual's principal place of residence; or
 - (iv) other articulable grounds that would lead a reasonable individual to question an individual's principal place of residence.
 - (d) If an election official or election judge requires, under Subsection (5)(b), that an individual provide additional information, the clerk shall:
 - (i) enter the voter registration into the statewide voter registration database; and
 - (ii) indicate, in the statewide voter registration database, that the voter must provide additional information before the voter's ballot may be accepted.
- (6) Subject to Subsection (10), an election official or judge who, under Subsection (5), makes a determination regarding an individual's principal place of residence, shall, when making the determination, consider the following factors, to the extent that the factors are relevant:
- (a) where the individual's family resides;
 - (b) whether the individual is single, married, separated, or divorced;
 - (c) the age of the individual;
 - (d) where the individual usually sleeps;
 - (e) where the individual's minor children attend school;
 - (f) the location of the individual's employment, income sources, or business pursuits;
 - (g) the location of real property owned by the individual;
 - (h) the individual's residence for purposes of taxation or tax exemption;
 - (i) the location where the individual's motor vehicles are registered;
 - (j) the address for which the individual pays utility services;
 - (k) the address associated with the individual's hunting or fishing license;
 - (l) the address associated with the individual's professional licenses; and
 - (m) other relevant factors.

(7)

- (a) An individual changes the individual's principal place of residence if the individual:
 - (i) acts affirmatively to move from the state or a precinct in the state; and
 - (ii) has the intent to remain in another state or precinct.
- (b) An individual may not have more than one principal place of residence.
- (c) An individual does not lose the individual's principal place of residence until the individual establishes another principal place of residence.
- (d) An individual who moves from one county in Utah to another county in Utah retains the right to vote in the county from which the individual moved for 30 days after the day on which the individual moved from the county, unless the individual votes in the new county for that election.
- (e) An individual who is homeless may, in accordance with the other provisions of this section, establish a nontraditional location, including a location without a structure, as the individual's principal place of residence.

(8) In computing the period that a person is a resident for a purpose described in Subsection (2), the period:

- (a) begins on the day on which the individual establishes the individual's principal place of residence; and
- (b) ends on the day before the day of the next applicable election.

(9)

- (a) Except as provided in Subsection (12), there is a rebuttable presumption that an individual's principal place of residence is in Utah and in the voting precinct claimed by the individual, if the individual makes an oath or affirmation upon a registration application form or declaration of candidacy that the individual's principal place of residence is in Utah and in the voting precinct claimed by the individual.
- (b) Except as provided in Subsection (12), the election officers and election officials shall allow an individual described in Subsection (9)(a) to register and vote in the precinct for the residence claimed under Subsection (9)(a), or accept the individual's declaration of candidacy in the district for the residence claimed under Subsection (9)(a), unless, in accordance with Subsection (5), it is shown by law or by clear and convincing evidence that:
 - (i) the individual's principal place of residence is not in Utah or not in the applicable precinct or district; or
 - (ii) the individual is incarcerated in prison or jail and did not, before the individual was incarcerated in prison or jail, establish the individual's principal place of residence in the voting precinct where the prison or jail is located.

(10)

- (a) The criteria described in this section for establishing an individual's principal place of residence for voting purposes do not apply in relation to the individual's location while the individual is incarcerated in prison or jail.
- (b) For voting registration purposes, the principal place of residence of an individual incarcerated in prison or jail is the state and voting precinct where the individual's principal place of residence was located before incarceration.

(11) If an individual's principal place of residence is a residential parcel of one acre in size or smaller that is divided by the boundary line between two or more counties, that individual shall be considered a resident of the county in which a majority of the residential parcel lies.

(12)

- (a) If an individual seeking to become a candidate for a political office that includes a durational residency requirement has been absent from the state for a period of more than 180

consecutive days during the applicable residency period, the individual may, at the time that the candidate files a declaration of candidacy, submit evidence to the filing officer to show that the individual intended to return to the state during the time of the individual's absence from the state.

- (b) There is a rebuttable presumption that an individual described in Subsection (12)(a) intended to return to the state during the individual's absence if:
 - (i) the individual submits evidence of the individual's intent to the filing officer at the time that the individual files a declaration of candidacy; or
 - (ii) the individual was absent from the state because the individual was:
 - (A) employed in the service of the United States or of Utah;
 - (B) a student at an institution of learning; or
 - (C) engaged solely in religious, missionary, philanthropic, or humanitarian activities.
- (c) If a valid written objection to an individual's declaration of candidacy is filed, there is a rebuttable presumption that an individual described in Subsection (12)(a) did not intend to return to the state during the individual's absence if:
 - (i) the individual did not submit evidence of the individual's intent to the filing officer at the time that the individual filed a declaration of candidacy; and
 - (ii) the individual's absence from the state was not for one of the reasons described in Subsection (12)(b)(ii).
- (d) An individual must rebut the presumption described in this Subsection (12) by clear and convincing evidence.

Amended by Chapter 215, 2023 General Session

Effective 5/3/2023

10-3-301 Notice -- Eligibility and residency requirements for elected municipal office -- Mayor and recorder limitations.

(1) As used in this section:

- (a) "Absent" means that an elected municipal officer fails to perform official duties, including the officer's failure to attend each regularly scheduled meeting that the officer is required to attend.
- (b) "Principal place of residence" means the same as that term is defined in Section 20A-2-105.
- (c) "Secondary residence" means a place where an individual resides other than the individual's principal place of residence.

(2)

- (a) On or before May 1 in a year in which there is a municipal general election, the municipal clerk shall publish a notice that identifies:
 - (i) the municipal offices to be voted on in the municipal general election; and
 - (ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (2)(a)(i).
- (b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the municipality, as a class A notice under Section 63G-30-102, for at least seven days.

(3)

- (a) An individual who files a declaration of candidacy for a municipal office shall comply with the requirements described in Section 20A-9-203.
- (b)
 - (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:
 - (A) Saturday or Sunday; or
 - (B) state holiday as listed in Section 63G-1-301.
 - (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that is less than 40 hours per week, the city recorder or town clerk may comply with Subsection (3)(b)(i) without maintaining office hours by:
 - (A) posting the recorder's or clerk's contact information, including a phone number and email address, on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on the municipal website; and
 - (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).

(4) An individual elected to municipal office shall be a registered voter in the municipality in which the individual is elected.

(5)

- (a) Each elected officer of a municipality shall maintain a principal place of residence within the municipality, and within the district that the elected officer represents, during the officer's term of office.
- (b) Except as provided in Subsection (6), an elected municipal office is automatically vacant if the officer elected to the municipal office, during the officer's term of office:
 - (i) establishes a principal place of residence outside the district that the elected officer represents;
 - (ii) resides at a secondary residence outside the district that the elected officer represents for a continuous period of more than 60 days while still maintaining a principal place of residence within the district;

- (iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or
- (iv) fails to respond to a request, within 30 days after the day on which the elected officer receives the request, from the county clerk or the lieutenant governor seeking information to determine the officer's residency.

(6)

- (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the consent of the municipal legislative body in accordance with Subsection (6)(b) before the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:
 - (i) reside at a secondary residence outside the district that the elected officer represents while still maintaining a principal place of residence within the district for a continuous period of up to one year during the officer's term of office; or
 - (ii) be absent from the district that the elected officer represents for a continuous period of up to one year during the officer's term of office.
 - (b) At a public meeting, the municipal legislative body may give the consent described in Subsection (6)(a) by majority vote after taking public comment regarding:
 - (i) whether the legislative body should give the consent; and
 - (ii) the length of time to which the legislative body should consent.
- (7)
- (a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.
 - (b) The recorder of a municipality may not also serve as the municipal treasurer.
 - (c) An individual who holds a county elected office may not, at the same time, hold a municipal elected office.
 - (d) The restriction described in Subsection (7)(c) applies regardless of whether the individual is elected to the office or appointed to fill a vacancy in the office.

Amended by Chapter 435, 2023 General Session