

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 5, 2005

The City Council of Plain City convened in a regular meeting on Thursday, May 5, 2005, in the Plain City Hall at 7:00 p.m.

Present: Mayor Glen Willie, Councilmembers Chad Costley, Jay Jenkins, Phil Meyer, Steve Diamond, and Elaine Calvert
Staff: Diane Hirschi, Ken Bradshaw, Brad Jensen, Scott Campbell
Also Present: Deputy Rex Cragun, Carl Miller, Artie Pearce, Dennis Lund, Russell VanMeeteren, Howard Vause, Bernard Spiers, Kim Hinds, Gordon Sorensen, Max & Beverly Eddy, Tyler & Jaime Boyington, Monte Matue, Maureen Woodard, Brenda Gordon, Richard & Wendy Davies, Judd Cook, Dean Olsen, Wendell Winegar, Terry Wayman, Jeff Hales, Paul Hodson, Lauri Eskelsen, Alan Bethers, Allen Bertagnolli

Mayor Willie called the meeting to order. Councilmember Jenkins gave the invocation and Councilmember Diamond led in the pledge of allegiance.

Approval of Minutes: April 21, 2005

It was noted that the community cleanup day is May 7th not May 1st. The minutes stand approved as written and noted.

Comments: Public

Gordon Sorensen reported that he called the Standard Examiner and someone indicated they never see the agenda. He noted that there should be an effort to get it in the paper. Mayor Willie reported that it is faxed to them.

Carl Miller noted that he felt the city looked bad at the last meeting, aside from his personal concerns, he felt it looked bad when the city told two developers they couldn't get commercial zoning either. He also noted that a member of the council has been canvassing his neighborhood trying to convince the neighbors that he will be selling his property once it is zoned commercial. He reported that this member of the council is also accusing him of colluding with the Planning Commission to get this rezone. He feels that it is inappropriate behavior.

Dennis Lund reported that he lives across from Carl Miller and feels that Carl bought the property when it was rural. He is worried if it is zoned C-2 then anything can come in. If that is the case, he wants his house and everything else zoned commercial. Councilmember Diamond noted that it is on the agenda to set a public hearing. If a hearing is set, he invited Mr. Lund to come to that meeting.

Report from Planning Commission

Artie Pearce reported that they had a work meeting and met with Mountain States Lighting. They will be developing a plan for Plain City and presenting it to the Planning Commission at their next meeting. She also reported that they invited Cindy Gooch to discuss grants and things to help the Planning Commission.

Councilmember Diamond moved to go into a public hearing. Councilmember Calvert seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.

Public Hearing: Sewer Extension down 2200 N and 1500 N to 5100 W to Sewer Ponds

Mayor Willie reported that the purpose of the public hearing is to hear input about the proposed sewer extension down 2200 N and 1500 N to 5100 W to the sewer ponds. He reported that it has been on the general plan and discussed for several years. He reported that he approached the Division of Water Quality for funds and they are able to assist the city if the paperwork is in order. They are willing to loan \$3 million at 3% interest for 20 years. He noted that one requirement from both the Water Quality Board and the council was to have a public hearing to gather input from the citizens. Allan Bertagnolli lives on 2200 N at about 5000 W and reported that this is a very welcome treat. He has lived there 21 years and had several problems. The water table is high and no septic systems are allowed any more. He feels the sewer is great. Wendell Winegar lives at 5190 W 2200 N and has property on the east side of 5100 West as well as a subdivision on the west side. He noted that he is for the sewer. It will increase the tax revenue and open up the land for development. He reported that he would be able to annex his land and then the city could annex the sewer lagoons into Plain City. Scott Campbell has lived on 2200 North since 1978 and was told then that the sewer was coming soon. He reported that he hasn't really had problems,

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but could. He feels that the city needs to be progressive. This loan is at a very low rate and is all for the sewer. Jeff Hales lives at 5262 W 2150 N. He noted that aside from new development, this new line would help what is already here. He reported that there is one trunk line that goes through the fields. He noted that the trunk line is about 27 years old. If that line were to go down, what would happen with the rest of the city? He also noted that the trunk line doesn't even lie within the easement. This sewer extension would be a benefit to everyone. He noted that there are 3 lift stations on 4700 W. This would relieve these stations and the city would have a backup system. He noted that septic systems don't work and end up going into the drains. He noted that Hooper was forced to get a sewer system for that reason. Dennis Lund lives on 4700 W and feels that all the people paid for sewer the first time. He feels it should be paid for through development. He feels that if the residents over the hill want sewer, they should pay for it, not everyone else. Alan Bethers lives at 2278 N 4100 W. When he moved here, the sewer was already there and paid for. If they want sewer down over the hill, then they should pay for it. He is wondering if there is an easier and cheaper way to do this. Couldn't you run another line down the field next to the existing line? Maybe put in lift stations and reroute the sewer? It needs to be done the cheapest way. He noted that \$3 million is a lot of money. Mayor Willie reported that the Department of Quality looked into our books, collection fees and growth. They are anticipating that growth with a new impact fee will pay for the extension. It will take pressure off the existing system. He is optimistic that the current monthly rate will stay the same as it is currently. He noted that there is a good possibility that the impact fee will need to be raised. He is hoping that growth will pay for itself. Dean Olsen asked about the time frame. Mayor Willie noted that the Department of Water Quality has given tentative approval. If all the paperwork is in order, they will give final approval to the project on May 20. Bids are to be due by May 18. The Mayor thinks construction could begin in June or July. Dennis Lund asked if it could be guaranteed that the monthly rate will not increase. Councilmember Costley noted that the existing sewer was installed on a "maybe" many years ago. Mayor Willie reported that the city received two letters in opposition from Russell VanMeeteren and Gordon Sorensen. The city also received a letter in favor from Robert Olsen. There were no more comments. **Councilmember Meyer moved to go out of the public hearing and into the regular meeting. Councilmember Costley seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Motion: Sewer Extension Project

The Mayor noted that he wanted this on the agenda to see if the council is going to accept this project. If not, we need to stop right now. He noted that the parameters resolution was set and the project will meet the bounds. If the council accepts the project, then it can move forward. Councilmember Diamond asked about the design and whether the line would run in the ROW or the asphalt. Brad Jensen reported that it would be in the ROW along 5100 West. On 2200 North it will need to stay in the asphalt. He also reported that this will be a major inconvenience and is a big concern to the city and they are going to do their best to minimize the situation. There was a question about if the project were to be under budget could the money be used in other projects? Ken Bradshaw noted that he didn't think so, however you could maybe save for a payment. Councilmember Calvert noted that there were two letters saying that she had a conflict of interest because she owns property in the area. She reported that she already has sewer to that property. Ken Bradshaw reported that she has an apparent conflict of interest. He asked if she would benefit from the project. She reported that she would not. He said she should disclose that fact. Councilmember Costley was also mentioned in the two letters as having a conflict of interest because his wife is a sister to a real estate agent that may benefit from the project. Ken Bradshaw asked if his wife would benefit from the project. Councilmember Costley noted that she would not. He noted that there is not a conflict. Councilmember Meyer noted that if the project goes over \$3.3 million or over 3% it will be null and void. Councilmember Jenkins reported that they discussed this project earlier last year in the general comments. They talked about other areas in the city that also need sewer. He noted that we promised another area sewer when we annexed the back of their properties. He also noted that originally the Mayor thought we could pursue this sewer line for \$250,000. Then it went to \$1-2 million. The reasons for the project were to relieve the original line. He noted that there are two lines. He noted that he heard the main line is $\frac{3}{4}$ full but is more realistic to $\frac{1}{2}$ full. He reported that he is against this project even though he sees a need, but there are other needs too. He would like to take more time. He noted that there was an emergency meeting and it wasn't put in the paper. He asked what the annual payment for a \$3 million bond over 20 years is. Mayor Willie reported that it would be \$205,000. Councilmember Jenkins is concerned that connections will not pay this. There was discussion on impact fees. It was reported that currently impact fees are \$1,500. Councilmember Jenkins is concerned that no one knows how much it will be raised. He feels that we are hurrying this too fast. We need to make sure there isn't any other money available and/or look into doing the other areas together. He feels that it is a lot of money

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and doesn't think that it will pay for itself. He noted that this is the first time he has seen the engineering and feels that we need to explore other alternatives. He worries about voting tonight about a project going from \$250,000 to \$3 million. Councilmember Calvert noted that we need to consider everywhere, but we need a starting point. Councilmember Meyer agrees and feels that if we wait, it will be more expensive. He feels that we can't do both projects at the same time. He feels that 3% is a good rate and sometimes Councilmembers have to make hard choices. Mayor Willie reported that if you think \$3 million is going to be hard to pay back, adding two other extensions would increase the cost and make it harder to make payments. He noted that he talked with Cindy Gooch the other night about grants and free money. He reported that she said the same thing the Department of Water Quality said. He also explained that with the free money, districts have to be set up and will impact the entire city. This way, those who add stress to the system will be paying for it. He reported that this project would never be cheaper. Councilmember Costley noted that he would like to do the other projects as well, but that it could cost up to \$10 million and that may be difficult to qualify for. That's why we settled for the project off the bluff. He also feels that it will never be cheaper and it will be a good improvement to the city. He also noted that the original sewer was put in for \$20 million. That was a risk, but if it hadn't happened, we wouldn't be where we are today. He feels we need to look at the future. Our kids will be here. It was also pointed out that the original loan was at 4.5% interest. There was a discussion about the impact fee. It was noted that it could go up to \$2,500. Councilmember Diamond reported that he would like to make sure a public hearing is held if we change the impact fee. We don't want the burden on the existing system. **Councilmember Meyer moved to grant approval for the sewer extension project along 1500 North and 2200 North and along 5100 West to the sewer lagoons. Councilmember Costley seconded the motion. Councilmembers Costley, Meyer, Diamond and Calvert voted aye. Councilmember Jenkins voted nay. The motion carried.** Mayor Willie noted that he appreciates Councilmember Jenkins who shows a great deal of interest and expresses his concerns to the council.

Set Public Hearing: Amend Zoning Map from RE-20 to C-2 – Carl Miller

Mayor Willie noted that by not taking action on this item last week, it leaves Carl with no avenue for appeal. Councilmember Jenkins asked if we have to have a public hearing. Ken Bradshaw reported that when someone files a petition, they are entitled to have it heard. He noted that if it is clearly inconsistent with the Master Plan, there may be some conditions to not hear it. He wanted to know what happened. Councilmember Jenkins reported that a petition was received. It went through the Planning Commission and came to the city council. A motion was made to set a public hearing and no one would second it. Ken Bradshaw explained that when a motion is made there are three things that can happen. It can be approved, there can be no action or it can be denied. If the motion is denied, then the petitioner has the right to appeal. The petitioner can then file a new application or the Mayor has the right to put it on the agenda again. He reported that there is no automatic right for a public hearing if the petition is denied. But it has to be denied by being inconsistent with the master plan. Councilmember Jenkins read from the new commercial ordinance and feels that the Planning Commission is ignoring it. Ken Bradshaw noted that the Planning Commission can only recommend and should pass on reasons why or why not. The city council's job is to make findings. It was noted that an application could be modified by the city council. Ken also mentioned that when a rezone is on the table, it is never appropriate to ask what will be going in. Ken Bradshaw referred to a memo he sent out once about abstaining. He noted that as city councilmember you have been voted in to vote. If you have a true conflict of interest, you are to remove yourself from the council bench and not participate in the discussion as a councilmember. Ken explained that if a motion is made and there is a second, then there is a discussion. He noted that just because you made the motion, you don't have to vote for the motion. The motion is a way of getting action taken. He also added that if a motion were to be defeated 3-2, the two members would not be able to ask for the item to be reheard. Any of the three would be able to ask for the item to be reheard. **Councilmember Diamond moved to set a public hearing for Carl Miller's petition to rezone from RE-20 to C-2. Councilmember Costley seconded the motion.** Councilmember Jenkins noted that he has talked to some of Carl's neighbors and they don't have a problem with what he is currently doing. There was a discussion about a home occupation license. It was suggested to keep it as a home occupation and if there are problem, the license could be pulled. Councilmember Jenkins feels that a C-2 allows a lot of commercial types of development that is not compatible with a residential zone. The C-2 zone is for a central commercial area. There was discussion about a six-foot wide planting strip. It was reported that 1975 North should be a central business district. Councilmember Jenkins feels that it is a mistake to pursue the C-2 zone. Councilmember Diamond noted that he would like to hear this from the neighbors at the public hearing. Councilmember Meyer feels the same. There needs to be a public hearing. The facts will help the council decide. Councilmember Costley feels there needs to be a public hearing. Councilmember Jenkins asked if this property

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has ever had a public hearing. No one was sure, but knew that it had been to the council before. **Councilmember Diamond amended his motion to set the public hearing for June 2, 2005. Councilmember Costley seconded his motion. Councilmembers Costley, Meyer, Diamond and Calvert voted aye. Councilmember Jenkins voted nay. The motion carried.**

Motion: Tentative 2005-06 City Budget

It was noted that the tentative budget has been put together. This serves as a rough draft. The Mayor noted that if the council has any changes or concerns to get with him. There was some discussion about franchise taxes.

Councilmember Costley moved to approve the tentative 2005-06 City Budget as presented.

Councilmember Calvert seconded the motion. There was a question about when the deadline will be to suggest some changes for the budget. It was reported that the city has to adopt the new budget the second meeting in June. Councilmember Jenkins asked when some new updated numbers would be in. Scott Campbell reported that it takes 8-10 days after the first of the month to get the statements from the State Treasurer's office and the bank. He should be able to give a new financial statement to the council at the next meeting. **Councilmember Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Set Public Hearing: Final Approval of 2005-06 City Budget and Final Adjustment of 2004-05 City Budget – June 16

Councilmember Costley moved to set the public hearings on June 16, 2005, for final approval of the 2005-06 city budget and for final adjustment of the 2004-05 city budget. Councilmember Diamond seconded the motion. There was a discussion about having the budget hearings and the rezone hearing for Carl Miller at the same time. It may cost less for advertisement. **Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Other Business

Approval of Business Licenses

Angel Gallegos, 1881 N 4700 W, is applying for a business license for Angel's Touch as a muralist, artist and painter. S&H Log Crafters are renewing their business license. Councilmember Diamond disclosed that there may be the appearance of a conflict of interest in that S&H Log Crafters banks at his bank. **Councilmember Calvert moved to approve the business licenses as presented. Councilmember Costley seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Approval of Unpaid Invoices

See warrant register dated 04/22/05-04/30/05. It was reported that the tiller from NationsRent is for the parks. The comp referees are for the competitive baseball tournament that was held. Councilmember Diamond noted that the revenue should cover the expenses for that tournament. Councilmember Jenkins asked if there could be more detail for the bills. It was mentioned that the bills are present during the meeting. It was noted that the Weber County Sheriff's Office bill is quarterly. Councilmember Calvert asked about the restraint strap from Bound Tree Medical. Councilmember Jenkins noted it is for the fire department. Councilmember Calvert wondered if it was for the ambulance and Ogden City should be paying it. Councilmember Jenkins will check into it. **Councilmember Costley moved to approve and pay the bills as presented. Councilmember Diamond seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Comments: Council

Councilmember Diamond mentioned that he feels that two subdivisions side by side had different requirements concerning detention basins. He is talking about Plain View and AJ Robson. It was suggested that he contact Brad Jensen and if the item needs to be addressed by the council, it can be placed on the agenda. It may be just an engineering issue. He also noted that baseball is in full swing. Councilmember Calvert noted that she talked to URMMA and they were not favorable with the 4-wheeler at the 4th of July. Councilmember Costley noted that the 4th of July committee would be getting together this week. Councilmember Meyer reported that the volunteer day is scheduled for Saturday. Councilmember Calvert suggested picking up limbs and branches along the sides of the roads to take to the landfill. She mentioned that there could be places where they have no vehicle to haul

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these things away. Mayor Willie noted the notice to the city council about the work meeting on the 18th of May. He strongly recommends the council be there. He also noted that he met with a company who would like to rent part of the cell tower. He suggested that they could put up their own tower. The Mayor noted that they didn't seem to want to pay a very high rental fee.

At 8:30 p.m. Councilmember Costley moved to adjourn. Councilmember Jenkins seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date Approved

NOT OFFICIAL DOCUMENT